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Mr. Jonathan Foster, Air Resources Engineer, Marine Strategies Section, TTD
Ms. Nicole Light Densberger, Staff Air Pollution Specialist, Marine Strategies Section, TTD
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Mr. David Phong, Air Resources Engineer, Community Assessment Section, OCAP
Mr. Nicholas Rabinowitch, Senior Attorney, Legal Office
Mr. Craig Segall, Assistant Chief Counsel
Ms. Anna Scodel, Air Pollution Specialist, Community Planning Section, OCAP
Ms. Bonnie Soriano, Branch Chief, Freight Activity Branch, TTD

ALSO PRESENT:
Mr. Bill Aboudi, AB Trucking
Mr. Paco Arago, International Brotherhood of Electrical Workers, Local 11
Mr. Will Barrett, American Lung Association
Mr. Roman Berenshteyn, Bay Panning Coalition
Mr. Brian Beveridge, West Oakland Environmental Indicators Project
Mr. Bob Brown, Western States Petroleum Association
Mr. Chris Cannon, Port of Los Angeles
Ms. Morgan Caswell, Port of Long Beach
Ms. Brea Childs, Earthjustice
Mr. Paul Cort, Earthjustice
Ms. Pat Dodson, All Positives Possible
ALSO PRESENT:

Mr. Tom Dow, Carnival Corporation
Ms. Katherine Garcia, Sierra Club
Mr. David Gassman, No Coal in Oakland
Mr. Theral Golden, West Long Beach Association
Ms. Margaret Gordon, West Oakland Environmental Indicators Project
Mr. Richard Gray, 350 Bay Area
Mr. Earl Hampton, International Brotherhood of Electrical Workers
Ms. Ann Harvey
Mr. Henry Hilken, Bay Area Air Quality Management District
Mr. Mike Jacob, Pacific Merchant Shipping Association
Ms. Kathy Kerridge, Benicians for a Safer Healthy Community
Mr. Jeff Kilbreth
Ms. Lee Kindberg, MAERSK
Ms. Jennifer Kropke, International Brotherhood of Electrical Workers, National Electrical Contractors Association
Mr. Alex Lantsberg, San Francisco Electrical Construction Industry
Ms. Karin MacDonald
Ms. Lily MacIver, University of California, Berkeley
Mr. Bill Magavern, Coalition for Clean Air
Mr. Phil Martien, Bay Area Air Quality Management District
ALSO PRESENT:

Mr. Jesse Marquez, Coalition for a Safe Environment
Mr. Brian McDonald, Marathon
Ms. Martha Miller
Mr. Gregory Nudd, Bay Area Air Quality Management District
Mr. Naveed Payday, California Public Utilities Commission
Mr. Joseph Puleo
Ms. Sarah Rees, South Coast Air Quality Management District
Ms. Mercedes Rodriguez, Bayport Village Neighborhood Watch
Ms. Jane Sellen
Mr. Richard Sinkoff, Port of Oakland
Mr. Saul Stashower, Woodbridge Marine
Dr. Neeta Thakur
Ms. Taylor Thomas, East Yard Communities for Environmental Justice
Mr. Christian Torres, Comite Civico Del Valle
Ms. Fern Uennatornwaranggoon, Environmental Defense Fund
Mr. Tom Umenhofer, Western States Petroleum Association
Mr. Danny Wan, Port of Oakland
Ms. Joy Williams, Environmental Health Coalition
Ms. LaDonna Williams, All Positives Possible
Mr. Larry Wilske, MEC Energy
Mr. David Wooley, University of California, Berkeley
Goldman School Environmental Center
APPEARANCES CONTINUED

ALSO PRESENT:

Mr. David Yow, Port of San Diego
Ms. Isabella Zizi, Stand.Earth
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PROCEDINGS

CHAIR NICHOLS: Good morning, ladies and gentlemen, we're ready to get starred as soon as people take their seats.

We're actually waiting for everybody from the Board to take their seats. So I appreciate your being so responsive, but we probably can't start without one more Board member.

But while we're waiting, I can say a couple of things to begin with, starting with we're so happy to be in this beautiful building and it's been a great few hours. We were mostly here for a tour of the community yesterday. And we got a chance to ride in buses around this neighborhood, and also around the port, and hear from a number of members of the community about the issues that they're facing, particularly relating to the topic that's going to be on our agenda later today. If there's anybody who's here -- who's here for the item on Assembly Bill 617, the Community Emissions Reduction Program, I want to make sure you know that that item will not start until 4:00 o'clock this afternoon.

So you are most welcome to be here and to listen and take part. But if you're only here for that item, you may want to -- you may want to take a break and come back later. We will take a break after we finish the item
that's before us this morning, which is the proposed Control Measure for Ocean-Going Vessels at Berth.

All right. Good morning, ladies and gentlemen.

The December 5th, 2019 public meeting of the California Air Resources Board will now come to order. And before we begin our proceedings, it's our custom to start with the Pledge of Allegiance. Since, we didn't bring a flag with us, we're going to use a flag which is going to be on the screen.

(Laughter.)

CHAIR NICHOLS: So please rise.

(Thereupon the Pledge of Allegiance was recited in unison.)

CHAIR NICHOLS: Okay. The clerk will please call the roll.

BOARD CLERK SAKAZAKI: Dr. Balmes?
BOARD MEMBER BALMES: Here.
BOARD CLERK SAKAZAKI: Mr. De La Torre?
Mr. Eisenhut?
BOARD MEMBER EISENHUT: Here.
BOARD CLERK SAKAZAKI: Supervisor Fletcher?
Senator Florez?
Assembly Member Garcia?
Supervisor Gioia?
BOARD MEMBER GIOIA: Here.
BOARD CLERK SAKAZAKI: Ms. Mitchel?
BOARD MEMBER MITCHELL: Here.
BOARD CLERK SAKAZAKI: Senator Monning?
Mrs. Riordan?
BOARD MEMBER RIORDAN: Here.
BOARD CLERK SAKAZAKI: Supervisor Serna?
Dr. Sherriffs?
BOARD MEMBER SHERRIFFS: Here.
BOARD CLERK SAKAZAKI: Professor Sperling?
Ms. Takvorian?
BOARD MEMBER TAKVORIAN: Here.
BOARD CLERK SAKAZAKI: Vice Chair Berg?
VICE CHAIR BERG: Here.
BOARD CLERK SAKAZAKI: Chair Nichols?
CHAIR NICHOLS: Here.
BOARD CLERK SAKAZAKI: Madam Chair, we have a quorum.
CHAIR NICHOLS: Great. Just a couple of announcements then before we get started. First of all, there will be interpretation services provided in Spanish for the first item this morning, the Proposed Control Measure for Ocean-Going Vessels at Berth and also for the second measure, consideration of AB 617 West Oakland Emissions Reduction Program this afternoon. Headsets are available outside the hearing room at the sign-up table.
and they can be picked up at any time.

(Thereupon the interpreter translated.)

CHAIR NICHOLS: Gracias.

For safety reasons, please note that there's an emergency exit to the rear of this room through the lobby and also out here to my left.

In the event of a fire alarm, we're required to evacuate this room immediately and go out of the building until we hear the all-clear signal. And when that's given, then we can return to this room and resume the hearing.

Anyone who wishes to testify, if you think you might want to testify, please fill out a request-to-speak form - it's just a card - and they're also out in the lobby, and turn it in to a Board assistant or to the Board clerk hopefully at the very beginning of the meeting, so they can organize the speaker's list.

We will be imposing a three-minute time limit on all speakers and appreciate it if when you come forward to give your testimony, you put in into your own words. It's easy -- it's easier for us to follow it, if you go straight to your main points and you don't need to read your written statements since it will be entered into the record.

Also, please note that the 617 item, as I
mentioned before, will not be heard until 4:00 o'clock p.m.

And I think that's it for opening announcements.

And we can go straight to our first item of the business, which is the Proposed Control Measures for Ocean-Going Vessels at Berth.

Over the past 30 years, the California Air Resources Board, local air districts, and federal air pollution control programs have all made considerable progress towards improving air quality in California.

Despite this progress, some areas of our state still exceed health-based air quality standards for ozone and particulate matter. And many communities surrounding California's ports are selected to be a part of the AB 617 Community -- 617 program, because they're recognized as disadvantaged due in part to impacts from freight-related air pollution. So the benefits of our ports and our thriving economy are not being felt equally by everybody.

