

AMENDED IN ASSEMBLY MAY 16, 2024

AMENDED IN ASSEMBLY MARCH 20, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 2298

Introduced by Assembly Members Hart, Bennett, and Connolly
(Coauthors: Assembly Members Addis and Davies)
(Coauthor: Senator Blakespear)

February 12, 2024

An act to add ~~Section 35618 to Chapter 3.3 (commencing with Section 35640) to Division 26.5 of the Public Resources Code, relating to coastal resources.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2298, as amended, Hart. Coastal resources: ~~voluntary vessel speed reduction and sustainable shipping program.~~ *Protecting Blue Whales and Blue Skies 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~~ *would, subject to the availability of funding, require the council, on or before January 1, 2027, in coordination and in*

~~consultation with various entities, council to participate as a stakeholder, and in an advisory capacity, to the Protecting Blue Whales and Blue Skies Program with air pollution control districts and air quality management districts along the coast and other stakeholders, including the State Air Resources Board, to support, in an advisory capacity, coastal air districts in their efforts 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 would authorize the program expansion of the existing Protecting Blue Whales and Blue Skies Program to include specified components, including incentives to program participants based on a percentage of distance traveled by a participating vessel at a reduced speed, as provided. The bill would limit application of the program to vessels that are 300 gross tons or greater. The bill would require the council, participating air pollution control districts and air quality management districts, on or before December 31, 2028, 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. Chapter 3.3 (commencing with Section 35640)
 2 is added to Division 26.5 of the Public Resources Code, to read:

3
 4 CHAPTER 3.3. PROTECTING BLUE WHALES AND BLUE SKIES
 5 PROGRAM

6
 7 35640. The Legislature finds and declares all of the following:
 8 (a) California’s seaports are North America’s primary
 9 intermodal gateway to Asia and Transpacific trade. Maritime
 10 industry activities at California’s public seaports are responsible
 11 for employing more than 500,000 people in the state. Nationwide,
 12 more than 2,000,000 jobs are linked to maritime industry business
 13 conducted at California’s public seaports, contributing to
 14 California having the largest state economy in the United States.
 15 (b) Every year, the world’s largest container ships and auto
 16 carriers make thousands of transits along the California coast,

1 *with an estimated 185 tons per day of nitrogen oxides, an ozone*
2 *precursor, being emitted along the coast. These emissions*
3 *negatively affect the public health of coastal communities and*
4 *cause some areas of the coast to be in nonattainment with the*
5 *national ambient air quality standards for ozone and particulate*
6 *matter.*

7 *(c) Since 2014, the Santa Barbara County Air Pollution Control*
8 *District, the Ventura County Air Pollution Control District, and*
9 *the Bay Area Air Quality Management District, with the federal*
10 *Office of National Marine Sanctuaries, marine sanctuary*
11 *foundations, and environmental groups, have administered and*
12 *promoted the Protecting Blue Whales and Blue Skies Program, a*
13 *voluntary vessel speed reduction program off the Santa Barbara,*
14 *Ventura, and Bay Area coasts to encourage transit speeds of 10*
15 *knots or less to reduce air pollution, the risk of harmful whale*
16 *strikes, and the level of ocean noise.*

17 *(d) Since its inception through 2023, the Protecting Blue Whales*
18 *and Blue Skies Program has provided small incentives and*
19 *publicity to program participants and has achieved over 1,100,000*
20 *slow speed miles, a reduction of more than 4,000 tons of nitrogen*
21 *oxides, a reduction of over 150,000 metric tons of regional*
22 *greenhouse gas emissions, and an estimated 50 percent decreased*
23 *risk of whale strikes during prime migration season in the affected*
24 *coastal areas.*

25 *(e) This highly cost-effective voluntary pollution reduction*
26 *program developed and administered at the local government level*
27 *benefits public health, protects the marine ecosystem, and*
28 *showcases the beneficial partnership between shipping companies,*
29 *public health agencies, marine sanctuaries, and environmental*
30 *organizations.*

31 *(f) Expansion of the vessel speed reduction program to other*
32 *areas of the California coast, including the San Diego and*
33 *Monterey coasts and the North Coast, would yield additional public*
34 *health and ecosystem benefits.*

35 *35641. (a) The Legislature finds and declares that expansion*
36 *of the Protecting Blue Whales and Blue Skies Program by local*
37 *air pollution control districts and air quality management districts*
38 *and stakeholders is a critical strategy in advancing protection of*
39 *marine mammals through partnerships that also support the*
40 *maritime industry and local public health.*

