



August 2, 2023

VIA EMAIL

Chair Vanessa Delgado and Members of the Governing Board
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: cob@aqmd.gov

Re: Urgent Need for AQMD Action on Shipping Pollution

Dear Chair Delgado and Members of the Governing Board:

On behalf of the undersigned organizations, we submit this letter to request that the South Coast Air Quality Management District take immediate action to address the ongoing port pollution crisis in the South Coast Air Basin. The San Pedro Bay Ports remain the largest fixed source of air pollution in the South Coast, and increased activity in recent years have led to the region's highest pollution levels in decades. Ships, in particular, are a growing source of harmful pollution for portside communities and communities across the region. Reducing emissions from this sector is essential for the South Coast to attain federal and state air quality standards.

We need action at all levels of government in order to properly contend with the port pollution crisis in southern California. Therefore, we urge the Air District to (1) request EPA to issue an authorization for the California Air Resources Board's At-Berth Regulation; and (2) adopt a strong Port Indirect Source Rule to provide relief to our freight-impacted communities in the South Coast.

I. The South Coast is Facing a Worsening Port Pollution Crisis

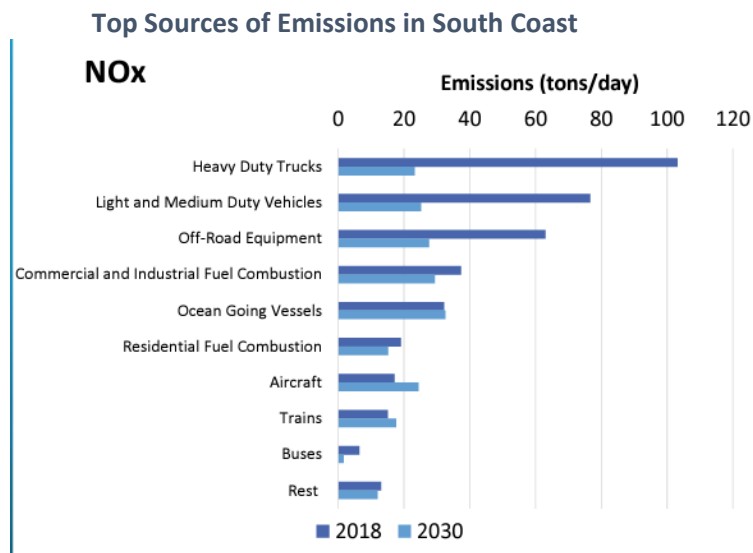
Despite the Air District adopting critical regulations in recent years to reduce emissions, the region still suffers from the worst ozone pollution in the entire country. Our persistent air quality issues are inextricably tied to the unfettered expansion of the San Pedro Bay Ports and the goods movement industry.

The San Pedro Bay Ports have seen a tremendous increase in activity in the past few years, and communities living near ports and other freight hubs are paying the price with their health. In March 2021 alone, the Ports saw an average increase of 50 percent in cargo movement compared to volumes two years

prior.¹ The record levels of cargo throughput recorded in 2021 and 2022 also resulted in the highest levels of emissions from port operations in over a decade. In the second half of 2021, congestion at the San Pedro Bay Ports resulted in an additional 20 tons per day of nitrogen oxide emissions and 0.5 tons per day of particulate matter emissions.² While the Ports saw unprecedented port congestion in 2021 and 2022, the sustained uptick in freight activity has resulted in devastating consequences for air quality in the region.

Current air quality data indicates that our air pollution crisis is only getting worse. This July, the South Coast has exceeded the federal 8-hour ozone standard every single day of the month.³ This trend of unhealthy air is troubling, especially as 2023 represents a key attainment deadline for the South Coast Air Basin. In order to meet the 1997 federal ozone standard, the South Coast Air Basin needs to reduce NOx emissions by 70 percent by 2030.⁴ To meet this, we need to pursue emission reductions from all possible sources, including port operations.

Oceangoing vessels, in particular, are contributing an increasing share of emissions and threaten the region’s ability to attain state and federal ambient air quality standards. According to data from the Air District, ships will be the top contributor of nitrogen oxide (NOx) emissions in the South Coast Air Basin by 2030.⁵ In other words, NOx pollution from oceangoing vessels alone will surpass that of all other mobile sources and even commercial and industrial fuel combustion in the region.



