**Summary:**

AB 1122 is a response to safety concerns expressed by the U.S. Coast Guard (USCG), the maritime industry and the union’s representing mariners regarding the California Air Resources Board’s (CARB) Commercial Harbor Craft (CHC) rule. These changes will ensure that the federal safety review process is followed so that vessel owners can obtain insurance for their crews if they are injured and coverage for vessels, equipment, and sufficient resources for clean-up should there be an environmental spill.

**Background:**

The USCG is the foremost authority and agency responsible for maritime safety, security, and environmental stewardship.

In a 2021 letter to CARB, the USCG voiced their concern about CARB’s recommended equipment and not allowing a safety method if there was a failure. This was nearly two years before the CHC rule was finalized. CARB not only ignored those safety recommendations, but they also did not share with stakeholders the USCG’s concerns. Even as CARB advocated against legislative rule changes that would improve safety, they did not inform those legislators of the USCG’s serous concerns. It was only through a Freedom of Information Act request that stakeholders were made aware of the safety recommendations.

**Problem:**

The USCG looks to authorized Vessel Classification Societies (class societies) to vet new equipment onboard tugboats. Without a comprehensive review, vessel owners cannot obtain insurance or operate their vessels and unapproved modifications can endanger crews and result in environmental disasters, including oil spills.

Vessels face dynamic conditions with wind, waves, and weather but unlike motor vehicles, they cannot pull over on the shoulder during an emergency. Propulsion systems are both the accelerator and brake pedal. When they fail, it jeopardizes mariners and the environment.

Barges carry over 239 million tons of cargo in California annually, some of which, if spilled, could impact water and air quality, or other natural resources. Many neighborhoods located near ports are designated environmental justice areas. Ensuring vessel machinery is compliant with class society standards supports the state’s mission to protect these disadvantaged communities.

***Vessel safety is also port safety****.* Ship assist tugs carefully maneuver large ships that call to our major ports, preventing accidental release of fuel oil or cargo into the environment. Unexpected loss of power jeopardizes the environment, port infrastructure, and crew safety. Loss of power during storms is deadly. Requiring removal of vessels from service because of technical noncompliance will clog the ports, slow the movement of goods, and lead to idling, which could increase nearshore pollution.

**Solution:**

AB 1122 is narrowly focused to address mariner safety. Specifically, it requires that class societies and the manufacturer of the propulsion system to approve the use of any equipment installed on a commercial harbor craft, which is typical for any new vessel technology. This safeguard will guarantee that any change to a propulsion system is compatible with the existing unit and does not impact federally required safety and performance standards.

Additionally, the bill seeks to ensure that any add-on device that connects with a vessel’s propulsion system contains an automated override or bypass. This device will allow the vessel to remain under power and maneuverable in the event of equipment malfunction - maintaining crew safety, environmental protection, and community wellbeing by ensuring vessels can perform their functions until reaching a safe location. Importantly, this bill does not prevent the state from requiring operators to install new technology, it only ensures that federal safety procedures are followed, vessels will continue to operate if the supplemental device fails, and vessel owner to report any time that the system is bypassed.

**Support:**

Masters, Mates and Pilots (AFL-CIO)

Inland Boaters Union (ILWU)

Marine Engineers Beneficial Association (AFL-CIO)

American Waterways Operators

## **STAFF CONTACT**

Adam Capper, adam.capper@asm.ca.gov

(916) 319-2035