

## Court OKs air-pollution restrictions for ships

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**(03-28) 17:15 PDT SAN FRANCISCO --** A federal appeals court rejected a shipping industry challenge Monday to California's offshore air pollution rules requiring vessels to use low-sulfur fuel within 24 miles of the coast, standards that the court said would save about 3,500 lives over six years while modestly increasing shipping costs.

The ruling by the Ninth U.S. Circuit Court of Appeals in San Francisco is a milestone in California's efforts to curb a significant source of hazardous emissions.

Low-grade bunker fuel from ships has a sulfur content more than 1,600 times as high as diesel fuel for trucks and exposes 80 percent of the state's population to pollutants linked to cancer, respiratory ailments and heart disease, the court said.

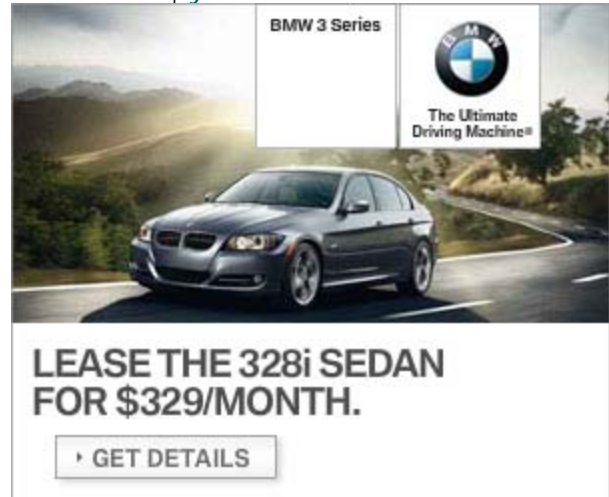
The state Air Resources Board adopted the restrictions in July 2009 for ships that cross the 24-mile threshold while bound for California ports. The board estimated that its rules would reduce sulfur oxide emissions by 90 percent and prevent nearly 100,000 cases of asthma and 3,500 premature deaths by 2015.

The board estimated industry costs at \$30,000 for each vessel reaching port, or \$1.4 billion through the end of 2014. Broken down by cargo, the rules would add 12.5 cents to the cost of a plasma TV and one-seventh of a cent to a pair of athletic shoes, the court said.

The state regulations will be superseded in 2015 by similar restrictions imposed nationwide by the federal government, extending 200 miles offshore.

The Pacific Merchant Shipping Association successfully challenged an earlier version of the California regulations in 2008. The association argued in this case that federal law establishes state boundaries at three miles beyond the coast and prohibits air pollution regulations any farther offshore.

But the court said the air board is not trying to extend California's borders, and instead is trying to regulate activity beyond those boundaries "because of the serious harmful effects of this conduct on the state and its residents."

An advertisement for the BMW 3 Series. It features a dark-colored BMW 3 Series sedan driving on a winding road through a hilly, green landscape. In the top right corner, there is a white box containing the text "BMW 3 Series" and the BMW logo with the slogan "The Ultimate Driving Machine®". Below the image, the text "LEASE THE 328i SEDAN FOR \$329/MONTH." is displayed in a bold, sans-serif font. At the bottom, there is a button that says "GET DETAILS".

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The sulfur restrictions have their greatest impact in areas near the ports of Los Angeles and Long Beach but will reduce harmful emissions in all coastal areas, said attorney Melissa Lin Perrella of the Natural Resources Defense Council, which joined the state in defense of the rules.

"This is one of the most important air pollution control regulations ever," she said.

The shipping association's president, John McLaurin, said his organization hasn't decided whether to appeal.

"We continue to believe that this is an issue that requires global and national solutions rather than a patchwork approach that could vary state by state," he said.

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