

# SAN PEDRO BAY PORTS CLEAN AIR ACTION PLAN

July 26, 2020

Richard Corey  
California Air Resources Board  
Clerk's Office  
1001 I Street  
Sacramento, CA 95814

(Submitted electronically to:

[https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ogvatberth2019&comm\\_period=1](https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=ogvatberth2019&comm_period=1))

Dear Mr. Corey:

**SUBJECT: SECOND 15-DAY CHANGES TO THE PROPOSED CONTROL MEASURE FOR OCEAN-GOING VESSELS AT BERTH**

The Port of Long Beach and Port of Los Angeles (Ports) appreciate this opportunity to provide comments on the California Air Resources Board (CARB) Second 15-Day Changes Package for the Proposed Control Measure for Ocean-Going Vessels at Berth released on July 10, 2020. This latest iteration of rulemaking reflects some of our ongoing discussions with CARB staff on the proposed rulemaking for over the past two years, and we very much appreciate your staff's willingness to engage on these issues.

We are facing an unprecedented public health crisis, which has and will continue to have significant adverse economic impacts on the maritime industry and the world at large. The Ports have experienced a 12.52% decline in cargo throughput over the first half of 2020, compounding the challenges we have experienced due to the global trade wars and the ongoing loss of market share. We will continue to closely monitor and evaluate economic developments, but anticipate these impacts will continue to reverberate throughout the industry for many years to come.

In light of this, we recommend that your Rule include a mechanism that allows for a timely reassessment of the regulation with greater flexibility in the event that economic conditions warrant it. For example, as regulatory requirements go into effect, the Ports suggest that "check-ins" or other types of assessment steps can occur that will allow the various stakeholders to be a part of the implementation process, and assure that the steps envisioned can be implemented.

After reviewing the Second 15-Day Changes for the At Berth Regulation, the Ports offer the following comments.



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THE PORT  
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*The San Pedro Bay Ports Clean Air Action Plan was developed with the participation and cooperation of the staff of the US Environmental Protection Agency, California Air Resources Board and the South Coast Air Quality Management District.*

- While the 2025 implementation timeline for Roll-On/Roll-Off ships (RoRos) is better than the previous proposal for 2024, as articulated in the Ports previous joint letter from April 29, 2020, the Ports remain concerned that this industry will not be able to develop, commercialize, and widely deploy the required technology within this timeframe. Respectfully, the Ports still support the previously requested a timeline for RoRo implementation of 2027.
- Development of tanker vessel emission capture and control technology is nascent. We believe the 2025 timeline is infeasible, and a deadline of 2029 will be necessary. The hurdles to overcome the safety challenges associated with the tanker vessels are significant, and a hazard assessment must be conducted. We understand you plan to release a \$10 million solicitation to fund development, testing, and certification of this technology. According to your webinar hosted on July 15, you anticipate the selected project demonstration to conclude by 2025. This does not leave any time for production, purchase, and implementation of the remaining eight systems required in the San Pedro Bay according to your agency's Berth Analysis.
- The steep cost of this regulation - \$2.23 billion - will have a substantial impact on the industry. The combined impact of the global trade wars, COVID-19, and implementation of more stringent regulatory requirements will likely result in additional cargo diversion, and consequently, excess emissions at non-California ports. Declining harbor revenues, lack of available cap-and-trade revenues, and competing funding needs for reduction of emissions from other sources have decreased the availability resources for implementation of this measure. The Ports ask that you appropriate significant funding during this time to make this rulemaking successful while ensuring our California ports remain competitive. Previously, the Ports requested at least \$200 million to support technology advancement and deployment. We reiterate this request, and ask that these dollars be appropriated to both RoRos and tankers statewide.

Lastly, we would like to highlight a new issue regarding the Interim Evaluation language:

- The Interim Evaluation, to be published by December 2022, is going to be critical in defining progress the industry will have made towards achieving the requirements of the new At Berth Regulation. A significant amount of data will need to come from ports, terminal operators, vessel operators, and any grant funded demonstration projects. It is unclear in the new regulatory language whether or not industry data will be accepted. We request that the development of the recommendations from this Interim Evaluation be based upon data provided by those organizations impacted directly, and the process for including data is transparent.

We thank you and your staff for your recommendations to their Board on June 25, 2020, and we thank your Board for recognizing the uncertain and unprecedented challenges the port industry faces today. While we agree we need the emission reductions from vessels at berth in order to move the needle on public health and clean air for our communities, we do continue to diverge on the level of effort it will take, the cost, and the time needed for successful implementation of this measure. The Ports are committed to working closely with your staff on developing the Proposed Control Measure for Ocean-Going Vessels at Berth and look forward to ongoing dialogue on these issues.

July 27, 2020

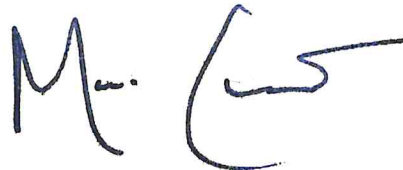
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Please feel free to reach out to Morgan Caswell, Port of Long Beach Manager of Air Quality Practices at (562) 283-7138 or via email at [morgan.caswell@polb.com](mailto:morgan.caswell@polb.com) or Teresa Pisano, Port of Los Angeles Marine Environmental Supervisor at (310) 732-3057 or via email at [tpisano@portla.org](mailto:tpisano@portla.org), with any specific questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'E. Seroka'.

EUGENE SEROKA  
Executive Director  
Port of Los Angeles

A handwritten signature in blue ink, appearing to read 'M. Cordero'.

MARIO CORDERO  
Executive Director  
Port of Long Beach

cc: Bonnie Soriano, CARB (via email [Bonnie.Soriano@arb.ca.gov](mailto:Bonnie.Soriano@arb.ca.gov))  
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