



April 27, 2020

To: Lea Yamashita
Cari Anderson
Freight@arb.ca.gov

Re: Comments on the Transportation Refrigeration Unit Regulation Updated Concept

Dear Ms. Yamashita and Ms. Anderson:

On behalf of the undersigned health, community, environmental and labor organizations, we respectfully submit this comment in response to the California Air Resources Board (ARB)'s proposed Transportation Refrigeration Unit (TRU) updated concept. This rule is vital to protecting the health and welfare of millions of Californians. We appreciate agency staff's commitment to maintaining course on adopting a TRU regulation in light of the challenging circumstances presented by the COVID-19 pandemic. This is especially important given this regulation was supposed to be adopted in 2019 in the last approved State Implementation Plan by the Environmental Protection Agency.¹ The following offers some suggestions on moving forward with this rule.

I. There Is an Urgent Need to Adopt a TRU Regulation As Expeditiously As Possible.

We appreciate that staff at the agency are adapting to challenging circumstances in light of the COVID-19 pandemic, and we thank them for their continued commitment to adopt a TRU regulation as expeditiously as possible. We strongly urge ARB to uphold this commitment. Many Californians breathe the worst air quality in the nation and rely on ARB to advance regulations like this one to reduce harmful air pollution in communities. Moreover, the

¹ California Air Resources Board, *Revised Proposed 2016 State Strategy for the State Implementation Plan*, at 118 (March 7, 2017), <https://ww3.arb.ca.gov/planning/sip/2016sip/rev2016statesip.pdf>.

consequences of the current public health crisis are disproportionately harming communities that have already suffered from decades of air pollution.² A recent study from the Harvard T. H. Chan School of Public Health found that death rates from COVID-19 are 15 percent higher for people who live in areas with elevated levels of fine particulate matter. While the near term focus on protecting public health during the pandemic is critical, it is also important that our long-term solutions to the public health dirty air crisis are not ignored. The health of millions of Californians depends on the ARB moving as expeditiously as possible on this TRU regulation.

II. We Welcome the Accelerated Compliance Deadline for All New TRUs and All New and In-Use Truck TRUs.

Our organizations are very encouraged to see that ARB updated the compliance deadline to require full zero-emissions operations for all new and in-use truck TRUs and all other new TRUs by December 31, 2023. This timeline will benefit communities by reducing TRU emissions in areas around places like grocery stores, which are often located near residential neighborhoods. This accelerated timeline and zero-emissions requirement is important now more than ever.

III. We Urge the ARB to Expedite Compliance Deadlines to January 1, 2025 for All In-Use Trailer, Domestic Shipping Container, Generator Sets, and Railcar TRUs.

The ARB's proposal to postpone compliance for all in-use trailer TRUs, domestic shipping container TRUs, TRU generator sets, and railcar TRUs is highly concerning. This postponement is unacceptable, particularly given that this large category makes up about 96% of all in-use TRUs in California, and comparable levels of emissions from currently in-use TRUs.³ We urge the ARB to act quickly and ensure that the compliance deadlines for all the above-listed in-use TRUs be expedited to January 1, 2025.

Toxic diesel exhaust from TRUs poisons millions of Californians every day. Indeed, the diesel exhaust that many TRUs spew into communities daily contains over 40 substances that are listed by the U.S. Environmental Protection Agency as hazardous air pollutants and by the ARB as toxic air contaminants.⁴ The sample health risks developed for this rule show potentially thousands of Californians presented with elevated cancer risks from this outdated and dirty

² Xiao Wu, *et al.*, *Exposure to Air Pollution and COVID-19 Mortality in the United States*, Department of Biostatistics, Harvard T.H Chan School of Public Health (April 5, 2020), 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* (March 21, 2020), <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* (April 7, 2020), <https://www.nytimes.com/2020/04/07/climate/air-pollution-coronavirus-covid.html?smtyp=cur&smid=tw-nytimes>.

³ See California Air Resources Board, *Transport Refrigeration Unit Regulation Staff Concept Workshop*, at 10 (Aug. 28, 2019).

⁴ California Air Resources Board, Findings of the Scientific Review Panel of *The Report on Diesel Exhaust* As Adopted at the Panel's April 22, 1998 Meeting, (last reviewed July 21, 2015) <https://ww3.arb.ca.gov/toxics/dieseltac/de-fnds.htm>.

technology.⁵ Moreover, this industry sites many of its facilities in disadvantaged communities, making it especially critical to impose meaningful, life-saving requirements to regulate this technology. ARB's proposal to delay compliance deadlines will have profound impacts on people's ability to breathe.

Postponing compliance deadlines for 96% of all in-use TRUs in California will affect regional air quality and make it more challenging for the state to attain National Ambient Air Quality Standards and mitigate climate change. By delaying the implementation deadline of emission reduction measures for 96% of all in-use TRUs, the ARB is allowing 93% of annual nitrogen oxide (NOx) emissions, particulate matter 2.5 (PM2.5) emissions, and carbon dioxide (CO2) emissions from TRUs to continue to harm communities for several more years.⁶ Cleaning up TRUs is vital to addressing our ozone and fine particulate matter violations, and achieving greenhouse gas (GHG) emission reductions to meet state and federal standards. We urge the ARB to shift the compliance deadlines for all in-use trailer TRUs, domestic shipping container TRUs, TRU generator sets, and railcar TRUs up to January 1, 2025.

