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Ninth Circuit Court of Appeals Grants PMSA Petition for Appeal Addressing Legally Flawed Jurisdictional Authority Asserted by the California Air Resources Board

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

“We are pleased with today’s action by the Ninth Circuit Court of Appeals in granting our petition for an appeal. While the maritime industry accepts its responsibility to reduce air emissions and is working in earnest to reduce environmental impacts to the maximum extent possible at the earliest possible date, we continue to believe that this is a global issue that requires global and national solutions. In this instance, the California Air Resources Board was clearly projecting arbitrary State requirements on international trade, and we look forward to making this case before the Ninth Circuit.”

“For these reasons PMSA has taken a leading role in supporting the current U.S./Canadian initiative to set international emissions standards for ocean-going vessels through the creation of a North America Emission Control Area. The US/Canadian proposal exceeds the emission standards and requirements that are at issue in the litigation and would achieve more meaningful air quality results.”

Key Facts Regarding the Litigation:

- Emissions from ships are fundamentally a global issue that requires global and national solutions. As such, this lawsuit concerns the geographic limits of California’s jurisdiction to impose and enforce requirements on international trade, and it not about attaining overall reductions in ships’ emissions.
- The CARB regulations invite a patchwork of unique and conflicting regulations and requirements throughout the state and the country. Only through consistent and harmonized federal and international standards can we obtain meaningful and sustainable emission reductions from ships engaged in international trade.

Pacific Merchant Shipping Association

PMSA is an independent trade association representing more than 60 operators of marine cargo terminals and owners/operators of U.S. and foreign-flagged cargo and passenger vessels. Its members are primarily engaged in trade between U.S. West Coast ports and ports in Alaska, Asia, Europe, Hawaii, and South America. The association has offices in Long Beach, San Francisco and Seattle.