



November 12, 2021

Chair Randolph and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Comments on the Proposed Amendments to Commercial Harbor Craft Regulation

Dear Chair Randolph and Members of the Board,

Thank you for the opportunity to provide comments on the California Air Resources Board's proposed amendments to the Commercial Harbor Craft regulation (Harbor Craft Regulation). The undersigned organizations strongly support the strengthening of the proposed Harbor Craft Regulation, as this will be an important step towards cleaning up a major source of diesel pollution in California. We appreciate CARB staff's hard work on these proposed amendments.

Over three years ago, CARB staff identified to this Board the urgent need to further reduce emissions from harbor craft because of the growing health impacts from this industry.¹ At this Board meeting, which took place in the South Coast Air Basin, the Board provided assurances to the public that it would target this high source of health risk and pollution. In fact, absent CARB's adoption of the proposed amendments, pollution from these vessels is on track to be the largest contributor of near-source

¹ California Air Resources Board, Proposed Amendments to the Commercial Harbor Craft Regulation, Initial Statement of Reasons, II-2 [hereinafter ISOR].

cancer risk around the Ports of Los Angeles and Long Beach in 2023.² This life-saving regulation will provide significant emission reductions statewide, offer much-needed relief to portside communities, and fulfill the promises the Board made to those in attendance at the March 2018 Board meeting.

I. The Proposed Amendments will offer significant health benefits to impacted communities.

Most harbor craft in California continue to operate on old diesel engines and emit high levels of dangerous air pollutants, such as diesel particulate matter (DPM) and nitrogen oxides (NOx). There are serious public health risks associated with short- and long-term exposure to NOx, including increased risks of developing respiratory and cardiovascular diseases, cancer, and premature death.³ Long-term exposure to DPM is also associated with increased rates of chronic respiratory and cardiovascular diseases, decreased lung function in children, lung cancer, and premature death.⁴

This rule is critical because it will reduce the disproportionate pollution burdens of portside communities in California. Communities living near ports bear disproportionate health burdens from port operations, including harbor craft. Several AB 617 communities, including portside communities in Stockton, West Oakland, Wilmington/West Long Beach/Carson, and San Diego, have specifically identified harbor craft emissions as a primary area of concern.⁵

While the existing Harbor Craft Regulation has resulted in emission reductions, harbor craft are set to become one of the largest sources of diesel pollution in many areas of the state, including the South Coast Air Basin. By requiring more harbor craft to switch to cleaner engines, the proposed rule will significantly reduce harmful pollution. From 2023 to 2038, the Proposed Amendments will reduce NOx emissions by 34,340 tons and DPM emissions by 1,680 tons.⁶ This constitutes a 52 percent reduction in NOx emissions and 89 percent reduction in DPM emissions.⁷

These emissions reductions will result in important health benefits, which are most pronounced in areas with high harbor craft activity, such as the South Coast and San Francisco Bay Area. Over the life of the rule, the proposed rule will result in 126 fewer premature deaths in the South Coast. Statewide, the rule will prevent 531 premature deaths, 236 asthma emergency room visits, and 161 hospitalizations for respiratory and cardiovascular illnesses.⁸ These health benefits are valued at \$5.25 billion, which far outweigh the estimated net cost to individual consumers.⁹

² California Air Resources Board, Proposed Amendments to the Commercial Harbor Craft Regulation, Standardized Regulatory Impact Assessment, 15 [hereinafter SRIA].

³ SRIA, 16.

⁴ ISOR, II-4; SRIA, 15.

⁵ SRIA, 24.

⁶ ISOR, VI-4.

⁷ *Id.*

⁸ California Air Resources Board, Proposed Amendments to the Commercial Harbor Craft Regulation, Appendix G: Health Analyses, G-61 [hereinafter App. G].

