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September 23, 2010

Honorable Jay Rockefeller, Chairman
Senate Committee on Commerce, Science and Transportation
254 Russell Senate Office Building
Washington, DC 20510

Honorable Barbara Boxer, Chairwoman
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Honorable James Oberstar, Chairman
House Committee on Transportation and Infrastructure
2165 Rayburn House Office Building
Washington, DC 20515

Re: Support for HR 5967 – the Clean Ports Act of 2010

Dear Chairman Rockefeller, Chairwoman Boxer and Chairman Oberstar:

I write to seek your assistance and support in passing the Clean Ports Act of 2010, introduced by Congressman Jerold Nadler. This legislation, H.R. 5967, is critical to ensuring the long-term environmental and economic sustainability of ports in New York and across the nation by providing local port authorities with the tools necessary to reduce pollution emissions, improve public health, support green jobs, and help responsible businesses to grow and compete.

The Ports of New York and New Jersey are national and regional assets that handle the highest volume of shipping containers on the East Coast. They are hubs of economic activity for a host of American industries, including retail, transportation, manufacturing and construction, that sustain thousands of jobs in the region. At the same time, the emission of diesel soot from trucks serving our ports – and those in other areas of the county – presents a substantial threat to the environment and the health of port workers and surrounding communities.

The EPA estimates that 87 million Americans live and work in port regions that violate federal air quality standards, areas where diesel soot-induced asthma, cancer and respiratory illnesses rates are greatly elevated and where related public health costs exceed billions of dollars. In the New York and New Jersey metropolitan region, it is projected that in 2010 soot pollution from diesel engines will directly contribute to 1,397 premature deaths, 2,733 non-fatal heart attacks, 48,192 asthma attacks, 1,037 cases of chronic bronchitis, and 218,566 work-loss days.

Truck-borne air pollution is a major concern in and around ports – estimated to, on average, account for over 30% of soot (and over 40% of nitrogen oxide) emissions at container ports. This past March, the Port Authority of New York and New Jersey and the U.S. Environmental Protection Agency launched a Clean Trucks Program at the ports that represents a substantial step forward in reducing truck-borne air pollution at the facility, in neighboring communities, and in the region. However, to continue this important clean air progress, the ports of New York and New Jersey, and other ports nationally, must have clear authority to implement the full range of reasonable, effective environmental and other improvements at their facilities that suit their needs.

The Clean Ports Act of 2010 provides such authority, making it clear that ports can – if they chose – adopt and enforce requirements that will reduce truck-borne air pollution, as well as improve safety and increase efficiency at their facilities. As such, this legislation advances environmental and economic sustainability by equipping our ports with the tools essential to reducing environmental pollution, improving public health, supporting green jobs, and helping responsible businesses to grow and compete. It also will aid local authorities in addressing the all too common misclassification of port drivers as independent contractors, thus improving the quality of life for these workers and their families.

As Attorney General for the State of New York, I ask for your assistance and support in passing the Clean Ports Act of 2010.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Cuomo" followed by a stylized flourish or initials.

ANDREW M. CUOMO