



November 19, 2019

Mary Nichols, Chair  
 California Air Resources Board  
 1001 I Street  
 Sacramento, CA 95814

**Re: Support for Proposed Vessels At Berth Rule to Address Unacceptable Health Risks**

Dear Chair Nichols and Members of the Board:

On behalf of the undersigned health and medical organizations and individuals, we are writing to express our strong support for the California Air Resource Board's adoption of the proposed At Berth rule to replace the existing At Berth regulation. The proposed rule is necessary to build upon the existing regulation and ensure greater health protections for communities subjected to unacceptable health risks due to nearby shipping pollution.

Largely due to transportation pollution sources like our ports, California is home to the most difficult air pollution challenges in the United States. The American Lung Association's 2019 *State of the Air* report found that over 90 percent of Californians live in counties impacted by unhealthy levels or

ozone and/or particle pollution.<sup>1</sup> Californians living near major diesel pollution hot spots like the ports face significant health risks, breathing higher levels of fine particles and diesel particulate matter that bring elevated risks respiratory and cardiovascular harms, cancers and premature death.<sup>2</sup> As noted in the Standardized Regulatory Impact Analysis, emissions from port operations pose an “unacceptable” health risk<sup>3</sup>, particularly to local, disadvantaged communities which bear the brunt of this pollution burden.

We appreciate that CARB staff have taken significant lessons from implementation of the existing At-Berth rule to reduce shipping pollution at California ports. The updated rule proposal builds off of those learnings and addresses this source of pollution in a more holistic and protective manner. The proposal extends existing requirements for reducing pollution by expanding the types of ships that will be required to achieve 80 percent emission reductions. The proposal further expands the benefits of emissions control requirements (*i.e.* plugging in to shore-side power or implementing other CARB-approved control systems) to additional port-impacted communities not currently protected by the existing requirements.

**Our organizations support the proposed rule as a critical tool to protecting public health as the freight sector in California grows.** By ensuring strong protections at our ports, a win-win scenario of economic growth coupled with public health protections is possible. Without the proposed rule, the current health harms will grow and the conditions facing communities near our ports will represent an unacceptable failure to act to protect local residents and achieve our air and climate standards. We appreciate the opportunity to offer the comments below to support and strengthen the proposal.

***This proposal is specifically identified as necessary action within the State Implementation Plan to achieve health-based air quality standards.*** Amendments to the existing At-Berth Regulation were included in the State Implementation Plan for achieving mobile source emission reductions in support of ozone and particle pollution standards.<sup>4</sup> In order to achieve California’s clean air goals to protect public health, SIP commitments must be adopted as quickly as efficiently as possible.

***The proposal will ensure emissions controls keep pace with growth in cargo handling and diesel pollution generated at port facilities.*** The proposed regulatory update addresses the growth in the cargo industry and ensures that as port terminals grow, health risks are not allowed to grow with them. This is critical to ensuring lasting benefits to nearby communities. As noted in the Health Risk Assessment, estimates point to more than a 50 percent increase in cargo activity in the United States by 2023 (57 percent at the Ports of Los Angeles and Long Beach), and a projected 20 percent increase in diesel particle pollution in California by 2023.<sup>5</sup> We support the “once-in/always-in” concept for the facilities, meaning that once a facility is designated for pollution controls under the proposed rule, they will always follow those requirements to cut harmful pollution.

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<sup>1</sup> American Lung Association. *State of the Air*. April 2019. [www.stateoftheair.org](http://www.stateoftheair.org)

<sup>2</sup> California Air Resources Board. *Ocean-Going Vessels At Berth Proposal ISOR*. Oct. 2019. p.V-15: “Individuals who live in high-risk areas near ports are exposed to higher PM2.5 concentrations from vessels at berth than other California residents. These individuals are at a higher risk of developing respiratory impairments as a result of auxiliary engine and boiler emissions, especially those individuals within sensitive groups”

<sup>3</sup> CARB. *Vessels at Berth Standard Regulatory Impact Analysis*. August. 2019. p. 30. <https://ww3.arb.ca.gov/regact/2019/ogvatberth2019/appc-1.pdf>

<sup>4</sup> CARB. *Revised Proposed 2016 State Strategy for the State Implementation Plan*. March 2017. p. 97. 2017. <https://ww3.arb.ca.gov/planning/sip/2016sip/rev2016statesip.pdf>

<sup>5</sup> CARB. *Vessels At Berth Proposal ISOR*. p. II-2

**The proposal will save lives, reduce cancer risks and other illnesses and avoid billions in health-related outcomes.** As noted above, the reduction in health impacts to local communities is a major focus of this regulation: The proposed rule will reduce cancer risks due to at-berth ship pollution by approximately 60 percent near the Ports of Long Beach, Los Angeles and Richmond facilities<sup>6</sup>, including eliminating several categories of cancer risks altogether.<sup>7</sup> This proposal will reduce the cancer risk for 2.4 million people living near the Ports of Long Beach and Los Angeles and another 14,000 people in the Richmond area.<sup>8</sup> These health risk reductions are estimated to avoid over 200 premature deaths and avoid over \$2.2 billion in associated health impact costs in 2032.<sup>9</sup>

**Without the proposed rule, cancer risks associated are projected to increase.** Cancer risk to residents near the Ports of Long Beach and Los Angeles are projected to increase by 37 percent, and by 14 percent for residents near Richmond facilities between 2020 and 2031.<sup>10</sup>

**Earlier implementation of final amended rule would accelerate health benefits.** The current proposal extends implementation out to 2029 for certain tankers. We urge the board to pursue earlier emission reductions wherever possible and consider updating the implementation dates to an earlier timeline to accelerate the health protections envisioned under the proposal.

**The rule is an important lever for reducing climate-forcing black carbon pollution.** Climate change is a public health emergency, threatening health through a wide range of impacts such as extreme heat events, degraded air and water quality, wildfires and other risks to Californians. The proposed rule will deliver significant reductions in black carbon, a potent short-lived climate pollutant targeted for a 50 percent reduction in California by 2030.<sup>11</sup>

Our organizations look forward to working with the CARB board, staff and stakeholders in advancing the strongest possible rule to eliminate the unacceptable health risks associated with pollution from ships visiting California port facilities.

Sincerely,

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Will Barrett, Clean Air Advocacy Director  
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<sup>6</sup> CARB. *ibid* at p. V-14

<sup>7</sup> CARB. *ibid* at p. VI-1

<sup>8</sup> CARB. *ibid* at pp. VI 12-13

<sup>9</sup> CARB. *ibid* at p. V-17

<sup>10</sup> CARB, *ibid* at p. ES-11

<sup>11</sup> CA Senate Bill 1383 (Lara, 2016) requires a 50 percent reduction in anthropogenic black carbon emissions by 2030.  
[www.leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201520160SB1383](http://www.leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB1383)

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