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Environmentalists, Port Workers, Residents Celebrate Court Ruling Upholding LA Clean Truck Program; Urge Congress to Pass Clean Ports Act to Protect EPA Award-Winning Model from Future Legal Challenges

LOS ANGELES, CA – An unprecedented alliance of U.S. truck drivers and environmental, labor, community, faith, civil rights and public health groups jubilantly cheered the news that a U.S. District judge yesterday lifted an injunction and upheld the Los Angeles Clean Truck Program in entirety. The coast-to-coast coalition of over 125 organizations has advocated for LA's EPA award-winning model, and has led the fight to protect and replicate it nationwide for several years.

"This victory bolsters the standing of burgeoning clean port programs across the nation," said Melissa Lin Perrella, senior attorney with NRDC's Southern California Air Program, which intervened and argued alongside the Port at trial. "Millions of people live in port communities across the country and are forced to subsidize the operations of outdated port operations with their lungs. This decision allows the Port of Los Angeles to continue introducing cleaner trucks while getting dirty ones off the road and sets the stage for healthier communities nationwide."

"Judge Snyder's ruling affirms that the Los Angeles Harbor Commission, City Council, and Mayor Antonio Villaraigosa got it right from the beginning in enacting an economically sound, environmentally sustainable program to reduce deadly diesel truck pollution and create good green jobs in our communities," Tom Politeo, a San Pedro resident and representative of the Sierra Club, also party to the case along with the Coalition for Clean Air. Martin Schlageter, CCA's Executive Director, added: "The Clean Trucks Program works and offers a critically needed solution that saves lives."

The American Trucking Associations, the Beltway trucking lobby with ties to Big Oil, obtained an injunction 16 months ago, unraveling much of the nation's most successful program to slash heavy-duty diesel truck emissions by shifting the financial burden of cleaner commerce off the capitalized companies and onto low-wage workers they contract with. The industry special interest group has already announced it will file an appeal to continue its legal assault despite the broad support from economists, elected leaders at all levels, consumer advocacy and business groups in addition to the environmental and labor-backed Coalition for Clean & Safe Ports.

"Day after day we work long hours to make sure the cargo gets to the warehouses and the stores, but an incomplete program has been very hard on us. I can't keep footing the bill for my company's truck and feed my family," said Max Galvan, a port truck driver who has hauled at the Ports of Los Angeles and Long Beach for 18 years. "I am ready to be recognized as an employee so the companies stop treating us as contractors to make us pay for clean trucks. Today I feel proud to be one of America's truck drivers again."

The industry's vigorous opposition compelled Rep. Jerrold Nadler (D-NY) and over 65 House co-sponsors to back HR 5957 to clarify federal transportation law so local governments can fully implement market-based solutions that will protect public health, spur green job creation, and pave the way for vital port infrastructure projects.

Rep. Nadler called the ruling a "very welcome development" in the "longstanding efforts to modernize the nation's truck fleets and reduce diesel pollution. Judge Snyder's decision is good for the environment and good for labor, and paves the way for the implementation of other clean truck

programs around the country. Now we must pass my legislation, the Clean Ports Act, in order to bring federal law up to date with the current realities of our ports and the needs of U.S. truck drivers, and to ensure that future legal challenges do not impede environmental progress."

A Long Beach mother of a child who suffers from respiratory illness due to pollution agreed.

"This victory inspires us to keep fighting for a permanent fix at the federal level. Ports around the country should not have to waste so much time and money to fight industry bullies that want to continue evading responsibility," said Silvia Martinez. "Our fight will continue until Congress passes the Clean Ports Act of 2010, because mothers like me shouldn't have to show our 3-year-olds how to use an inhaler."

"We've always known that we could have both clean air and good jobs. From the beginning Los Angeles provided forward-thinking businesses with incentives and an opportunity to grow and compete in the green economy, with negligible effect on consumer prices," said Patricia Castellanos of LAANE, chair of the local chapter of the Coalition for Clean & Safe Ports. "Now responsible players can lead the way to recovery with a clean-commerce model for port trucking nationwide."

Background

The EPA estimates [87 million Americans](#) now live and work in port regions that violate federal air quality standards where diesel soot-induced asthma, cancer and respiratory illnesses rates are disproportionately high. In 2008, Los Angeles officials sought a local solution to the market failure that has earned U.S. seaports the notorious reputation as "the place where old trucks go to die."

Lax oversight allows some 5,500 port trucking companies nationwide to skirt tax laws and push all the costs of doing business onto their drivers by misclassifying them as independent contractors. Accordingly, academics put average driver take-home pay at [\\$10-11](#) an hour making it no surprise that this workforce can only afford to haul in the oldest, most decrepit clunkers. Ninety-five percent of our nation's 110,000 port trucks fail to meet current EPA emission standards.

Los Angeles' attractive financial incentives leveraged \$600 million in private investment from both small and large trucking companies to put 6,600 clean diesel and alternative fuel vehicles in service. Officials announced a near 80 percent reduction in emissions, but the American Trucking Associations (ATA) gutted the LA Clean Truck Program in U.S. District court to return to the status quo. In the year-and-a-half since, some haulers at the nation's largest port complex report that their earnings have [dropped](#) below minimum wage because a once-transforming industry is now deducting the truck payments and maintenance costs straight from their paychecks via lease scams currently being [investigated](#) by the U.S. House Committee on Transportation & Infrastructure.

Given the ATA's numerous attacks on clean air and environment protection efforts, three major American ports and several big-city mayors including those in New York, Newark, Oakland, Seattle and Los Angeles have formally urged Congress to modernize antiquated federal transportation law to address 21st century public health and air pollution crisis that threaten vital job-creating expansion projects. The Clean Ports Act of 2010 is legislation introduced in July that specifically updates an obscure provision in the 30-year-old Federal Motor Carrier Act to confirm that ports possess the clear regulatory authority to clean up trucking operations.

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*The **Coalition for Clean & Safe Ports** is a unique partnership of environmental, public health, community, labor, faith, business, civil rights, and environmental justice organizations that promote sustainable economic development at ports coast to coast to make the port trucking system a less polluting, more competitive generator of good quality jobs for residents, workers and business alike. We are over 120 organizations strong nationwide. Visit us at www.cleanandsafeports.org to learn more about our efforts at the federal level and in Los Angeles, Long Beach, Oakland, Seattle, Tacoma, New York, Newark and South Florida.*