

**CALIFORNIA COMMUNITIES AGAINST TOXICS
CALIFORNIA ENVIRONMENTAL RIGHTS ALLIANCE
CALIFORNIA SAFE SCHOOLS
COALITION FOR A SAFE ENVIRONMENT
COMMUNITIES FOR CLEAN PORTS
DEL AMO ACTION COMMITTEE
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA
PHYSICIANS FOR SOCIAL RESPONSIBILITY
SOCIETY FOR POSITIVE ACTION**

October 19, 2007

Mike Waugh, Manager
California Air Resources Board
Stationary Source Division
P. O. Box 2815
Sacramento, CA 95812
VIA EMAIL: mwaugh@arb.ca.gov
VIA FACSIMILE: 916-445-5023

Re: Comment on Proposed At-Berth (Shorepower) Ocean-Going Vessel Regulation

Dear Mr. Waugh,

We thank you for your continued work on crafting a shore-power regulation which will significantly reduce emissions from ships calling at California's maritime ports. We are concerned that ARB is circumventing the public disclosure process by not making public the latest draft of shore-power regulations released in early October. We understand that the only parties that have officially been notified are the Ports of Los Angeles, Long Beach, and Oakland. A matter of such critical importance to California's environmental and public health should not only be decided by the ports.

We are also deeply troubled that, as detailed in this latest draft, alternative technologies which will secure early and critical emissions reductions from shore-power are in effect being penalized. As written, the timelines and percentages for compliance are set differently for grid-based shore-power; non-grid based shore-power and alternative control technologies; and hybrid combinations of electricity from grid, non-grid and alternative control technologies. As you know, the slowest and most relaxed schedule for compliance is placed on grid-based shore-power. In effect, what this will do is create conditions for industry to choose the slowest and most relaxed compliance. Even still, there is the very real possibility that industry will, as the grid-based deadline approaches, argue for delaying compliance on the grounds that it is not reachable -- as the diesel industry did with the ARB urban transit bus rule, for instance.

We believe that aggressive and immediate emissions reduction mandates must be applied to all technologies equally. To clarify, we believe that grid-based shore-power must

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comply with the same timeline as alternative technologies. Regardless of technology used, ARB should require that 30 percent of all ship visits to California's ports use shore-power by 2010. Further, ARB should include an additional interim goal by 2012 that 60 percent of all ship visits be required to use shore-side power; 80 percent of vessel visits should be required to plug-in by 2014; and 100 percent by 2016. This timeline should be uniform, no matter what technology is used. A uniform and aggressive schedule is also supported by a Bay Area Air Quality Management District comment letter on this regulation to ARB, dated October 10, 2007.

We strongly recommend that ARB set aggressive short-term and interim deadlines beginning in 2010 and 2012 to meet goals set in the Goods Movement Emissions Reduction Plan. Given the severity of air quality in the South Coast Air Basin, immediate and dramatic emissions reductions from ships are critical. This short-term 2010 goal we recommend goes beyond the projections set by ARB in its March 2006 report *Evaluation of Cold Ironing Ocean Going Vessels at California Ports*. In this report, ARB found that 20 percent of ship calls utilizing cold-ironing by 2010 is both technologically feasible and cost effective. Importantly, ARB did not make the distinction that only certain technologies could achieve shore-power by 2010—the finding was that shore-power by 2010 could be achieved regardless of technology.

In addition, early emission reductions are the most important emission reductions. The shoreside power regulation should also include a firm financial incentive to lure shipping lines into action now, rather than waiting for a state mandate to go into effect in six years. The current version of the regulation should be rewritten to include such an incentive, as the July 12th version did. In addition, CARB should work with the ports to determine any additional incentives that can be provided to shipping lines that adopt early compliance of the regulation before the first 2010 compliance deadline.

As previously noted, ARB should support the proven ability of alternative technologies such as low-emission dockside generators which have shown to deliver comparable and immediate emissions reductions benefits to grid-based power. This technology will result in air quality relief today, not seven years from today. We urge ARB to support proven and viable pathways to emissions reductions.

Put another way, we strongly urge ARB to construct this regulation around the cleanest air possible in the quickest manner possible. Let clean air be the guiding principle, as opposed to hedging timelines and compliance percentages according to particular technologies.

Again, we are deeply concerned that ARB is circumventing the public disclosure process and ask you to release your draft widely and publicly for public comment. We ask that you amend this current draft to reflect our recommendations as stated above, and distribute a revised draft widely and publicly with the required time necessary for public comment before the regulation comes before the ARB Board of Directors.

We thank you for your consideration of our comments.

Sincerely,

Jane Williams, Executive Director
California Communities Against Toxics

Angela Johnson Meszaros, Director of Policy & General Counsel
California Environmental Rights Alliance

Robina Suwol, Executive Director
California Safe Schools

Jesse Marquez, Executive Director
Coalition for a Safe Environment

Joel Bush, Executive Director
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Shabaka Heru, Executive Director
Society for Positive Action

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