U.S. Environmental Protection Agency
Office of Inspector General

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March 23, 2009

At a Glance

Catalyst for Improving the Environment

Why We Did This Review

Controlling air emissions from ports was identified as a key issue in a prior Office of Inspector General report. For selected major U.S. ports, we sought to determine whether EPA's (1) actions to address air emissions from oceangoing vessels have been effective, and (2) strategy to address air emissions from port sources is sufficient to protect human health and the environment.

Background

The U.S. has about 360 commercial sea and river ports. Emissions from activities at these ports have significant environmental and human health impacts. By 2020, many major U.S. ports are expected to double the amount of container traffic they handle; some will triple. EPA uses a multipronged approach to reduce emissions from these sources, including implementing existing regulations, developing new standards for diesel engines, and promoting emission reductions in existing diesel engines through voluntary strategies.

For further information, contac our Office of Congressional, Public Affairs and Managemen at (202) 566-2391.

To view the full report, click on the following link: www.epa.gov/oig/reports/2009/20090323-09-P-0125.pdf

EPA Needs to Improve Its Efforts to Reduce Air Emissions at U.S. Ports

What We Found

While EPA has issued air emissions regulations for most port sources, EPA's actions to address air emissions from large oceangoing vessels in U.S. ports have not yet achieved the goals for protecting human health. The Clean Air Act (CAA) provides EPA with the authority to regulate emissions from oceangoing vessel engines when these emissions cause significant harm to human health. For over 14 years, EPA has acknowledged that human health has been significantly harmed by emissions from these sources. Thus far, EPA has only regulated nitrogen oxides emissions from U.S.-flagged vessels. EPA has chosen to defer taking a position on whether it has authority to regulate emissions from foreign-flagged vessels, although these vessels account for about 90 percent of all U.S. port calls. However, after many years, EPA's efforts with the International Maritime Organization (IMO) have the potential to significantly reduce these emissions. In October 2008 the IMO adopted new international standards for oceangoing vessel engines and fuels. Still, EPA must work to establish Emissions Control Areas for U.S. ports if significant emissions reductions are to be realized from oceangoing vessels.

EPA's strategy to address air emissions at U.S. ports is not sufficiently developed. Although the Agency is working to reduce these emissions through various regulatory and voluntary programs, it has not successfully implemented key elements of this approach. Despite the emphasis that EPA has placed on voluntary partnership programs, such as regional diesel collaboratives, such initiatives have not been implemented at many U.S. ports. In 2008, EPA built upon its efforts by publishing a Strategy for Sustainable Ports. This strategy is an Agency-wide, multi-media effort which includes goals and objectives for addressing key environmental issues at U.S. ports. EPA's strategy sets goals, but lacks a transformation plan to assure that the goals are realized. EPA did not include the appropriate performance measures, milestones, and other management controls for many of the action items in the strategy. As a result, EPA lacks the management framework and controls necessary to assure the successful implementation of its strategy.

What We Recommend

We recommended that EPA (1) assess its authorities and responsibilities under the CAA to regulate air emissions from foreign-flagged vessels in U.S. ports, and report any shortfalls to Congress; (2) assess the extent to which Emissions Control Areas should be designated for U.S. coastal areas; and (3) revise its ports strategy to include a transformation plan. EPA's comments on the first recommendation were not responsive and do not satisfy the intent of the recommendation. The Agency concurred with the second recommendation, but did not agree with the third recommendation. We consider Recommendations 1 and 3 open and unresolved.