



September 4, 2024

The Honorable Gavin Newsom, Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Re: Assembly Bill 1122: Commercial Harbor Craft – Request for Veto

Dear Governor Newsom:

The undersigned health and medical organizations write to request that you veto Assembly Bill 1122 (AB 1122, Bains). AB 1122 would delay implementation of an important public health program related to Commercial Harbor Craft (CHC) despite significant compliance flexibilities already existing in state regulation currently pending authorization by the United States Environmental Protection Agency.

Californians face the most difficult air pollution challenges in the United States, with six of the ten most polluted cities in the United States and 98 percent of Californians living in communities with unhealthy air pollution. Breathing air pollution can contribute to a wide range of health emergencies, including asthma attacks, heart attacks and stroke, lung cancer and premature death. These health emergencies are often concentrated in communities of color and lower-income communities nearest major sources of diesel exhaust, including from harbor craft.

AB 1122 would delay certain requirements for towing CHCs under the regulation adopted by the California Air Resources Board in 2022 following years of public process with significant involvement by industry, CHC operators, and other stakeholders. AB 1122 would also require diesel particulate filters (DPF) on certain CHCs to include an override safety system with reporting requirements for operation in this mode. These and many other provisions allowing for safety, extensions, and technology readiness are already included in the CHC regulation, but this legislation would limit the CARB's discretion to implement this critical clean air rule.

As approved and pending authorization at the federal EPA, the CHC amendments would result in 500 lives saved due to cleaner air, over \$5 billion in public health benefits and major reductions in community-level exposures to carcinogenic diesel exhaust. The on-schedule and fully implemented CHC rules are needed to support attainment of federal clean air standards per our State Implementation Plan for Ozone, for meeting the full promise of Executive Order N-79-20 and to meet the crucial commitments to environmental justice that has so long been out of reach in port-side communities. AB 1122 interferes with the intended implementation and achievement of these benefits and sets a clear precedent for further legislative efforts to erode life-saving clean air policies that Californians depend on.

The CHC rule is a critical component of Executive Order N-79-20 and is crucial for attainment of federal air quality standards, reducing exposure to smog-forming emissions, and reducing carcinogenic diesel exhaust on a phased and practical schedule with many flexibilities incorporated into the rule. For these reasons, our organizations urge your veto of AB 1122. Please contact Will Barrett at William.Barrett@Lung.org for additional information.

Thank you,

Will Barrett, Senior Director, Nationwide Clean Air Advocacy
American Lung Association

Joel Ervice, Associate Director
Regional Asthma Management & Prevention (RAMP)

Robert M. Gould, MD, President
San Francisco Bay Physicians for Social Responsibility