IV. The ARB Should Require All TRUs to Transition to Zero-Emissions.

We appreciate the proposed regulation's overall focus on reducing emissions from TRU activity, and for mandating zero-emissions requirements for truck TRUs. Given that the health impacts from TRUs are so severe, and that zero-emission technologies are already available, we urge the ARB to set zero-emission requirements for all classes of TRUs covered under this regulation. All-electric TRUs show significant emission reductions compared to conventional TRUs and would make great strides in reducing local and regional air pollution in one of the most polluted air basins in the country. By embracing a fully zero-emissions regulation that includes trailer TRUs, domestic shipping container TRUs, TRU generator sets, and railcar TRUs, the ARB will save lives and encourage the market toward all-electric, zero-emission TRU technologies.

First, the ARB should prioritize transitioning trailer TRUs to zero-emissions because this technology contributes the vast majority of emissions from all TRUs. Specifically, trailer TRUs emitted 89.5% of NOx emissions, 87% of PM2.5 emissions, and 88% of CO2 emissions from all TRUs in California in 2018.⁷ These figures are staggering. Moreover, all-electric options are available. We urge the ARB to set zero-emissions requirements for trailer TRUs, because this will help reduce toxic air pollution and help California meet its GHG emissions reduction targets.

Second, given the immense harms from the rail industry, we ask that ARB require zero-emission railcar TRUs. Railyards are currently one of the largest sources of pollution in local

⁵ See California Air Resources Board, *Transport Refrigeration Unit Regulation Staff Concept Workshop*, at 18-20 (Aug. 28, 2019).

⁶ *Id.* at 10.

⁷ *Id.*

communities.⁸ They are a hotspot where high-emitting vehicles congregate, and they often neighbor disadvantaged communities. This rule offers an opportunity to regulate railcars easily and shift the industry toward zero-emissions.

Third, TRU generator sets should have more robust zero-emission requirements. All-electric TRU generator sets are some of the most promising all-electric technologies: they offer significant emission reductions over conventional generator sets and the technology is far along in the development process.⁹ We ask that ARB require zero-emission TRU generator sets.

Finally, the ARB should mandate zero-emission domestic shipping container TRUs to help move the market toward all-electric technologies. All-electric domestic shipping container TRUs will reduce toxic emissions and support an overall shift to zero-emissions in California.

V. The ARB Should Reduce Permissible Idling Time to 5 Minutes.

The ARB's proposed requirement that all trailer TRUs, domestic shipping container TRUs, and TRU generator sets transition to zero-emissions after 15 minutes of idling is a move in the right direction. We ask that the ARB go further by reducing the permissible idling time to 5 minutes. When these vehicles idle, they spew incredibly dangerous emissions, which saturate the local area, poison nearby communities, and harm vehicle operators who are simply doing their jobs. What's worse, because TRUs congregate and idle at the ports and cold-storage warehouses, these outdated technologies disproportionately poison some of California's most sensitive communities located near these sites. We ask the ARB to reduce the permissible idling time to 5 minutes to reduce these health risks.

VI. Sufficient Enforcement is Needed to Ensure Compliance With This Rule.

Our organizations support the ARB's interest in providing additional enforcement to ensure industry compliance with this regulation. We acknowledge this shift to zero-emission TRUs creates a significant departure from the prior regime, and believe that additional enforcement will help create a strong foundation for a successful transition.

VII. We Support ARB's Requirements On Facilities to Install Supporting Infrastructure.

We support ARB's requirements on facilities like warehouses, supermarkets, railyards and seaports to install supporting infrastructure for zero-emission vehicles. This requirement is critical for freight facilities and industry to contribute to building up California's electric infrastructure.

⁸ See, e.g., California Air Resources Board, *Health Risk Assessment for the Union Pacific Railroad Los Angeles Transportation Center Railyard*, at 9 (Nov. 6, 2007) https://ww3.arb.ca.gov/railyard/hra/up_latc_hra.pdf?_ga=2.7733361.2104741005.1586294449-1570305007.1560899350.

⁹ California Air Resources Board, *Technology Assessment: Transport Refrigerators*, at ES-8 (Aug. 2015) https://ww3.arb.ca.gov/msprog/tech/techreport/tru_07292015.pdf?_ga=2.248796999.1998395728.1569364801-1570305007.1560899350.

VIII. Conclusion

This TRU Regulation is vital to protecting Californians. Our organizations appreciate the agency staff's continued efforts to move forward with the final adoption of this life-saving regulation. Please let us know how we can assist with transitioning the TRU industry to zero-emissions.

Sincerely,

Yasmine Agelidis
Adrian Martinez
Earthjustice

Andrea Vidaurre
Center for Community Action & Environmental Justice

Jesse N. Marquez
Coalition For A Safe Environment

Taylor Thomas
East Yard Communities for Environmental Justice

Joy Williams
Environmental Health Coalition

Jennifer Kropke
International Brotherhood of Electrical Workers, Local 11; National Electrical Contractors Association, Los Angeles; LMCC

Hector Huezo
Jobs to Move America

Heather Kryczka
Natural Resources Defense Council

Peter M. Warren
Kathleen Woodfield
San Pedro & Peninsula Homeowners Coalition

Carlo De La Cruz
Sierra Club