



## PACIFIC INSTITUTE

*Research for People and the Planet*

### **Statement from Swati Prakash on the Port of Oakland's Maritime Air Quality Improvement Plan**

**May 27, 2009**

The Pacific Institute is deeply disappointed that the Port of Oakland Board of Commissioners voted to pass an inadequate and weak Maritime Air Quality Improvement Plan (MAQIP) on April 7<sup>th</sup> 2009. Pacific Institute has participated for over two years in stakeholder meetings of the MAQIP task force and put forward feasible and good faith suggestions for creating an air quality improvement plan that provides badly needed protected community health protections. Despite these efforts, the plan as it current stands falls far short of what Oakland, Bay Area, and California residents deserve. We join dozens of government agencies, health, community, worker, and environmental organizations in expressing our dismay that the Port's actions have fallen so far short of their stated commitments.

#### ***What are the problems with the MAQIP?***

- 1) The MAQIP that was passed on April 7<sup>th</sup> is essentially a vision statement or statement of goals with no specificity regarding:
  - the full range of actions that the Port will actually take, and / or expect its business partners to take in order to reduce air pollution;
  - a timetable for when such emission reduction actions will be completed;
  - a way to measure if the plan is working, if adequate progress is being made towards the plan's ambitious, long-term goal of 85% reduction in community health risk associated with Port diesel pollution;
  - a "backstop" or Plan B that says what the Port will do if such progress is not being made;
  - funding mechanisms to pay for air pollution reduction measures.
  
- 2) There is no real commitment to actually meeting the ambitious goals laid out in the plan, just frequent expressions of the Port's good intentions. The only commitments made in this plan are to vague actions to support enforcement of CARB regulations, to convene and talk with stakeholders, and to create other plans to help meet regulations.
  
- 3) This plan completely undermines and sidesteps the spirit of collaboration that characterized the MAQIP task force, by effectively punting any real commitments over to the level of programs and projects implemented by the Port, and to the private sector to implement voluntary initiatives that may not use the multi-stakeholder collaborative process of the MAQIP task force.

- 4) The fact that the Port needed two years and a stakeholder group of over 60 people to develop a “plan” that is nothing more than a vision statement is more than just disappointing. This plan was an opportunity to create a central accountability mechanism that says that the Port is very serious about cleaning up air pollution, and that it expects its tenants and business partners to also get serious. By not acting on this opportunity the Port has sent a message loud and clear that it does not believe that community and environmental health interests are compatible with its own narrowly defined economic interests.
  
- 5) We are not alone in expressing our disappointment that this two year process resulted in such a hollow outcome. The Bay Area Air Quality Management District, the Alameda County Public Health Department, the State of California Air Resources Board and the United States Environmental Protection Agency have all urged the Port not to pass this air plan until it contained far more specifics. This alignment of the agencies that have years of experience in developing and implementing real air pollution reduction plans against the Port’s plan is far more than a conflict of personalities. Rather, it is a deeply disturbing indication that the Port of Oakland is out of step with the political realities of what it means to operate a public trust in this era of growing concern for environmental quality and community health.

***Why is this important? What is the problem?***

Air pollution from the Port of Oakland poses very serious health risks for workers, local community residents, and all Bay Area residents. All the ships, trucks, and trains that move containers run on diesel fuel, which generates harmful particulate matter pollution as well as pollutants that contribute to smog and climate change.

According to data from the California Air Resources Board, the health impacts of the air pollution from freight transportation costs over \$34 billion dollars each year in premature deaths, hospitalizations for asthma and cardiovascular impacts, missed school and work days.<sup>1</sup> In the San Francisco Bay Area, the costs of these health impacts just from the Port trucking sector is conservatively estimated at \$153 million per year.

While we all face these risks, this is really an environmental justice issue because low-income neighborhoods and communities of color are the one that live the closest to the ports, railyards, distribution centers, highways, and railroad tracks that diesel trucks, trains, and ships use to move these consumer goods. Residents of the flatland communities in the Bay Area are home to this region’s highway infrastructure, as well as many of the distribution centers, railyards and railroad tracks that

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<sup>1</sup> Pacific Institute and East Bay Alliance for a Sustainable Economy. Taking a Toll: The High Cost of Health, Environment, and Worker Impacts of the Oakland Port Trucking System. February 2009.

carry or attract diesel polluting trucks and trains to and from the Port. These communities are also paying the price in terms of the health costs. For example, West Oakland residents are exposed to three times more diesel particulate matter (soot) than other Bay Area residents, and West Oakland residents have the highest rates of asthma hospitalizations in Alameda County, 2.5 times greater lifetime risk of cancer, and live on average 14 fewer years than other Oakland residents who live only a few miles away.

The bigger picture is that we have a relatively polluting industry in this region with economic benefits in the form of low-cost consumer goods and jobs that are widely dispersed throughout the region, the state, and the country, but whose environmental and health costs are concentrated in a few local communities and regions.

