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Sent Via Email

April 22, 2025

South Coast Air Quality Management District (SCAQMD)
Wayne Nastir, *Executive Director*
21865 Copley Drive
Diamond Bar, CA 91765

Re: SCAQMD Proposed Rule 2304- Commercial Marine Ports- OPPOSE

Dear Mr. Nastri,

International Longshore and Warehouse Union (“ILWU”) Local 13, Local 63, and Local 94 write to express our strong opposition to Proposed Rule 2304- Commercial Marine Ports.

As you are aware, ILWU Locals 13, 63, and 94 collectively represent over 15,000 longshore workers, marine clerks, and foremen at the Ports of Los Angeles and Long Beach (“Ports”) as well as the foreman at the Ports of San Diego and Hueneme. Our members have middle-class sustaining jobs with healthcare and retirement benefits that allow them to support their approximately 60,000 family members, as well as the local communities, within the South Bay and beyond.

The Ports’ surrounding communities including San Pedro, Long Beach, and Wilmington have prospered despite the loss of several maritime related industries. Many of our forefathers immigrated here to work in the fishing, canning, ship building, ship repair, Navy yard, and petroleum-based industries to escape the misery and poverty they experienced elsewhere. Today, many of these previously referenced industries are extinct or on the verge of extinction. Despite these seismic shifts, jobs at the Ports, which have been in operation for over a century, have continued to provide an opportunity to buy or rent a home locally and provide for the educational needs of future generations. Uniquely, 53% of our members reside within 5 miles of the Ports, and 74% of our members reside within 10 miles of the Ports.

Some assert that those living near the Ports experience an average life expectancy of 8 years less than those living in other parts of the country, due to poor air quality. While we appreciate the need for continuous improvements in air quality, we also recognize that there are other factors that contribute to lower life expectancy levels among our local communities. Two factors that have been consistently identified correlate socio-economic status and education levels to lower life expectancies.

The region's economically disadvantaged population tend to experience measurably lower levels of education, when compared to other communities. Several studies, including those from the Brookings Institution, express that "closing the education gap, means closing the mortality gap." Furthermore, studies suggest that a 2% reduction in premature mortality is realized with every additional year of education achieved.

Similarly, income disparities lead to a 14.6-year life expectancy difference between the top 1% of earners and the bottom 1% of earners, due to limited access to quality health care, nutritious food, safe housing, and safe environments that include lower levels of violence, stress and anxiety. Clearly, these and other lifestyle choices are not the responsibility of the Ports or supply chain stakeholders and, in fact, are addressed, in part, by the good jobs currently available at and related to the Ports.

For nearly 20 years, the Ports have operated under the San Pedro Bay Ports Clean Air Action Plan ("CAAP"), "a landmark air quality agreement that establishes the most comprehensive, far-reaching strategy for reducing port-related air pollution and related health risks, while allowing port development, job creation and economic activity associated with that development to continue." Under the CAAP, and while subject to existing regulations from the California Air Resources Board ("CARB"), the Ports have achieved a 92% reduction in diesel particulate matter ("DPM"), a 72% reduction in Nitrogen Oxides (NOx), a 98% reduction in Sulfur Oxides (SOx) and a 20% reduction in Greenhouse gases (GHGs) based on 2005 levels. These tremendous reductions have all come while there has been a 17% increase in twenty-foot equivalent units ("TEUs.") These reductions cement the Ports' position as among the cleanest in the world, if not the cleanest.

Despite these emissions reductions, South Coast Air Quality Management District ("SCAQMD") staff aims to adopt a regulation to control mobile sources of emissions from the Ports through the exercise of an indirect source rule ("ISR"). Initial concepts for an ISR included the imposition of inflexible emissions caps, which would ultimately limit cargo flow at the Ports, due to a lack of technological and economic feasibility, as well as a lack of infrastructure available to accommodate emissions reductions, when and if the technology and economic feasibility issues are resolved. The current version of the ISR asserts an incremental approach that we believe will lead to emission and cargo caps in future phases. This will ultimately drive cargo to other ports across the country with no regulations; according to recent studies, this will lead to an increase in global GHG emissions by 19%. Furthermore, an ISR will also eliminate the Ports' ability to receive federal and state grants, as grants cannot incentivize mandatory compliance with the law. Most significantly, an ISR cedes control of the Ports to appointed regulators in Diamond Bar, eliminating citizen's rights to elect and interact with local leaders who maintain direct control over the Ports and that are accountable to their constituents (i.e., the Mayors and City Councilmembers of Los Angeles and Long Beach).

At a time when CARB has pulled back on its proposed Advanced Clean Fleets ("ACF") and In-Use Locomotive Regulations, likely due to Federal Preemption concerns, the same is true of an ISR at Ports, due to the mobile source emissions of primarily internationally flagged ships and interstate trains and trucks. We find support for this position in a United States Court of Appeals for the First Circuit decision, *Sierra Club v. Larson*, 2 F.3d 462 (1993), which stated,

The reality is that Congress framed this new subsection (z) to deal with an entirely different problem, namely, to include within the stationary source definition mobile sources of pollution, like ships in port and portable asphalt concrete plants, so far as they emit pollutants as part of their stationary activities, e.g., by leaking fuel at dockside (in contrast to engine emissions that occur when the ship or plant travels to a new destination). Id., at 468 (citing S. Rep. No. 228, 101st Cong., 1st Sess. 376 (1990) (emphasis added)).

In California, vessels adhere to the CARB Ocean-Going Vessels At Berth Regulation, and consequently, the Ports of Los Angeles and Long Beach plug in more ships to shore power than any other port around the world. As a result, at-berth emissions restrictions are applied to 100% of container ships that call here. With regard to the decision reference above, there are no additional emissions reductions to control from vessels “as part of their stationary activities” that could be realized under a SCAQMD Indirect Source Rule.

Additionally, in light of the new perspectives held by the current administration in Washington, DC, seeking advances in additional environmental regulations will be even more difficult.

For these reasons and others, although we are opposed to an ISR, we support the call for a voluntary agreement between the Ports and Cities of Los Angeles and Long Beach and the South Coast Air Quality Management District as the best course of action to address air pollution in the region while preserving the economic engine that is the Ports.

Sincerely,



Gary Herrera
President, Local 13



Danny Vilicich
President, Local 63



Daniel G. Miranda
President, Local 94

cc: Karen Bass, Los Angeles Mayor
Rex Richardson, Long Beach Mayor
Tim McOsker, Los Angeles City Councilmember, District 15
Gene Seroka, Executive Director, Port of Los Angeles
Mario Cordero, Chief Executive Officer, Port of Long Beach