

INTERNATIONAL JOINT COMMISSION  
UNITED STATES AND CANADA

TERMINATION OF COMMISSION ACTIVITIES  
ON VESSEL SMOKE SURVEILLANCE  
IN THE DETROIT RIVER AREA  
UNDER THE 1949 AIR POLLUTION REFERENCE

On January 12, 1949, the Governments of Canada and of the United States referred to the International Joint Commission for investigation and report the problem of air pollution in the vicinity of the cities of Detroit, Michigan, and Windsor, Ontario. The Commission was asked specifically to recommend preventive or remedial measures with regard to the emission of smoke by vessels plying the Detroit River.

On June 27, 1960, the Commission transmitted its report under the Reference, recommending, among other things:

- (a) Adoption of objectives for smoke emission from vessels plying the Detroit River.
- (b) Deletion of an interim exception in favor of hand-fired vessels at such time as the two Governments determine that it would be in the best interests of the two countries to do so.
- (c) Development of administrative and legal procedures for dealing with non-compliance by vessels with applicable air pollution regulations.
- (d) Continuing surveillance by the Commission of air pollution from vessels in the Detroit River area until appropriate machinery has been set up to establish the control of such pollution on a satisfactory working basis.

Through similar letters from the Department of State of the United States and the Department of External Affairs of Canada dated January 30, and February 7, 1961, respectively, the Commission was advised that, although the Governments were then not yet in a position to comment on the Commission's report as a whole, they authorized the Commission to continue surveillance of air pollution from vessels in the Detroit River area as contemplated in the Commission's recommendation.

Accordingly, the Commission, through its Technical Advisory Board on Air Pollution, has maintained a program of observation and control of vessel smoke emission on the Detroit River on a voluntary basis in cooperation with the governmental and shipping interests concerned.

In 1950, when systematic observations of vessel smoke were begun, less than 10% of the vessel passages showed smoke less than shade No 1 on the Ringelmann Chart, a shade that is acceptable at all times under the objectives. During the last few years the number of passages meeting this criterion has averaged about 70% of those observed. In terms of duration, the smoke emission of all vessels observed has, in recent years, been at shade of No 1 Ringelmann or lighter about 80% of the time as compared with less than 40% in 1950.

The control of smoke emission from the majority of the vessels now plying the Detroit River has reached a consistently high level. The principal remaining problem is with hand-fired vessels. A decade ago such vessels constituted a large portion of the Great

Lakes fleet but as a result of attrition and vessel conversion now comprise only 10% of the fleet. Nevertheless they still account for two-thirds or more of the objectionable smoke from all vessels using the Detroit River.

The Commission's Technical Advisory Board on Air Pollution has concluded that the level of smoke performance of vessels in the Detroit River has reached a plateau from which further improvement depends largely on further reduction of the number of hand-fired vessels through conversion or retirement. The Board considers that voluntary, cooperative actions are unlikely to accelerate the rate of such conversions or retirements and that enforcement activities by appropriate air pollution control agencies would be more effective. The Board also has concluded that the interim exception in favor of hand-fired vessels in the objectives recommended in the Commission's 1960 report should now be deleted.

The Commission agrees with the foregoing conclusions of the Board and calls attention of the Governments to the Commission's recommendation in its 1960 report that the exception in favor of hand-fired vessels be deleted when the two Governments determine that it would be in the best interests of the two countries to do so.

In the area of development and enforcement of air pollution regulations, the Commission notes considerable progress.

The City of Detroit, Michigan, has air pollution regulations which are more restrictive than those recommended as objectives in

the Commission's 1960 report. The authority of the city to enforce these regulations on vessels in the Detroit River has been clarified and the city has for several years vigorously pursued a program of violation notices to vessel owners. Increasing numbers of cases are being brought to court and more significant penalties are being imposed on violators.

In Wayne County, Michigan, regulations similar to those of Detroit have been adopted and enforcement has begun.

The State of Michigan is attempting to develop state regulations that would be applicable to vessels in the Detroit River and other territorial waters of the State.

At the Federal level, the United States now has legislation in the Clean Air Act of 1963, with amendments in 1965 and 1966, which affirms that the responsibility for control of air pollution rests primarily with the State and local governments but which provides for Federal intervention through conferences and possible court action in certain circumstances involving interstate or unusual intrastate problems. These Federal procedures are applicable to international situations.

In Canada, where jurisdiction is essentially Federal, air pollution regulations were adopted in February 1964 that are applicable to the emission of smoke by ships while they are in Canadian waters within one mile of land. These regulations are generally consistent with the IJC objectives of 1960. The regulations were amended in 1966 to facilitate enforcement procedures,

particularly by municipal authorities. Some enforcement actions have begun in the Toronto area with possible indirect effect on the Detroit River situation. The City of Windsor is making plans for enforcement of these regulations in the Detroit River waters within its jurisdiction.

The Commission considers that the foregoing steps towards development and enforcement of air pollution regulations applicable to vessels are consistent with its 1960 recommendations and believes that extension of such activities to any additional jurisdictions necessary to control smoke emissions from vessels in the Detroit River area is desirable.

On September 23, 1966, the two Governments sent the Commission a new Reference on air pollution which calls for investigation and report on any sources of air pollution in the Port Huron-Sarnia and Detroit-Windsor areas which may be detrimental to the public health, safety or general welfare of citizens or property. Steps to initiate the studies necessary under this new Reference (IJC Docket No 85) were taken at the Commission's semi-annual meeting in October 1966 and work is now under way. The new Reference will give the Commission opportunity to consider the vessel smoke problem in relation to other sources of air pollution and to determine whether actions other than those that have resulted from the 1949 Reference are advisable.

In view of all of the foregoing developments the Commission at its October 1966 meeting agreed to terminate its vessel smoke surveillance program forthwith and to report to the two Governments the completion of its work under the 1949 Reference.

Accordingly, the International Joint Commission hereby reports to the Governments of the United States and of Canada its conclusion that the actions required of the Commission for the purposes of the Reference of January 12, 1949, have been completed and requests the concurrence of the two Governments in the termination of the Commission's responsibility under the Reference (IJC Docket No 61).

SIGNED this 1st day of March, 1967.

Matthew E. Welsh

A.D.P. Heeney

Eugene W. Weber

D.M. Stephens

Charles R. Ross

Rene Dupuis