



December 2, 2019

Clerks' Office
California Air Resources Board
1001 I Street,
Sacramento, California 95814
Via Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: PROPOSED CONTROL MEASURE FOR OCEAN-GOING VESSELS AT BERTH

We are excited to submit these comments in support of the California Air Resources Board's proposed Control Measure for Ocean-Going Vessels ("OGVs") At Berth ("At Berth Regulation"). The OGVs cause immense amounts of air pollution globally and particularly when in port when they are closest to people who live near, and work at, California's ports. OGVs are sources of both nitrogen oxide ("NOx") and particulate matter ("PM") emissions, both of which cause grave health impacts in people. Further, California is in non-attainment of NOx reduction goals under the federal Clean Air Act. Air Districts across the state are working to reduce NOx and other criteria pollutants from stationary sources. Moving OGVs from using diesel auxiliary engines, sources of

both NO_x and PM, in port to alternatives such as plugging into electrical power or using a capture-and-control technology will go a long way to reducing air pollution, improving public health and reducing dangerous pollutants in our air. As a result, we urge the California Air Resources Board (“ARB”) to adopt this regulation and move forward with its implementation as soon as possible.

I. Public Health Benefits of At Berth Regulation Are Obvious and Relevant

One of the main goals for us is to protect public health, and the At Berth regulation will do so. As stated in the ARB Staff Report: Initial Statement of Reasons (“SOR,” released October 15, 2019), OGV emissions include criteria pollutants, air toxic contaminants, and greenhouse gases. (SOR, ES-2; see also SOR p. I-10.) As stated above, one of the main pollutants from an OGV is NO_x. Exposure to NO_x can cause respiratory irritation, aggravation of respiratory diseases, especially asthma, causing coughing, wheezing and difficulty breathing, all of which can lead to emergency room visits and hospital admissions for those people affected. (Id.) Negative public health impacts from NO_x emissions are some of the main reasons we so strongly support adoption of this regulation. “California’s combination of unique geography and robust freight contributes to our state experiencing some of the worst air quality in the nation.” (SOR, ES-4.)

Another harmful emission from OGV operations is particulate matter (“PM”) that can be inhaled into upper airways and lungs, creating respiratory ailments leading to still more public health concerns.

Exposure can increase premature mortality, hospital admissions for cardiopulmonary causes, acute and chronic bronchitis, asthma attacks, and respiratory symptoms, and the health effects are of particular concern for sensitive groups such as infants, children, the elderly, and those with preexisting heart or lung disease. (SOR, ES-3; see also SOR p. V-15-19, and ARB, “Inhalable Particulate Matter and Health [PM_{2.5} and PM₁₀]”, August 10, 2017, <https://ww3.arb.ca.gov/research/aags/common-pollutants/pm/pm.htm>.)

As recently as November 13, 2019, new health impacts are being identified related to particles produced by fuel-burning, especially diesel fuel. The Guardian published an article that date, highlighting research conducted by McGill University in Canada and following over a million adult Canadians in Toronto and Montreal and their medical records from 1991 to 2016. Specifically, the studies found:

New research has linked air pollution nanoparticles to brain cancer for the first time. The ultra-fine particles (UFPs) are produced by fuel burning, particularly in diesel vehicles, and higher exposures significantly increase people's chances of getting the deadly cancer. Previous work has shown that nanoparticles can get into the brain and that they can carry carcinogenic chemicals. (The Guardian, Air Pollution Nanoparticles Linked to Brain Cancer for First Time, November 13, 2019 (accessed November 18, 2019), <https://www.theguardian.com/environment/2019/nov/13/air-pollution-particles-linked-to-brain-cancer-in-new-research>.)

The article further documented:

The discovery of [abundant toxic nanoparticles from air pollution in human brains](#) was made in 2016. A [comprehensive global review](#) earlier in 2019 concluded that [air pollution may be damaging every organ](#) and virtually every cell in the human body. Toxic air has been linked to other effects on the brain, including [huge reductions in intelligence](#), [dementia](#) and [mental health problems](#) in both [adults](#) and children. The World Health Organization says air pollution is a "[silent public health emergency](#)". (Id.)

