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Bay Area Air Quality Management District -- 1st Air Regulator to Call on Congress to Update Federal Law to Clean-up Port Air Pollution
Enviro-Community-Labor Coalition Applauds Air District Action

(San Francisco, CA) The Bay Area Air Quality Management District (BAAQMD) is the first air regulatory agency in the country to publicly urge Congress to amend federal law so ports will not be challenged in court when they enact programs to cut air emissions from port trucks. Earlier this month, [New York Mayor Michael Bloomberg and Newark Mayor Cory Booker announced their support](#) for the legislative effort joining [Oakland Mayor Ron Dellums](#), [Los Angeles Mayor Antonio Villaraigosa](#), [Broward County Mayor Stacy Ritter](#), the [Port of Oakland](#), the [Port of Los Angeles](#) and the [Port Authority of New York/New Jersey](#).

The Air District action is evidence that the growing [national effort](#), by port truck drivers and environmental, public health, labor, faith and community groups, calling on Congress to update the Federal Aviation Administration Authorization Act (FAAAA) to ensure that local government entities, such as ports, have the power to set environmental, labor and community standards for the port trucking industry, is gaining momentum.

The Air District's advocacy of a change in federal policy is a somewhat unusual move for a public agency that usually limits itself to setting and enforcing guidelines to meet laws enacted by legislative bodies. The Coalition for Clean & Safe Ports just obtained a [letter](#) (attached) sent by Jack P. Broadbent, Chief Executive Officer/Air Pollution Control Officer, BAAQMD, to Congressman James L. Oberstar, Chairman of the House Transportation and Infrastructure Committee. In the letter, Broadbent cites the West Oakland public health crisis thereby demonstrating the urgent need for swift Congressional action:

“We are concerned by the substantial levels of pollution associated with the ports. Our recent health risk assessment, done in collaboration with the California Air Resources Board, documents these risks. It concludes that **West Oakland (which is adjacent to the Port) has an increased cancer risk from air toxics three times higher than the Bay Area average**. This alarming elevated risk is attributable to the elevated levels of diesel exhaust from the myriad of diesel engines that move cargo into, out of, and around the area.”

The San Francisco Bay Area is currently out of compliance in meeting federal clean air standards which could jeopardize vitally needed federal transportation funding.

“We are concerned that archaic language in the Federal Aviation Administration Act (FAAAA) might potentially interfere with efforts to cut emissions,” says the letter from the Air District, which is charged with reducing air pollution and protecting public health in the greater San Francisco Bay Area of California. “One outcome of this language is that ports may be challenged when they attempt to pass regulations or establish programs to cut emissions from the trucks that move containers out of the ports.”

“The Air District recognizes that the American Trucking Association's legal assault on the successful Southern California Clean Truck Program, which has resulted in

significant air quality improvements, is having a chilling effect on environmental clean-up efforts around the country," said Christine Cordero of the Center for Environmental Health and a Coalition for Clean & Safe Ports partner. "We commend the Air District for its strong leadership on this critical issue and are eager to work with the Agency to achieve the greatest possible air improvement and public health gains by updating the FAAAA to meet the needs of port workers, the community, and a modern, green trucking industry."

Background

For the past three years, the Oakland-based Coalition for Clean & Safe Ports has been fighting to reform the broken port trucking system that contributes to a public health crisis in surrounding port communities and forces port drivers to toil in sweatshop working conditions.

The Port of Los Angeles became the first in the nation to adopt a sustainable port trucking policy. The LA Clean Truck Program requires the industry to take responsibility for a clean truck fleet and its employees through an employee-based concession agreement. Since October 2008, the LA Clean Truck Program and a similar plan in Long Beach have removed thousands of dirty trucks from service and put nearly 6,000 clean vehicles on the road resulting in significant air quality improvements in Southern California. The LA Port is years ahead of schedule in its goal to reduce diesel truck pollution by 80 percent.

Unfortunately, the cargo and shipping industry refuses to take legal and financial responsibility for cleaning up the air that is polluted during the movement of its goods. Through legal maneuverings, the Virginia-based American Trucking Association, the trucking industry lobbying arm, is undermining the landmark Port of Los Angeles Clean Truck Program by obtaining a temporary injunction that halts some parts of the program until the case goes to trial in February, 2010. The ATA asserts that the Clean Truck Program concession agreement is preempted under the FAAAA.

The Coalition for Clean & Safe Ports strongly supports an Oakland Port policy styled after the LA Clean Truck Program. When the Port of Oakland considered an employee-based concession program earlier this year, Port legal staff expressed concerns about the ATA lawsuit and the Port being vulnerable to the high costs of litigation, especially at a time of serious financial troubles. The Oakland Port Commission did however vote in favor of a [resolution](#) calling on "the members of the United States Congress to amend the FAAAA to expand the preemptions to include environmental, security and congestion programs."

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*The **Coalition for Clean & Safe Ports** is an alliance of port truck drivers and more than 80 environmental, environmental justice, labor, public health, faith and community organizations dedicated to promoting sustainable economic development at our nation's ports. The Coalition is working to make the Port trucking system more efficient, reduce air pollution, and to improve the quality of jobs and to stimulate greater economic opportunities for residents living in surrounding port communities. To ensure a level playing field, the Coalition is organizing in communities at the Ports of Oakland, [Los Angeles](#), Long Beach, Seattle, [New York/New Jersey](#) and Miami so that standards are lifted regionally and no one port is put at a competitive disadvantage.*