



SAN PEDRO & PENINSULA HOMEOWNERS COALITION



COMMUNITIES FOR A BETTER ENVIRONMENT
established 1978





VOTE SOLAR



Via Electronic Mail Ian MacMillan
Assistant Deputy Executive Officer
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: imacmillan@aqmd.gov

RE: Proposed Rule 2304- Marine Port Indirect Source Rule- Recommendations for Developing a Strong Rule and Releasing Draft Language

Dear Mr. MacMillan:

The undersigned organizations write to provide comments on the development of Proposed Rule 2304- Marine Port Indirect Source Rule (“Ports ISR”). We applaud South Coast Air Quality Management District (“AQMD”) Staff and AQMD Governing Board Members for prioritizing community health and safety by adopting the Warehouse ISR in April 2021, the Rail Yards ISR in August 2024, and now advancing the long-awaited Ports ISR. The shift to zero-emission technology and infrastructure is a challenging endeavor. However, what’s even more challenging is the public health crisis that is plaguing communities living near ports, rail yards, and warehouses. We have known for decades that pollution from the region’s freight industry is gravely harming frontline communities. The diesel exhaust, particulate matter, and ozone that these emissions sources contribute to are known to lead to more emergency room visits and hospitalizations due to heart attacks, aggravated asthma, decreased lung function, restricted airways, premature death, and many other public health ailments. AQMD’s Ports ISR rule provides an unparalleled opportunity to improve utility, terminal operator, and port coordination—while bolstering state requirements targeting individual pieces of equipment to reduce emissions. We urge AQMD to stand in solidarity with environmental justice communities and public health advocates by committing to strengthening the draft rule concept and releasing draft language this fall. This rule has the potential to lay the foundation for a zero-emission infrastructure system that will power Southern California’s freight sector and lock in a competitive advantage. We urge AQMD to adopt the strongest possible Ports ISR and start delivering on the promise of the 2022 AQMP to realize a zero-emissions future.

1. South Coast nonattainment harms community health and safety.

PR 2304 is well-positioned to identify additional emissions reductions that will help to bring air in the South Coast into compliance with federal and state air quality standards. As you know, the U.S. EPA is proposing to determine that the Los Angeles-South Coast Air Basin ozone nonattainment area failed to attain the 1997 8-hour ozone national ambient air quality standard

by its June 15, 2024 “Extreme” area attainment date.¹ Similarly, EPA proposed to disapprove the state implementation plan (“SIP”) revision containing AQMD’s Contingency Measure Plan to account for “Black Box” placeholders.² Further, CARB and SCAQMD withdrew the SIP, leaving the region without an enforceable plan to address nearly 108 tons per day (tpd) of NOx reductions left unaccounted for. Meanwhile, communities throughout the South Coast region continue to breathe harmful air—with high pollution burdens concentrated in communities of color and low-income communities.

According to CalEnviroScreen 4.0, many of the communities adjacent to the port of Los Angeles and Long Beach are in the 90th percentiles for DPM exposure and asthma risk, as well as in the upper percentiles for low birth weights and cardiovascular disease. These port-adjacent communities, whose residents are predominantly people of color, are also in the upper percentiles for poverty, unemployment, and housing burden. SCAQMD’s MATES V study also found that individuals who live in the ZIP codes nearest to the ports are in the 97th-99th percentile of cancer risk from air toxins. Community, industry, and port collaboration is necessary to attain and channel unprecedented levels of federal funds to invest in ZE equipment, vehicles, and infrastructure.

2. SCAQMD Must Advance the Target to Zero Emission Operations by 2040.

PR 2304³ must make Clean Air Action Plan goals enforceable to ensure a long-term shift to significant emissions reductions from port sources to achieve regional attainment deadlines, maximize co-benefit of diesel particulate matter (DPM) reductions to lower local health risk, and facilitate ZE implementation at scale for on-terminal operations. To achieve these goals, the proposed rule must include the following key elements:

1. Targeted reductions of each Port’s NOx and diesel emissions;
2. Targeted reduction of each terminal’s emissions;
3. Mandatory reporting requirements;
4. A viable system for enforcing regulatory requirements; and
5. The expansion of zero emissions infrastructure.