1 ***(b) Subject to the availability of funding, the council shall***
2 ***participate as a stakeholder, and in an advisory capacity, to the***
3 ***Protecting Blue Whales and Blue Skies Program with air pollution***
4 ***control districts and air quality management districts along the***
5 ***coast and other stakeholders, including the federal Office of***
6 ***National Marine Sanctuaries, the United States Environmental***
7 ***Protection Agency, the United States Navy, the United States Coast***
8 ***Guard, the State Air Resources Board, and maritime industry, to***
9 ***support, in an advisory capacity, coastal air districts in their efforts***
10 ***to implement a statewide voluntary vessel speed reduction and***
11 ***sustainable shipping program for the California coast in order to***
12 ***reduce air pollution, the risk of fatal vessel strikes on whales, and***
13 ***harmful underwater acoustic impacts.***

14 ***(c) Expansion of the existing Protecting Blue Whales and Blue***
15 ***Skies Program by local air pollution control districts and air***
16 ***quality management districts may include all of the following***
17 ***components developed in a manner that is consistent with how the***
18 ***program components were developed for the Protecting Blue***
19 ***Whales and Blue Skies Program:***

20 ***(1) A marketing program to engage cargo owners and other***
21 ***commercial interests to promote voluntary vessel speed reduction***
22 ***and sustainable shipping, and an acknowledgment of the program's***
23 ***participants.***

24 ***(2) Data collection on ship speeds along the California coast***
25 ***in order to analyze the program for future refinement, expansion,***
26 ***or both.***

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

29 ***(4) Data collection on the regional air quality impacts on the***
30 ***coast and impacts to air quality in coastal disadvantaged***
31 ***communities from oceangoing vessel traffic, as collected and***
32 ***provided by the regional air pollution control districts and air***
33 ***quality management districts.***

34 ***(5) Incentives to program participants based on a percentage***
35 ***of distance traveled by a participating vessel at a reduced speed,***
36 ***including speed zones at 10 knots or less, to the extent that local***
37 ***or federal funding is available.***

38 ***(6) Development of vessel speed reduction zones along the coast***
39 ***that take into account navigational safety, protected marine***
40 ***mammal migration and breeding seasons, federal marine***

1 sanctuaries and state marine protected areas, shipping lanes, and
2 any other relevant variables.

3 (7) Seasonality of the program.

4 (8) Description of covered vessels.

5 (d) The program shall exclude any ocean territories that are
6 covered by any vessel speed reduction program other than the
7 Protecting Blue Whales and Blue Skies Program or a memorandum
8 of understanding entered into before January 1, 2025.

9 (e) The program shall only apply to vessels that are 300 gross
10 tons or greater.

11 (f) (1) On or before December 31, 2028, the participating air
12 pollution control districts and air quality management districts
13 shall submit a report to the Legislature regarding the
14 implementation of the program.

15 (2) The report required in paragraph (1) shall be submitted in
16 compliance with Section 9795 of the Government Code.

17 (3) Pursuant to Section 10231.5 of the Government Code, the
18 requirement for submitting a report imposed by paragraph (1) is
19 inoperative on December 31, 2032.

20 (g) The program and each component of the program are based
21 upon voluntary actions initiated by entities pursuant to this section
22 and are not regulations as defined in Section 11342.600 of the
23 Government Code, and shall not be implemented in a way that
24 conflicts with federal law and regulations.

25 ~~SECTION 1. The Legislature finds and declares all of the~~
26 ~~following:~~

27 ~~(a) California's seaports are North America's primary intermodal~~
28 ~~gateway to Asia and Transpacific trade. Maritime industry activities~~
29 ~~at California's public seaports are responsible for employing more~~
30 ~~than 500,000 people in the state. Nationwide, more than 2,000,000~~
31 ~~jobs are linked to maritime industry business conducted at~~
32 ~~California's public seaports, contributing to California having the~~
33 ~~largest state economy in the United States.~~

34 ~~(b) Every year, the world's largest container ships and auto~~
35 ~~carriers make thousands of transits along the California coast, with~~
36 ~~an estimated 185 tons per day of nitrogen oxides, an ozone~~
37 ~~precursor, being emitted along the coast. These emissions~~
38 ~~negatively affect the public health of coastal communities and~~
39 ~~cause some areas of the coast to be in nonattainment with the~~

1 national ambient air quality standards for ozone and particulate
2 matter.

