



December 3, 2019

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

Dear Mr. Corey:

**SUBJECT: PORT OF LOS ANGELES AND PORT OF LONG BEACH COMMENTS
ON THE PROPOSED REGULATION ORDER, "AIRBORNE TOXIC
CONTROL MEASURE FOR AUXILIARY DIESEL ENGINES OPERATED
ON OCEAN-GOING VESSELS AT-BERTH IN A CALIFORNIA PORT"**

The Port of Long Beach and Port of Los Angeles (Ports) appreciate this opportunity to provide comments on the California Air Resources Board (CARB) proposed regulation order, "Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port" released in the Initial Statement of Reasons (ISOR) on October 15, 2019. The Ports also appreciate you and your staff's willingness to meet with us throughout the rulemaking process. We found those meetings productive and helpful, and we hope to continue this cooperative relationship going forward.

The Ports support the changes incorporated into the latest regulatory proposal, specifically:

- The new rule would go into effect in 2021, but additional emission reduction requirements of the regulated fleet would be delayed until January 1, 2025.
- Bifurcating the cruise vessels into two categories, one for vessels which carry less than 1,500 combined passengers and crew, and one for vessels which carry more than 1,500 combined passengers and crew, and providing different hourly remediation fees for each.
- Tier III ships would have lower remediation fees than other Tier 0 to Tier II ships.

The Ports remain concerned with the following key elements of the proposed regulation:

- Future compliance with the timelines remains too difficult for the Roll-on/roll-off (RoRo) vessels and tanker vessels, which are currently proposed to comply with a

90% control requirement in 2025 and 2027, respectively. Given the technology to control emissions from RoRos and tanker vessels does not exist today, and the significant safety concerns associated with tanker vessels, we request at a minimum two additional years with each category. RoRos should be required to comply in 2027 at the earliest, and tankers at the San Pedro Bay Port should be required to comply in 2029 at the earliest.

- The industry has raised significant concerns regarding the potential alternative emission capture and control technologies upon which this regulation depends, including cost, operational viability, safety, and the reality that utilizing these technologies will increase greenhouse gas emissions. The technology for controlling at-berth emissions for RoRo vessels or tanker vessels has never been demonstrated and a prototype does not exist. The technology feasibility assessment proposed for 2023 should require CARB staff assess the state of technology, the readiness to deploy it at each port, safety considerations, and cost-effectiveness. The rule should specifically call out these elements as required components of the feasibility assessment. In addition, there should be a mechanism for staff, without returning to the CARB Board for approval, to make the necessary changes to the implementation timeline should the feasibility assessment demonstrate the technology is not feasible or the costs too great per ton of emissions reduction.
- CARB previously provided funding on the scale of hundreds of millions of dollars through Prop 1B to support shorepower investment for the currently regulated fleet. The ISOR estimates compliance under the proposed regulation will cost the shipping industry \$2.2 billion. To reduce the likelihood of cargo diversion, which could result in greater emissions overall, and to support the development and deployment of the requisite alternative emission capture and control technologies for tanker and RoRo vessels, the Ports request CARB allocate at least \$200 million for tanker and RoRo emission capture and control technology or shore power statewide.
- The Ports support including Alternative Compliance Plans for the currently unregulated fleet including Tankers and RoRos in the regulation.
- Lastly, the Ports recommend that the Air Districts maintain responsibility for implementation of the remediation fund. Our local air district, the South Coast Air Quality Management District, has the greatest local experience in evaluating technology, developing solicitations, and building air quality programs.


This regulation sets an important precedent not only for California, but also for ports worldwide. Success will be dependent upon reasonable timelines, feasible technology, and public and private funds, which drive technology commercialization. The Ports appreciate the opportunity to work with CARB on this important effort to develop an effective regulation to reduce air emissions from vessels and public health impacts in our communities.

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

Sincerely,



EUGENE SEROKA
Executive Director
Port of Los Angeles



MARIO CORDERO
Executive Director
Port of Long Beach

cc: Bonnie Soriano, CARB (via email Bonnie.Soriano@arb.ca.gov)
Angela Csondes, CARB (via email Angela.Csondes@arb.ca.gov)
Nicole Light, CARB (via email Nicole.Light@arb.ca.gov)