Following additional stakeholder discussions and working group meetings, SCAQMD has also identified several elements to add to the proposed ISR (as of September 2023):

1. Establish further NOx emissions targets beyond the ports’ own 2023 targets;

¹ [Federal Register :: Finding of Failure To Attain the 1997 8-Hour Ozone Standards: California; Los Angeles-South Coast Air Basin.](#)

² [Federal Register :: Air Plan Disapproval: California; Los Angeles-South Coast Air Basin; 1997 8-Hour Ozone.](#)

³ South Coast Air Quality Mgmt. Dist., Proposed Rule 2304 Marine Port Indirect Source Rule Working Group Meeting (June 1, 2023), <https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr-2304---6-1.pdf?sfvrsn=6>.

2. Facilitate investments in zero-emission ports;
3. Allow ports and terminals to set their own plans to self-determine path toward emission reduction targets (within reasonable limits); and
4. Ensure no cap on port cargo volume, so ports and terminals are not required to delay or turn away cargo;
5. Require zero-emission infrastructure planning and implementation to meet federal, state, and local goals and requirements; and
6. Develop compliance flexibility with multiple options to allow for technological and economic uncertainties.⁴

Though SCAQMD staff has not shared draft rule language nor formalized these elements, including an emissions limit, recent comments suggest the agency may be considering a different direction for the Ports ISR. At a working group meeting on July 10th, SCAQMD signaled the potential for the Ports ISR to incorporate more specific, achievable, and measurable actions that the ports could take to comply with emissions reductions targets set by SCAQMD. To some extent, this shift aligns with the Impact Coalition's work: since February 2024, SCAQMD staff and the Coalition have been working to identify a menu of potential emissions reductions strategies to integrate into the ISR.⁵ However, SCAQMD acknowledged that the shift in rule concept was in response to concerns raised by the ports. Furthermore, when probed, the Air District was uncertain whether the rule will continue to center around a strict emissions limit or waive emissions targets in lieu of an entirely action-based rule.⁶ Moreover, the Air District also considered walking back the ISR language and calling the rule another name, citing industry challenges to prior ISRs.

While integrating concrete actions and incentives can encourage the ports to take specific actions to support a ZE transition, this shift away from emissions targets threatens SCAQMD's coordinated approach to mobile sources of pollution, as reaffirmed in the 2022 Air Quality Management Plan, and endangers communities, particularly in light of surges of air pollution at the ports.⁷ Without specific, facility-wide emissions reduction targets, the Ports ISR may allow

⁴ South Coast Air Quality Mgmt. Dist., Proposed Rule 2304 Indirect Source Rule for Commercial Marine Ports – Container Terminals Working Group Meeting 4 (Jan. 24, 2024),

https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pr2304_wgm-no-6.pdf?sfvrsn=9.

⁵ See e.g. South Coast Air Quality Mgmt. Dist., Potential Port Emission Reduction Strategies – Discussion Draft (Mar. 15, 2024),

[https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/ud-potential-port-emission-reduction-strategies---discussion-draft-\(pdf\).pdf?sfvrsn=4](https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/ud-potential-port-emission-reduction-strategies---discussion-draft-(pdf).pdf?sfvrsn=4).

⁶ Eliminating the emissions limit would undermine the core concept of SCAQMD PR 2304. Guide to understanding and resisting false solutions to the climate crisis,

<https://www.mapafalsassoluciones.com/saber/guia-para-entender-y-resistir-a-las-falsas-soluciones-a-la-crisis-climatica-ingles/>.

⁷ For example, substantial increase in cargo imports at the Ports have resulted in significant congestion. This resulted in increases of 20 tons per day of NOx and 0.5 tpd of particulate matter in the South Coast Air Basin, in comparison to pre-pandemic baseline levels. Cal. Air Res. Bd., *Emissions Impact of Ships Anchored at Ports of Los Angeles and Long Beach* (Nov. 9, 2021),

https://ww2.arb.ca.gov/sites/default/files/2021-11/SPBP_Congestion_Anchorage_Emissions_Final.pdf.

the ports to avoid taking the necessary actions to achieve 100% ZE operations, such as turning over fleets and equipment. The failure to organize the rule around a zero-emissions target would severely weaken the Ports ISR, and further hinder efforts to hold the ports accountable to improving air quality to protect community health.

3. The Ports of Los Angeles and Long Beach continue to expand, and regulations must be established to control any increase in emissions.

