

Coalition for Clean Air • Natural Resources Defense Council • American Lung Association of California • The Coalition for a Safe Environment • Communities for Clean Ports • East Yard Communities for Environmental Justice • Environmental Health Coalition • Friends of the Earth, Long Beach Alliance for Children with Asthma • Regional Asthma Management and Prevention (RAMP) Initiative Statewide • Sierra Club California

December 5, 2007

Chairwoman Mary Nichols and Board Members
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Strong Support of the “Shore Power” Regulatory Proposal

Dear Chairwoman Nichols and Members of the Board,

We write on behalf of the Coalition for Clean Air, Natural Resources Defense Council, American Lung Association of California, The Coalition for a Safe Environment, Communities for Clean Ports, East Yard Communities for Environmental Justice, Environmental Health Coalition, Friends of the Earth, Long Beach Alliance for Children with Asthma, Regional Asthma Management and Prevention (RAMP) Initiative Statewide and Sierra Club California in strong support of the proposed regulation to reduce emissions from Diesel Auxiliary Engines on Ocean-Going Vessels while at berth (the “Shore Power” rule). We commend the ARB for moving forward on this critical step towards implementation of the ARB’s Diesel Risk Reduction and Goods Movement Emission Reduction Plan (GMERP) goals, as well as the ARB’s effort to achieve state and federal air quality goals and implement AB32 early action measures.

Marine emissions account for 30% of all diesel particulate matter (DPM) in California. ARB’s *Diesel Particulate Matter Exposure Assessment* for the Ports of Los Angeles and Long Beach found that hotelling emissions from oceangoing vessels (OGVs) were the number one cause of elevated cancer risk from on-port sources. Compounding these impacts, as trade volumes increase, ships are expected to contribute roughly three-fourths of the DPM from goods movement sources by the year 2020.¹

Most major ports operate virtually next door to residential neighborhoods, schools, and vulnerable populations. Due to close proximity to the ports, nearby communities face extraordinarily high health risks from the associated air pollution. This landmark regulation will bring much needed emission reductions to overburdened port communities and will reduce the number of premature deaths, incidences of cancer and other public health impacts caused by exposure to dirty diesel exhaust from ships. For

¹ California Air Resources Board, ‘Draft Goods Movement Emission Reduction Plan’, December 2005. Note ARB only calculated international contributions to the goods movement system in this iteration of their Emission Reduction Plan.

this reason, we submit to you our recommendations for strengthening and improving this important life saving regulation.

Prevent a compliance loophole and strengthen requirements for passenger ships

The regulation in its current form exempts container fleets that visit a port less than 25 times per year and passenger ships that visit less than 5 times per year. We are concerned that this may evolve into a significant loophole and recommend that the requirement be expanded include a per vessel threshold of two visits on top of the fleet wide requirements so that cruise lines and shippers cannot create subsidiaries to evade the rule.

Additionally, passenger vessels can remain in port for extended periods of time and operate with hundreds of people on board and in close proximity to port communities while generating significant amounts of harmful diesel pollution. For this reason, all cruise vessels visiting California should be required to use shore power while at berth.

Recommendation: Strengthen requirements to apply to individual vessels as well as fleets to avoid a possible loophole. At a minimum, all ships visiting more than twice a year should comply with the requirements of the regulation. Ensure that all visiting passenger ships use shore power while at berth.

Prevent Greenhouse Gas Reductions Backsliding

We expect greenhouse gas (GHG) reductions from this regulation to be significant. We are pleased that this rule is the first Early Action Measure for AB 32, the Global Warming Solutions Bill. Any method of compliance that would cause increased greenhouse gasses should not be allowed, especially where compliance options exist that reduce GHG. All compliance pathways should be held to the GHG standards set for Distributed Generation—for example the WittMar LNG shore power equipment. We support the South Coast Air Quality Management District’s (SCAQMD) recommendation that alternative technologies should be at BACT.

Recommendation: Ensure that compliance pathways meet GHG standards to guarantee the maximum potential GHG reductions possible through this rule.

Accelerated uniform compliance for maximum public health benefits

As you are aware, ARB’s GMERP committed to a shore power strategy that would require at least 20% of ship visits to use shore power by 2010. ARB must incorporate this specific provision into the regulation. While we are pleased that staff amended the regulation to include specific emission reduction requirements by 2010 for one pathway—all compliance pathways should be collapsed into one that starts with the 2010 and that follows the same aggressive timeline of 20% of all ship visits by 2010, 40% of all ship visits by 2012, 60% of all ship visits by 2014 and ending with 80% of ship visits by 2016. We support the SCAQMD’s recommendation that there must be set 2010 and 2012 goals for all compliance pathways—the ARB should not let polluting ships off the hook until 2014.

Further, ARB’s Diesel Risk Reduction Plan commits to reducing the risk from diesel pollution by 75% by 2010. We are extremely concerned that ARB is not on track to meet this target. Every regulation ARB is considering must be in line with the significant reductions that must happen by this date.

By incorporating 2010 emission reduction requirements and adding an additional interim deadline in 2012, ARB would send a clear signal to ports, terminal operators and shipping lines to shift toward shore power, quickly and incrementally. Industry must continue taking steps today to ensure land-side infrastructure is put in place at all terminals subject to regulation and the necessary number of ships are equipped for shore power.

Additionally, this regulation would create a backstop to lock-in emission reductions committed to through the San Pedro Bay Ports. Clean Air Action Plan (CAAP). Implementation of the CAAP will be hastened and more certain if ARB requires these more immediate, short-term reductions. Finally, a strong statewide regulation will ensure emission benefits are shared at ports statewide. CARB must keep its statewide commitment to ensure penetration of this technology.

Recommendation: ARB should collapse the compliance pathways to one uniform pathway that ensures, at a minimum, the goal articulated in the GMERP—20% of all ship visits to California’s ports should use shore power by 2010. Further, ARB should include an additional interim goal that by 2012, 40% of all ship visits should be required to use dockside power. Finally, 60% of vessel visits should be required by 2014 and 80% by 2016.

Encourage more than the bare minimum

As the regulation is currently written, ships are given three to five hours within docking to power down their auxiliary engines. While some flexibility is needed in allowing the ships to safely connect—the ARB can encourage operators to hook up as soon as safely possible in order to protect public health.

Recommendation: Require ships to power auxiliary engines down as soon as safely practicable instead of allowing a blanket 3-5 hours that is likely only rarely necessary.

CONCLUSION

We strongly support this regulation as the primary mechanism for implementing shore power for ships in California. We want to reemphasize the urgent need to address this source of pollution given the magnitude of the public health impacts from port operations and their growing impacts. Ultimately, an approach to shore power must be aggressive to take full advantage of emission reductions and the potential to further protect public health.

Strong Support of the “Shore Power” Regulatory Proposal

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Thank you very much for considering our recommendations to strengthen the (Shore Power) Ocean-Going Vessel Regulation.

Sincerely,

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