Further emissions reductions from ocean-going vessels at berth are needed to provide public health benefits to the port communities that are already heavily burdened by air pollution from port-related freight sources, as well as to contribute to our ozone and greenhouse gas reduction goals.

In 2017, the Board directed staff to revise the
existing regulations to achieve additional reductions further to protect public health. This proposal was developed in response to that Board direction and the need for public health benefits.

So this is the first of these -- first presentation of this item in front of the Board, and we are eager to hear the staff report.

Mr. Corey.

EXECUTIVE OFFICER COREY: Yes. Thank you, Chair.

In 2007, the Board approved the Airborne toxic Control Measure for ocean-going vessels at berth. The existing regulation is reducing emissions from container, refrigerated cargo, or reefers, and cruise vessels at six ports across California.

The proposed regulation expands on this successful program. The proposal includes -- it rather increases the number of vessel visits achieving emission reductions from the already regulated category and adds new vessel categories, additional ports, and marine terminals. The proposed regulation reduces emissions of criteria pollutants and toxic air contaminants in communities near ports, where residents are often disproportionately exposed to air pollution.

Reducing port-related emissions are already a key component of meeting federal clean air standards and
further reducing localized cancer risk. I'll now ask Nicole Light Densberger of the Transportation and Toxics Division to begin the staff presentation.

Nicole.

(Thereupon an overhead presentation was Presented as follows.)

STAFF AIR POLLUTION SPECIALIST DENSBERGER: All right. Well, thank you, Mr. Corey. Good morning, Chair Nichols, members of the Board.

So, of course, today we're here to talk to you about the new Control Measure for Ocean-Going Vessels at Berth. I realize that's kind of a long name, so I'm going to try not to trip over it during today's presentation.

So the rulemaking process that we've gone through to develop the framework to achieve additional emissions reductions from ocean-going vessels has been complex. But staff has taken this opportunity to really connect with our port communities and work closely with them and the maritime industry in order to develop a regulation that's really health protective, but also takes into account the unique operations that occur in our ports here in the State.

Now, we want to thank everyone that's been involved in this process and thanks for their cooperation in helping develop this proposal.
STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, during today's presentation, I'd like to share with you a brief background about the relationship between California's ports and terminals, and the ocean-going vessels that visit them. I'd like to talk about the urgent need for further emissions reductions and health benefits in California's port communities. I would, of course, like to discuss staff's proposal to achieve more emissions reductions from ocean-going vessels at berth; talk about the anticipated cost to the regulated industry based on staff's proposal, and also discuss some incentives to help offset some of those costs.

Of course, we'll talk about the emissions reductions that are projected from staff's proposal and the associated health benefits, and then also discuss staff's recommendation and the next steps in our regulatory process.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, as you might be aware, California has some of the busiest ports in the nation. We move over 40 percent of the total containerized cargo that enters the United States and nearly 30 percent of the nation's exports. The ocean-going vessels that bring this cargo in and out of
California's ports are large contributors to the port emissions that impact the communities that are located near our ports and marine terminals statewide.

Now, industry, ports, and the State have collaborated to achieve significant reductions in air pollution through existing regulations and port-driven actions, and this includes an 85 percent reduction in cancer risk at the state's largest ports. But more reductions are needed as our communities still have some of the worst air quality in the country.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, understanding this relationship between vessels, terminals, and ports is an important factor when we're talking about how to reduce emissions from ocean-going vessels at berth. All three of these parties plan an integral role in successfully connecting an emissions control technology to a vessel when they're at berth.

And again, these three key players are shown here on slide three. They include the ocean-going vessel itself, that's the thing that transports the cargo or passengers; the terminal that moves the cargo on and off the vessel; and the port that manages the land and the facilities that are used to perform those operations.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, ocean-going vessels are one of the most efficient ways to move cargo, but again they're also large emission sources both at sea and at berth. So when a vessel is docked at berth, the main engines are turned off, but the auxiliary engines and boilers are run at all times to produce things like electricity to run lights and heat on the vessel.

And doing so, because they're running their engines all the time, they're emitting a constant stream of criteria pollutants, toxic air contaminants, greenhouse gases, all are coming from the vessel, while they're at berth.

And for example, we're looking at during one 24-hour time period, one cruise ship at a berth could burn enough full oil to equal the pollution from 10,000 cars.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, as you're probably aware, CARB does have an existing regulation that governs emissions from ocean-going vessels at berth, which has been in implementation since 2014. Now, this existing regulation requires container, refrigerated cargo vessels -- you'll those called reefer vessels also - and cruise vessels at the largest ports in the state to reduce their emissions from their auxiliary engines. Now, they can do so by plugging into shore power
at berth or they can use a CARB approved alternative control technology to achieve equivalent emissions reductions.

Now, regulated vessel fleets include any container or reefer fleet that makes 25 or more visits to a regulated port per calendar year or cruise vessel fleet that makes five or more visits per calendar year.

Now, control requirements for this existing regulation will reach full implementation beginning January 1, 2020, so coming up very soon. And compliance with the regulation is based on the performance of a vessel fleet again through an entire calendar year.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So we'd like to first acknowledge the work and investments that have been made by regulated vessel fleets, our terminals, and our ports during implementation of this existing regulation. Shown here on slide 6, the existing regulation has resulted in significant investments in shore power at our regulated ports and on over 500 vessels that are visiting these ports.

So since implementation of the regulation began in 2014, we've seen emissions reductions on over 13,000 vessel visits.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So as I've mentioned, there's a few different ways that vessels can reduce emissions at berth. They can use shore power or an alternative technology. Now shore power allows vessels to turn off their auxiliary engines and plug into grid-based power. It's currently the most commonly used way for vessels to reduce emissions at a berth in California.

Now shore power is generally considered this gold standard of an at-berth emissions control, because we get zero emissions out of the stack while the vessel is connected and we also get greenhouse gas emissions reductions as a result of the cleaner California electricity grid.

Now, capture and control systems actually attach to a vessel stack and they draw the emissions into a cleaning system where the gases are scrubbed before the clean air is released back into the atmosphere. And these systems can be operated from either a barge or from the shoreside.

Now, there are two CARB approved barge-based capture and control systems that are in use at the Ports of Los Angeles and Long Beach and a land-based capture and control system in demonstration at the Port of Los Angeles.
And since implementation of the regulation began in 2014, these systems have reduced emissions on over 400 vessel visits, making them a proven and effective technology.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, after full implementation of the existing regulation in 2020, there are no additional measures on the books to continue reducing the remaining health benefits -- or sorry, the health burdens that are associated with our ocean-going vessels at berth.

Now, the images here on slide 8 show the location of California's major ports and independent marine terminals overlaid with CalEnviroScreen maps. Now, on these maps, this red color represents the communities that are burdened by multiple sources of pollution. Now, most of the state's ports and terminals are surrounded by dense populations and are in close proximity to disadvantaged communities. Now, these maps really highlight the need for additional emissions reductions to protect the people that live and work in these communities.

Now, staff also propose certain improvements to the -- to address some challenges that have been seen during implementation of the existing regulation. And these include things like the lack of shared
responsibility between vessel fleets, terminals, and ports.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, to develop this proposed regulation, staff has conducted extensive community and industry outreach. We've participated in over 200 meetings, workshops, phone conversations, site visits, and even vessel tours. So CARB staff has had the opportunity to meet with community leaders and advocates multiple times throughout this rulemaking process. And it's really given us a chance to better understand the local concerns of our communities.

We've also had the opportunity to thoroughly engage with our maritime industry. We've gotten the opportunity to visit many of the vessels, ports, and terminals that would be included in this regulation. And again, the tour gave our staff a much better insight to understand the unique layouts and operations of some of these vessels, terminals, and ports.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So through this extensive interaction, staff was able to craft a proposal that we believe is aggressive, yet technically feasible. So key highlights of our new propose -- staff's new proposal will be listed here on
both slides 10 and 11.

The existing regulation, it's important to note, is structured with an annual fleet averaging, which by default, leads to a lag time in compliance determination. And this can create an air of regulatory uncertainty for some vessels.