The Ports of Los Angeles and Long Beach have long been, and continue to be, two of the busiest seaports in the Western Hemisphere. The ports combined employ thousands of Southern Californians and play a critical role in the vast supply chain supporting both the California economy and the United States as a whole. The San Pedro Bay complex, including the Port of Los Angeles (POLA) and the Port of Long Beach (POLB), handles approximately 17 million Twenty-Foot Equivalent Units (TEUs) each year,⁸ nearly 36% of all U.S. imports,⁹ and 40% of the container traffic from continental Asia.¹⁰ Despite the substantial utilization of these ports, there are plans for further development and usage. As both ports continue to expand, the production will continue to increase, accompanied by an increase on the trucks and rail traffic towards the Inland Empire, generating more emissions as well as the negative environmental, health and social impacts attached to them, unless sufficient regulations are set to control it.

The Los Angeles and Long Beach ports have experienced record-setting summers regarding each ports' respective cargo volume. Without sufficient regulation, the residents nearby will continue to pay the price with their lives. Failing to act now will only further lead to the detriment of surrounding communities, and the impact will only worsen as Southern California, specifically the Los Angeles area, continues to be a beacon for entertainment—as the area will be hosting both the World Cup and the Olympics in the coming years, which will likely cause a significant surge in cargo volume over an extended period.

Moreover, the residents of the Inland Empire will also pay the price. Because of the Inland Empire's proximity to the largest port complex in the U.S., the Inland Empire has become the largest “dry port” or “inland port” on the west coast. The Ports of L.A. and Long Beach create more than half a million daily truck trips into the Inland Empire to get to the multiple railyards in the Inland Empire or the 4,000 warehouses in the region that have a total footprint of 1.5 billion sq. ft., with more than 600 schools within half a mile from a warehouse. Every year, the Inland Empire is burdened with more than 300,000 pounds of diesel particulate matter, 30 million pounds of nitrogen oxide and 15 billion pounds of carbon dioxide. This is why the Inland Empire

⁸ James A. Fawcett, *Why We Have Two Major Seaports in San Pedro Bay*, USC Dornsife (Aug. 31, 2020), dornsife.usc.edu/uscseagrant/.

⁹ Mike A. Gipson, *Assembly Select Committee on Ports and Goods Movement, Chair's Interim Report*, at 25 (Jul. 2024).

¹⁰ Don Lee, *In 'generational moment,' Port of L.A. faces shifting winds in business and politics*, Los Angeles Times (Jul. 18, 2024) www.latimes.com/business/story/.

is constantly called a diesel death zone, and community members and workers in the region are at a higher risk of having air pollution related illnesses. While the recently adopted SCAQMD Warehouse and Railyard ISRs will reduce freight emissions, SCAQMD must complete the facility-based strategies to with the Ports ISR to account for the growing amounts of pollution coming from the ports and contributing to secondary formation of ozone in the Inland Empire.¹¹

This past year the POLA experienced its busiest July ever and busiest month in the last two years, as cargo volume spiked this summer. In just July, a record-breaking 939,600 TEUs were moved, a huge 37% increase from the previous July. In comparison to July 2023, there was a 38% increase in loaded imports, totaling 501,281 TEUs; there was a 4% increase in loaded exports, totaling 114,889 TEUs; and a 54% increase of empty containers processed, totaling 323,431. Through the first seven months of 2024, POLA moved 5,671,091 TEUs, 18% ahead of its 2023 pace.¹²

As true with POLA, the Port of Long Beach (POLB) also experienced its busiest July and third busiest month in its history due to the surge in cargo volumes.¹³ In July alone, 882,376 TEUs were moved, an increase of 52.6% from July 2023, which surpassed the previous record set in July 2022 by 12.4%. The surge is evidenced by a massive 60.5% increase of imports landed to 435,081 TEUs, a 16.3% increase of loaded exports to 104,834 TEUs, and a 57.8% increase of empty containers processed to 342,462 TEUs. Overall, through the first seven months of 2024, POLB moved 5,174,002 TEUs, a staggering 20% increase from the same period last year.

Both ports continue to handle massive volumes of cargo. Unfortunately, as the ports continue to prosper, the success comes at the expense of the health of portside communities. The San Pedro Bay port complex is the region's largest single source of smog-forming pollution¹⁴ and is a significant threat to public health and the environment. These harmful port-related emissions disproportionately affect the health of portside communities daily.¹⁵

SCAQMD began considering a Port ISR after the San Joaquin Valley Air Pollution Control District adopted its ISR in 2005. SCAQMD staff issued a draft Port ISR (Proposed Rules 4010 and 4020) in 2010. For nearly 20 years the ports have managed to escape sufficient regulations that would regulate port-related emissions. This trend cannot continue. A Port ISR is a feasible

¹¹ Pargoal Arab, Climate Equity Associate, Climate Equity Initiative Report, *Community Health Impacts of Air Pollution in the U.S.* (January 2024), [Community Health Impacts of Air Pollution in the U.S.](#) at p. 24.

