

ARB to Resume Enforcement of the Ocean-Going Vessel  
Auxiliary Diesel Engine Regulation

Date of Notice: **October 24, 2007**

Notice to Ship Owners or Operators:

Pursuant to an order of the United States Court of Appeals for the Ninth Circuit, ARB staff will again begin enforcement of the Ocean-Going Vessel Auxiliary Diesel Engine Regulation. The requirements in this regulation can be found at title 13, California Code of Regulations (CCR), §2299.1, and title 17, CCR, §93118. It can also be found at ARB's website at <http://www.arb.ca.gov/regact/marine2005/marine2005.htm>. This regulation became effective on January 1, 2007. However, ARB ceased enforcement of it on August 30, 2007 pursuant to an injunction ordered by a federal district court (district court). See *Pacific Merchant Shipping Ass'n v. Thomas A. Cackette* (E.D. Cal. Aug. 30, 2007), No. Civ. S-06-2791-WBS-KJM. The ARB filed an appeal with the Ninth Circuit of the district court's decision and requested a stay of the injunction pending the appeal. This stay was granted on October 23, 2007. See *Pacific Merchant Shipping Ass'n v. Thomas A. Cackette*, No. 07-16695 (9th Cir. Oct. 23, 2007).

Pursuant to the order granting the stay, ARB staff will again begin enforcing the regulation upon the date of this notice. However, ARB will not be enforcing the regulation against vessels that left its last port-of-call before heading for California after August 30, 2007 but prior to the date of this notice. As noted, enforcement will be in effect while ARB's appeal is pending. If you have any questions about this notice, please contact Mr. Paul Milkey, Staff Air Pollution Specialist, at (916) 327-2957 or [pmilkey@arb.ca.gov](mailto:pmilkey@arb.ca.gov), or Ms. Peggy Taricco, Manager, at (916) 323-4882 or [ptaricco@arb.ca.gov](mailto:ptaricco@arb.ca.gov).