



VIA ONLINE SUBMISSION

December 3, 2019

Transportation and Toxics Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Comments on ocean-going vessels at berth regulation

Environmental Defense Fund (EDF) respectfully submit these comments in support of the California Air Resources Board's new Ocean-Going Vessels At Berth Regulation. EDF is an environmental advocacy organization with more than two million members and expert staff working across multiple disciplines and sectors. We work to reduce air pollution from the goods movement sector, and we support communities impacted by emissions from marine ports' operations in California and Texas. Most recently, EDF served on the Steering Committee for the West Oakland Community Action Plan.

EDF strongly supports the new at-berth vessel regulation proposed by CARB staff. EDF commends CARB's proposal to include additional vessel types, as well as ports and terminals, not currently covered by the existing regulation. Additionally, the proposed new rule to regulate at-berth emissions on individual vessel visits will be a much more robust, effective and more readily enforceable approach than the current fleet-based regulation. We believe the proposal will provide greater benefits to communities most impacted by vessel emissions.

We urge CARB to take into account the following:

1. Adopt and implement the proposed new rule expediently and without further delay. While the proposed implementation timeline of nine years (2021-29) is ambitious, it is hugely important for public health protection, as well as an important means for achieving the State's climate goal of the necessary GHG reduction by 2030. Additionally, the staggered implementation schedule provides for different practical needs of the range of OGVs to comply, as well as the infrastructure differences among the marine ports statewide.
2. This proposed regulation responds directly to a mitigation strategy included in the West Oakland Community Action Plan -- the first community-led plan aimed at reducing local air

pollution following the directive of Assembly Bill 617. The West Oakland Plan proposes that “The California Air Resources Board develops amendments to the At-Berth Air Toxics Control Measure to further reduce ship emissions at berth by strengthening the regulation to cover more vessel visits and types of ships.”¹ Estimates from the community-scale modeling show that OGV berthing is the largest localized source of Diesel PM (4.3 tons per year), the third largest source of PM_{2.5} emissions (7.8 tons per year), and the largest contributor to cancer risk-weighted toxic air contaminants (~3,200).² This new regulation will be an important mechanism by which the community will achieve the emission reduction goal set out in the plan.

3. The proposed regulation requiring greater use of shore power or alternative emissions capture and control systems will accelerate the further development and growth of these technologies, and will bring down costs over time. This will make these technologies more affordable and familiar to vessel operators and ports, incentivizing adoption beyond California. EDF, for example, is aware of interest from facilities in the Houston Ship Channel in Texas for control systems for ocean going tankers.
4. The proposed regulation provides for a remediation fund³ that will allow those who cannot immediately comply with the new regulation to mitigate their emissions whereby the fund must be spent on projects that reduce emissions in the communities impacted by the uncontrolled vessel emissions. This option provides a potential solution to the uncertainties and constraints faced by operators. However, it is critical that this provision does not become a substitute for compliance efforts, so there should be an escalation factor (applied to the fees) and/or time limitation to discourage overuse of this provision.
5. Concurrent with implementing robust regulations to address vessel emissions at berth and protect community health, CARB should also continue its work to streamline the process for approving and verifying emissions control technologies that can be used for compliance. CARB should coordinate with other key agencies, like EPA, as well as standards organizations that can help create industry-wide standards and protocols to help accelerate the commercialization for these clean technologies.

EDF greatly appreciates CARB’s effort in developing this regulation, which will provide real and significant emission reductions that will benefit many at-risk communities around California ports. This proposed regulation has been discussed for decades and we urge CARB to approve it without any further delay.

Sincerely,

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¹ <http://www.baaqmd.gov/~media/files/ab617-community-health/west-oakland/100219-files/final-plan-vol-1-100219-pdf.pdf?la=en> Page 6-28, Strategy #60

² Ibid Page 5-7

³ <https://ww3.arb.ca.gov/regact/2019/ogvatberth2019/isor.pdf>, Page III-31