¹² *A Record-Setting July At Port of Los Angeles As Cargo Soars 37%*, Port of Los Angeles, <https://www.portoflosangeles.org/references/2024-news-releases/>.

¹³ *Port of Long Beach Sees Busiest July on Record*, Port of Long Beach (Aug. 14, 2024) [Port of Long Beach Sees Busiest July on Record \(polb.com\)](#).

¹⁴ Los Angeles Times Editorial Board, *How to end SoCal's smog streak? Slash pollution from railways and ports*, (Aug. 2, 2024) [Editorial: Los Angeles Times \(latimes.com\)](#).

¹⁵ Particularly, the communities of San Pedro, Wilmington, and West Long Beach, which experience up to 8 years lower life expectancy than the Los Angeles County average and the highest risk of cancer regionally. # Even with this knowledge, the ports continue to be a major source of air pollution. And as both ports continue to grow, the adjacent communities continue to face increasing rates of asthma, cancer, heart disease, and premature death.

regulatory measure. In order to come into compliance with state air quality standards, the California Clean Air Act requires SCAQMD to adopt and implement all feasible air pollution control measures as expeditiously as practicable.¹⁶ The port ISR is needed, legally mandated, and it has the potential to be a powerful and enforceable tool that can help reduce the emissions that are severely harming communities and establish necessary milestones for the transition to zero emissions technology. In addition to the health benefits the ISR would provide, it would also create opportunities for better coordination with utilities to increase power/charging infrastructure at the ports.

A lack of coordination with utilities have caused port power outages. These outages are not reasons to shy away from electrification. Rather, recent outages should incentivize ports to invest in better infrastructure and coordination with the utilities. As a DWP official explained, the outages are usually caused by an issue on the user's side, like the blown transformer, but investing in equipment like underground power lines would help reliability.¹⁷ The warehouse ISR is evidence that this approach can be effective. Improving infrastructure, increasing ZE operations, and creating regulations that will cut emissions is critical, as each will benefit the nearby disadvantaged and low-income communities, considering the disproportionate impact the ports have on these communities.

4. The Port ISR must make CAAP goals enforceable and drive coordination between responsible parties to expedite a transition to zero-emissions

PR 2304 can utilize specific actions to incentivize and encourage the ports to affirmatively act to reduce emissions. The attached chart (Proposed Port ISR Actions), outlines several concrete action- and incentive-based elements that SCAQMD can consider incorporating into the final rule.

Building on the ongoing discussions by SCAQMD to identify emissions reduction strategies, the chart organizes interventions in three categories: (1) charging infrastructure, (2) cargo-handling equipment, and (3) transmission and energy planning. These categories ensure the ISR includes the necessary interventions to transition the ports to 100% ZE operations. Furthermore, these categories help align the proposed ISR with the Coalition's efforts to ensure the ports have the adequate transmission and energy infrastructure to support ZE technologies.¹⁸

¹⁶ Title 17, Cal. Code of Regulations §70600(b)(5)(A). See also, Cal. Health & Safety Code §40920.5.

¹⁷ Don Lee, *The power keeps going out at the Port of Los Angeles, raising worries about its green future*, (Aug. 16, 2024) www.latimes.com/business/story/power-outages.

¹⁸ See Comment Letter from Fernando Gaytan et al. to Ian MacMillan, Assistant Deputy Exec. Officer, South Coast Air Quality Mgmt. Dist., Proposed Rule 2304- Marine Port Indirect Source Rule- Recommendations for Developing a Strong Rule Following Technical Working Group Discussion 4 (May 1, 2024), <https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/24-5-1-ip-port-isr-ltr-to-scaqmd-staff.pdf?sfvrsn=6> [hereinafter Port ISR Comment Letter].