Now, staff proposed implementing a per visit approach, both to streamline the control requirements and compliance determination versus the existing regulation. Now, a per visit approach would require each vessel visit to utilize a CARB approved emission control strategy during their visit to a regulated terminal.

Now, a per visit approach would not have to wait for a year's worth of information to determine whether they were compliant or not. It would also allow for shared responsibilities to be placed on all parties that play a role in connecting a vessel to an emissions control strategy.

The proposed regulation also contains safeguards to account for circumstances where emission reductions might not be achievable, and we'll discuss this later on in the presentation.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, building on the success of the existing regulation,
staff's proposal would capture additional visits from container reefer and cruise vessel visits, and it would also add control requirements for roll on-roll off vessels. You'll also hear these called ro-ro or auto carrier vessels, and also tanker vessels that are visiting regulated terminals.

Now, this would increase the number of vessel visits that are reducing emissions by around 2,300 visits per year once fully implemented. And this would represent nearly 75 percent of the over 8,000 annual vessel visits made to California each year.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So there are several key differences with the existing and proposed regulation that we'll highlight here on slide 12, and the biggest of which I've already touched on a little bit. That's the addition of new vessel types and this concept of shifting to an every-visit approach from a fleet-based approach, which again would allow for shared responsibilities.

Now, as I mentioned, the new regulatory structure would also streamline compliance determination. And faster compliance determination is something we've heard from both community and some industry members that they'd like to see with the revamped At Berth Regulation.
And then lastly, two additional areas I would like to highlight. Are the fact that the new regulatory structure would also require boiler emission reductions from large tanker vessels that use boilers to offload products like crude oil.

Now, staff's proposal would also redefine the time period that establishes a vessel's visit to a berth. Now, you may hear discussion today about the definition of a vessel visit. It's been one of the main challenges we've seen with implementing the existing regulation.

So with the existing regulation, I want to note that a vessel's visit starts when that vessel ties its first line to the dock and ends when the last line is tied off and the vessel leaves.

Now, during a visit, a vessel has three hours in which they can run their auxiliary engines to maintain compliance. And this is often referred to as the, "three hour rule". You might hear it called that.

Now, there are activities, and these can include U.S. Customs and Border Protection clearances, but that must occur before a vessel and a terminal can start the process of connecting a vessel to an emissions control technology. And so this can create a level of uncertainty with meeting that three-hour requirement.

So the proposed regulation would remove the
uncertainty by factoring in these activities. And it would start a vessel's visit once that process of connecting the technology could actually begin. And this start time is called "ready to work", and you may hear that term pop up today.

And we'll discuss the remainder of these key changes on this table through the next few slides.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, the map that's shown here on slide 13, it shows the ports that are included in the existing regulation in yellow. In orange, we see the potential new communities that would see benefits from the proposed regulation through the inclusion of the tanker and ro-ro vessels.

Now, instead of defining specific ports, staff's proposal would use a terminal threshold of 20 visits to capture emissions at the highest activities in the state, where reducing emissions is most cost effective. And these busy terminals represent the biggest risk to the health of Californians living near them.

Now, a terminal threshold is also designed to protect community members against future growth. If a small port or terminal plans to grow its vessel visit activity significantly, it needs to be planning on how it's going to reduce its emissions at berth.
This proposed terminal threshold would bring in new terminals at most of the currently regulated ports, as well as four new areas in California. Now, the Richmond area terminals, I wanted to explain, would include the Port of Richmond and the Chevron Long Wharf. And the Carquinez area terminals would include both auto and tanker terminals in the Benicia and Martinez area.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, we've talked a little bit about this today, but vessels, terminals, ports and even the third-party operators of emissions control technologies all play a really important role in reducing emissions at berth.

You know, no one party can achieve reductions alone when something like shore power or a capture and control system is utilized. So shared responsibilities are really critical to maximizing the amount of reductions we can get from a vessel at berth.

Now, because the existing regulation is a fleet based regulation, the responsibility for compliance relies entirely on the vessel. If the vessel shows up at berth ready to plug in, but the shoreside connection is not ready for them, the vessel is responsible. Now, staff's proposal would act to correct that imbalance with the responsibility to reduce emissions resting on all parties
that play a role in connecting that vessel to an emissions control technology.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, because every entity has a distinct role in this connection process, all parties need to be held accountable. So with staff's proposal, if a vessel has shore power that's been commissioned by the terminal they're visiting, then terminal must plug the vessel in or arrange for an alternative CARB approved technology.

Now, if a terminal has shore power, but the vessel does not, then the vessel would need to be responsible for arranging an alternative technology.

Now, if neither party has shore power, then they to need work together to figure out a solution on how to reduce emissions. So a CARB approved control strategy that we've talked about it could include shore power, it could include a capture and control system, or it could be a future technology. The key is really that the technology needs to be able to be approved by CARB as capable of meeting the addition -- emissions reductions that we're looking for.

Now, ports would be required to ensure that any necessary infrastructure that's needed at their terminals to reduce emissions at berth is installed at the berth.
Now, an example of this would be something like supporting the electrical infrastructure for shore power or any necessary wharf upgrades.

Now, third-party operates would also have obligations to ensure that their technology is both approved by CARB and that they're meeting the certified emissions reductions they've received approval for. Now, staff's proposal also includes compliance checklists that would specify the actions required for both the vessel and the shoreside to ensure that the vessel visit is meeting the emissions reduction requirements. And failure to complete a required action may result in a violation, which would then be subject to the penalties set forth in the Health and Safety Code.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, slide 16 shows staff's proposed implementation schedule.

So the majority of container, reefer, and cruise vessels that are visiting California are already in fleets that are subject to the existing regulation. And because of that fact, the infrastructure needed to plug in nearly every vessel is already largely in place to meet existing requirements that will be in place as of 2020.

So as such, staff are proposing that container, reefer, and cruise vessels that are in fleets subject to
the existing regulation transition to this new proposed per visit compliance structure beginning January 1, 2021.

Now, the swift transition to this new structure is designed to quickly shift vessels to this more streamlined per visit approach, while also addressing some implementation challenges we've seen with the existing regulation.

Now, for smaller container, reefer, and cruise fleets that have never been subject to the existing regulation, staff propose that control requirements for those vessels phase-in in 2023. This is to give this small subset of vessels some additional time to install necessary infrastructure, like shore-power equipment on their vessels to reduce emissions at berth.

Now, visits from these currently unregulated container, reefer, and cruise vessels represent less than ten percent of the annual visits from those vessel categories.

Now, control requirements for ro-ro vessels would phase in beginning January 1, 2025. And that's to give technology manufacturers time to adapt, manufacture, and install existing technologies and to adapt them for ro-ro vessels and terminals.

Now, tankers would phase into the regulation beginning in 2027 starting with the Ports of Los Angeles.
and Long Beach, and then in 2028 for the remainder of the
tanker terminals statewide. And tanker terminals are
expected to need the most infrastructure upgrades of any
of the vessel categories.

Now, Northern California tanker terminals in
particular can extend up to one and a half miles offshore
and have more complex construction required to support
these emissions control systems.

The terminal modifications in Northern
California, in particular, are projected to take the
longest time due to construction and permitting
challenges.

We're also proposing an interim review in 2023,
as you'll see on this slide, and I will discuss that here
in more detail in a few slides.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now
again, because staff's proposal is based on a per visit
approach, certain safeguards are needed to address the
fact that not every visit is going to feasibly be able to
reduce emissions. So vessel at-berth operations occur in
complex environments that can be hampered by things like
bad weather, scheduling delays, technical issues, and
other circumstances that might be outside of the control
of the responsible party.
Now, slide 17 highlights staff's -- the safeguards that staff proposed to deal with these situations. Now, these safeguards are designed really to maintain a high level of emissions control, while also supporting terminal and port investments in one primary emissions control technology and also recognizing the need for some flexibility in response to unforeseen events.

Now, Terminal and Vessel Incident Events or TIEs and VIEs, as you'll hear us call them, are a compliance option that are given to vessels and terminals in order to provide flexibility in limited quantities when emissions are unable to be reduced at berth.

Now, greater flexibility would be given to terminals in the initial years of the regulation, as some addition infrastructure may be needed at some terminals to support the higher compliance level above and beyond the 2020 requirement.

