

July 27, 2020

California Air Resources Board

1001 I Street,

Sacramento, California 95814

Via Electronic submittal

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

The Coalition for Clean air submits these comments in support of the California Air Resources Board's proposed Control Measure for Ocean-Going Vessels ("OGVs") At Berth ("At Berth Regulation"). 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. 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 NOx and PM, in port to alternatives such as plugging into electrical power or using capture-and-control technology will reduce air pollution and improve public health. As a result, we urge the California Air Resources Board ("ARB") to adopt this regulation at its August meeting and move forward with its implementation as soon as possible.

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

Our primary reason for supporting the At Berth regulation is to protect public health. 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 NOx. Exposure to NOx 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 NOx emissions are a main reason we 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. The current COVID-19 pandemic provides a sobering demonstration of the need to protect respiratory health: experts have found that exposure to particulate matter increases COVID-19 mortality. ("Exposure to air pollution and COVID-19 mortality in the United States," Xiao Wu MS, Rachel C. Nethery PhD, M. Benjamin Sabath MA, Danielle Braun PhD, Francesca Dominici PhD, Harvard T.H. Chan School of Public Health, Updated April 5, 2020.)

Exposure to PM 2.5 can increase premature mortality, hospital admissions for cardiopulmonary causes, acute and chronic bronchitis, asthma attacks, and respiratory symptoms. 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 [PM2.5 and PM10]”, August 10, 2017, <https://ww3.arb.ca.gov/research/aags/common-pollutants/pm/pm.htm>.)

Researchers at McGill University followed over a million adults in Toronto and Montreal and their medical records from 1991 to 2016. 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 <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.)

It is critical that we protect public health in areas near ports; most of which are “disadvantaged communities” and have suffered environmental injustices for years or even decades. These areas tend to be comprised of the working poor and people of color who contend daily with 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>.)

The Proposed At Berth Regulation would improve on the existing At Berth Regulation by covering more OGVs and by lowering the visit threshold for determining which ports or terminals are encompassed by the rule. We are supportive of these changes, as they ensure that public health benefits accrue from all ships that visit a California port or independent marine terminal that exceeds 20 OGV visits annually. To continue to apply a regulation to fewer ships and ports would also continue to allow poor air quality to result from those ship visits. As a result, we support the new Regulation whole-heartedly and urge the ARB to implement the regulation beginning on January 1, 2021.

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

Although the total price tag of the At Berth Regulation appears high, when measured against the direct health benefits and the actual cost to the average consumer, it is clearly a worthy investment in a cleaner goods movement system and a healthier California populace.

The Proposed At Berth regulation will improve health benefits for all Californians and particularly communities directly impacted by port operations. Specifically, by 2032, the health benefits would total \$2.32 billion from 237 fewer premature deaths, 75 fewer hospital admissions, and 122 fewer emergency room visits statewide, while total costs for all 4 entities to implement would total about \$2.23 billion, while. In addition, potential cancer risks will be reduced by approximately 60%. (SOR VI-1,2.) From the Ports of Long Beach and Los Angeles alone—which are just two of the several ports and independent marine terminals expected to be affected by this rulemaking in California—about 2.4 million residents would have a reduced potential cancer risk from implementing the updated At Berth Regulation. (Id., see also p. V-15, p. III-7.)

The annual cost to the average individual consumer for these substantial health benefits is negligible.

III. The Proposed 15-Day Changes

A. Delayed Implementation Schedule for Ro-ros Is Unjustified. We oppose moving back the emissions control requirements for these vessels because it will result in greater emissions in 2024. At the June Board meeting, no convincing evidence was introduced to support the rollback; in fact, a persuasive case was made that the delay will prolong the suffering of communities in the San Diego area who are exposed to diesel fumes from ro-ros.

B. The Innovative Concept Provision Must Retain Safeguards, And Community Steering Committees Must Be Consulted. The innovative concept provision responds to the requests of the Western States Petroleum Association, Pacific Merchant Shipping Association and some ports. We welcome cost-effective alternative projects that achieve equivalent or greater emission reductions in the impacted communities at a lesser cost, but the provision must not become a loophole. Therefore, it is important that the alternatives reduce criteria pollutants at least as much as the controls would in the time frame needed to be in compliance, do not increase greenhouse gas emissions or increase emissions at other ports or terminals, provide additional reductions that would not have otherwise occurred, and do not use public funds. Furthermore, we agree that consideration of any innovative concepts should involve consulting with Community Steering Committees for AB 617 communities affected by at-berth emissions.

Respectfully submitted,

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Policy Director

Coalition for Clean Air