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Oakland Port Commission Seeks Resolution to Allow Local Officials Real Power to Clean Up Diesel Truck Pollution; Improve Security, Safety

Coalition Applauds Commission's Resolve to Call on Congress to Act so Trucking Industry Cannot Tie Up Life-saving Environmental Policies in Court

(OAKLAND, CA . July 7, 2009) -- In a stinging rebuke to the status quo in a deregulated trucking market, the Oakland Commission acknowledged a critical need for Congress to modernize transportation policy so the Port has the legal authority to set and enforce trucking industry standards to make goods movement sustainable for local communities and workers.

The Oakland Port Commission's decision to move forward on a resolution at their July 21st board meeting, immediately earned praise from a coalition of port truck drivers and more than 80 environmental, community, public health and faith organizations working on port trucking reform.

The Commission is taking the right steps toward holding the highly polluting industry accountable, said Christine Cordero, Center for Environmental Health.

The action appears to be in defiance of legal maneuvering by the Virginia-based American Trucking Association, which has hamstrung port efforts to move forward on a concession program with company clean-vehicle requirements and employment responsibilities to meet environmental, local hire, public safety and security objectives.

Our nation's ports need the tools to protect public health by holding industry accountable to a more responsible means of transporting goods, said Port Commission President Victor Uno. Unless Congress brings transportation law into the 21st Century, we will fail to permanently reduce the toxic diesel pollutants that are contributing to serious illnesses such as asthma and cancer amongst children, port drivers and residents.

The Port of Los Angeles became the first in the nation to recognize deregulation's failures by requiring trucking companies to sign comprehensive concession agreements. Since October 2008, the LA Clean Trucks Program and a similar plan in Long Beach have removed thousands of dirty trucks from service and put 4,500 clean-burning and alternative fuel vehicles on the road. The LA Port is years ahead of schedule in its goal to reduce diesel truck pollution by 80 percent.

In addition to the environmental gains, economists point to other major benefits of the LA business model that relies on capitalized trucking firms, rather than low-wage independent contractor drivers, for turnover to and upkeep of clean vehicles. Amidst a recession, the LA Clean Trucks Program has reduced public and port subsidies and spurred remarkable private investment:

- Every \$1 in port incentives has leveraged approximately \$10 in private investment into the purchase of new vehicles and equipment; pumping \$400 million into the industry to date.

- Truck dealers near the LA harbor are seeing business up by 33 percent vs. new truck sales down 60% nationwide.
- Economic analysts expect the LA program to generate a total of \$5 billion to the regional economy.

Despite these achievements, the ATA is suing to destroy the Southern California Clean Trucks Programs in their entirety. A federal judge initially denied the industry lobby's request for a preliminary injunction, but a 9th circuit appellate panel sent it back to the U.S. district judge, ordering her to reconsider the decision. Judge Christina Snyder again denied the ATA's request to kill the clean-air program in April, but felt compelled to put key elements on hold until the full merits of the port's case are heard in trial this December. The Port of Oakland's action today demonstrates their frustration with the legal roadblocks that prevent the Commission from aggressively addressing air quality, safety and security challenges sooner.

President Barack Obama, Secretary of State Hillary Clinton, Speaker of the House Nancy Pelosi, Senators Barbara Boxer (D-CA), Dianne Feinstein (D-CA) and the entire Democratic Congressional Delegation in California have publicly endorsed the LA Clean Trucks Program developed under the leadership of Mayor Antonio Villaraigosa. Senator Frank Lautenberg (D-NJ) and Congressman Jerrold Nadler (D-NY), whose constituents live near the highly-polluting Ports of New York and New Jersey, have also supported LA's bold local leadership on the issues.

"If an old law can be interpreted to allow companies to pollute for profit with no strings attached then it's time to change the law," said Alicia Carrera, a Long Beach mother of three asthmatic children. "My kids have literally breathed easier since the Clean Trucks plan got underway. We must protect it here so parents in every port town can have the same peace of mind."

The Oakland Port Commission's leadership also offers hope to low-paid independent drivers facing the prospect of going into debt to buy or retrofit a new truck to meet new state air quality standards. Currently, independent contractors who average \$10-11 an hour must cover the costs.

"I want my kids to breathe clean air, but I can't afford to replace my 1984 rig with a new truck and neither can my fellow drivers," said Oakland port driver Manuel Rivas, a widower from El Salvador who was forced to support his 13-year-old twins and another young son on \$24,000 last year. "A system where trucking companies aren't responsible for trucks or even truck drivers doesn't work at all."

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The Coalition for Clean & Safe Ports is an alliance of more than 80 environmental, 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, improve the quality of jobs and stimulates 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, Tacoma, New York/New Jersey and Miami so that standards are lifted regionally and no one port is put at a competitive disadvantage.