

AMENDED IN ASSEMBLY APRIL 19, 2023

AMENDED IN ASSEMBLY MARCH 29, 2023

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 953

**Introduced by Assembly Members Connolly and Hart
(Coauthors: Assembly Members Bennett, Davies, Pellerin, and
Weber)**

February 14, 2023

An act to add Section 35618 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 953, as amended, Connolly. Coastal resources: voluntary vessel speed reduction and sustainable shipping program.

Existing law establishes the Ocean Protection Council in state government to, among other things, establish policies to coordinate the collection, evaluation, and sharing of scientific data related to coastal and ocean resources among agencies. Existing law requires the council to develop and implement a voluntary sustainable seafood promotion program for the state, to consist of specified components, including a competitive grant and loan program for eligible entities, including, but not limited to, fishery groups and associations, for the purpose of assisting California fisheries in qualifying for certification to internationally accepted standards for sustainable seafood.

This bill would require the council, on or before ~~May 1, 2025~~, *January 1, 2026*, in coordination and in consultation with various entities, including the State Air Resources Board, to implement a statewide

voluntary vessel speed reduction and sustainable shipping program for the California coast in order to reduce air pollution, the risk of fatal vessel strikes on whales, and harmful underwater acoustic impacts. The bill would require the program to expand a certain existing program ~~and build upon other existing vessel speed reduction programs~~ and would authorize the program to include specified components, ~~including, upon an appropriation by the Legislature, financial~~ *including* incentives to program participants based on a percentage of distance traveled by a participating vessel, *vessel at a reduced speed*, as provided. The bill would require the council, on or before December 31, 2026, to submit a report to the Legislature regarding the implementation of the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) California's seaports are North America's primary intermodal
- 4 gateway to Asia and Transpacific trade. Maritime industry activities
- 5 at California's public seaports are responsible for employing more
- 6 than 500,000 people in the state. Nationwide, more than 2,000,000
- 7 jobs are linked to maritime industry business conducted at
- 8 California's public seaports, contributing to California having the
- 9 largest state economy in the United States.
- 10 (b) Every year, the world's largest container ships and auto
- 11 carriers make thousands of transits along the California coast, with
- 12 an estimated 120 tons per day of nitrogen dioxides, an ozone
- 13 precursor, being emitted within 100 nautical miles of the coast.
- 14 These emissions negatively affect the public health of coastal
- 15 communities and cause some areas of the coast to be in
- 16 nonattainment with the national ambient air quality standards for
- 17 ozone and particulate matter.
- 18 (c) Since 2014, the Santa Barbara County Air Pollution Control
- 19 District, the Ventura County Air Pollution Control District, and
- 20 the Bay Area Air Quality Management District, with the federal
- 21 Office of National Marine Sanctuaries, marine sanctuary
- 22 foundations, and environmental groups, have administered and
- 23 promoted the Blue Whales and Blue Skies Program, a voluntary
- 24 vessel speed reduction program off the Santa Barbara, Ventura,

1 and Bay Area coasts to encourage transit speeds of 10 knots or
2 less to reduce air pollution, the risk of harmful whale strikes, and
3 the level of ocean noise.

4 (d) Since its inception, through 2021, the Protecting Blue Whales
5 and Blue Skies Program has provided small incentives and
6 publicity to program participants and has achieved 526,211 slow
7 speed miles, a reduction of more than 2,300 tons of nitrogen oxides,
8 a reduction of over 76,000 metric tons of regional greenhouse gas
9 emissions, and an estimated 50 percent decreased risk of whale
10 strikes during prime migration season in the affected coastal areas.

11 (e) This highly cost-effective voluntary pollution reduction
12 program benefits public health, protects the marine ecosystem,
13 and showcases the beneficial partnership between shipping
14 companies, public health agencies, marine sanctuaries, and
15 environmental organizations.

16 (f) Creation of a statewide vessel speed reduction program and
17 expansion to other areas of the California coast, including the San
18 Diego and Monterey coasts and the North Coast, would yield
19 additional public health and ecosystem benefits.

20 SEC. 2. Section 35618 is added to the Public Resources Code,
21 to read:

22 35618. (a) On or before ~~May 1, 2025~~, *January 1, 2026*, the
23 council shall, in coordination with air pollution control districts
24 and air quality management districts along the coast and in
25 consultation with the federal Office of National Marine Sanctuaries,
26 the federal Environmental Protection Agency, the United States
27 Navy, the United States Coast Guard, ~~and~~ the State Air Resources
28 Board, ~~and maritime industry~~, implement a statewide voluntary
29 vessel speed reduction and sustainable shipping program for the
30 California coast in order to reduce air pollution, the risk of fatal
31 vessel strikes on whales, and harmful underwater acoustic impacts.

32 (b) The program shall expand the existing Protecting Blue
33 Whales and Blue Skies Program ~~and build upon other existing~~
34 ~~vessel speed reduction programs~~ and may include all of the
35 ~~following components:~~ *components developed in a manner that*
36 *is consistent with how the program components were developed*
37 *for the Protecting Blue Whales and Blue Skies Program:*

38 (1) A marketing program *to engage cargo owners and other*
39 *commercial interests to promote voluntary vessel speed reduction*

1 and sustainable shipping, and an acknowledgment of the program's
2 participants.

3 (2) Data collection on ship speeds along the California coast in
4 order to analyze the program for future refinement, expansion, or
5 both.

6 (3) Data collection on underwater acoustic impacts or fatal
7 vessel strikes on whales, to the extent data is available.

8 (4) Data collection ~~and consideration of~~ *on* the regional air
9 quality impacts on the coast ~~and the local air quality and other~~
10 ~~environmental~~ *impacts to air quality in coastal* disadvantaged
11 *communities from oceangoing vessel traffic; traffic, as collected*
12 *and provided by the regional air pollution control districts and*
13 *air quality management districts.*

14 (5) ~~Financial incentives~~ *Incentives* to program participants based
15 on a percentage of distance traveled by a participating vessel *at a*
16 *reduced speed, including speed zones* at 10 knots or less, to the
17 extent that ~~local, state, local or federal funding is made available~~
18 ~~pursuant to an appropriation by the Legislature.~~ *available.*

19 (6) Development of vessel speed reduction zones along the coast
20 that take into account *navigational safety*, protected marine
21 mammal migration and breeding seasons, federal marine
22 sanctuaries and state marine protected areas, shipping lanes, and
23 any other relevant variables.

24 (7) *Seasonality of the program.*

25 (8) *Description of covered vessels.*

26 (c) *The program shall exclude any ocean territories that are*
27 *covered by any vessel speed reduction program other than the*
28 *Protecting Blue Whales and Blue Skies Program or a memorandum*
29 *of understanding entered into before January 1, 2024.*

30 (e)

31 (d) The council may impose additional qualifying criteria on
32 program participants in order to receive ~~financial~~ incentives under
33 the program, including, but not limited to, individual transit speeds,
34 such as maximum speed in transit or maximum transit average
35 speed.

36 (d) ~~The council shall provide financial incentives pursuant to~~
37 ~~this section upon appropriation by the Legislature.~~

38 (e) (1) On or before December 31, 2026, the council shall
39 submit a report to the Legislature regarding the implementation
40 of the program.

- 1 (2) The report required in paragraph (1) shall be submitted in
- 2 compliance with Section 9795 of the Government Code.
- 3 (3) Pursuant to Section 10231.5 of the Government Code, the
- 4 requirement for submitting a report imposed by paragraph (1) is
- 5 inoperative on December 31, 2030.

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