



DEADLINE May 1, 2020

Mary Nichols, Chair  
California Air Resources Board  
1001 I Street  
Sacramento, CA 95814

**Re: Support for Proposed Vessels At Berth Rule to Address Unacceptable Health Risks**

Dear Chair Nichols and Members of the Board:

On behalf of the undersigned health organizations, we are writing in strong support of the updated Ocean Going Vessels at Berth regulation proposal. [We previously wrote in support](#) of the direction of the earlier proposal and encouraged changes to the proposal to accelerate timelines and associated health protective benefits of the rule. We agree with and support the direction provided during the Board discussion in December to strengthen the rule and evaluate a more health-protective proposal.

In addition to our support for the proposed rulemaking, we also note our appreciation for flexibility on the part of CARB staff in providing an extended public process and comment period in light of the COVID-19 pandemic.

In short, we are encouraged by the proposed changes following the December discussion before the board. Our organizations support the adoption of the proposed changes to provide life-saving relief to communities most directly impacted by carcinogenic exhaust due to ship visits at California ports. Our comments below reflect our support for the proposed changes, the need for continued attention to developing more comprehensive health-benefits evaluation of policies and appropriate design of the newly proposed Innovative Concepts and interim implementation review period.

- **Support for proposed updates to implementation timelines** – as noted in our December comments to the Board, we strongly supported accelerated implementation timelines and we support the updated proposal. By moving forward the implementation requirements for the oil tanker and roll-on/roll-off ship categories, localized health benefits will accrue sooner in our most polluted and impacted communities. As noted in the March 29, 2020 Health Evaluation documentation,  
*“Because the 15-day changes result in greater reductions of PM2.5 and NOx emissions, the benefits from avoided non-cancer mortality and illness resulting from the proposed At Berth Regulation will be greater.” (Appendix D at p. D-1)*
- **Public health benefits outweigh compliance costs** – the proposal yields a statewide health benefit of \$2.44 billion due to reductions in diesel emissions and associated negative non-cancer health outcomes (e.g. premature deaths, ER visits and hospitalizations). The health benefits of the rule are clear and in excess of projected \$2.4 billion compliance costs, but we know that the health evaluation remains a conservative estimate. A broader suite of poor health outcomes associated with ship pollution were discussed in the Initial Statement of Reasons but are not captured in the evaluation. Further, significant health impacts are not included in the monetized health benefit information noted above. We strongly support CARB’s ongoing work to develop more robust evaluations of health benefits of proposed rulemakings to better demonstrate the urgency of life-saving measures like the At Berth proposal. As stated in the Health Analysis section of the October 15, 2019 Initial Statement of Reasons for the proposed rulemaking:  
*“Although PM mortality and illness valuation has been, and continues to be, a useful metric for valuating the health benefits of regulations, it only represents a portion of those benefits. Given this, the full health benefits of a regulation are expected to be underestimated because all adverse health outcomes associated with air toxics are not monetized. A more robust evaluation of outcomes, including, but not limited to, preterm birth, neural tube defects, nonfatal cancers, and fatal cancers would provide a more complete perspective of the benefits from reduced exposure to air toxics.” (ISOR, Appendix G at p. G-61)*
- **Support for inclusion of additional ship types and operation conditions in interim review** – we support the evaluation of potential emission controls for bulk and general cargo ships and vessels at-anchor operations during the proposed interim evaluation. These issues must be evaluated and brought forward in the rulemaking process to ensure all harmful sources are considered for controls where feasible. We look forward to ongoing discussion with staff on this element of the proposal and believe that the planned interim evaluation

will support progress toward full implementation and achievement of community health benefits.

- **Careful tracking and reporting of Innovative Concepts approach** – in response to stakeholder comments calling for compliance flexibility in the form of the proposed Innovative Concepts in the event of demonstrated compliance challenges, CARB staff have developed parameters to ensure emission reductions equal to or in excess of the proposed rule. We believe that appropriate guardrails have been designed to ensure any proposals must be brought forward at the outset of implementing the rule, may only be authorized for three year periods, and must not be publicly funded. Should regulated entities demonstrate the need to make use of this alternative option, we believe that clear, regular public reporting is critical to ensure community emission reductions occur to equivalent or greater levels expected under the rulemaking.

We look forward to the adoption of this rule as a major step forward in protecting the health of Californians who have too long borne the brunt of the growth in freight sector activity. The proposed rule demonstrates a meaningful commitment to clean air for all Californians and must move forward.

Sincerely,

Barbara Sattler, RN, DrPH, FAAN, Co-Founder  
**Alliance of Nurses for Healthy Environments**

Kris Calvin, CEO  
**American Academy of Pediatrics – California Chapter**

Autumn J. Ogden-Smith, Director California State Legislation  
**American Cancer Society – Cancer Action Network**

Soma Wali MD, MACP, President  
**American College of Physicians, California Chapter**

Will Barrett, Clean Air Advocacy Director  
**American Lung Association**

Marghot Carabali, MPA, Coordinator  
**Asthma Coalition of Los Angeles County**

Janet Nudelman, Director of Program and Policy  
**Breast Cancer Prevention Partners**

Adam Francis, Director of Government Relations  
**California Academy of Family Physicians**

Sandra O. Poole, MPA, Interim CEO  
**California Black Health Network**

Sarah Schear, medical student  
Lisa Patel, MD  
Amanda Millstein, MD  
Ashley McClure, MD  
**California Climate Health Now**

Justin Malan, Executive Director  
**California Conference of Directors of Environmental Health**

Yvonne Choong, Vice President, Center for Health Policy  
**California Medical Association**

Wayne Walls, President  
**California Society for Respiratory Care**

Laren Tan, MD, President  
**California Thoracic Society**

Linda Rudolph, MD, MPH, Director  
**Center for Climate Change and Health**

Robyn Rothman, JD  
Climate and Health Policy Manager  
**Health Care Without Harm U.S.**

Sylvia Bettencourt, Program Manager  
**Long Beach Alliance for Children With Asthma**

Robert M. Gould, MD, President  
**San Francisco Bay Area Chapter  
Physicians for Social Responsibility**

Manal J. Aboelata, MPH, Deputy Executive Director  
**Prevention Institute**

Joel Ervice, Associate Director  
**Regional Asthma Management and Prevention (RAMP)**

Jim Mangia, MPH, President & CEO  
**St. John's Well Child and Family Center (Los Angeles)**