



SAN PEDRO PENINSULA HOMEOWNERS' COALITION



April 30, 2020

Chair Nichols and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the Proposed Control Measure for Ocean-Going Vessels At Berth

Dear Chair Nichols and Members of the Board,

Thank you for the opportunity to provide comment on the California Air Resources Board’s proposed Control Measure for Ocean-Going Vessels At-Berth (At-Berth Regulation). The undersigned organizations support the strengthening of the proposed At-Berth Regulation, and applaud the California Air Resources Board (CARB) for prioritizing the health of frontline communities living near California’s ports. This regulation is critical to addressing some of the most difficult public health challenges in the State, and we urge CARB to adopt this regulation as expeditiously as practicable.

I. The At-Berth Regulation Cannot Be Subject to Delay.

California experiences some of the worst air quality in the nation, and freight pollution remains one of the main sources of air pollution within the State.¹ Oceangoing vessels (OGVs) in particular contribute a significant amount of air pollutants, such as emissions of nitrogen oxides (NOx), sulfur oxides (SOx), and

¹ California Air Resources Board, Ocean-Going Vessels At Berth Proposal, Initial Statement of Reasons (Oct. 2019), ES-4 [hereinafter ISOR].

particulate matter (PM).² In 2020, OGVs are projected to contribute 40 percent of all NOx emissions from off-road port related mobile sources, with at-berth emissions as the second-highest source of NOx and PM2.5 emissions from OGVs.³ In the South Coast Air Basin, one of the most polluted areas in the country, over 50 percent of NOx emissions from the ports are attributed to OGVs.⁴ In 2023, ships are projected to be the top contributor of NOx emissions in the greater Los Angeles Area.⁵

There are serious public health risks associated with short- and long-term exposure to NOx, including increased risks of developing respiratory and cardiovascular diseases, cancer, and premature death.⁶ Long-term exposure to particulate matter has also been linked to higher rates of respiratory illnesses, such as acute and chronic bronchitis and asthma attacks, and lung cancer. Ports in California are frequently located adjacent to disadvantaged communities and many of the residents are people of color who are disproportionately impacted by these pollutants, and will suffer even greater health risks from at-berth operations as cargo activity continues to increase.⁷

The At-Berth Regulation has been effective in reducing emissions from OGVs, one of the top sources of harmful air pollution in California, and the proposed changes to this regulation will save lives and provide significant health benefits. We cannot afford to delay or pause efforts to move forward with life-saving regulations, and it would be particularly inappropriate to delay the At-Berth Regulation in light of the COVID-19 pandemic. It is well-known that OGV emissions are linked to increased rates of lung, cardiovascular, and other chronic diseases, and recent scientific studies show that these chronic illnesses exacerbate mortality and morbidity from COVID-19.⁸

II. The Proposed 15-Day Changes Will Strengthen the At-Berth Regulation and Offer Needed Health Benefits to Impacted Communities.

We support CARB's efforts to expand the scope of this rule to apply to roll on-roll off vessels and tanker vessels. The proposed regulation will require emissions reductions from approximately 2,300 additional

² *Id.* at ES-6.

³ *Id.* at ES-8. At-berth emissions are projected to make up 7 percent of NOx emissions from OGVs, and 21 percent of PM2.5 emissions from OGVs. *Id.* at ES-10.

⁴ South Coast Air Quality Management District, SCAQMD Air Quality Challenges and Critical Role of OGV Incentive Programs (Dec. 2018), <http://www.aqmd.gov/docs/default-source/ocean-going-vessels/ogv-technology-forum---website-slides---2018-12-05.pdf>.

⁵ *Id.*

⁶ ISOR, V-15.

⁷ Residents near POLA and POLB could see an increased potential cancer risk from at berth operations of about 37 percent between 2020 and 2031. Residents near the Richmond complex could see an increased potential cancer risk of about 14 percent between 2021 and 2031. *Id.* at ES-11.

⁸ Xiao Wu, Rachel C. Nethery, Benjamin M. Sabath, Danielle Braun, Francesca Dominici, Exposure to Air Pollution and COVID-19 Mortality in the United States, Department of Biostatistics, Harvard T.H. Chan School of Public Health (Apr. 5, 2020), available at https://projects.iq.harvard.edu/files/covid-pm/files/pm_and_covid_mortality.pdf. See also Tony Barboza, Does Air Pollution Make You More Susceptible to Coronavirus? California Won't Like the Answer, Los Angeles Times (Mar. 21, 2020), available at <https://www.latimes.com/california/story/2020-03-21/coronavirus-air-pollution-health-risk>; Lisa Friedman, New Research Links Air Pollution to Higher Coronavirus Death Rates, New York Times (Apr. 7, 2020), available at <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html>.

vessel visits to ports at California, and significantly reduce the health hazards experienced by nearby communities.⁹

The accelerated implementation will require emissions reductions from more vessels sooner, and result in greater reductions of NOx and PM2.5 emissions and increased health benefits beginning in 2024. Communities living near ports breathe unhealthy air every single day, and need these reductions sooner rather than later. The proposed 15-day changes will reduce potential cancer risk by about 60 percent,¹⁰ and prevent 250 premature deaths, 78 hospital admissions, and 126 emergency room visits statewide – reducing health impacts by \$2.44 billion.¹¹ These important health benefits far outweigh the estimated net cost to individual consumers.¹²

We appreciate CARB’s commitment to protecting public health, and ask that the agency to move forward with this regulation as soon as possible.

Sincerely,

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Earthjustice

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East Yard Communities for Environmental Justice

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⁹ ISOR, ES-12.

¹⁰ *Id.* at ES-16.

¹¹ California Air Resources Board, Summary of Proposed 15-Day Changes and Impacts on Costs: Control Measure for Ocean-going Vessels at Berth, Attachment B (Mar. 2020), B-4.

¹² The estimated cost to individuals in 2030 are as follows: \$1.11 per TEU for container/reefer vessels, \$4.56 per passenger for cruise ships, \$7.49 per automobile for ro-ro vessels, \$0.008 per gallon for oil tankers. ISOR, IX-23.

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