

**NATURAL RESOURCES DEFENSE COUNCIL  
COALITION FOR CLEAN AIR  
LONG BEACH ALLIANCE FOR CHILDREN WITH ASTHMA  
COMMUNITIES FOR CLEAN PORTS**

May 7, 2007

*Via Email*

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**Re: Comments re Proposed Clean Trucks Program**

Dear Dr. Knatz and Mr. Steinke:

On behalf of the undersigned groups, we write to comment on the Ports of Los Angeles and Long Beach's Proposed Clean Trucks Program. Preliminarily, we would like to express our strong support for the concessionaire model outlined at the Clean Air Action Plan (CAAP) Taskforce meeting on April 12, 2007. Indeed, we strongly believe that the only way the ports can effectively reduce emissions from port trucks is by adopting a comprehensive plan that includes strict environmental requirements and a sustainable and secure workforce. Accordingly, we look forward to working closely with you in the upcoming months as the ports develop the details of their proposal.

Notably, while we are interested in helping the ports develop the labor and security aspects of their proposal, this letter focuses on the environmental and community impacts aspects of the ports' truck program and highlights several areas that deserve your immediate attention. First, we ask the ports to ensure that the environmental standards outlined in the truck proposal are consistent with: (a) the emission reduction goals outlined in CAAP; and (b) the emission targets the ports are currently developing with the South Coast Air Quality Management District (SCAQMD). For example, HDV 1 envisions that the ports' truck program will achieve specified reductions in diesel particulate matter (DPM), oxides of nitrogen (NOx) and sulfur oxides (SOx) in fiscal years 2006/2007 through 2010/2011 — with projected reductions of 2,095, 16,273 and 6

tons per year of DPM, NO<sub>x</sub> and SO<sub>x</sub> respectively by the end of fiscal year 2010/2011.<sup>1</sup> Accordingly, the ports must ensure that for example, its plans to ban pre-1988 trucks by January 1, 2008 and pre-1993 trucks by January 1, 2009 are stringent enough to meet these goals. Additionally, while we understand that the ports are still developing their 2014 and 2020 emission targets with the SCAQMD, we request that the ports provide additional information on where they are in this process and how the ports truck proposal will work in the future to ensure these targets are met. For example, it is unclear how the ports will ensure that the fleet continues to turn over to cleaner technologies beyond this five year program.

Second, the ports should structure the program to phase out the oldest trucks within the pre-1988 category first. For example, as CAAP noted, approximately 2% of the frequent and semi-frequent trucks servicing the port are model year 1984, and trucks as old as 1958 are servicing the port;<sup>2</sup> such trucks should surely be replaced before, for example, a 1988 model year truck.

Third, during the CAAP process, we commended the ports' commitment to replace certain percentages of diesel trucks with alternative fueled trucks. Notably, Budget Scenario 7 in HDV-1 envisioned that over 5,300 alternative fueled trucks would replace a portion of the ports' "frequent and semi frequent trucks."<sup>3</sup> However, it is not clear how alternative fueled trucks will be folded into the ports' current truck proposal. We ask that the ports provide clarification on this point and ensure that alternative fueled trucks replace, at a minimum, the portion of the existing truck fleet envisioned in the CAAP. In order to facilitate meeting the envisioned fleet composition goals and ensure all participants compete on a level playing field, the concessionaire model should require all participants to meet a sufficient minimum percentage of alternative fuel trucks. As you are likely aware, LNG trucks can provide emission benefits over their diesel counterparts. In addition, the ports should continue to aggressively pursue the development of other alternatives such as hybrid-electric trucks.

Fourth, while we applaud the proposal's emphasis on requiring port trucks to be model year 2007 or "newer," we ask the ports to outline what efforts they will make to require that the cleanest trucks available are placed into the port drayage fleet. It is our understanding that in 2007 the U.S. EPA Heavy Duty Highway Engine Standards allow for NO<sub>x</sub> averaging (i.e. engine families only need to meet a NO<sub>x</sub> average of approximately 1.2 g/bhp-hr) to attain the 2007 standard. If possible, the Port should ensure that it does not add trucks to the fleet that exceed the 1.2 g/bhp-hr of NO<sub>x</sub>. Moreover, given the need for significant NO<sub>x</sub> reductions in the South Coast Air Basin to attain the federal PM<sub>2.5</sub> standard by 2015 and the 8 hour ozone standard by 2020 (2024 if SCAQMD requests a bump up to extreme status), the ports must ensure that trucks replaced after 2010 are certified to the .2 g/bhp-hr standard for NO<sub>x</sub>. Given the significant NO<sub>x</sub> benefits of the 2010 U.S. EPA Heavy Duty Highway Engine Standard, it is in the best interest of the ports to ensure a significant penetration of these trucks into the fleet.