Now, TIEs and VIEs allow the proposed regulation to really retain the flexibility of a fleet based regulation, while realizing the benefits of a per visit approach. And staff also proposed the establishment of a remediation fund that could be used to mitigate excess emissions.

Now, the remediation fund compliance option is intended for use in limited circumstances where
investments have already occurred to try to reduce emissions at berth, but reductions are not achievable. These situations can include equipment malfunctions, delays in connecting to a control strategy, terminal construction projects, or physical constraints that might prevent the use of a technology at berth.

Now, monies paid into this remediation fund would be required to be used for projects that benefit the communities that were impacted by excess emissions.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, to help ensure that terminals and ports preparing to reduce emissions at berth, staff propose that terminals and ports submit plans discussing their chosen methods for reducing emissions on ocean-going vessels and also define any specific responsibilities that each party has.

Now, because each terminal and port relationship is unique, the defining of responsibilities in these port and terminal plans is really essential to helping CARB’s enforcement staff determine which party is responsible if the emissions reductions do not occur as a result of shoreside issue.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So I also mentioned earlier that the proposed regulation also
includes an interim evaluation in 2023. So staff have set ambitious implementation timelines for realizing the health benefits of this regulation as early as possible, but we also realize there may be some uncertainty with adapting these technologies for new vessel types and also with the infrastructure developments that may be required.

Now you may hear today that technology does not exist for ro-ro and tanker vessels or that staff's proposed timelines are too aggressive.

Now, technology manufacturers have assured CARB staff that there are engineering solutions for both ro-ro and tanker vessels. And shore power has actually been used on tanker vessels here in California.

And while there are no current capture and control projects that are occurring yet for ro-ro and tanker vessels in California, staff have been able to analyze multiple terminal infrastructure projects really to assess the timelines that are required to complete existing projects. And we feel the timelines that are proposed here are aggressive but feasible.

However, to address the uncertainty of the timelines for these new vessel types, CARB staff propose an interim evaluation in 2023 to assess the progress of adapting technology for new vessel types and also the necessary infrastructure improvement projects that might
be going on.

    And staff commit to publishing this analysis and findings for the 2023 -- 2023 interim evaluation in a publicly available report by July 1, 2023, and would report back to the Board.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So while the direct compliance costs of the regulation are high, they're also generally borne by large multinational companies. And most importantly, as seen here on slide 20, the health benefits of the proposed regulation outweigh the costs.

    And looking at real costs for the regulation, so in other words those costs that might be passed down to the consumer, we're looking at the total cost of the proposed regulation are expected to be minimal on a per unit basis, for example, less than one cent for a gallon of fuel.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, slide 21 highlights some of the incentive monies that may be available for offsetting some of the costs for reducing emissions from vessels at berth. Shore power, capture and control systems, and even cable reel management systems, which can be used to help plug in more vessels to shore
power, all have a potential funding path.

Now, an important highlight on this slide is the $10 million that CARB has earmarked for a capture and control system for tankers. Now, it's staff's intent that a tanker terminal would use these available funds to demonstrate capture and control technology use on tanker vessels here in California.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: So the projected NOx reductions of 46 percent and diesel PM reductions of 52 percent at full implementation of the proposal are shown here on slide 22. Now, these two pollutants are highlighted because of the importance of reducing NOx to meet the State Implementation Plan goals, particularly in areas like the South Coast and also the need to reduce cancer-causing diesel PM to lower near-source cancer risk for portside communities.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, as a result of the projected emissions reductions achieved by staff's proposal, a reduction in potential cancer risk of 55 percent is projected for the ports of Los Angeles, Long Beach, and Richmond. And non-cancer related benefits are also expected in association with staff's proposal, including 16 avoided emergency room visits, 72 avoided
hospital emissions, and 230 avoided premature deaths.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, there are also anticipated benefits from the proposed regulation that are not directly related to health. Now, reductions in greenhouse gas -- in greenhouse gases and black carbon emissions help California towards its goal of reducing ozone and global climate change.

Now, spurring research and development of innovative emissions controls by California businesses provides opportunities to both clean the air in our state and provide new economic opportunities.

Now, the work that's been done to reduce emissions from ocean-going vessels here in California, it's already seen impacts globally. We've seen countries like China and various European nations beginning to install shore power at their ports as well. And CARB staff have also seen interest in developing capture and control systems for tanker vessels in other parts of the United States and in Europe.

Now, supporting technologies to reduce emissions from vessels on a global scale not only provides local health benefits, also potential reductions to global warming and also helps drive down the cost to do so in California.
STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, staff completed a Draft Environmental Analysis, or EA, for the proposed regulation. The Draft EA was released for a 45-day comment period on October 18th, 2019. And the public comment period will close on December 9th, 2019. And staff will be preparing written responses to any draft EA comments received.

Now, staff plan to present the final EA and written response to comments on the Draft EA to the Board in late spring 2020 for consideration.

STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, staff propose to explore potential 15-day changes. Now, these include refining some of the implementation language based on feedback we've received from stakeholders during the 45-day comment period.

If Resolution 19-28 is approved, staff will continue working with stakeholders to assess if potential adjustments to the regulatory language are needed and will release any potential changes for a 15-day public comment period.

Now, staff is also proposing to develop a process for industry to pursue innovative emissions reductions concepts, if they can be proven to achieve extra or early
emissions and exposure reductions in impacted port communities without a delay.

Now, an example of such a concept might include emissions reductions from locomotives in and around a port or through the use of cleaner tugs above and beyond existing requirements. Now, these innovative concepts would allow for reductions to occur in impacted communities near ports where some additional time may be required to develop the necessary infrastructure that's needed to meet the At Berth Regulation requirements.

Now, these concepts would be limited in duration and only acceptable until the infrastructure needed for the regulation is completed. They would not provide an out At Berth Regulation and the process would include an opportunity for public review.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: Now, staff intend to bring the proposed control measure for ocean-going vessels back to the Board for final approval in spring of 2020. And if approved, an effective date of January 1, 2021 is expected.

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STAFF AIR POLLUTION SPECIALIST DENSBERGER: And that includes[SIC] today's staff presentation. We thank you all for your time.
(Applause.)

CHAIR NICHOLS: Thank you. We don't often get applause for staff presentations.

(Laughter.)

CHAIR NICHOLS: Good work. Good work. Thanks, everybody, for your response.

Before we turn to public testimony, do Board members have any specific questions?

Yes, Mr. Gioia.

BOARD MEMBER GIOIA: Got it. Okay.

Just -- I wanted to understand more of staff's thinking about the exempting bulk and general cargo vessels, because I know -- I realize they're different issues. They're a smaller piece of the pie in terms of the emissions, but they still contribute. And given that there's been some discussion of expanding bulk material processing at the Port of Oakland, and West Oakland is an AB 617 community, I'd like to understand that issue more.

I mean, I've read through the report, but it seems that we may be losing an opportunity with those vessels, even if we put them on a different time frame for bulk and general cargo, because they're not part of this expansion.

TTD MARINE STRATEGIES SECTION MANAGER CSONDES:

Sure. I can take that question. So when we
looked at the bulk vessel category, the primary challenges --

BOARD MEMBER GIOIA: Speak a little closer.

TTD MARINE STRATEGIES SECTION MANAGER CSONDES: Sorry.

BOARD MEMBER GIOIA: I mean, I can hear you, but just for everybody. Yeah.

TTD MARINE STRATEGIES SECTION MANAGER CSONDES: Okay. Can you hear me better?

BOARD MEMBER GIOIA: Yes. Yes.

TTD MARINE STRATEGIES SECTION MANAGER CSONDES: Okay. So the primary challenges that we ran into with the bulk category is finding an emission control strategy that can move along with the often used line hauling activity.

BOARD MEMBER GIOIA: Right.

TTD MARINE STRATEGIES SECTION MANAGER CSONDES: It's like a movement up and down the -- along the wharf. And we had received some feedback from both shore power and capture and control technology concerns as interrupting the process and have to connect/disconnect the vessel to a deficient control strategy. That is a concern, because, you know, it adds more time to the vessel's stay.

The second concern was that the emission
contribution of bulk vessels are much less than the other vessel categories that are currently in the existing regulation and the tanker and ro-ro vessels that we're considering including.

And the third issue with bulk vessels that we looked at is they're very volatile -- subject to volatile market fluctuations. They typically carry low-value cargo. And so this category is a little bit more prone to potential diversion.

