



HEALTHY SAN LEANDRO ENVIRONMENTAL COLLABORATIVE

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Anne Whittington, Port of Oakland

Via email: awhittington@portoakland.com

July 10, 2008

Dear Ms. Whittington,

The Healthy 880 communities-Healthy San Leandro, is submitting the following comments on the draft Maritime Air Quality Improvement Plan released on June 13, 2008. Our organization is working with communities living along the 880 Freeway covering, East Oakland, San Leandro, s San Lorenzo and Hayward cities. We are interested in seeing the Port develop a comprehensive and rigorous Maritime Air Quality Improvement Plan because the considerable efforts over the years by Statewide environmentalists, public health, and community organizations, in addition to recent efforts by the California Air Resources Board (CARB), South Coast Air Quality Management District (SCAQMD), and the Ports of Los Angeles and Long Beach, have all demonstrated the necessity and timeliness of the port air quality improvement plan.

In April 2006 I participated in the Governor's Goods Movement Action Plan, CARB estimated that pollution from California ports and goods movement activities causes 2,400 premature deaths and over 1 million school absences every year, costing the state approximately \$200 billion by 2020.¹ With growing evidence of greater health impacts from air pollution, CARB recently updated those estimates, noting that diesel-powered freight transport in California each year causes over 3,700 premature deaths and many thousands of hospital admissions, missed workdays and missed days of school.² It is very clear that a strong air quality plan is needed to protect public health and the environment along the 880 corridor as we are South of Port of Oakland Maritime activity. We have mapped and counted this activity

1 CARB Goods Movement Emission Reduction Plan at 2, April 2006. (hereinafter "CARB ERP").

2 www.arb.ca.gov/Research/Health/pm-mort/pm-mortdraft.pdf

twice in 2007-2008. The diesel-powered freight transport business has increased in San Leandro and other cities

along the 880 corridor. The mapping and counting was done in October 2007, and February 2008 the increase was approximately 43 percent difference. We are gravely disappointed with the lack of specificity and commitment in the MAQIP. Plan fails to make any new commitments to reduce air pollution, and no commitment to the communities that continue to be impacted and compromised with their lives.

BROAD OBSERVATIONS:

1) While it was encouraging to see the passage by the Port's Board of Commissioners on March 18th a Policy Statement that sets clear, health risk reduction goals, this is seriously undermined by the equivocating language and pessimistic tone found throughout the draft MAQIP. There is a conspicuous absence of even a single affirmation of commitment or intent on the part of the Port to take action to reduce emissions. This raises serious questions about the value and purpose of this document as an actual master plan or even as a policy statement. The draft clearly states that the emission reduction goals set forth are only "potentially achievable," and has the net effect of lowering expectations to such depths as to make emission reductions from the Port appear to be an insurmountable task. This overemphasis on challenges and constraints rather than possibilities and leadership strengthens the observation that this is not an air quality plan. ^[1]

2) The draft MAQIP is not an air quality improvement plan, as usually defined by air quality planners. The only element of a plan that this document includes is a clear, quantitative goal, However, the rest of what typically constitutes and air quality plan is missing: a commitment to meeting the goal, clearly defined strategies for meeting the goals, a description of how strategies will be implemented, tracked, monitored and / or enforced, and a budget.

3) We are disappointed that the Port has changed the parameters of the MAQIP mid-course and engaged in a unilateral drafting process. The section in the introduction presenting the Port's planning continuum, and defining the plan as a "master plan" with less detail, more vision, and more stakeholder participation, is very useful and certainly puts this end product in perspective. However, we can't help but wonder why now, at the end of 15 months of planning and MAQIP task force meetings, this is the first time the task force is seeing this planning continuum. While we are aware of the changing nature of planning processes, we are disappointed that the Port has taken so much time of so many task force members during the planning process, only to change the parameters of the end product mid-course, and have gone into a unilateral drafting process to produce a document that can hardly be recognized as an air quality improvement plan.

4) It is disturbing and inappropriate that the primary message of the MAQIP document is that the Port has far too little authority, and far too many constraints to realistically require or leverage significant reductions in emissions from its customers and tenants. This message is contrary to the description of the Port's legal authority presented by the Port's own lawyer in public meetings, and contrary to the actions taken by the Ports of Los Angeles and Long Beach to reduce their emissions. We are concerned that the Port has chosen not to pool or leverage the authority of and cooperating with those agencies that do have the authority to require and enforce emission reductions.

5) The draft MAQIP undermines the efforts of State regulatory agencies in several instances, while at the same time relying on the full implementation and compliance with State regulations to meet its stated goals. The plan has a confusing and contradictory relationship to the implementation of State regulations for reduction emissions. Even though the projected emission reductions described in the plan, and the strategies for attaining plan goals rely heavily on the assumption that State regulations will be implemented and complied with in a timely fashion, the draft plan expresses a deep and contradictory pessimism about the "feasibility" of these regulations being implemented. In fact, section 6.3, the detailed description of the many challenges faced by the Port's air quality improvement goals, goes so far in describing the challenges facing the timely implementation of CARB regulations as to have the effect of severely undermining the regulatory efforts of this State agency. "New emission reduction regulations adopted and proposed by CARB. . . are extremely aggressive. . . Technological, economic, or legal factors may result in suspension or postponement of certain requirements or deadlines," and "experience tells us that 100% compliance is rarely achieved." There is also no clear statement that the Port will cooperate with or coordinate in any way the implementation of state regulations.

The recent health risk assessment (HRA) done by CARB for West Oakland indicates a new urgency that air pollution from the Port of Oakland must be addressed. This assessment showed elevated cancer risks of 190 per million directly from Port of Oakland operations and countless other health impacts including hundreds of asthma and respiratory illnesses.³ We in the Healthy 880 Communities feel that Port of Oakland's operation fell short with the HRA. Not all operations (Air Cargo, jet Fuel) were inventoried to assess the impacts South of West Oakland. We need to know the health impacts, where can we get the data that reflects what the air pollution is doing to the neighboring communities. This is just the tip of the iceberg in terms of health impacts from Port of Oakland pollution, since this assessment only looked at impacts of diesel PM, excluding other pollutants such as nitrogen oxides and other air toxics. Additionally, we believe pollution from trucks

³ CARB, Diesel Particulate Matter Health Risk Assessment for the West Oakland Community, March 2008.

serving the Port of Oakland was misallocated, vastly under-estimating impacts from the Port.

Given the pressing health concerns from Port of Oakland operations, the significant increases in container traffic slated for the coming decade, and the fact that measures to reduce Port pollution are readily available, we urge the Port to commit to discrete actions to reduce air pollution from its operations in addition to those actions occurring outside of the Port's control. This Plan must be strengthened to achieve maximum pollution reductions, with the ultimate objective of preventing all negative health impacts from Port of Oakland activities. As one of the largest ports in the nation, the Port of Oakland must take responsibility for the impacts of its operations on nearby communities and accelerate mitigation of air pollution to the maximum extent feasible. Our recommendations for improving the Plan are laid out below with more detailed comments to follow separately.

The current draft does appear to be a useful background document or statement of purpose for the Port's preparation and planning of programs and projects. However, it cannot be accurately described as an air quality improvement plan, a "master plan", or even a policy statement. A Statement of Potential Goals and Constraints would be a far more accurate and fair description. Unless significant changes will be made to the final plan.

Sincerely,

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Executive Director