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<sup>1</sup> CAAP Technical Report, at 71.

<sup>2</sup> *Id.* at 56, 58.

<sup>3</sup> *Id.* at 62-63. The Port's based this assessment on a 50/50 mix between cleaner diesel trucks and clean alternative fuel trucks.

Fifth, we ask that the ports clarify how the Infrastructure and Environmental Cargo Fee (IECF) relates to the trucking proposal, if at all. Our understanding is that this fee will be charged to the beneficial cargo owner and be used for infrastructure projects and thus, has no relation to the truck proposal. However, we ask for clarification on this point given that the IECF was discussed in materials outlining the truck proposal.

Sixth, we remind the ports of the great need to ensure that new trucks and retrofit devices are properly maintained by motor carriers servicing the ports. For example, the California Air Resources Board (CARB) estimated that “about 30% of all truck emissions in 2014 will be from control device deterioration, lack of maintenance, and tampering.”<sup>4</sup> It is incumbent upon the ports to create a strong framework for ensuring that fleets of new or retrofitted equipment are well-maintained by motor carriers. While we are pleased to see that concessionaires will be required to engage in truck maintenance programs and that trucks funded through the program will be required to install Radio Frequency Identification and Automatic Vehicle Location, we would like to see more details about how compliance with environmental standards will be monitored.

Seventh, the current proposal does not include plans to mitigate the impacts from port trucking on communities adjacent to the ports. We encourage the ports to work with the CAAP stakeholder group to identify and mitigate community impacts from port drayage trucking.

Lastly, we strongly encourage the ports to continue developing its current truck proposal and reject the American Association of Railroads, National Retail Federation, Pacific Merchant Shipping Association, Retail Industry Leaders Association, and Waterfront Coalition proposal (Industry Proposal) for port trucks. The Industry Proposal relies on the development and adoption of a statewide standard for port trucks and voluntary action by marine terminal operators that will not likely achieve the emissions reductions envisioned in CAAP. Indeed, while we support the California Air Resources Board’s (CARB) efforts to develop regulations aimed at modernizing port trucks, CARB’s truck rules are not slated for adoption until spring 2008. Moreover, it is unlikely that once implemented, CARB’s rule will require all port trucks to meet 2007 or newer emission standards within five years, as the ports’ have committed. In our view, the CARB regulations set the floor that trucks in California must meet, and the ports can (and must) do better to protect public health and help our region attain federal and state clean air standards. In addition, the Industry’s Proposal suffers from an additional flaw: it appears to place the financial burden of clean-up on truck drivers and suggests that the market will naturally adjust itself so that the shipping companies, retailers and consumers bear the ultimate costs of clean-up. However, we are extremely concerned that even if such market adjustments did occur, many truck drivers would be forced out of the market before this adjustment takes place. Simply put, the ports’ proposal takes a more holistic and sustainable approach to reducing emissions from the port trucking sector and is the right course of action for both ports.

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<sup>4</sup> CARB, Draft Proposed Strategy for California’s 2007 State Implementation Plan, at 87 (Jan. 31, 2007).

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Again, we look forward to working with you. Thank you for considering our comments.

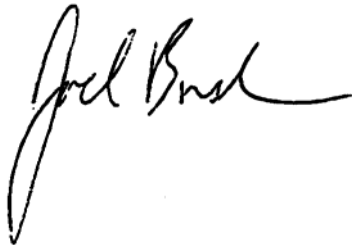
Sincerely,



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Senior Project Attorney  
Natural Resources Defense Council



Candice Sung Kim  
Coalition for Clean Air



Joel Bush  
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Elina Green  
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cc: Ralph Appy, Port of Los Angeles  
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Cynthia Marvin, California Air Resources Board  
Peter Greenwald, South Coast Air Quality Management District  
Roxanne Johnson, Environmental Protection Agency Region 9