BOARD MEMBER GIOIA: Um-hmm. So I suppose there's nothing that prevents us in a 2023 review from revisiting or looking at what the technology is at that time and determine whether the technology has advanced that we would want to include bulk and general cargo at that time. We could -- so it would be useful, I think, maybe to identify, unless staff has already assumed -- you know, projected to do this, that in the workplan of that 2023 review, would be the technology with regard to those categories of ships, right?

If we can -- so we can talk about that at the end of what's the scope of the 2023 review, because I assume that's going to be for everything a big issue for a lot of folks, what will be -- what will be considered in that review.

Okay. Thanks.
TTD MARINE STRATEGIES SECTION MANAGER CSONDES:

Thank you.

CHAIR NICHOLS: Excuse me. I also have a question about it, because by signaling that we're going to do a review in 2023, are we incentivizing people to just not do anything until 2023?


CHAIR NICHOLS: That would be obviously the wrong direction to go in.

BOARD MEMBER GIOIA: Right.

CHAIR NICHOLS: So I hope we have some understanding of what exactly is going to start to happen --

BOARD MEMBER GIOIA: Right.

CHAIR NICHOLS: -- the minute this gets underway.

BOARD MEMBER GIOIA: Right.

CHAIR NICHOLS: Any other Board members want to speak?

Yes, Ms. Mitchell.

You have to turn on the button. The white button on the column. Right there.

BOARD MEMBER MITCHELL: Thank you.

Following up on Board Member Gioia's comments. What vessels are you including in that smaller vessel category to review in 2023? Describe what those are.
TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Our current proposal includes for 2023 looking at the ro-ro category and the tanker category. And both of those have time frames that are out further. The ro-ros are 2025 and the tankers are 2027 and 2029. So 2023 provides a point where we can -- there's regulatory certainty, because there are implementation dates in place. And that would give us a chance to look at the progress made in adapting technologies for those two categories. So it's ro-ro and the tanker vessels.

BOARD MEMBER MITCHELL: The tankers.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Um-hmm.

BOARD MEMBER MITCHELL: And then following up on that, what technologies are we looking at for tankers? I know there's some concern about having tankers use shore power, that there's some safety concerns about that. There -- I guess we're looking at the bonnet technology too, but there's some, you know, I guess, issues related to bonnet technology.

So could you kind of describe what we're thinking about with the new technology for tankers?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah, certainly. The regulation is developed in such a way that it doesn't prescribe a certain type of technology. It's
based on the fact that it would have to meet some emissions level. And so it doesn't prescribe that a tanker would have to use shore power, or the bonnet system, or on-board. It is flexible in that manner.

So we would, at this point, as I think Nicole mentioned and there's a picture in one of the slides is that shore power has been and is in use at a terminal in Long Beach at T121. And so it's -- it is demonstrated to be effective for tankers. We up here do not want to downplay the role of safety for tankers for any vessel categories. And so safety is going to be the important concern with any emission control technology. And any of the technologies will have their own specific components that will have to be designed with safety in mind.

And so currently, we think that the two probably most likely technologies are either the capture and control systems. And those are effective because there doesn't have to be any vessel infrastructure done, right? A vessel can show up that doesn't have any shore power infrastructure on the vessel and it can be controlled.

And so that, I think, is one reason why we consider the capture and control systems likely for tankers. But tankers could use a combination of, say for example, cleaner tier 3 engines that are coming up in the future with maybe a diesel particulate filter on board.
They could use shore power as was demonstrated at T121.

BOARD MEMBER MITCHELL: And you've allocated $10 million for research and development of those new technologies. Can you tell me what ports are currently using the capture and control systems?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: So currently, the capture and control systems are used at the Port of Los Angeles and the Port of Long Beach. And so each of those have the barge-based -- a barge-based system that are used. And then there was a -- there is -- I shouldn't say was. There is a demonstration that was funded in part by CARB for a land-based system, so we could demonstrate how -- and so it's similar to the barge-based system capture and control, but it's not on the barge. It's on land. So it's the same system, but it's on land. And that has been built and is being demonstrated on bulk vessels.

BOARD MEMBER MITCHELL: And where is that taking place, that land-based bonnet system?

TTD MARINE STRATEGIES SECTION MANAGER CSONDES: That is at the Port of Los Angeles Pasha terminal.

BOARD MEMBER MITCHELL: And as I understand it, that land-based system would be one that can move along the wharf or the pier, so that it could be flexible
from -- to move from one vessel to another. Am I understanding that correctly?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yes, that's correct. It's on a big chassis that can -- that has some ability to move. So it's flexible in positioning of the vessels.

BOARD MEMBER MITCHELL: Is the concern with that, what I'm going to refer to as the bonnet system, that when we use it on a barge, we actually increase some emissions to the barge-based Emissions. I mean, they have NOx emissions et cetera, just operating the barge itself. Can you describe that for me, please?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Sure, I can describe that. I think there are -- there are two places where there could potentially be emissions. One is that there's got to be a power source to operate the control equipment. And so if it's on a barge, you're not going to power it by electricity. It's going to have some sort engine on it to power it.

And then the second is that you most likely will have to have a tug to move it into place. And so that there's two places that you can have some excess emissions. So with the system that powers the barge, all of those emissions are fed back through the control system on the barge. So anything that powers the barge is going
to be controlled just like it's controlling the universal capture and control demonstration.

It will control the emissions the same way it would with the vessel. The tug, we have looked at the impacts of what the excess emissions from the tugs would be to put it in place. And on a fleet-wide basis, it's going to be less than like half a percent increase. And so if we're reducing emissions by 85 percent, there might be a slight half percent increase, because we're moving it around with a tug.

BOARD MEMBER MITCHELL: So it's relatively minimal what might happen --

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It's minimal, yeah.

BOARD MEMBER MITCHELL: -- with the barge-based system.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah. Compared to the reductions that you're going to see, it's going to be very minimal to move them around with the barge -- or with the tugs, excuse me.

BOARD MEMBER MITCHELL: Okay. All right. Thank you very much. No further questions.

CHAIR NICHOLS: Excuse me, Ms. Takvorian, did you have a question?

BOARD MEMBER TAKVORIAN: Thank you.
Just following up on Ms. Mitchell, I wanted to ask about who the TIEs and VIEs and to ask you who provides that approval? It sounded a little bit from the presentation that it may be approved ahead of time. Is there a limit? I mean, I just want to understand a little bit more about how that works.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: I'll certainly -- I'll start with the high level. And then if you want to get in more detail, I'll pass it along to staff. And so the TIEs are terminal -- are provided to the terminals and the VIEs are provided to the vessels. And those are based -- they're a percentage of the -- of a group of vessels' visits from the previous year. So if a fleet of vessels makes 100 visits and they were assigned five percent of VIEs, they would get five -- essentially five allowances. So it's based on a percentage of a group's visits.

BOARD MEMBER TAKVORIAN: How is that determined from --

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It's determined from the previous year's vessel visits. So it's essentially a percentage of the vessel visits.

BOARD MEMBER TAKVORIAN: That they're allowed?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: That they are allowed --
BOARD MEMBER TAKVORIAN: That they'd be allowed

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:
-- with TIEs and with -- with VIEs, excuse me.

And the same with VIEs. VIEs would be looking at -- I'm sorry, I'm reversing those two. Same with TIEs. I do this very often.

BOARD MEMBER TAKVORIAN: If you're confused, then I'm definitely confused.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: The TIEs are the terminal. And so you look at the visits from the terminal at the terminal the previous year, and that would be -- a terminal would be allocated a percent of their visits based on the number from the year before. And the same with the vessel visits, they would be allocated a percentage based on the number of visits from the year before.

BOARD MEMBER TAKVORIAN: I think I'm confused, because it sounds like they're for emergency situations, and yet, it also sounds like they can be predetermined. So can you clarify that for me?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:

Certainly. So an emergency situation, we have an emergency exemption. And that's pretty standard in all of our -- most of our regulations, we have emergency exemptions. And that's a straight exemption that can be
used. So that's not -- that wouldn't fall under these TIEs and VIEs. So that's kind of off the table here.