These activities are also mapped against desired outcomes (Column B), including ensuring sufficient access to zero-emission charging infrastructure and reducing emissions and indirect sources of pollution at the port. The proposed mechanisms utilize a variety of interventions to push the ports to act. These mechanisms range from providing additional incentives, re-allocating funding to support infrastructure development and acquisition of equipment, to requiring both ports and terminal operators to conduct infrastructure assessments or engage in energy-specific planning. Specifically, transmission planning activities seek to encourage the ports to invest in the necessary electricity and transmission infrastructure to support a transition to ZE operations, including by encouraging the ports to consider where electricity upgrades are needed and to plan for equipment turnover. Together, these actions seek to create numerous mechanisms to compel the Port to actively consider and pursue ZE initiatives, in line with SCAQMD goals surrounding emissions reductions.

In addition, building on the Coalition's work¹⁹ Column F identifies a variety of potential tools for mechanism implementation grounded in the ports' authority over terminal operators. Ports may argue that such mechanisms, particularly lease-based controls, are redundant with their authority, as they could simply make these changes themselves. However, as discussed, contractual agreements at the ports have historically lacked enforceability. Embedding these mechanisms directly into the ISR can ensure that actors at the ports, particularly industry players, are accountable to ZE targets set forth by SCAQMD. Additionally, leveraging the ports' contractual agreements will not exceed the scope of SCAQMD's authority. For example, the current draft Freight Rail Yard ISR requires state and local governments to embed rule compliance requirements into contracts. Since contracts rule port operations and hold specific terms related to land use, docking, and warehousing, targeting contractual agreements through the ISR is a powerful way to align terminal operator activities at the port with ZE targets.

Similarly, Columns G and H identify how these measures are aligned with the ports' existing emissions reduction initiatives and regulatory authority over terminal operators. The various interventions are mapped onto the stated priorities from the CAAP, GPP, and other ZE projects across both ports to demonstrate how these activities are not forcing the ports to take unfounded action. Instead, this demonstrates that the interventions align with the ports' existing ZE ambitions. Identifying these areas of overlap further illustrates that the proposed activities and elements can provide enforceability to ZE actions undertaken by the ports. Additionally, Column H identifies the ports' statutory basis for action, primarily the city charters. This column affirms that integrating the proposed actions into the ISR would not force the ports to exceed their scope of authority. Instead, Column H reiterates that the ports' broad authority empowers them to take

¹⁹ See e.g. South Coast Air Quality Mgmt. Dist., *supra* note 107; South Coast Air Quality Mgmt. Dist, Potential Port Emission Reduction Strategies – Discussion Draft (Feb. 15, 2024), <https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/ud-potential-port-emission-reduction-strategies---discussion-draft-pdf.pdf?sfvrsn=10>.

bolder action to electrify their operations, reduce emissions, and compel terminal operators to comply with ZE targets.

The proposed elements are grounded in the ports' existing authority. Though more work needs to be done to identify enforceable timelines, embedding these specified actions within the ISR can help solve the historic lack of enforcement and introduce strategic alignment among the port actors and activities.

5. Moving On-Dock Rail Operations to Zero Emissions Should Be Fully Incorporated as a Mechanism to Reach Facility Emission Reduction Targets under the Port ISR

Early in the rulemaking process, our coalition recommended keeping rules concerning rail under one umbrella—PR 2306 (“Railyard ISR”). Staff have since determined that on-dock rail operations at the ports should fit with the Port ISR rule, given the direct role that on-dock rail plays in port and terminal operations. With this new direction, we expect rail operations within the port boundaries, including switcher operations and on-dock loading and unloading activities, to be fully integrated into the Port ISR in a way that will incentivize early action towards zero emissions.

The Railyard ISR specifically defined “Freight Rail Yard” to exclude on-dock rail facilities located on marine terminals precisely because, as the staff report noted, “these facilities are operated by terminal operators who do not operate locomotives outside of their terminals, if at all.”²⁰ We trust that staff will stand by its commitment to ensure that the measures tied to the Railyard ISR and those of the Port ISR will be designed to promote actions to be taken by “separate, non-overlapping groups of freight hubs.”²¹ We take staff at their word that this will mean that a freight rail yard operator that takes action to reduce its facility’s emissions from the locomotive and other freight rail yard sources that travel between a freight rail yard and the ports, for example, will not be allowed to “transfer” or “assign” credit for that action to another facility portside. A “banking” scheme will not work—especially considering on-dock rail operations are explicitly carved out of the Railyard ISR because of their unique ties to port operations. Instead, we fully expect rail-assisted port facilities to independently work through the Port ISR to develop plans, deploy necessary technology, and take additional actions to reduce overall emissions directly tied to those facilities. This means locomotives, cargo handling equipment, trucks, and any other category tied to cargo movement, people, and equipment.

