

## Office of Policy and Legal Analysis

Date: April 14, 2021

To: Joint Standing Committee on Environment and Natural Resources

From: Dan Tartakoff, Legislative Analyst

Re: LD 809, An Act To Prohibit the Purging of Volatile Organic Compound Gases from Oil Tankers in the Waters of Maine (Sen. Miramant)

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### **Summary of bill**

This bill prohibits the purging of volatile organic compound gases from cargo holds or tanks into or upon state waters.

### **List of individuals/entities that submitted written testimony and/or spoke at the hearing**

**Proponents** – Sen. Miramant, Michael Ames, Becky Bartovics, Celeste Carey.

**Opponents** – None.

**Neither for nor against** – Department of Environmental Protection.

### **Notes, issues and proposed amendments**

1. *Other state action* – from testimony provided at the hearing, it appears that a number of other states (AK, CA, NJ, OR, TX and WA were noted) have adopted laws or regulations to that address the activity described in the bill.
2. *Need for regulation* – there was discussion at the hearing regarding whether there was a need for state regulation to address the activity described in the bill. Outside the waters of the State, federal and international regulations would apparently apply. DEP suggested it is unlikely this activity is happening at a great frequency in Maine waters or ports as the loading losses and vessel ballasting losses of these gases are most commonly associated with the loading of petroleum onto vessels, which is not a practice that is occurring in Maine ports. DEP noted that emissions of these gases from marine vessels can also occur during the cleaning and degassing of vessels and storage tanks, which is an issue DEP is currently planning to address via a rulemaking.
3. *Technical note* – although the bill is presumably written to mirror similar prohibitions in 38 MRSA §543, its language could be improved to provide greater clarity on the activity that is being prohibited. If the committee wants to move forward with this proposal, it may want to consider clarifying the language in the bill in a manner similar to the following:

#### **§543-A. Purging of volatile organic compound gases prohibited**

A person may not cause a vessel to purge volatile organic compound gases from the vessel's cargo holds or tanks into or upon the waters of the State.

**Fiscal information** – Not yet available from OFPR.