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CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

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December 9, 2019

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

SUBJECT: COMMENTS ON THE PROPOSED AT-BERTH REGULATION

Dear Mr. Corey:

The California Association of Port Authorities ("CAPA"), which is comprised of the state's eleven publicly owned commercial ports, appreciates this opportunity to provide comments on the California Air Resources Board's ("CARB") proposed "Airborne Toxic Control Measure for Auxiliary Diesel Engines Operated on Ocean-Going Vessels At-Berth in a California Port."

CAPA and its members have a long history of working collaboratively with CARB on air emissions regulations. We appreciate your willingness to meet with our members during the rulemaking process and take their comments into account, and we hope to continue serving as constructive partners to CARB as the process moves forward.

CAPA members are fully committed to reducing air emissions from vessels at-berth and their public health impacts on our communities, including homes, schools, and businesses, and we share CARB's goals of achieving ambitious improvements to air quality. We are proud of our role as environmental stewards and the significant results in reducing freight-related emissions reduction that we have already achieved working closely with our partners – including CARB, our local air quality and pollution control regulators, and our customers – through a combination of regulatory, incentive, and voluntary programs.

For example, the Port of Oakland has reduced diesel particulate matter (DPM) from truck emissions by 98%; between 2006 and 2016, the Port of San Diego reduced DPM by 85%, SOx by 97%, and NOx by 61%; and the Port of San Francisco has reduced particulate matter emissions from cruise ships by 61% from 2006 levels. Since 2005, the Ports of Los Angeles and Long Beach have reduced diesel particulate matter from OGVs by 93%, NOx by 60%, SOx by 97%, and CO2e by 31%, according to 2018 emissions inventories.

As CARB reviews the comments and considers next steps, CAPA suggests three important factors to bear in mind in seeking to realize our shared air quality improvement objectives:

- First, as CAPA noted in its October 9, 2017 submission and as is clear from the comments that have been submitted by our member port authorities, taking a standardized approach to achieving air emissions reduction is problematic. “If you’ve seen one port, you’ve seen one port” is a common expression in the port community. That statement certainly applies when it comes to California ports, whose operations vary significantly from port to port. Their facilities are different, as are the vessel types they service. CAPA members also operate in different air basins that have differing air quality concerns. These differences should be highly relevant to CARB as it seeks to put in place a world-class standard for reducing harmful air emissions, and CARB should take these differences into account in order to maximize the effectiveness of its regulatory scheme.
- Second, CARB should undertake a thorough analysis of the proposed measure and feasible alternatives to ensure that the measure selected maximizes net benefits to society. A final rule that inadvertently diverts cargo to ports outside California would result in the cargo being trucked back to California markets and actually increase air emissions and GHG concerns. In crafting a suitable approach, it is critical that CARB utilize the best available scientific and technical information. For instance, CARB forecasts a 5% year-over-year growth of cargo for the next decade, whereas our ports have voiced that a 2-2.5% growth rate is realistic. Accordingly, the forecasted emissions assumptions that CARB is relying on do not appear to be supported by the data and, as a result, they distort CARB’s analysis of the proposal’s effectiveness, impact on regulated entities, and benefits. In addition, the proposed rule relies on technologies – such as the bonnet system – that are still being proven for different vessel categories, and for which the cost effectiveness of widespread use remains to be confirmed. Given the proposal’s potential negative impacts on employment, both at the ports and in the communities they serve (which are often in economically-challenged areas), it is important that we get this right.
- Taking into account these elements, CARB should modify its proposal to focus less on a “one size fits all approach” and more on permitting the use of flexible approaches, or alternative compliance plans, that will help each port achieve compliance taking into account its own unique circumstances. Approaches that CARB could usefully consider include: (1) providing funding to support investment in technologies that will help ports to comply with the proposed at-berth regulations and do not increase GHG emissions, recognizing that the funding and technologies required may differ from port to port; (2) providing flexible timeframes, given the uncertainty surrounding the availability of emissions capture and control technologies that are necessary to achieve compliance and taking into account the differences between California ports; and (3) allowing vessel operators, in coordination with ports, to develop local or regional emissions reduction plans that would achieve air emissions reductions that are equivalent to the proposed at-berth regulations, but through other means.

Thank you again for providing the opportunity to comment. This rulemaking will set an important environmental precedent for the United States, as well as globally, and we want these efforts to serve as a model throughout the country and the world for reducing air emissions from ships at-berth. We look forward to working with you to continue reducing emissions to the benefit of our communities, and improving the competitiveness of the California freight system. Please feel free contact us with any questions.

Best,

A handwritten signature in blue ink, appearing to read 'E. Seroka', with a stylized flourish at the end.

Eugene D. Seroka
President, California Association of Port Authorities

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)