For the Port ISR to work, on-dock rail installations must be fully integrated into whatever system is established for terminal operator compliance, as on-dock rail operations. Let's think of on-dock

²⁰ PR 2306 PR 316.2 Draft Staff Report July 2024, p. B-49;

https://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/pr-2306/dsr_pr2306-pr316-2.pdf?sfvrsn=4

²¹ Id. at p.B-50.

rail installations at the port more like terminal operations— with the primary function of loading and unloading cargo from ships and transporting said cargo within the port facility to or from a freight forwarder. They must be treated as terminal operators and be subject to terminal-specific emission reduction targets. These targets should recreate the same action-oriented commitments from operators that will shift to zero-emissions over time, require robust data collection and reporting, and incentivize early commitments to developing zero-emissions infrastructure.

A. With On-Dock Rail Operations Expanding At Both Ports, the Port ISR Can Catalyze a Path to Zero Emissions.

The Port of Los Angeles and the Port of Long Beach have multiple projects underway to expand their capacity, preparing both facilities to receive record cargo volumes more efficiently. In fact, several of these projects already showcase what is possible when creating a zero-emissions future. These projects demonstrate both the opportunity and the urgency the Port ISR represents. With a firm rule that puts port operations on a path to Target Zero—one that calls for infrastructure planning, zero-emissions technology deployment, and robust reporting to ensure facilities are on a path toward zero emissions—these expansion projects can be developed in ways that protect communities from harmful pollution from the outset.

Examples of port expansion projects currently underway include the following non-exhaustive list:

- Port of Long Beach (POLB), Pier B expansion project: The first of ten projects at the port that make up a \$1.567 billion program that would allow POLA to move 35% of containerized cargo by rail. The facility would double the size of the existing Pier B rail yard from 82 acres to 171 acres and more than triple the volume of on-dock rail cargo the Port can handle annually, from 1.5 million to 4.7 million TEUs.²²
- Port of Los Angeles (POLA), Pier 400: POLA is already changing on-dock rail support. In July, the Port announced that it had completed a \$73 million on-dock rail expansion project on Pier 400. The project added 31,000 linear feet of track, five new railroad storage tracks, and a concrete rail bridge with lighting.²³
- POLA, Board of Harbor Commissioners for LA, greenlit a \$53 million on-dock rail project at Fenix Marine Terminal. This project is expected to increase on-dock capacity and add five loading and unloading trucks in the intermodal yard at the Pier 300 terminal, enabling more cargo to be loaded directly onto rail.

²² Port of Long Beach, Port News Brief (June 27, 2024).

<https://polb.com/port-info/news-and-press/port-news-briefs-06-27-2024/>

²³ Donna Littlejohn, *LA Port Finishes Pier 400 on-dock rail project and Port of Long Beach gears up for Pier B Launch*. (July 10, 2024).

<https://www.dailybreeze.com/2024/07/10/la-port-finishes-pier-400-on-dock-rail-project-as-port-of-long-beach-gears-up-for-pier-b-launch/>

Of course, many of these projects also include elements for incorporating more zero-emissions technology into their operations, and both ports have committed to an ongoing demonstration of zero-emissions locomotive technology for the Pacific Harbor Line. However, these expansions also illustrate the importance of having rules that can help guide the early deployment of zero emissions infrastructure and transportation technology so that the ports' expanding footprint is set to meet future demands while achieving emission reduction goals. We need a system to ensure this broad expansion in capacity can deliver the benefits of investing in zero-emissions today and not lock in outdated combustion-based modalities.

B. The Port ISR must require a demonstration of progress on Zero Emissions infrastructure plans.

Our coalition has consistently called for zero-emissions infrastructure planning and deployment to be integrated into the ISR's rules because we know that the rules will only be successful if they chart a clear path to a zero-emissions future. That requires locking in components today to make the accelerated growth of zero-emissions technology possible. The on-dock rail component of the Port ISR should be no different.

As noted in the staff report on PR2306, "Regardless of fuel type, the scale of infrastructure development necessitates comprehensive planning to ensure the infrastructure is available when zero-emission vehicles are first delivered for use."²⁴ Grid planning is also vital for the proper allocation of charging facilities and associated land use decisions that will be necessary to ensure sufficient power is available to account for local circuit constraints that may arise. The needs of the port may be substantial, relative to neighboring uses. This is all the more reason why Ports and freight industrial operations should proactively plan for their operations to electrify while minimizing its impact on surrounding communities.