The TIEs and VIEs are used in situations and they're flexible. They can be used essentially in any situation that either the terminal or the vessel deems that they're needed. And they're to deal with unexpected events where emissions are not able to be reduced.

I'll let Nicole add to that.

STAFF AIR POLLUTION SPECIALIST DENSBERGER: If I could, yeah, I want to add on. The TIE and VIEs really we see -- we got a lot of comments from industry. They have vessels that will come in sometimes that don't necessarily have shore power or have plans to control, because they might be -- you'll hear maybe the term an extra loader or a vessel that's been redeployed. And this could happen if, you know, a vessel is in China. Maybe that vessel has shore power. They're planning to come to California and plug in, but that vessel breaks down and they need another -- a substitute vessel to take its place.

So we know that there's going to be situations like that that are going to happen. And that's kind of what these TIEs and VIEs are for. The vessel can make that business decision to bring that vessel into California still by using one of their VIEs, or if a terminal has -- you know, they want to put four vessels
instead of three and they only have three shore power
vaults, they can use a TIE to get that fourth vessel in.
It's sort of to allow for some of these operational
strengths.

CHAIR NICHOLS: You're really bending over
backwards to allow operations to continue while still
moving the industry in the direction of a lot more cleaner
vessels.

STAFF AIR POLLUTION SPECIALIST DENSBERGER: Yes.
CHAIR NICHOLS: Yeah, I think that's a -- seems
like a solution, at least potentially, that provides the
flexibility that's needed for operations.

BOARD MEMBER TAKVORIAN: Yeah, that's me too.
Thank you for the explanation. And my other question has
to do with the proposal for the 15-day changes related to
the innovative concepts. I'm wondering if you can say
more about that. My concern about it, the way it's
described, is I'm not sure how you're comparing emission
reductions from an unrelated or another source and
utilizing those as an opportunity to not comply with this
regulation. So if you could explain that, I'd appreciate
it.

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
Yeah, I will take that.
So what we're proposing in the 15-day changes is
that we will put together a process that would come -- 
that would be dictated in the regulation, as well as 
minimal criteria in regards to those concepts.

So if you look on slide 26, we do talk about the 
things like it has to have a high standard, including 
enforceability and certainty, just like the reg. It has 
to be earlier or in excess of requirements of the reg. It 
has to provide equivalent or greater benefits to the 
impacted communities, not just from the emissions, but 
from also the exposure standpoint.

So what we're proposing is that we will work with 
public stakeholders to put together a process, as well as 
these minimal criteria for these concepts. We will then, 
if you guys approve the reg, would essentially set a time 
line for which these proposals would have to be submitted. 
And then we would post the proposals, so we could get 
public input. And then we could review them, do some 
technical analyses to make sure we're receiving the same 
emission benefits, and then work through Richard on 
approval of those particular projects.

BOARD MEMBER TAKVORIAN: And along with that, 
they would -- would they have to make the case as to why 
they can't comply with the regulation? Because here it's 
talking about other concepts. But I think that goes 
without saying that they --
TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: Yes.

BOARD MEMBER TAKVORIAN: Okay.

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: Exactly. And so that data we would also hope to inform our 2023 review.

BOARD MEMBER TAKVORIAN: Okay. Thank you.

CHAIR NICHOLS: Yes, go ahead.

BOARD MEMBER MITCHELL: So on that part of the process, you're inventing -- or inventing -- creating a process, investing I guess in a way, whereby a stakeholder in the port could come forward with an innovative concept for reducing emissions. But then when that actual idea for the innovative process comes forward, does that come back to the Board or will that just go to Executive Officer and he will determine that that does meet our criteria?

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: So for a timing standpoint, what we were considering for the 15-day changes is it would go through Richard, because of -- we would need to be able to move quickly on the projects. And quite frankly, we don't know the volume of the projects, but that's certainly up to the Board. If you would prefer that it comes back to the Board, that's obviously within your authority to make that
BOARD MEMBER MITCHELL: And it would seem that over the course of this rule being implemented, you may have an innovative technology come forward in year one, but another one come forward in year three. So how will you be dealing with that different technologies coming forward for approval?

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: So the rule itself, as staff previously mentioned, allows for technologies that meet the emission criteria laid out throughout. They just need to be verified. This would be separate. And it would -- the concept would be if they -- let's talk about the tankers for example. If they're having problems with permitting, right, and they can't -- they don't think they'll be able to meet the target because of construction permits and so on and so forth, so they come forward with a proposal that says we're willing to, you know, put forward this funding to offset these emissions in this way in order to have a little bit more time for our permitting process or construction process.

That's separate from if there is a new technology, that could be vessel technology, an onboard technology to reduce emissions that may meet the limit requirements, or any other innovative future technology to
help any of these vessels, that can happen throughout the whole process.

BOARD MEMBER MITCHELL: So would you be looking at technologies that are entirely separate from vessels and terminals, say shore power? For example, the port comes forward and says we want to have Tier 4 electric locomotives, that you'd be looking at something like that as well?

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: For this particular piece, for the innovative concepts, yes. The idea that has been brought forward is that an allowance for additional time to get to the ultimate goal. So we're saying eventually all vessels have to still meet the requirement, whether it's vessel emission controls or the other shoreside powers that we've been talking about. But in the mean time, if there's some timing issues, there may be opportunities that the emissions within the community can still be reached through other sources.

CHAIR NICHOLS: And just to be clear, this is a concept that hasn't been written yet.

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: Correct.

CHAIR NICHOLS: So your input is invaluable, but is not -- there's not an answer to the question really,
because it hasn't been done yet.

BOARD MEMBER MITCHELL: Right. Am I moving ahead too fast, Chairman?

(Laughter.)

BOARD MEMBER TAKVORIAN: So can I just ask -- can I jump in and ask?

BOARD MEMBER MITCHELL: If the Chairman allows.

CHAIR NICHOLS: No. Go ahead.

(Laughter.)

CHAIR NICHOLS: I'm just saying -- you're asking questions about a thought that they're working on, so --

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: So we certainly appreciate the brainstorming, yes.

BOARD MEMBER TAKVORIAN: Okay. In the spirit of brainstorming, so these would be temporary exceptions?

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: Correct.

BOARD MEMBER TAKVORIAN: And so they would have to also then be demonstrating their work on the permanent compliance over time.

TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS: Correct.

BOARD MEMBER TAKVORIAN: So we can't have this temporary solution occurring and all the effort going into
TRANSPORTATION AND TOXICS DIVISION CHIEF ARIAS:
Correct. This is not in lieu of ultimate regulatory compliance.

BOARD MEMBER TAKVORIAN: Thank you.

CHAIR NICHOLS: Okay. All right. We have 43 witnesses who've signed up. The names will be projected up on the board. Three minutes per person. The microphone is over here at this podium. And so it will save us all some time if folks could come over to this area when it's close to your turn and be ready. Because as I count three minutes per person, that's over two solid hours of testimony.

So let's begin with Phil Martien from the Bay Area Air Quality Management District. That doesn't allow for Board member comments and questions in between either.

Okay. Let's go.

Welcome.

MR. MARTIEN: Thank you. So good morning, Chair Nichols and members of the board. I'm Phil Martien. I'm a director of our Assessment Inventory and Modeling Division at the Bay Area Air Quality Management District. And I thank you for the opportunity to comment on the proposed Control Measure for Ocean-Going Vessels at Berth.
The air district commends your staff for their work in updating the At Berth Rule, while addressing implementation concerns that have arisen along the way.

We see this regulation as a key strategy of the West Oakland Community Action Plan, which, as you know, is an agenda for later today. But the connection is that, you know, it was my group that developed the technical assessment that supports the action plan. And a key finding was that more diesel reductions are needed to meet the plan target. So this -- we see this as a very important piece.

The air district strongly supports this proposed regulation. So that's the main point. But we respectfully ask that you consider three changes that will deliver community benefits sooner and ensure that any changes in port operations do not erode the progress of the existing regulation's benefits.

The first thing that we ask is that you consider accelerating the compliance deadline for oil tankers to January 1, 2025. A decade is too long to wait for the air quality improvements that are needed in Richmond and other overburdened communities in and near Bay Area refineries.

Now, we do understand there are concerns, for example, about permitting near the Bay or on the Bay, but we have worked with planning agencies in and around the
bay and we have clear examples of how interagency groups could approach this. For example, dredging and wetland restoration, by coming together as a consortium, we think that it will be possible to identify concerns prior to the submittal of permit applications and to make 2025 compliance feasible.

