



# City of Emeryville

INCORPORATED 1896

1333 Park Avenue

Emeryville, California 94608-3517

Tel: (510) 596-4300 | Fax: (510) 596-4389

October 25, 2021

Via online submission portal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Dear California Air Resources Board:

On behalf of the City Council of the City of Emeryville, I submit the following comments on the Proposed Amendments to the Commercial Harbor Craft Regulation, which is currently set for public hearing on November 19, 2021.

The City of Emeryville was the first city in the Bay Area to align all its greenhouse gas (ghg) emissions targets with the State of California, and through our various mitigation and adaptation goals, has already updated our Climate Action Plan as we are ahead of pace for reaching the state's goal for deep decarbonization. We share CARB's vision of reducing NOx and PM emissions to relieve pollution overburdened and disadvantaged communities of harmful toxics.

While we support the goals and vision of the Commercial Harbor Craft Regulation, as a small city with a marina, we have concerns about how implementation of these amendments would potentially decimate part of our local economy, harm working families, and undermine environmental justice and equity programs that are accessible to youth from the same disadvantaged communities the proposed amendments aim to protect.

- (1) Under the proposed regulations, the amended regulations would take effect on January 1, 2023. The documentation CARB provided our city states that "22 models [of Tier 4 engines] are certified." However, the California Maritime Academy has reported that these engines are not approved for *passenger fishing vessels* at this time. They report that engine manufacturers are still working with the U.S. Coast Guard to ensure safety and seaworthiness of Tier 4 engines in passenger vessels. We are concerned that the timeline proposed by CARB is not realistic and could result in mariners retrofitting boats with equipment that is not yet approved as safe for passenger use.
- (2) The cost estimations utilized are not adequately sourced. Passenger fishing and other commercial vessels are made of a diverse variety of materials, including wood and fiberglass, among others. These vessels vary greatly in size, weight and passenger capacity, and their dimensions may or may not accommodate the required retrofit technology. The associated costs are likely to vary widely. Additionally, the estimated costs to replace vessels if retrofit is impossible also lack adequate references and sources for explaining the estimated calculation. No information is provided on local markets for new vessel construction. Most new commercial passenger vessel construction occurs outside of California, further inflating costs on these businesses. Because many of the impacted businesses are small, family-owned businesses – many of which were decimated during the pandemic due to state and county health orders prohibiting their operation as a "non-essential activity" = the ability to finance vessel replacement in

compliance with these draft regulations is significantly over-estimated and appears to be largely unaccounted for in the development of this rule.

- (3) In Emeryville, some of our commercial passenger vessels service nonprofits that provide ecological access and experiences for a variety of vulnerable populations, including children from nearby disadvantaged communities and other neighboring communities, children with PTSD and others with disabilities. CARB should be extremely careful about how implementing emissions reduction could negatively impact the positive contributions that members of the commercial passenger harbor craft industry make to sustaining diversity, inclusion and natural resource access for our communities.

As one of the Bay Area's stewards for access to the San Francisco Bay, Emeryville has been a leader in promoting environmental stewardship. We want cleaner air and believe that the goals set by this rule are appropriate and achievable. We have concerns about the proposed implementation timeline for this rule, the cost assumption made in this rule related to retrofit and replacement, and we think there has been inadequate attention paid to the potential impacts to the social and health benefits provided by partners and stakeholders impacted by these proposed amendments. We believe that CARB should give much greater study to this issue. Many of the issues could be addressed by including these vessels by simply including them in the timeline provided for commercial fishing fleets, which they were previously aligned under. Accelerating retrofits on this subset of vessels is likely to harm an important maritime industry under the proposed timeline. If CARB continues with this distinction, we believe CARB should leverage additional state funding to make grants available to small businesses to help them comply with these provisions if we are truly serious about reaching our climate goals without harming local economies. We ask that CARB reevaluate the proposed amendments with these considerations in mind and circulate a revised set of amendments that better balance all stakeholder interests.

Sincerely,

A handwritten signature in black ink that reads "Dianne Martinez". The signature is fluid and cursive, with the first name "Dianne" and last name "Martinez" clearly legible.

Dianne Martinez  
*she/her/hers*  
Mayor  
City of Emeryville  
1333 Park Avenue  
Emeryville, CA 94608

510-596-4376 office  
310-748-6934 cell  
dmartinez@emeryville.org