Like the PR 2306 (Railyard ISR), PR 2304 should require reporting on infrastructure planning as well as demonstrating the utilization of any installed and operative zero-emissions infrastructure. The rule should require details on infrastructure projects under design and development for each terminal, including on-dock rail facilities. As staff have noted, this information will help inform the planning of future zero-emissions energy needs and the infrastructure needed to supply growing demand.

The benefit of having on-dock rail incorporated into the PR 2304 is that under this rule, rail operations at the ports will be relatively insulated, allowing for better coordination and planning to push for expedited electrification efforts. To accomplish these goals, utility companies must be brought in early to ensure that any unique opportunities for electrifying rail are supported in the early phases of rule implementation. We strongly urge staff to bring in representatives of both

²⁴Id, at p. 2-11.

utilities to one of the forthcoming working group meetings to discuss the opportunities available to improve grid capacity.

C. Electrifying On-dock Rail Can Serve as A Demonstration for other regional efforts by turning polluting freight hubs into zero-emissions operations.

The technology to transform rail operations at the ports to zero emissions is available today. The transition to zero emissions cargo handling equipment, switchers, and other mechanisms at on-dock rail facilities can offer substantial emission reductions that will help the port complex achieve its goals and reach Target Zero by 2040.

T.H.E. Impact Project is familiar with the types of initiatives that can help expedite this transition. For example, we supported Pacific Harbor Line's (PHL) grant application for the California Air Resources Board's Consolidated Rail Infrastructure & Safety Improvements (CRISI) program to invest in a wide range of projects to improve rail safety, efficiency, and reliability.

In applying for these funds, PHL touted that its demonstration of a battery-electric locomotive (BEL) would help assuage skeptical short-line and industrial operators and provide confidence to the industry by showcasing ZE rail operations in service while reducing the initial capital investments for short-line and industrial operators. We agree.

Its project was expected to serve as evidence that ZE locomotives are capable of a wide range of operations and help them gain acceptance. PHL's proposal is slated to eliminate approximately 28.5 tons per year ("tpy") of NO_x—and 0.535 tpy of fine particulate matter (PM_{2.5}) will be removed from transportation sources, improving the quality of life in surrounding frontline communities. This project is also projected to eliminate 590 metric tons of carbon dioxide equivalent (CO_{2e}) per year, in part through efforts to electrify operations further.

However, the impact of these benefits can be amplified if older, more polluting equipment is also retired earlier. The ISR can play a role here by setting reduction targets that consider the possibility of removing more polluting equipment as zero-emission versions and supporting infrastructure is integrated into the port complex. In setting emission reduction targets that will help achieve Target Zero, we recommend that staff integrate the early retirement of diesel-powered locomotives at the ports and accelerated adoption of zero-emissions versions for on-dock operations.

6. Conclusion

Nearly 20 years after the San Pedro Bay ports first co-signed and released the CAAP, the ports are still lagging behind the 2030 timeline set forth in the ambitious strategy. As of 2023, the ports

were not on track to reach their stated emissions reduction goals.²⁵ Instead, the ports remain the “single largest fixed source of air pollution in Southern California,” creating over 100 tons of smog- and particulate-forming pollution a day.²⁶ Moreover, following a surge in cargo imports post-pandemic, the ports saw increased levels of carcinogenic particulate matter equivalent to exhaust emissions from 100,000 diesel trucks per day and an increase in NOx emissions equivalent to 5.8 million passenger cars.²⁷ Therefore, despite some progress toward a transition to ZE operations, the ports need to do much more to achieve their ambitious 2030 timeline.

In summary, the ports exercise broad authority over terminal operators through legal mechanisms and voluntary initiatives. The ports are exercising this broad authority to mandate and encourage terminal operators to engage in ZE planning and development. However, a lack of enforceable timelines, interim steps, and accountability structures has hindered emissions reduction efforts and enabled rising emissions. A lack of coordination between ports and terminal operators further limits efforts to implement ZE infrastructure, technology, and emissions-reducing adjustments to operational procedures at the ports.²⁸ SCAQMD has the legal authority and moral responsibility to develop strong ISRs that set robust, enforceable emissions reduction targets and coordinate ZE activities to accelerate port electrification.²⁹

A strong Ports ISR will go beyond a voluntary framework. It will strengthen the San Pedro Bay ports’ ability to implement a 100% transition to ZE operations, achieve the emissions reduction targets outlined in the 2022 SCAQMD Air Quality Management Plan, and ensure that all stakeholders at the ports are accountable for protecting our air and collective health.

