



November 9, 2006

Mr. Robert F. Sawyer, Ph.D., Chair  
and Board of Directors  
California Air Resources Board  
P. O. Box 2815  
Sacramento, CA 95812

**Re: Support Proposed Amendments to the Airborne Toxic Control Measure Amendments Limiting Onboard Incineration on Cruise Ships and Oceangoing Ships**

Dear Dr. Sawyer and Air Resources Board of Directors,

Bluewater Network – a division of Friends of the Earth, Natural Resources Defense Council and Union of Concern Scientists urge you to support as presented by staff the Proposed Amendments to the Airborne Toxic Control Measure Amendments Limiting Onboard Incineration on Cruise Ships and Oceangoing Ships at your November 16 and 17, 2006, board meeting. The regulation implements legislation banning on-board incineration by ocean-going ships in state waters (SB771 – Simitian) sponsored by Bluewater Network. The proposed amendments extend the incineration ban on cruise ships to all large ocean-going vessels including commercial, military and research vessels.

The amended regulation will protect public health in California's ports and coastal communities by reducing exposure to air toxics emitted during on-board incineration of solid wastes by ocean-going ships operating in state waters.

This regulation will ensure that California residents and offsite workers who live or work near ports and along the coast receive minimal, if any, exposure to air toxics from on-board incineration such as dioxins, furans and toxic metals. These air toxics can be emitted when ships incinerate garbage, paper, cardboard, plastics, sewage sludge, oily sludge, sewage solids and other solid waste. With the expected expansion of shipping traffic and size, this regulation's public health protection value will only increase over time.

This important regulation builds on the cruise ship incineration regulation that you passed last year. Until then, there were no state or federal protections from shipboard incineration emissions – even while landside incinerators are strictly regulated. Further, while international shipboard incineration standards went into effect in May 2005, they do not adequately protect state air quality as incineration is permitted in ports, harbors and coastal waters.

The enforcement provisions in the state regulation proposed by staff will ensure the effectiveness of the ocean-going ship incineration ban. We are very supportive of the inspection program proposed by staff to monitor compliance. In addition, we believe that the record-keeping requirements out to 24 nautical miles and the specificity of the three-mile boundary as defined using nautical charts from the National Oceanographic and Atmospheric Administration are critical to the implementation of the incineration ban.

In response to comments submitted by industry organizations, we must state that we support the ARB's inclusion and definition of "California Regulated Waters" in the regulation. While the incineration ban is limited to three miles, we support the ARB's authority to regulate beyond three miles to the boundary of regulated waters as needed to protect human health and the environment from air emissions that are generated offshore.

We do not support the shipping industry's proposal that this or other California regulations should be removed if and when federal or international regulations that are equal to or better than California's are established. This is due to the ongoing uncertainty related to environmental protections and the political process at the federal and international level. As we have seen in recent years, many national air protections have been rolled back under the Bush administration. This could occur again, so it is important that the state of California maintain its own environmental protections independent of federal and international laws as needed.

Lastly, we would once again like to commend the Air Resources Board staff, particularly team lead Michelle Komlenic, for the excellent research on ship incineration and the public health risk assessment contained in the staff report and initial statement of reasons. This comprehensive report contains information about ship incineration practices and potential public health risks that have not been previously compiled in a public document. We hope that it may provide a model for other states and entities when considering air toxic rules related to incineration on board ocean-going ships.

With all these factors in mind, we urge you to please adopt as proposed by staff the Proposed Amendments to the Airborne Toxic Control Measure Amendments Limiting Onboard Incineration on Cruise Ships and Oceangoing Ships

Sincerely yours,



Teri Shore  
Campaign Director, Clean Vessels

Diane Bailey  
Health and Environment Program  
Natural Resources Defense Council

Don Anair  
Clean Vehicles Engineer  
Union of Concerned Scientists