Even more important is the need to protect public health in areas near ports, most of which have been identified as "disadvantaged communities," or those most impacted by environmental injustice, over a period of years or even decades. These areas tend to be comprised of the working poor and people of color who have to contend daily with all the various and cumulative pollution burdens of goods movement, such as proximity to heavy duty trucks, locomotives, cargo handling equipment and OGVs. (SOR p. II-1,2, p. V-9 and V-15; see also Office of Environmental Health Hazard Assessment, CalEnviroScreen 3.0, June 25, 2018, <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-30>.)

We are aware that the Proposed At Berth Regulation applies to more OGVs than the existing At Berth Regulation. We are supportive of this change in the regulation, as it ensures that public health benefits are applicable to all ships that visit California ports statewide 20 or more times annually. To continue to apply a regulation to only selected ships would also continue to allow poor air quality to result from those ship visits.

As a result, because of the public health benefits of implementing this Proposed At Berth Regulation, We support this Regulation whole-heartedly and urge the ARB to implement the regulation as suggested by staff, beginning on January 1, 2021.

II. Proposed At Berth Regulation Is a Cost Effective Way to Reduce Emissions and Protect Health

The Proposed At Berth regulation will directly improve health benefits for California communities impacted by port operations. Specifically, by 2032, total costs for all entities to implement the rule will exceed \$2.2 billion, while health benefits in that time add up to \$2.3 billion from 230 fewer premature deaths, 72 fewer hospital admissions, and 116 fewer emergency room visits statewide. (SOR, ES-16, see also Table VI, “Statewide Valuation from Avoided Adverse Health Outcomes Between 2021 and 2032 as a Result of the Proposed Regulation,” p. VI-3.) In addition, potential cancer risk from at berth emissions reduction will also be reduced by approximately 60%. (SOR VI-1,2.) From the Ports of Long Beach and Los Angeles alone, about 2.4 million residents would have a reduced potential cancer risk from implementing this At Berth Regulation, and communities around the Richmond Complex would have a potential 14,000 residents with a cancer risk level of 20 in a million would be eliminated. (Id., see also p. V-15.)

In addition, the annual cost to the average individual consumer is negligible at most. According to the ARB staff calculations, approved by the California Department of Finance, the following are the annual costs in 2030 broken down by vessel type:

Container Ship	\$1.11 per Twenty Equivalent Unit or TEU
Cruise Ship	\$4.56 per Passenger
Roll On-Roll Off Vessel	\$7.49 per Automobile
Oil Tanker	\$.008 per Gallon

(SOR, Table IX-9, p. IX-23.)

Thus, although the initial price tag of the At Berth Regulation implementation may seem excessive, when measured against the direct health benefits and the cost to the average consumer, it is clearly a worthy investment in a cleaner goods movement system and a healthier California populace.

III. We Support the Use of Remediation Fund in Communities Impacted by Uncontrolled Emissions

ARB staff states quite clearly that any ship that cannot comply with the At Berth Regulation will pay an hourly-based fee and “any remediation funds received would be required to be put back into projects in the communities impacted by the uncontrolled emissions.” (SOR, ES-34, 35.) We support this use of the remediation funds, and further respectfully request that ARB ensures that fund administrators, working with air districts or directly with ARB via a Memorandum of Understanding, have an obligation to provide

an annual report to the public as to how funds have been administered. Although the SOR provides for semi-annual reporting to ARB, there is no provision for an annual accounting of mitigation funds to the public. (SOR, p. VI-102, “Rationale for Section 93130.16(h)(6)”.) For an example of how this is done, We refer ARB to the Harbor Community Benefit Foundation, which partners with the Port of Los Angeles to gather and spend container fees to decrease community impacts of port operations. (Harbor Community Benefit Foundation website: <https://hcbf.org/>, accessed November 18, 2019.) However, it is essential that these payments not substitute for any regulated entity good faith efforts to comply with the rule.

Conclusion

For all the reasons stated above, we strongly support the Proposed At Berth regulation, and urge the ARB to implement the rule as soon as possible, and certainly no later than January 1, 2021. Thank you for your time and consideration.

Respectfully submitted,

Jerilyn López Mendoza
Senior Policy Advocate
Coalition for Clean Air

Andrea Viadurre
Policy Analyst
Center for Community Action and Environmental Justice

Taylor Thomas
Research and Policy Analyst
East Yard Communities for Environmental Justice

Heather Kryczka
Attorney
NRDC

Joel Ervice
Associate Director
Regional Asthma Management and Prevention

Katherine Garcia
Policy Advocate
Sierra Club California