



July 24, 2020

Richard Corey, Executive Officer
California Air Resources Board
1001 I Street
Sacramento, California 95814

Dear Mr. Corey:

On behalf of the California Association of Port Authorities (CAPA), I am writing to express the Association's appreciation for the work you and your staff have invested in the rule, and in particular our support for the changes made in the second 15-Day Notice. The current changes to the effective dates for compliance provide a more realistic timeline to develop terminal plans. Additionally, extending the Innovative Concepts pathway to 5 years provides a greater degree of certainty.

As you know, CAPA is comprised of eleven public seaports in California, including three of the largest container ports in the nation – Los Angeles, Long Beach and Oakland – as well as eight smaller ports situated along the coast from Humboldt to San Diego, and along inland waterways in West Sacramento and Stockton. CAPA and its members have a long history of working collaboratively with CARB on air emissions regulations, and we value that relationship. While CARB is aware of the economic disruption ports are currently experiencing due to the COVID-19 pandemic, CAPA remains concerned about the ability to meet the goals and deadlines of the proposed rule and the forecast assumptions used to develop the rule.

CAPA supports the use of the interim evaluation; however, we urge CARB to consider additional factors be added and the ability to alter the compliance deadlines based on the findings of the interim evaluation for all vessel types. CAPA urges the addition of the following provisions to the interim evaluation language:

- The interim evaluation scope is being expanded beyond a review of ro-ro and tanker vessels to also include an evaluation of control technologies for bulk, general cargo, and ocean-going vessels. The language authorizing staff to make recommendations to alter the deadlines for ro-ro and tankers should also be expanded to allow staff to recommend changes for all other vessels based on the findings in staff's review. We recommend the following sentence be amended as follows:

If staff finds that the compliance deadlines for ~~ro-ro or tanker~~ vessels need to be ~~extended~~ adjusted forward or backward in time, the report will include recommendations to initiate staff's development of potential formal regulatory amendments.

- Given the current economic disruption and uncertain future, concerns have been raised about the accuracy of forecast assumptions used in the inventory of ocean-going vessels at-berth. As part of the interim evaluation requirement, language should be added specifically directing CARB staff to update and adjust the inventory based on the economic trends and data accumulated over the next two years.
- The interim evaluation language directs staff to evaluate information from ports and required terminal plans, and consider other public information such as engineering evaluations, logistical concerns, public engagement, and independent studies. The interim evaluation should be required to include an analysis of this information, and in particular, an evaluation of the economic health of a port to meet the implementation deadlines.

In addition, implementation of any regulation requires financial resources to invest in those improvements. The development and commercialization of these capture and control measures will be expensive, and state and local support is critical. CAPA urges CARB to continue its support to dedicate low carbon transportation funds for the development, demonstration, and commercialization of this technology.

Regardless of the current economic crisis, CAPA's members remain committed to the existing regulatory requirements and working with CARB on reducing emissions. While it will take time to determine if shipping practices are forever altered, or if this is a short-term adjustment, CAPA appreciates changes made during this process and urges CARB to adopt the changes outlined above.

Finally, the development of the expanded At-Berth Rule has been a long process that has involved numerous meetings with CARB staff, and the submission of formal comments, data, and reports. We look forward to reviewing staff's comments and responses to the material submitted as part of the rule making process.

If you have any questions or need additional information, please give me a call (916) 443-8891.

Sincerely,

A handwritten signature in black ink that reads "Kelly Hitt". The signature is written in a cursive style with a large, looped initial "K".

Kelly Hitt
Interim-Executive Director
California Association of Port Authorities