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Appeal to the Oakland Port Commission: Don't Disappoint Our Community with Another Broken Promise to Reduce Air Pollution

The attached letter, written by the Oakland-based Coalition for Clean & Safe Ports (CCSP) Steering Committee was sent to the Oakland Board of Port Commissioners, today, on the eve of a vote scheduled during the **October 6th Port Commission meeting (open session begins 4:00pm) on a proposed dirty truck ban ordinance**. The Commissioners will consider two options: 1) a strict ban; and 2) a ban with exemptions. (The staff report is attached.) CCSP strongly supports adoption of a strict dirty truck ban.

On June 16, 2009, in an effort to provide a guarantee to community residents and port workers that life-saving reductions in diesel pollution would occur, Port Commissioners directed staff to develop a truck ban ordinance that would ban highly polluting trucks that fail to meet new California Air Resources Board (CARB) port truck air emission standards. The CARB regulations prohibit the use of pre-1994 trucks and non-retrofitted 1994 – 2003 trucks after January 1, 2010 and after January 1, 2014 prohibit the use of all pre-2007 trucks.

According to the CCSP letter, "...we were so utterly dismayed when Port staff recommended a "ban" riddled with exemptions and loopholes during the September 17 Maritime Committee." One of the many problems with the Maritime Committee proposal is that terminal operators have the authority to grant an exemption to any dirty truck they choose, so long as the truck is overweight, carrying special cargo, or the situation is "urgent."

"In other words, leaving dirty truck policing up to terminal operators is like granting them the power of a nightclub bouncer. Some get in, some don't get in. It's up to the bouncer to decide who gets to dance "dirty" or not," according to the CCSP Steering Committee letter.

Who: Oakland Board of Port Commissioners
What: Vote on Proposed Dirty Truck Ban Ordinance
When: Tuesday, October 6 at 4:00pm
Where: 530 Water Street, Oakland

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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.*



October 5, 2009

Commissioner Victor Uno, President
Commissioner James W. Head, First Vice President
Commissioner Margaret Gordon, Second Vice President
Commissioner Anthony A. Batarse, Jr.
Commissioner Pamela Calloway
Commissioner Gilda Gonzales
Commissioner Kenneth S. Katzoff
Port of Oakland
530 Water Street
Oakland, CA 94607
Re: Vote on Proposed Dirty Truck Ban Ordinance

Dear Commissioners:

When Commissioner James Head introduced the dirty truck ban on June 2nd, he stated, "A total ban creates a fair playing ground and allows us to be serious about this issue." In testimony before the State Assembly Select Committee on Ports, Port of Oakland Executive Director Omar Benjamin committed to passing a comprehensive truck ban. On June 2nd, Mr. Benjamin described his position to the Port Commissioners, stating, "What I'm recommending is that we go forward with a simple, clear ban for non-compliant trucks...Those are the two biggest reasons for the ban – the simplicity and the improvement on the air quality side."

We were encouraged by these public pronouncements and were led to believe that the Port of Oakland was heading in the right direction. We breathed a sigh of relief assuming residents and port workers would finally get relief from the constant bombardment of toxic soot spewing from the Port that contributes to a public health crisis of asthma and cancer in our community.

That is why we were so utterly dismayed when Port staff recommended a "ban" riddled with exemptions and loopholes during the September 17 Maritime Committee. The Maritime proposal will not prevent dirty trucks from entering the Port of Oakland and runs contrary to the Executive Director and the Commission's promise to reduce truck pollution. The Maritime proposal contains three critical flaws:

- 1) Terminal operators have the authority to grant an exemption to any dirty truck they choose, so long as the truck is overweight, carrying special cargo, or the situation is "urgent." A definition of urgent is not provided.
- 2) The Port can issue "day passes" to dirty trucks (up to 10 per truck), guaranteeing them access to the terminals and continued pollution.
- 3) The Jan 1, 2014 deadline to ban pre-2007 trucks is omitted.

In other words, leaving dirty truck policing up to terminal operators is like granting them the power of a nightclub bouncer. Some get in, some don't get in. It's up to the bouncer to decide who gets to dance "dirty" or not.

By allowing dirty, diesel trucks to continue to operate at the Port, responsible truck owners who invested in clean trucks may be put at a competitive disadvantage. It's not fair, and it's not right.

In describing why Maritime staff proposed a loophole ridden truck ban, Deputy Port Attorney Mary Richardson expressed her concern about the temporary injunction granted at the request of the Virginia-based American Trucking Association lobby as it persists in its legal maneuverings to undermine the landmark Port of Los Angeles Clean Truck Program that has resulted in significant air quality improvements in Southern California. The case is yet to be heard in court, and has been rescheduled to go to trial in February, 2010.

The Port Commission recently voted in favor of a resolution calling on Congress to update federal law so there will be no doubt that local government entities, like ports, have the power to set trucking standards through environmental, security and congestion programs. We call on the Port Commission to re-double its efforts to get this important legislation enacted as soon as possible.

In an apparent reversal of their earlier recommendation, Port staff issued a supplemental agenda report last Friday -- less than two business days before the scheduled Port Commission vote -- with two options for you to consider: 1) a "strict" truck ban; or 2) the loophole ridden "ban" with exemptions. This time the staff came down in favor of the "strict" ban contradicting their earlier recommendation.

We cannot afford another staff flip flop -- especially one that may occur behind closed doors during the "Closed Session" (where the public is not allowed) just prior to the Commissioners vote. The choice is clear. We call on the Port Commission to stand your ground, and adopt a "real" dirty truck ban -- one that does not contain any exemptions or loopholes."

Sincerely,

Oakland Coalition for Clean & Safe Ports Steering Committee:
Brian Beveridge, West Oakland Environmental Indicators Project
Doug Bloch, Change to Win
John Brauer, Workforce Collaborative
Shirley Burnell, Oakland ACORN
Sharon Cornu, Alameda Labor Council, AFL-CIO
John Engstrom, East Bay Community Law Center
Marty Fretas, International Brotherhood of Teamsters
Kristi Laughlin, Interfaith Committee for Worker Justice
Aditi Vaidya, East Bay Alliance for a Sustainable Economy

cc: Mayor Ronald V. Dellums
Mr. Omar Benjamin, Executive Director