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## **Federal Maritime Commission's Move to Drop Lawsuit against Clean Trucks Program Signals President Obama's Support to Protect Port Drivers, Public Health**

LOS ANGELES and WASHINGTON, DC— One week after President Obama appointed Commissioner Joseph E. Brennan as acting chair of the Federal Maritime Commission (FMC), the DC agency charged with reviewing ocean-bound commerce has [reversed its position](#) on its lawsuit that sought to stop certain aspects of the Clean Truck initiatives underway at the Port of Los Angeles and neighboring Port of Long Beach. The FMC has requested dismissal of the case in a filing today in the U.S. District Court for the District of Columbia. If Judge Richard Leon grants the motion, the FMC's court case against the Clean Trucks Program will be over.

"Protecting the public health is at the heart of the Clean Trucks Program, and it is paramount to all other concerns," said David Pettit, Director of the Southern California Air Program for the Natural Resources Defense Council. "All Californians should appreciate that President Obama and a federal agency recognized our need to get these dirty trucks off of our roads once and for all. The only way to do that is to make well-capitalized companies – not low-wage workers – responsible for a new, clean-burning fleet."

In April, Judge Leon refused to temporarily halt the public health programs after the FMC sought an injunction during the Bush Administration. The ruling stated the agency had failed to demonstrate the Clean Trucks Programs would cause irreparable harm to – or create anti-competitive conditions for – the goods movement industry. In seven months the Port of LA has banned thousands of dirty trucks, has put 4,500 clean-burning and alternative fuel vehicles into service and is ahead of schedule in its goal reduce diesel truck pollution by 80 percent. Independent economists have also pointed to the LA business model as a means to deliver \$5 billion to the regional economy and its ability to create stronger safety and security enforcement.

As candidate for President, Barack Obama sent a [letter](#) to the mayors of Los Angeles, Long Beach, and Oakland urging them to support a comprehensive, sustainable policy that requires companies to take responsibility for fleet turnover and proper maintenance of green vehicles through the use of employee drivers. President Obama also last week nominated Richard A. Lidinsky Jr. to the Federal Maritime Commission, earning praise from the environmental, labor and community-backed Coalition for Clean & Safe Ports.

Later today, the Port of Oakland will take a vote on a policy to ban lethally polluting trucks from that Port, similar to the one adopted by the Los Angeles and Long Beach Ports, which would require marine terminal operators to turn dirty trucks away from their gates starting January 1, 2010, the date new state air quality standards go into effect.

The Southern California Clean Trucks Programs still face an industry lawsuit by clean-air opponents at the Virginia-based American Trucking Association. Speaker of the House Nancy Pelosi, along with Senators Barbara Boxer, Dianne Feinstein and the entire Democratic California delegation to Congress have each written to the FMC in support of the LA green-growth policy, along with Senator Frank Lautenberg of New Jersey.

“We’ve been breathing this dirty air for too long, and our local officials need the tools to do something about it before more kids get sicker, said Silvia Martinez, a Long Beach resident whose daughter suffers from chronic symptoms related to exposure to diesel toxins. “The ports must be able to hold this industry accountable to clean up the pollution it creates, because residents, drivers and taxpayers shouldn’t have to pay the price.”

Despite the trucking lobby’s legal challenge, environmentalists, residents and port drivers in other cities such as Oakland, Newark and Seattle have mounted a similar effort in their communities to enact a sustainable LA-style clean-up policy.

Last winter, the Coalition gathered over 10,000 emails and postcards from community members to Members of Congress representing pollution-affected regions surrounding California’s ports. They called on their elected leaders to help appoint new commissioners that share Barack Obama’s commitment to the environmentally and economically sound LA Clean Trucks Program.

“It’s clear that this Administration understands how industry pollution impacts those of us who live near the ports,” said Shirley Burnell, a grandmother who lives in West Oakland, where one in five children suffers from asthma, largely due to truck pollution.

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The **Coalition for Clean & Safe Ports** is a partnership of over 80 environmental, public health, labor, faith and community organizations that promote sustainable economic development at West Coast ports. We are working to make the port trucking system more efficient and reduce air pollution, improve the quality of jobs and stimulate greater economic opportunities for residents living in surrounding port communities. Our alliance includes:

*Alameda County Public Health Department • Alameda Labor Council, AFL-CIO • American Lung Association of California • Asian Pacific Environmental Network • Clergy & Laity United for Economic Justice • Coalition for Clean Air • Coalition for Humane Immigrant Rights of Los Angeles • Coalition for a Safe Environment • Communities for a Better Environment • Communities for Clean Ports • East Bay Alliance for a Sustainable Economy • East Bay Community Law Center • East Yard Communities for Environmental Justice • Hermandad Mexicana Latinoamericana • Interfaith Committee for Worker Justice • Long Beach Alliance for Children with Asthma • Long Beach Community Partners Council • Long Beach Greens • Los Angeles Alliance for a New Economy • Los Angeles/Long Beach Labor Coalition • Mexican American Political Association • National Association for the Advancement of Colored People, Carson/Torrance (NAACP) • Natural Resources Defense Council • Oakland ACORN • The Pacific Institute • Physicians for Social Responsibility • Progressive Christians Uniting • San Pedro Democratic Club • Sierra Club Harbor Vision Taskforce • West Oakland Environmental Indicators Project • Workforce Collaborative • Change to Win • L.A. County Federation of Labor • UNITE HERE • IBEW Local 11 • ILWU Locals 6, 10, 34, 75 • International Brotherhood of Teamsters • SEIU • Southern California Council of Laborers*