

**American Lung Association
Bay Area Healthy 880 Communities
Bayview Hunters Point Community Advocates
Breathe California
Breathe LA
California Environmental Rights Alliance
California Safe Schools
Center for Environmental Health
Citizen's Coalition For A Safe Environment
Coalition For A Safe Environment
Coalition for Clean Air
Communities for a Better Environment
Community Action to Fight Asthma
Ditching Dirty Diesel Collaborative
Earth Day Los Angeles
East Yard Communities for Environmental Justice
End Oil/Communities for Clean Ports
Environment Now
Environmental Health Coalition
LAANE
Long Beach Alliance for Children with Asthma
Natural Resources Defense Council
Pacific Institute
Pacoima Beautiful
Physicians for Social Responsibility – Los Angeles
Regional Asthma Management and Prevention
Rose Foundation for Communities & the Environment
Sierra Club
Union of Concerned Scientists
West Long Beach Neighborhood Association
West Oakland Environmental Indicators Project**

September 21, 2009

Chairman Mary Nichols and Board Members
California Air Resources Board
1001 I Street, Sacramento, CA 95818

RE: Diesel Emission and Cancer Risk Reductions from Locomotives and Rail Yards

Chairman Nichols and Board Members:

We, the undersigned public health, environmental and environmental justice organizations, ask you to exercise your authority in protecting the public health of California communities by taking aggressive steps to reduce emissions from rail yards and locomotives.

In 2008, the California Air Resources Board completed Health Risk Assessments (HRAs) for 18 Rail Yards in the state of California. The HRAs demonstrated that these 18 rail yards pose an unacceptable level of diesel exposure to California residents. In total, these rail yards are responsible for 210 tons of diesel pollution a year and put more than 3 million Californians at greatly elevated risk of cancer.

The CARB staff has generated a *Technical Analysis Report* titled: Technical Options to Achieve Additional Emissions and Risk Reductions from California Locomotives and Railyards and has also released ARB's *Locomotive and Railyard Recommendation* document titled Recommendations to Implement Further Locomotive and Railyard Emission Reductions.

While we appreciate that the recommendations provided by ARB staff do show a reduction in railyard emissions, we are concerned by the over-reliance on incentive programs as the main strategy to achieve reductions from this pollution source. An incentive program does not guarantee that those reductions will be achieved purely through incentives or that they will be enough to bring health risks down to acceptable levels. The State has the authority and duty to regulate the rail yards in California because they are a significant source of pollution in the local area and region. We need rules and regulations to ensure that the public health is prioritized.

The Cal. H&S Code §§ 43013, 43018 provide the duty that California ARB achieve maximum reductions possible for mobile sources to comply with the National Ambient Air Quality Standards (NAAQS) and state standards, unless preempted by federal law.

To achieve the maximum reductions possible, locomotives cannot be the only emission sources considered in this recommendation document. Diesel emissions from other sources of pollution such as cargo handling equipment and heavy-duty trucks also contribute significantly (~48% in intermodal rail yards) to the exceedance of the state and federal ozone and particulate matter standards in many California air basins and, therefore, should be considered for additional reduction opportunities.

In addition, measures to reduce oxides of nitrogen and particulate matter at California's rail yard should be crafted to maximize greenhouse gas reductions while achieving the greatest public health benefits as quickly as possible. Accounting for greenhouse gas reductions will help identify the lowest-emission solutions available and provides an opportunity for additional sources of incentive funding. For example, electrification of yard hostlers rather than repowering with diesel engines can eliminate diesel emissions and provide greenhouse gas emission reductions as well.

We urge you to implement the following three recommendations in your board action:

1. Adopt rules, regulations and guidelines that would require replacing, repowering, and retrofitting all non-preempted locomotives to reduce emissions, health risks and PM exposures;
2. Approve rules, regulations and guidelines towards emission reductions, exposure and health risk reductions that include and implement enforceable measures for site-specific diesel particulate matter mitigation plans for the 18 major California rail yards; and
3. Direct staff to study and evaluate long-term measures for emission and risk reductions (such as electrification of rail and advanced locomotive research programs).

We thank you in advance for considering these requests and look forward to working with you and your staff on a plan that will achieve strong health protective measures for California communities.

Sincerely,

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