



# INTERNATIONAL ASSOCIATION OF DRILLING CONTRACTORS

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Docket ID No. EPA-HQ-OAR-2007-0121

Air Docket  
Environmental Protection Agency  
Mailcode: 6102T  
1200 Pennsylvania Avenue, NW.  
Washington, DC 20460

Re: Control of Emissions from New Marine Compression-Ignition Engines at or Above 30 Liters per Cylinder (RIN 2060-AO38)

To whom it may concern:

The International Association of Drilling Contractors is a trade association representing the interests of drilling contractors, onshore and offshore, operating worldwide. Our membership includes all drilling contractors currently operating mobile offshore drilling units (MODUs) in the areas subject to the jurisdiction of the United States, as well as all MODUs registered in the United States.

In response to the EPA proposed rule (74 FR 44442) issued on 28 August 2009, IADC offers the below comments regarding the "Fuel Standards" section of this proposed rulemaking. In particular, our comments and recommendations address: The definition of the term "fuel supplier"; unfulfilled MARPOL Annex VI obligations; and a preparation of a notice to be provided to the International Maritime Organization (IMO).

***Fuel Supplier Definition.*** With regards to Part 1043, we find that the proposed rulemaking implies that the term 'fuel supplier' includes "... all persons supplying fuel to any vessel subject to this part." The inferred meaning of this term, which is not included in the definitions section (1043.20), is very generic, may be applied in an extremely broad sense, and renders it difficult to impose or enforce a legal obligation. IADC asserts that this is contrary to the provisions of MARPOL Annex VI, which require each Party to that Annex to identify local fuel suppliers. IADC recommends that EPA provide a clear definition of the term "fuel supplier" in this rulemaking to facilitate the task of identification of all local fuel suppliers.

***MARPOL Annex VI Requirements.*** Based on the requirement in MARPOL Annex VI Regulation 18, which clearly states that Parties to the Annex are to "maintain a register of local suppliers of fuel," IADC recommends that the EPA, in accordance with the authority provided to it by 33 U.S.C. 1903(b)(2), act to ensure that the United States meets this obligation. Additionally, IADC could not identify where another requirement of MAPOL Annex VI

Regulation 18, regarding the provision of a representative sample of the fuel, has been addressed by the EPA in this or any other rulemaking. IADC recommends that this apparent omission be corrected.

**Notification to IMO.** IADC notes that EPA proposes to change the diesel fuel program to forbid the production and sale of marine fuel oil above 1000 ppm sulfur, for use in the waters within the proposed U.S. Emission Control Area (ECA) and internal U.S. waters. This stringently revised sulfur limit would mean that all U.S. fuel for marine vessels in domestic service would then meet or exceed the requirements established under MARPOL Annex VI. Therefore, in conjunction with the timely approval of the U.S. ECA, and the changes to the diesel fuel program, IADC suggests that the EPA prepare a notice for submission to IMO, which states that the requirements of regulation 18 relating to the bunker delivery note and representative fuel sample will not be imposed on vessels in domestic service, as the U.S. diesel fuel program ensures that fuel supplied to such vessels meets or exceeds the Annex VI requirements. Corresponding changes to section 1043.60 and other affected sections would be required.

IADC appreciates the opportunity to provide comments and recommendations on this proposed rulemaking. Please contact me at (713) 292-1945, ext. 203 if we can provide any additional information.

Sincerely

A handwritten signature in cursive script that reads "John Pertgen". The signature is written in black ink and is positioned above the printed name and title.

John Pertgen  
Assistant Director, Offshore Technical  
and Regulatory Affairs