Source: South Coast Air Quality Management District, Emissions and Air Quality Management Modeling Presentation (July 13, 2023).

¹ California Air Resources Board, Emission & Health Impacts from Vessels at Anchor (June 2021), https://ww2.arb.ca.gov/sites/default/files/2021-06/ogvcongestion_ada.pdf.

² California Air Resources Board, Emissions Impact of Ships Anchored at Ports of Los Angeles and Long Beach (Nov. 2021), https://ww2.arb.ca.gov/sites/default/files/2021-11/SPBP_Congestion_Anchorage_Emissions_Final.pdf.

³ California Air Resources Board, <https://www.arb.ca.gov/aqmis2/display.php?param=OZONE&units=007&year=2023&report=AREA1YR&statistic=DMOL8N&o3pa8=SC&ptype=aqd&std15=y>.

⁴ California Air Resources Board, Public Hearing to Consider the Proposed Control Measure for Ocean-Going Vessels At Berth, Initial Statement of Reasons, at II-3 (Oct. 2019) [hereinafter ISOR].

⁵ South Coast Air Quality Management District, Emissions and Air Quality Modeling Presentation, slide 5 (July 13, 2023), <http://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/aqmp-advisory-group-presentations-07-13-23.pdf>.

Oceangoing vessels emit various harmful air pollutants, including nitrogen oxides (NO_x) and diesel particulate matter (DPM). Short-term exposure to increased levels of NO_x pollution is known to irritate the respiratory system and aggravate respiratory diseases such as asthma.⁶ Long-term exposure to nitrogen dioxide can lead to asthma, and increased risks of respiratory infections. NO_x also contributes to the formation of ozone and particulate matter. Particulate matter also poses serious health risks, including increased risk of developing lung and heart diseases, including lung cancer, and premature death. Diesel particulate matter pollution has been linked to increased risk of premature death, acute and chronic bronchitis, asthma attacks, and lung cancer.⁷

II. Backsliding of At-Berth Regulation Leading to More Pollution in the Region

In 2020, the California Air Resources Board adopted the Oceangoing Vessels At-Berth Regulation, which provides an important public health safeguard from ship pollution. The Rule requires ships to plug into shorepower or otherwise reduce emissions while docked at port, eliminating harmful emissions that increase cancer risk for communities living near the San Pedro Bay Ports.

The 2020 At-Berth Rule fixed many critical flaws with the previous 2007 At-Berth regulation. Specifically, the 2020 At-Berth Rule applies to additional categories of ships – ro-ro vessels and tanker vessels – and establishes a 20-visit threshold for terminals, rather than a fleet-based threshold. As a result of these changes, the 2020 At-Berth Rule is projected to reduce NO_x emissions by 6.9 tons per day and fine particulate matter, or PM_{2.5}, emissions by 0.25 tons per day, respectively by 2025.⁸ Many of these benefits will be felt in the South Coast.

Beginning in 2023, the South Coast will see significant emission reductions from the rule. Compared to the 2007 Regulation, the 2020 At-Berth Rule will reduce total diesel particulate matter emissions from vessels at-berth at the San Pedro Bay Ports by nearly 50 percent in 2023, from 0.08 tons per day of DPM under the 2007 Rule to approximately 0.04 tons per day.⁹ Indeed, absent the additional emission reductions from the 2020 Rule, communities adjacent to the Ports of Los Angeles and Long Beach could face a 37 percent increase in potential cancer risk from at-berth emissions.¹⁰

However, on March 30, 2023, CARB issued an enforcement notice providing vessel and terminal operators the option to choose between two enforcement pathway options from January 1, 2023 through 30 days following an issuance of authorization for the At-Berth Rule from EPA.¹¹ Specifically, this guidance allows vessel and terminal operators to elect either: (1) achieving the per-visit emission reduction provisions of the 2020 Regulation, or (2) achieving the 80 percent emission or power reduction provisions in the 2007 Regulation.

⁶ ISOR, *supra* note 4, at ES-2.

⁷ *Id.* at ES-3.

