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April 6, 2020

The Honorable Mary D. Nichols, Chair
California Air Resources Board
1001 I Street
Sacramento, CA 95814

RE: Control Measure for Ocean-Going Vessels at Berth

Dear Chair Nichols and members of the Board:

I write urging you to include articulated tug-barges, commonly referred to as “ATBs,” in the Board’s proposed “Control Measure for Ocean-Going Vessels at Berth (At-Berth Rule). As the former ranking member of the House Subcommittee on Coast Guard and Maritime Transportation, I have a keen interest in the issues facing our nation’s ports and domestic maritime industry.

An ATB is a United States-flagged, Jones Act-qualified combined tug and barge vessel consisting of a large-bulk, liquid shipping capacity barge connected to a large ocean-going tug for propulsion. These vessels are functionally equivalent to ocean-going, medium-range, self-propelled tankers.

Under the Board’s current proposal, all self-propelled bulk tank vessels calling at port in California—whether foreign or US-flagged—will be subject to the At-Berth Rule while their functional equivalents, Jones Act ATB’s, will not. This makes little sense, especially given that ATB’s operate at multiple ports of call across the United States and internationally. They truly are ocean-going vessels and should be included under your rule as such.

If not included in the final At-Berth Rule, self-propelled tank vessels and ATB’s will face significantly different emissions control requirements in California despite performing the same function. This appears neither rational nor fair considering that self-propelled bulk liquid tankers, many of which foreign flagged, are ATB’s competition in interstate and international commerce. Including ATB’s in the final rule will ensure they are

subject to the At-Berth Rule's cold iron, plug-in, or emissions capture requirements when moored alongside bulk liquid terminals in California.

Failing to include ATB in the At-Berth Rule would not advance the Board's interest in improving California air quality. To my knowledge, the Board has not provided any explanation to date for why ocean-going vessels need to have their emissions regulated differently than ATB's.

Again, I respectfully request that the Board include ATB's as ocean-going vessels under the final At-Berth Rule. Please do not hesitate to contact me, or have your staff contact my office, to discuss the concerns identified in this letter. Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, reading "John Garamendi". The signature is fluid and cursive, with the first name "John" being particularly prominent.

JOHN GARAMENDI
Member of Congress