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WORLD SHIPPING COUNCIL
PARTNERS IN AMERICA'S TRADE

PMSA
PACIFIC MERCHANT SHIPPING ASSOCIATION

December 2, 2019

Chair Mary Nichols

California Air Resources Board

1001 I Street

Sacramento, CA 95814

Submitted via email to cotb@arb.ca.gov & Submitted via website at

https://www.arb.ca.gov/lispub/comm/bcsubform.php?listname=oqvatberth2019&comm_period=A

Re: Proposed Control Measures for Ocean-Going Vessels At Berth
Item 19-11-1, December 5, 2019

Dear Chair Nichols,

Thank you and the ARB staff for continuing to work with us on amendments to the existing At Berth Regulations for Oceangoing Vessels to address the myriad issues which exist with respect to the proposals that effectively rewrite and create an entirely new set of control measures for Oceangoing Vessels At Berth. Our industry coalition members continue to have many significant concerns with the proposed replacement of the existing rules.

We respectfully request that the Board direct the ARB staff to do both of the following prior to bringing this item back for approval at a future meeting:

- work with fleets of existing regulated container, cruise, and refrigerated vessels and the terminals and ports at which they call to create amendments to the current regulation to help improve compliance methodologies and develop checklists for fleets, ports and terminals consistent with current CARB enforcement guidelines
- conduct feasibility studies to evaluate and identify the most effective and most economical application of future At Berth controls to additional classes of oceangoing vessels in a new and separate rule and potentially identify alternative compliance pathways which achieve emissions which are greater than or equal to the existing proposal at a higher level of cost-effectiveness

As the Board is well aware, the existing regulations on Vessels At Berth were not only groundbreaking when adopted in 2007, but they remain the most comprehensive and strict set of vessel at berth regulations in the world. The existing regulations have been exceptionally successful in creating overall emissions reductions well in excess of ARB's original estimates and have resulted in a globally unprecedented level of private and public investment in vessel fleets and on-shore cold-ironing infrastructure estimated at some \$1.8 billion. Moreover, the current rule is still being phased-in, with even stricter requirements starting January 1, 2020. Under existing rules, CARB's current prediction is that regulated vessel fleets will achieve 93% DPM emissions reductions – to 0.1 tpd - through 2031, a level well-below CARB's targeted 2020 outcomes for the current rule. (see Charts, *attached*)

The current ARB regulation has built a foundation of significant industry investment in the infrastructure and equipment necessary upon which the Board can rely for sustained emissions reductions. Additional changes are however needed to the current regime to make it more equitable, to improve compliance methodologies and to ensure parties are not subject to requirements that fall outside of their operational control. The Coalition members have collectively and individually worked with ARB staff for many years to provide suggestions and recommendations to address our joint and individual concerns with the rule and to help ARB staff meet the underlying emissions and health objectives that the Board has established. However, while the current staff proposal addresses some of the Coalition member concerns, many issues remain outstanding. These concerns and issues will be addressed in individual Coalition member comments and recommendations submitted to this docket.

Further, with respect to regulating new classes of vessels, the current staff proposal fails to provide a clear and comprehensive cost-benefit analysis for each class, assumes that capture and control technology which barely functions today is a viable control option, and omits needed pre-regulatory feasibility determinations.

In addition, to achieve the goals shared by ARB and stakeholders, and to achieve the State's policies as enunciated in the SIP, Mobile Source Strategy, Sustainable Freight Action Plan, SB 32 Scoping Plan, and AB 617 Blueprint, an Alternative Proposal was submitted by the industry coalition in February of this year which would have boosted and improved compliance by currently regulated fleets within the parameters of the existing regulations as well as setting a solid foundation for a discussion on how and when to further reduce emissions from all categories of vessels at berth in the near future. Unfortunately, we are disappointed that the ARB staff proposal before you, including the SRIA, did not analyze the benefits of the Alternative Proposal. The industry coalition respectfully requests that the Board further direct the ARB staff to evaluate the Alternative Proposal prior to bringing back the current staff proposal before the Board for approval.

Each of the undersigned organizations and/or their memberships will be submitting independent comments by the December 9, 2019 submission deadline. These comment letters will contain more technical and specific comments with respect to individual vessel fleets, vessel types, port and terminal issues, equipment concerns, and numerous other rulemaking considerations. This letter incorporates those concurrent submissions by reference here. Additionally, this letter incorporates all prior correspondence by our collective industry associations by reference.

We very truly look forward to immediately improving the current rule and working to achieve the most cost-effective and successful future emissions reductions from the waterfront as possible.

Sincerely,

California Association of Port Authorities
Pacific Merchant Shipping Association
World Shipping Council

Cruise Lines International Association
Western States Petroleum Association