***Recovering a Missed Opportunity: Building a Truly Sustainable Economy for the Bay Area***

The Port likes to call itself a “transportation services agency,” but it is far more than that. The Port is a public trust that is charged with acting “for the benefit of the people” of California. We have an opportunity to create a vibrant regional economy model that integrates community and environmental health, with local economic benefits in the form of good, safe jobs. This is moving beyond an older model of economic activity that concentrates environmental and health costs among a few politically less powerful communities, while dispersing benefits far and wide. The question we have before us in the coming months is: will the Port embrace a new model of vibrancy and sustainability that Oakland, the Bay Area, and the State of California can be proud of? Or will it fall back to its safe zone and old model of safeguarding the interests of its clients, primarily nonlocal private businesses?

The movement of consumer goods in this region as an exciting opportunity to create a model of sustainable economic growth, in which environmental health, economic vitality, and social equity are all interdependent and a basic way of life. Imagine that the iconic cranes that we see lining Oakland’s waterfront represented an model green and sustainable industry – an industry that generates good, well-paying, nonhazardous jobs that go to local residents, and an industry that uses clean vehicles that don’t cause asthma attacks or climate change, and an industry whose environmental and costs are not concentrated in just a few neighborhoods and whose benefits are shared by those communities. This is the new model of sustainability that California residents deserve to have in this day and age, and the Port of Oakland can be a leader in getting us there.

As the Port itself has said on numerous occasions, **the MAQIP is a “living document” that can and should be amended and improved to include:**

- 1) Interim goals before 2020
- 2) specific, clearly-defined and comprehensive measures for reaching that goal focused on all the different sources of pollution;

- 3) a plan to implement these measures, including enforcement mechanisms;
- 4) a timetable and monitoring plan for measuring progress on implementation of measures and on reaching interim and final goals; and
- 5) a funding plan providing a basic blueprint for financing the measures in the plan.

### ***Frequently Asked Questions and answers from the Pacific Institute***

*According to the CARB Health Risk Assessment, the Port only contributes 16% of all the diesel pollution in West Oakland. Why make a big deal?*

**The 16% figure is a disingenuous and misleading one.** That number describes the health risk associated with some but not all of the sources of diesel pollution attributable to the Port. Specifically, because the California Air Resources Board had little to no information about Port truck activity actually in the West Oakland community on residential streets, they made the assumption that most Port trucks travel to and from the Port via the three freeways that ring West Oakland.

In their Health Risk Assessment of diesel pollution in West Oakland, the CARB notes that “trucking operations are the largest single source of health risk to the West Oakland community,” but then acknowledges that “we cannot know with certainty the magnitude of trucking emissions that are attributable to the Port of Oakland that occur within the West Oakland community or on a regional basis,” and that “these data limitations have led to a potential underestimate of the fraction of trucking emissions that are attributable to the Port.”<sup>2</sup> The Pacific Institute completed a similar, though not nearly as detailed, study of all the sources of diesel pollution in West Oakland where we estimated that the sources attributable to Port operations was 49%.

But what is more important here is that rather than spend the time and energy heeding and responding to calls by its sister agencies to take action to reduce its diesel pollution, the Port chooses time and again to focus attention on how the pollution it generates is a relatively small percentage of the overall problem.

*Won't any stringent air quality requirements drive business away from the Port of Oakland to other ports on the West Coast?*

A study by the Port's own consultant Beacon Economics found that the costs to clean up one of the most polluting segments of freight transportation – port trucks – would increase total transportation costs by less than 1%.<sup>3</sup>

<sup>2</sup> California Air Resources Board. *Diesel Particulate Matter Health Risk Assessment for the West Oakland Community*. December 2008, p26 and p13.

<sup>3</sup> Havemen, Jon, Beacon Economics. *Draft Comprehensive Truck Management Program: Economic Impact Analysis*. March 6 2009, p36.

This concern about air quality improvement measures driving away business also assumes that price is the primary reason that cargo owners like to use the Port of Oakland. In fact, if you look at who is using the Port and why, you'll see that most of these companies use the Port of Oakland either because it is the closest Port to where their cargo is coming from or going to, or because it is close to their own major infrastructure like distribution centers that service both trucks and trains. In fact, the Beacon Economics study also found that only four of eighteen cargo owners surveyed, reported price as a factor in their decision to ship through Oakland.

What this means is that it would likely cost shipping companies and cargo owners far more to go through another Port than it would to just pay for environmental measures.

*The Port of Oakland says that it does have specific actions in this plan, such as reducing emissions from ships at shore, or providing funding to retrofit trucks.*

These are examples of the kind of details and specificity that we expected to see a lot more of in the plan, but in reality such "actions" are few and scatter-shot, and do not add up to a comprehensive plan that will result in an 85% reduction in community health risk from Port diesel pollution. Furthermore, the absence of a coherent, integrated framework that describes how these actions are going to be supported, funded and monitored, makes even these commitments ring hollow.

*Why do we need a plan at all? Aren't CARB regulations enough to reduce diesel pollution to acceptable levels?*

The CARB regulations cannot by themselves reduce diesel pollution from the Port of Oakland to acceptable levels for two reasons: 1) Even if all the regulations were implemented on a timely basis and with full cooperation from the Port and from regulated industries, they would still result in less than the goal of 85% reduction in community health risk from Port pollution; and 2) the absence of a coordinated, comprehensive plan for meeting (and paying for the cost of meeting) CARB regulations (which is what an effective MAQIP would include) suggests that the ideal of "full cooperation" from the Port and from regulated industries remains far from reality.