The second thing is that, as Board Member Gioia mentioned, that in 2023 in the interim evaluation, we ask that you consider adding controls for bulk vessels at terminals located near and AB 617 designated community. And the reason here is that there are existing active proposals to expand bulk material handling at the maritime waterfront in Oakland. And their concern is that that activity may benefit -- may erode the benefits gained from controlling emissions at container vessels.

And I'm out of time, but the third thing just quickly is that terminals and berths with shore-power equipment that's funded by Prop 1B revenue, we -- we request that exemptions account -- be for no more than five percent of vessel visits. And the details of why we've requested that are in a letter. So I won't take up more of the Board time, but I really appreciate the opportunity to comment on this important regulation.

CHAIR NICHOLS: Thank you. We'll discuss this further, I'm sure, before we bring it up for a vote. So
stick around.

MR. MARTIEN: Thank you.

CHAIR NICHOLS: Thank you.

MS. REES: Good morning, Madam Chair, Honorable Board members. My name is Sarah Rees. I'm an Assistant Deputy Executive Officer at the South Coast Air Quality Management District. Thank you for the opportunity to comment on CARB's proposed Control Measure for Ocean-Going Vessels at Berth.

South Coast AQMD staff appreciates the effort by CARB staff in developing this proposal, which would implement one of the key measures of CARB's 2016 SIP strategy. This is a significant rulemaking for our region and we fully support the adoption of the proposed regulation.

As you're aware, the South Coast Air Basin is facing a major challenge in meeting the eight-hour ozone standards. We require significant levels of NOx emission reductions, an additional 45 percent emission reduction by 2023, and 55 percent by 2031.

Ocean-going vessels will represent the largest source of NOx emissions in our basin in 2023, despite existing regulations. It's Absolutely essential to maximize both early and long-term reductions from OGVs through both regulatory programs and incentive measures to
help achieve our attainment deadlines.

The proposed At Berth Regulation would achieve much needed NOx reductions from OGVs by requiring higher compliance rates for previously regulated vessels, as well as expanding the requirements to tankers and ro-ros. We fully support the proposed 2021 compliance date for container, cruise, and reefer vessels, and would like to offer the following suggestions for your consideration, given the urgency to achieve significant NOx emission reductions by 2023.

For ro-ro vessels, we are suggesting an earlier compliance date of 2023 instead of 2025 for the ports of Los Angeles and Long Beach. We're requesting this as ro-ro vessels have similar operational power requirements as container vessels and currently approved technologies can be utilized by these vessels.

We are also requesting that CARB allocate additional funding to identify, develop, demonstrate, and certify new and improved technologies for tankers, as well as for other non-regulated vessel types. These technologies will be critical to achieve early reductions from these vessels through development of new incentive programs.

We further suggest a more coordinated effort among our agencies, the U.S. EPA, technology providers,
the ports, and other important stakeholders to better facilitiate new demonstration projects and incentive programs. And we are fully committed to support these efforts.

Finally, for general cargo and bulk vessels that are not subject to control for requirements, we recommend that CARB also consider conducting a technology assessment by 2022 to better identify and evaluate cleaner technologies for these vessel types.

In summary, we strongly support the proposed Control Measure for At Berth Regulation and urge you to adopt the proposed regulation without delay.

Thank you.

CHAIR NICHOLS: Thank you.

MR. ARAGO: Good morning, CARB Board members. My name is Paco Arago. And I'm a proud IBEW union electrician winter the International Brotherhood of Electrical Workers, Local 11 out of Los Angeles.

I speak for those who live in areas of poor air quality, because I grew up in Boyle Heights, which is in East Los Angeles, which is also labeled a toxic hot spot, about six and a half square miles surrounded by four freeways. My family has been there since 1956.

From what I've gathered, we have a ten-year less life expectancy than Santa Monica, which is 30 minutes
away from Boyle Heights, right? But yet, we live in this area and daily our kids are affected. I have two sons. We were forced to move to -- over to Montebello about 30 miles away, because I don't want my children growing up with terrible air quality.

But we have no choice in the matter. We look to your leadership and the leadership of folks in power to make those decisions for us and to help us out.

Now, this rule will improve air quality and create good jobs, electrical jobs, at our port, union jobs, middle class jobs, where we could buy homes, raise our families with dignity, and better our quality of life.

Now, CARB must continue to demonstrate leadership. Let's be on the right side of history. At this point, science is our side. We need climate justice that cleans our air and protects the lives of our families, as well as provides great jobs. So please vote in support.

Thank you very much.

CHAIR NICHOLS: Thank you.

MS. KROPKE: Good morning, Madam Chair. Good morning esteemed CARB Board members. May name is Jennifer Kropke. I'm an attorney. I work for the International Brotherhood of Electrical Workers and also the National Electrical Contractors Association.
We want to start by thanking CARB staff members on such a well detailed thorough report. We are here today to provide strong support for this proposed At Berth Emissions Rule.

I am here today representing over 300 electrical contractors in the Los Angeles and Long Beach area, as well as the 12,000 members of IBEW Local 11. We are those members who live and work in Los Angeles and Long Beach at the port and their surrounding communities.

California, indeed our CARB leadership, must continue to be bold in creating cleaner air, while providing business opportunities, as well as jobs that pay families sustaining wages. As the landscape of the maritime industry has changed, including vessel sharing arrangements and new alliances, so, too, must our regulatory landscape.

I'd also like to echo the comments from Ms. Rees from AQMD in terms of more aggressive deadlines and also really urge our Board members to take bold decisive action in this matter. Indeed, we've heard some of our environmental colleagues say we are hoping that you are thoughtful and intentional in your voting when this eventually comes to a vote. We are hoping that you vote as though our lives depend on it, because, in fact, they do.
And in the process, you can create good green jobs and reverse some of the environmental justice and environmental inequity that has occurred in our port communities by cleaning that air, while at the same time providing good apprenticeship-based middle class jobs.

Thank you very much.

MS. JOY WILLIAMS: Good morning. I'm Joy Williams from Environmental Health Coalition. EHC strongly supports the proposed rule. We work in freight-impacted communities, including the West National City community, which is the residential neighborhood closest to the National City Marine Terminal. And I'm here to stress the importance of the proposed rule for reducing emissions from the car carrier or ro-ro ships that berth in National City.

West National City is an EJ community that ranks near the top of CalEnviroScreen overall and in the top 95 percent for diesel PM. It is one of the communities in the AB 617 portside area. It is the poorest area of a poor city, with some 50 -- 41 percent of families in poverty.

National City has the highest age-adjusted rates of asthma ED visits of any city in our region, as well as the highest rates for children and seniors. National City also had the region's highest rate of death from pulmonary
diseases in the most recent year.

West National City residents live adjacent to the National City Marine Terminal, which imports almost half a million cars a year. According to the terminal operator, one of every ten imported cars on the road in the United States came in through National City. So car carrier ships, or ro-ros, make up close to 100 percent of the ships that visit this terminal.

The most recent Port of San Diego air emissions inventory confirms the importance of reducing emissions from car carriers at berth in National City. That inventory broke out ocean-going vessel emissions by ship terminal, by ship type, and by mode. And what it found was looking at the ship terminals, the National City Marine Terminal is generating more pollutants than the other cargo terminal or the cruise terminal in San Diego.

Breaking out the emissions by ship type, the car carriers or ro-ros generate more of all of those emissions than the container, bulk, general cargo, and cruise ships combined and almost half the greenhouse gases.

And then looking at the emissions by mode, hotelling generates more of the emissions from ocean-going vessels than any other mode. In sum, hotelling by car carriers at the National City Marine Terminal is the single most important target for reducing emissions from...
ships in San Diego. The proposed new rule is important for reducing ship emissions in National City and in our region.

The community doesn't benefit much from living next to this huge car terminal operation. Their only access to the terminal is one tiny two-acre park that's dangerous to get to, because of all those car carrier trucks in the same area.

The new rule won't solve all those problems, but it will make the air cleaner for those parents taking their kids to the park. So we urge you to move forward with the rule and we ask also that the second hearing occur at the earliest possible date.

Thank you.

CHAIR NICHOLS: Thank you.

