



FOR IMMEDIATE RELEASE: Saturday, October 10, 2009

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Oakland Port Commission Votes to Ban Dirty Trucks from the Port
Congressional Action Needed for Long-term Environmental & Public Health Gains

The Oakland Port Commission voted on the parameters of an ordinance to ban old, polluting trucks from the Port of Oakland Tuesday evening. The ban is intended to enforce new California Air Resources Board (CARB) port truck air emission standards that prohibit any truck built before 1994 and those built before 2003 that have not been retrofitted on January 1, 2010. Diesel exhaust from old trucks is associated with high rates of asthma and cancer in surrounding port communities.

The lawsuit brought by the American Trucking Association (ATA) against the Southern California Clean Truck Programs continues to raise concerns when Oakland tries to enact a comprehensive and sustainable port trucking policy. During the truck ban debate, the Port Attorney expressed his concern that a strict ban would leave the Port vulnerable to similar litigation. The same concerns were raised when the Port Commission considered an employee-based concession model similar to the LA program earlier this year.

The staff presented two options: a strict ban or a ban with loopholes. But instead in a 5-0 vote, the Commissioners approved a ban consistent with the 2010 CARB regulations with two exemptions: 1) terminal operators gained the authority to grant a one-time, one-day pass per truck that does not meet the State emission standards while the truck owner will be cited for non-compliance; and 2) Non-compliant trucks carrying oversized, overweight loads such as fuel tanks that enter the Port infrequently may be waived through.

Air regulators of the Bay Area Air Quality Management District, environmentalists, and public health officials were united in their support for a strict ban with no exemptions.

“Although the environmental and public health community supported a strict ban with no exemptions, we’re pleased that the Port Commission took some concrete steps to stop most older, polluting trucks from entering the Port,” said Jenny Bard, Regional Air Quality Director of the American Lung Association in California. “We call on the Commission to expand the ban to meet the 2014 State air emission standards requiring all trucks to have 2007 or newer engines.”

A vote on the final dirty truck ban ordinance language is expected at an upcoming Port Commission meeting.

“We’re glad the Port Commission demonstrated leadership on the truck ban issue. It’s unfortunate that ATA actions are hampering the Port’s environmental efforts because of one interpretation of outdated federal law, said Doug Bloch, Director, Coalition for Clean & Safe Ports. “In the meantime, the shipping and cargo industry continues to get a free ride while low-paid truck drivers and residents pay the costs

to clean up the industry's pollution. We welcome the Port of Oakland's active participation in urging Congress to right this long-standing wrong."

Background

The Coalition for Clean & Safe Ports has always advocated for the strongest environmental and public health protections. Unfortunately, the cargo and shipping industry refuses to take responsibility for cleaning up its air pollution by taking legal and financial responsibility for a clean truck fleet. Under the current broken port trucking system, the burden for buying and maintaining clean trucks is placed on individual low-paid truck drivers. Hundreds of Oakland port truck drivers face unemployment in January when their trucks will be banned from the Port.

Through legal maneuverings, the Virginia-based American Trucking Association (ATA) is undermining the landmark Port of Los Angeles Clean Truck Program, that has resulted in significant air quality improvements in Southern California, by obtaining a temporary injunction that halts some parts of the program until the case goes to trial in February, 2010. The LA Clean Truck Program requires the industry to take responsibility for a clean truck fleet and its employees through an employee-based concession program.

The Coalition for Clean & Safe Ports strongly supports a program in Oakland 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.

Environmental, public health, community, labor and faith organizations are [calling on Congress](#) to modernize Federal Transportation law to ensure that local government entities, like ports, have the power to set trucking standards through environmental, security and congestion programs.

The Oakland Port Commission joined in that effort recently when it voted in favor of a [resolution](#) calling on "the members of the United States Congress to use the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users Reauthorization to consider amendment of the Federal Aviation Administration Authorization Act (FAAAA) to expand the exceptions to FAAAA preemption 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.*