Sincerely,

T.H.E. Impact Project Members:

Marven Norman, **Center for Community Action and Environmental Justice**

Lucia Marquez, **Central Coast Alliance United for A Sustainable Economy**

Jesse Marquez, **Coalition For A Safe Environment**

Fernando Gaytan, **Earthjustice**

²⁵ See Beth Kent & Gabi Rosenfeld, *supra* note 59.

²⁶ *Clean Port*, South Coast AQMD, <https://www.aqmd.gov/nav/about/initiatives/clean-port> (last visited Aug. 1, 2024).

²⁷ Cal. Air Res. Bd., *Emissions Impact of Ships Anchored at Ports of Los Angeles and Long Beach*, Cal. Air Res. Bd. 1-2 (Nov. 9, 2021), https://ww2.arb.ca.gov/sites/default/files/2021-11/SPBP_Congestion_Anchorage_Emissions_Final.pdf.

²⁸ Port ISR Comment Letter, *supra* note 113, at 1.

²⁹ Re: SCAQMD ISR authority, see, for example, *Authority to Adopt Indirect Source Rule for Railyards*, Memorandum from Barbara Baird, Chief Deputy Counsel, to Dr. William A. Burke, Chairman, and SCAQMD Governing Board Members, dated March 19, 2018.

Paola Vargas, **East Yard Communities for Environmental Justice**

Sylvia Betancourt, **Long Beach Alliance for Children with Asthma**

Alison Hahm, **Natural Resources Defense Council**

Cristhian Tapia-Delgado, **Pacific Environment**

Fernando David Márquez Duarte, **Peoples Collective for Environmental Justice**

Peter Warren, **San Pedro & Peninsula Homeowners Coalition**

Yassi Kavezade, **Sierra Club**

Theral Golden, **West Long Beach Association**

T.H.E. Impact Project Allies:

Scott H. Takahashi, Pharm,D., FCSHP, FASHP, Co-Chair, **Asthma Coalition of Los Angeles County**

David Diaz, Executive Director for **Active San Gabriel Valley**

Luis Amezcua, **Better World Group**

David Pettit & Roger Lin, **Center for Biological Diversity**

Natalia Ospina, **Center on Race, Poverty & the Environment**

Dori Chandler, **Coalition for Clean Air**

Bahram Fazeli, **Communities for a Better Environment**

Magali Sanchez-Hall, **EMERGE**

Gracyna Mohabir, **EnviroVoters**

Andrea Marpillero-Colomina, **GreenLatinos**

Javier Hernandez, **Inland Coalition for Immigrant Justice**

Andre Donado, **Long Beach Residents Empowered**

Eli Lipmen, **Move LA**

Gaby Hernandez, M.A., **Organizing Rooted in Abolition Liberation and Empowerment (ÓRALE)**

Sherheryar Kaoosji, **Warehouse Worker Resource Center**

Darby Osnaya, **We Are Colton**

Joel Ervice, **Regional Asthma Management & Prevention**

Cheyenne Rendon, **Society of Native Nations**

Janet Scoll Johnson, **Sunflower Alliance**

Amy Vasquez, **Unite Fore Colton**

Dr. Ellen Reese, Professor and Acting Vice Chair of the Department of Society, **Environment, and Health Equity and Chair of Labor Studies at the University of California, Riverside**

Dr. Dana Simmons, Associate Professor at the **University of California, Riverside (Society, Environment, and Health Equity Department)**

Dulce Alarcón Payán & Zaira Vidal Cortes, **Decolonial Praxis Collective (Co-Directors)**

Paolina Ochoa & Daniel Alarcón Mares & Andrea Mendoza & Eloy Neira, **Decolonial Praxis Collective (Organizers)**

Matthew Simmons, Climate Attorney for **Environmental Protection Information Center**

Danny Gamboa, **Healthy Active Streets**

Marc Carrel, **Breathe Southern California**

Caroline Bonfield, **Ocean Conservancy**

Richard Parks, **Redeemer Community Partnership**

Adan Garcia & Martha Dina Argüello, **Physicians for Social Responsibility–Los Angeles**

Elizabeth Sena, **South Fontana Concerned Citizens Coalition**

Andrea León-Grossmann, **Vote Solar**