3 ~~(e) Since 2014, the Santa Barbara County Air Pollution Control~~
4 ~~District, the Ventura County Air Pollution Control District, and~~
5 ~~the Bay Area Air Quality Management District, with the federal~~
6 ~~Office of National Marine Sanctuaries, marine sanctuary~~
7 ~~foundations, and environmental groups, have administered and~~
8 ~~promoted the Blue Whales and Blue Skies Program, a voluntary~~
9 ~~vessel speed reduction program off the Santa Barbara, Ventura,~~
10 ~~and Bay Area coasts to encourage transit speeds of 10 knots or~~
11 ~~less to reduce air pollution, the risk of harmful whale strikes, and~~
12 ~~the level of ocean noise.~~

13 ~~(d) Since its inception, through 2023, the Protecting Blue Whales~~
14 ~~and Blue Skies Program has provided small incentives and~~
15 ~~publicity to program participants and has achieved over 1,100,000~~
16 ~~slow speed miles, a reduction of more than 4,400 tons of nitrogen~~
17 ~~oxides, a reduction of over 150,000 metric tons of regional~~
18 ~~greenhouse gas emissions, and an estimated 50 percent decreased~~
19 ~~risk of whale strikes during prime migration season in the affected~~
20 ~~coastal areas.~~

21 ~~(e) This highly cost-effective voluntary pollution reduction~~
22 ~~program benefits public health, protects the marine ecosystem,~~
23 ~~and showcases the beneficial partnership between shipping~~
24 ~~companies, public health agencies, marine sanctuaries, and~~
25 ~~environmental organizations.~~

26 ~~(f) Creation of a statewide vessel speed reduction program and~~
27 ~~expansion to other areas of the California coast, including the San~~
28 ~~Diego and Monterey coasts and the North Coast, would yield~~
29 ~~additional public health and ecosystem benefits.~~

30 ~~SEC. 2. Section 35618 is added to the Public Resources Code,~~
31 ~~to read:~~

32 ~~35618. (a) On or before January 1, 2027, the council shall, in~~
33 ~~coordination with air pollution control districts and air quality~~
34 ~~management districts along the coast and in consultation with the~~
35 ~~federal Office of National Marine Sanctuaries, the federal~~
36 ~~Environmental Protection Agency, the United States Navy, the~~
37 ~~United States Coast Guard, the State Air Resources Board, and~~
38 ~~maritime industry, implement a statewide voluntary vessel speed~~
39 ~~reduction and sustainable shipping program for the California coast~~

1 in order to reduce air pollution, the risk of fatal vessel strikes on
2 whales, and harmful underwater acoustic impacts.

3 ~~(b) The program shall expand the existing Protecting Blue
4 Whales and Blue Skies Program and may include all of the
5 following components developed in a manner that is consistent
6 with how the program components were developed for the
7 Protecting Blue Whales and Blue Skies Program:~~

8 ~~(1) A marketing program to engage cargo owners and other
9 commercial interests to promote voluntary vessel speed reduction
10 and sustainable shipping, and an acknowledgment of the program's
11 participants.~~

12 ~~(2) Data collection on ship speeds along the California coast in
13 order to analyze the program for future refinement, expansion, or
14 both.~~

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

17 ~~(4) Data collection on the regional air quality impacts on the
18 coast and impacts to air quality in coastal disadvantaged
19 communities from oceangoing vessel traffic, as collected and
20 provided by the regional air pollution control districts and air
21 quality management districts.~~

22 ~~(5) Incentives to program participants based on a percentage of
23 distance traveled by a participating vessel at a reduced speed,
24 including speed zones at 10 knots or less, to the extent that local
25 or federal funding is available.~~

26 ~~(6) Development of vessel speed reduction zones along the coast
27 that take into account navigational safety, protected marine
28 mammal migration and breeding seasons, federal marine
29 sanctuaries and state marine protected areas, shipping lanes, and
30 any other relevant variables.~~

31 ~~(7) Seasonality of the program.~~

32 ~~(8) Description of covered vessels.~~

33 ~~(e) The program shall exclude any ocean territories that are
34 covered by any vessel speed reduction program other than the
35 Protecting Blue Whales and Blue Skies Program or a memorandum
36 of understanding entered into before January 1, 2025.~~

37 ~~(d) The program shall only apply to vessels that are 300 gross
38 tons or greater.~~

39 ~~(e) The council may impose additional qualifying criteria on
40 program participants in order to receive incentives under the~~

1 program, including, but not limited to, individual transit speeds,
2 such as maximum speed in transit or maximum transit average
3 speed.

4 ~~(f) (1) On or before December 31, 2028, the council shall submit~~
5 ~~a report to the Legislature regarding the implementation of the~~
6 ~~program.~~

7 ~~(2) The report required in paragraph (1) shall be submitted in~~
8 ~~compliance with Section 9795 of the Government Code.~~

9 ~~(3) Pursuant to Section 10231.5 of the Government Code, the~~
10 ~~requirement for submitting a report imposed by paragraph (1) is~~
11 ~~inoperative on December 31, 2032.~~

12 ~~(g) The program, each component of the program, and actions~~
13 ~~taken by the council to implement the program are based upon~~
14 ~~voluntary actions initiated by entities pursuant to this section and~~
15 ~~are not regulations as defined in Section 11342.600 of the~~
16 ~~Government Code, and shall not be implemented in a way that~~
17 ~~conflicts with federal law and regulations.~~