



May 1, 2023

Support for California Ocean-Going Vessels At Berth Waiver

Re: Docket ID No. EPA-HQ-OAR-2023-0152

Comment from the American Lung Association

Via email: a-and-r-docket@epa.gov

The American Lung Association calls on the United States Environmental Protection Agency (EPA) to approve California's waiver to implement recent amendments to the Ocean-Going Vessels At Berth (At Berth) regulation. The California Air Resources Board (CARB) adopted this updated policy to increase the use of shore-power for a wider range of vessels calling on California's ports. The updated rule is a key method to reduce regional air pollution burdens and neighborhood-level disparities in carcinogenic diesel exhaust.

Californians face the most difficult air pollution challenges in the United States. The American Lung Association's "State of the Air" 2023 report found that California is home to six of the ten most ozone-polluted cities in the United States, including the top four.¹ Despite decades of progress in reducing air pollution, Californians still face risks associated with unhealthy air, including asthma attacks, strokes, heart attacks, lung cancer and premature death. Low-income communities and communities of color face disproportionate burdens and disparities in health impacts, including portside communities directly impacted by oil tankers, auto carriers, cruise ships and other ocean-going vessels addressed through CARB's lifesaving policies.

The amended At Berth regulations adopted by CARB in August 2020 were included in the Revised 2016 State Implementation Plan to drive emission reductions in support of attainment of ozone and particle pollution standards.² The rules apply to a broader suite of vessels than the initial standards set in 2007, including roll-on/roll-off auto carriers and oil tankers as well as emission reduction requirements for auxiliary boilers on tanker ships. The revised standards require emission controls for additional California ports as well to ensure health protections are expanded. This is critical to ensuring lasting benefits to nearby communities and is projected to provide a 44% increased benefit in terms of reduced oxides of nitrogen (NOx), a 51% in diesel particles and a 35% benefit for overall particles in comparison to the 2007 regulation.³

¹ American Lung Association. State of the Air 2023. April 2023. www.lung.org/sota.

² California Air Resources Board. Revised 2016 State Strategy for the State Implementation Plan. March 7, 2017. <https://ww2.arb.ca.gov/sites/default/files/classic/planning/sip/2016sip/rev2016statesip.pdf>

³ California Air Resources Board. Updated Informational Digest. Ocean-Going Vessels at Berth Regulation at p. 5. <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/ogvatberth2019/uid.pdf>

The amended At Berth regulations are projected to achieve a statewide health benefit of \$2.25 billion due to reductions in diesel emissions and associated negative non-cancer health outcomes (e.g., premature deaths, Emergency Room visits and hospitalizations). Despite the magnitude of the estimated health benefits, CARB's health evaluation remains a conservative estimate. A broader suite of poor health outcomes associated with ship pollution were discussed in the Initial Statement of Reasons but are not captured in the evaluation. As stated in the Health Analysis section of the October 15, 2019 Initial Statement of Reasons for the proposed rulemaking:

“Although PM mortality and illness valuation has been, and continues to be, a useful metric for valuating the health benefits of regulations, it only represents a portion of those benefits. Given this, the full health benefits of a regulation are expected to be underestimated because all adverse health outcomes associated with air toxics are not monetized. A more robust evaluation of outcomes, including, but not limited to, preterm birth, neural tube defects, nonfatal cancers, and fatal cancers would provide a more complete perspective of the benefits from reduced exposure to air toxics.”⁴

To ensure that California continues to make progress toward attainment of health-protective air quality standards, and to protect the health of portside communities throughout California, the American Lung Association urges the US EPA to approve the waiver for the Ocean-Going Vessels At Berth regulation. Please contact William Barrett at William.Barrett@Lung.org for any additional information.

⁴ California Air Resources Board. Initial Statement of Reasons. Appendix G at pp. G 60-61. <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/ogvatberth2019/appg.pdf>