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Ninth Circuit Fails to Uphold Jurisdictional Limits on States' Authority To Regulate Conduct of Vessels on the High Seas

Statement by John McLaurin, President, Pacific Merchant Shipping Association (PMSA):

“While we are disappointed with today’s ruling, the maritime industry will continue its numerous, successful efforts to reduce emissions from vessels that travel not only in California’s waters but in oceans around the world. The worldwide container fleet will continue to be in compliance with all state, federal and international laws and we look forward to the full implementation of the off-shore emissions control area by the United States and Canada which has been sanctioned by the International Maritime Organization.

The maritime industry is working in earnest to reduce environmental impacts to the maximum extent feasible at the earliest possible date. We continue to believe that this is an issue that requires global and national solutions rather than a patchwork approach that could vary state-by-state.

The state’s requirements on how vessels must be operated 24 nautical miles off-shore, when the state’s jurisdiction ends only 3 miles beyond the coastline, remains a unique attempt to expand its authority. The ruling handed down today by the Ninth Circuit panel is without precedent and only reaffirms that this is a novel application of state authority. Even after this ruling, it is only through the application of consistent and harmonized federal and international standards that meaningful and sustainable emission reductions from ships engaged in international trade on the high seas will be obtained.”

Pacific Merchant Shipping Association

PMSA is an independent trade association representing marine terminal operators and ocean carriers operating U.S. and foreign-flagged cargo and passenger vessels engaged in trade at U.S. West Coast ports. The association maintains offices in Long Beach, San Francisco and Seattle.

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