⁹ *Id.* at G-66. The estimated cost to individuals are as follows: \$1.81 per passenger for high-speed ferry one-way trips, \$0.97 per passenger for short-run ferry one-way trips, \$1.04 per passenger for excursion vessels, \$0.38 per TEU for tug vessels, \$0.04 per pound of fish for commercial fishing vessels, \$28.02 per passenger/day for commercial passenger fishing vessels one-day trip, \$26.09 per passenger/day for commercial passenger fishing vessels multi-day trip, and \$93.51 per passenger per day for 6-pack commercial passenger fishing vessels. SRIA, 113.

II. A strengthened Harbor Craft Regulation is feasible and necessary.

Many harbor craft in California, including workboats, tank barges, and fishing vessels, still operate on dirty diesel engines that only meet decades-old emission standards.¹⁰ Under the current regulation, Tier 0 to Tier 2 engines will contribute over 50 percent of total NOx and PM emissions from harbor craft by 2050.¹¹ Commercial passenger fishing vessels, in particular, are a huge source of NOx and PM and constitute the second largest emitting categories of commercial harbor craft.¹² This category alone emits 22.83 tons of DPM per year.¹³ The proposed amendments would require commercial passenger fishing vessels with the dirtiest diesel engines – Tier 0 and Tier 1 – to meet cleaner emission standards beginning in 2023. Importantly, people are getting sick and dying from the pollution from these vessels, and the Board should reject efforts from this industry to weaken the rule and provide far fewer health benefits to some of the most air polluted places in the country.

As harbor craft are a growing contributor of pollution, reductions from harbor craft are also necessary for California to meet state and federal air quality standards in some of the most polluted regions in the nation. Without significant emission reductions from all sources of NOx pollution, including all categories of harbor craft, the South Coast will be unable to meet federal ambient air quality standards.¹⁴ The emission reductions from this rule will also benefit other nonattainment areas in California, including the San Joaquin Valley, San Francisco Bay Area, Ventura County, and San Diego.¹⁵

While the proposed amendments will bring significant emissions reductions, we recommend that CARB include zero-emission targets for additional categories of harbor craft. Zero-emission harbor craft are already being deployed in California,¹⁶ and CARB has an opportunity to further reduce emissions from harbor craft by setting more zero-emission targets in this rule. At a minimum, we request that CARB conduct an interim evaluation of the Harbor Craft Regulation before 2024 to evaluate progress and the state of technology to determine whether additional amendments are feasible.

We urge CARB to prioritize public health by moving forward with a strong Harbor Craft Regulation. Thank you for your consideration.

Sincerely,

Regina Hsu
Adrian Martinez
Earthjustice

¹⁰ California Air Resources Board, Proposed Amendments to the Commercial Harbor Craft Regulation, Appendix H: 2021 Update to the Emission Inventory for Commercial Harbor Craft: Methodology and Results, H-23 [hereinafter App. H].

¹¹ *Id.* at H-25.

¹² *Id.*

¹³ App. G, G-5.

¹⁴ SRIA, 20, 23; App. H. at H-26.

¹⁵ SRIA, 22.

¹⁶ Chris Jennewein, Port of San Diego to Test First Electric Tugboat at Tenth Avenue Terminal, Times of San Diego, Jul. 12, 2021, <https://timesofsandiego.com/tech/2021/07/12/port-of-san-diego-to-test-first-electric-tugboat-at-tenth-avenue-terminal/>; Taylor Kate Brown, Is a zero-emissions ferry commute in your future, San Francisco Chronicle, June 10, 2021, <https://www.sfchronicle.com/climate/article/MicroClimates-Is-an-electric-ferry-commute-in-16238933.php>.

Marc Carrel
Breathe Southern California

Ana Gonzalez
Center for Community Action & Environmental Justice

Taylor Thomas
East Yard Communities for Environmental Justice

Sylvia Betancourt
Long Beach Alliance for Children with Asthma

David Pettit
Natural Resources Defense Council

Andrea Vidaurre
People's Collective for Environmental Justice

Peter M. Warren
San Pedro & Peninsula Homeowners Coalition

Yassi Kavezade
Sierra Club