⁸ California Air Resources Board, Second 15-Day Notice, Attachment C: Second Updates to Appendix H: 2019 Update to Inventory for Ocean-Going Vessels At Berth: Methodology and Results, at C-8 to C-9 (Mar. 2020) [hereinafter CARB At-Berth Emissions Inventory].

⁹ *Id.* at C-6, C-8.

¹⁰ ISOR, *supra* note 4, at ES-11.

¹¹ California Air Resources Board, Ocean-Going Vessel At Berth Regulation Enforcement Notice (Mar. 2023), <https://ww2.arb.ca.gov/sites/default/files/2023-03/At%20Berth%20Enforcement%20Notice%20-%20March%2030%202023.pdf>.

The majority of terminal and vessel operators elected to comply with the 2007 Regulation, which requires fewer vessels to reduce emissions.¹² Emission reductions from the 2020 At-Berth Rule this year are critical to attainment in the South Coast, as the projected reductions are attributed to control requirements for additional vessels visits at the San Pedro Bay Ports.¹³ But this enforcement notice means that ships docking at the San Pedro Bay Ports are allowed to emit more than 3,000 pounds of additional pollution a day.

a. EPA Authorization of At-Berth Regulation Critical to Eliminating Additional Ship Pollution

The backsliding of CARB’s At-Berth Regulation is a result of EPA’s failure to timely act on California’s authorization request. This delay, coupled with CARB’s enforcement notice, are threatening these much-needed emission reductions and associated health benefits in the South Coast. We cannot afford to lose these emission benefits, especially as we are facing an attainment deadline.

Every single day that passes without EPA’s authorization means that ships are polluting an additional 3,000 pounds of NOx a day. Communities living adjacent to the San Pedro Bay Ports will pay the price, with even higher rates of asthma, cancer, and heart and lung disease.

Full implementation of the At-Berth Rule will only occur 30 days after EPA issues the authorization. Therefore, the Air District must request that EPA grant CARB’s authorization request for its At-Berth Regulation as soon as possible.

III. The Air District Must Protect Health of Harbor Residents & Adopt a Strong Port ISR

Although EPA action on CARB’s At-Berth Regulation is critical, the Air District must also use its regulatory authority to address the port pollution crisis. We ask that the Air District adopt a strong Port Indirect Source Rule by December 2023. This regulation has been delayed numerous times already, depriving portside communities of relief from polluting port operations.

As we have seen from the last two decades, the Clean Air Action Plan or any unenforceable, voluntary measure is not an effective mechanism to clean up port pollution. The Air District has the legal authority to adopt a Port Indirect Source Rule that establishes quantifiable emission reductions for port operations. As the Air District has acknowledged, a zero-emissions transition is necessary for the South Coast to attain federal and state air quality standards. Therefore, a Port Indirect Source Rule must set a clear pathway towards port-wide zero-emission operations.

For the past year and a half, the undersigned organizations have actively participated in working group discussions and community forums to highlight the key concerns for residents most impacted by port pollution and offering concrete ideas for a strong Port Indirect Source Rule. We have repeatedly called for a rule that centers public health in setting emission reduction goals. That means aggressively reducing emissions from all indirect sources attributable to port operations and requiring robust reporting and monitoring to ensure that emission reduction targets are being met. We are not supportive of a rule that enables the use of combustion-based technologies masquerading as “clean” alternative fuels that have the potential to deliver additional harm.

¹² California Air Resources Board, Ocean-going Vessel At Berth Regulation Fleet and Terminal Elections for the March 30, 2023, Enforcement Notice (May 2023), <https://ww2.arb.ca.gov/sites/default/files/2023-05/Fleet%20and%20Terminal%20Elections%20ADA.pdf>.

¹³ See CARB At-Berth Emissions Inventory, *supra* note 8, at C-8 to C-9; ISOR, *supra* note 4, at ES-29, IX-2.

While we request that the Air District push for action from CARB and EPA, the region cannot afford to rest on progress from these agencies alone. Given the unique challenges the South Coast faces, it is imperative that the Air District also take action to address port pollution by using its authority to address indirect sources.

IV. Conclusion

Thank you for your consideration of these comments. We ask that the Air District heed the call from portside communities, and act now to address ship pollution by urging EPA to grant California's authorization request for the At-Berth Rule and adopting a port indirect source rule by December 2023.

Sincerely,

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