MS. CHILDS: Good morning. My name is Brea Childs and I'm here on behalf of Earthjustice. I support a group called The Impact Project, which is coalition of EJ communities, researchers, and nonprofits. We mainly focus on port-related environmental issues, like reducing emissions from locomotives, heavy-duty trucks, and ships.

The most recent proposed At Berth Rule will, without a doubt, lower NOx and PM emissions that we're all fighting to reduce. Adopting such a rule will allow the community represented by the impact project to see
progress in real-time.

In at least ten years, ships will contribute to less public health harms. More types of ships will be responsible for lowering their air pollutants and some of the costly effects of poor air quality will be avoided. This rule is long overdue and gives industry considerable flexibility in both options for compliance, and in time allowed to come into compliance. No further weakening or delay should be considered.

Thank you.

CHAIR NICHOLS: Thank you.

MR. WOOLEY: Good morning, all. I'm David Wooley. I'm the Director of the Environmental Center at the Goldman School of Public Policy at UC Berkeley.

I first became aware of the issue of the ships pollution through my involvement in the AB 617 implementation process. I also live in the airshed in Berkeley. And I believe some of the evidence from the AB 617 analyses that Phil Martien was talking about, show that the ships are one of the largest sources -- remaining sources that have to be addressed here.

You know, ultimately, you know, out ten years, we're going to have to deal with the fossil emissions from ocean-going ships in their entire operation.

And I think that it's important to take this step
right now, but also begin to think about how the Board can incentivize the development of hydrogen -- renewable hydrogen production, fueling, and storage infrastructure at the ports in California, because we really need to make -- eventually make that step.

And I think the development of pilot programs on renewable hydrogen for harbor craft and other smaller port operations will be a good step forward that we'll lead both nationally and internationally.

So I hope you'll adopt this proposed rule as proposed and finalize it at the earliest possible opportunity.

Thank you.

CHAIR NICHOLS: Thank you.

DR. THAKUR: Good morning. Chair Nichols and the members of the Board, I'm Dr. Thakur. I appreciate the opportunity to share my perspective today with you on this measure as a pulmonologist, a medical director at the San Francisco General Chest Clinic, and as a scientist at UCSF.

In my daily work, I treat patients who struggle to breathe, dependent on oxygen therapy, and afraid to go outside or far from their homes.

One thing is in common is that my patients do strive to better their health. Yet, from my patients,
some of whom are from and similar to the communities that
live near the ports, are more likely to live in poverty
and near environmental hazards. And unfortunately, the
environment is something that my patients have little
control over.

There is no doubt that our air pollution is a
constant problem. And in my work, I am particularly focus
on how the environmental hazards impact patients with
asthma and COPD. My own research has shown the negative
health effects of fine particulate matter and nitrogen
dioxide, two components that are in the vessel exhaust
that we're considering today. And in children with
asthma, it has been shown in my work to be causative of
asthma and of poor lung health.

I know that my patients in communities with
higher pollution burden face greater risk to their health
and to their futures. The policy before you today is a
real clear choice. It is strategic and targets a large
pollution source in communities that cannot often advocate
for themselves.

Leading health organizations support this
proposal. In fact, 20 organizations have signed a letter
of support for moving this policy forward. The staff
report today notes that the health risk facing communities
residing near ports are unacceptable, and I agree.
I try to point my patients in the path of good health, but that path leads them back to a home in a community impacted by carcinogenic diesel exhaust from ships. I ask you, as the Board, how am I and other health providers going to help them? That's where you, as the clean air regulators, step in and as the public health protectors.

Your staff has done a great work in laying out the roadmap for better health for the communities residing near these ports and I thank them for that.

You have the opportunity today to clean the air for my patients and for our communities across the state by moving forward with this proposal and protecting them against the -- a major pollution source. You can reduce lung disease and cancer risk for millions of Californians, you can save lives, and you can help avoid major health costs and impacts.

Passing this proposal would cut pollution risk posed by the ships at our ports and improve the overall health of our surrounding communities.

Thank you.

BOARD MEMBER BALMES: Chair Nichols?

CHAIR NICHOLS: Yes.

BOARD MEMBER BALMES: Before you go Dr. Thakur.

CHAIR NICHOLS: Yes, please.
BOARD MEMBER BALMES: May I just ask one question? First of all, in transparency, we're close colleagues both caring for patients at San Francisco General and in research. But I just wanted to make clear that you're working with children with asthma in both Richmond and West Oakland, correct?

DR. THAKUR: That's correct, yes.

BOARD MEMBER BALMES: So she's not just talking from San Francisco.

CHAIR NICHOLS: All right. Thank you. Duly noted. Thank you.

MR. WILSKE: Good morning. And thank you for having me. My name is Larry Wilske from MEC Energy based out of San Diego, partnered in Long Beach, Oakland, and Los Angeles Harbors.

First, I want to thank everybody for the -- as a recently retired combat veteran, the Pledge of Allegiance this morning meant and awful lot and I'm very glad to see people leading by example, so thank you for that.

And the language -- I'm here to support this measure completely. However, the language I think it should be stepped up a little bit, first and foremost. And the title alone Vessels At Berth and at Anchor. As everybody knows ships at inner harbors in Los Angeles, Oakland, and San Diego pollute neighborhoods that aren't
touched by the industrial areas where they berth. And
there's no reason whatsoever not to have "and at anchor"
included in mitigation of pollution.

There's industry standards right now, I represent
one of them, that has an immediate answer and solution set
to that problem.

Also, the -- where I think we could get a little
bit better is ships coming in right now, why are we
waiting almost a decade for some ships to be affected by
the regulation. Affect them all right now and have a per
port visit waiver process, so if there's no viable
solutions, that shipping line isn't paying a penalty. If
we wait, we're till polluting just like the people that
came before me, and it affects their neighborhoods. So
let's just say the timeline is yesterday.

With the waiver process, that's viable and kind
to those folks that don't have a solution set. Let
commercial solutions complicit with CARB's regulations and
requirements come to light. That would really speed
things up and it's appropriate to do so.

I agree with Mr. Martien our first speaker on
this very issue. There are other solutions, other than
the bonnet technology, which needs to be improved or shore
power. In fact, there's even better than shore power.
And I'd love to discuss those things with you as I with
recently with Nicole.

All right. If there's any questions, that's all I've got.

CHAIR NICHOLS: Thank you.

MR. WILSKE: Okay.

CHAIR NICHOLS: I think we're all taking notes just in case anybody wonders. There will be more conversation at the end, and questions for staff, I'm sure.

Go ahead.

MR. CORT: Good morning. Paul Cort with Earthjustice, here with others to support this rule. My concern this morning is really with delay. This rulemaking process began in 2014, five years ago. There have been over 150 public meetings, four rounds of workshops. Staff have taken in every complaint that they've heard from industry. They've redone the risk assessment and the cost-benefit analysis. They have added more and more flexibilities as you've seen in this rule.

Exceptions, now including a new innovative control -- concept. And yet, I'm sure that you will hear this morning more calls to slow this rule down, and wait for, you know, more alternatives to be considered, more studies to be done. And so my request for you this morning is to ensure that this rule gets finalized in the
spring of 2020.

Thank you.

CHAIR NICHOLS: Thank you.

MS. GARCIA: Good morning, Chair Nichols and Board members. I'm Katherine Garcia, policy advocate at Sierra Club California. And on behalf of our chapter, which includes 500,000 members and supporters statewide, thank you for this opportunity to comment on the Control Measure for At Berth.

The proposed regulation is a cost effective and necessary way to protect public health and reduce emissions. By 2032, this rule will save the state an estimated $2.3 billion from 230 fewer premature deaths, 72 fewer hospital emissions, and 116 fewer emergency room visits statewide.

California is home to the nation's largest ports complex. And a majority of the areas around ports in California are identified as disadvantaged communities, where residents, main the working poor, and people of color are the ones who suffer first and the worst effects of pollution from goods movement.

With over 12 million Californians breathing the worst air in the nation, our communities should not be asked to pay the price for cheap good movement and freight with their health and air quality.
Transitioning ocean-going vessels from using diesel auxiliary engines in port to alternatives, such as plugging into electrical power, using capture and control technology will effectively reduce toxic pollutants in our air. Some shipping companies are already transitioning to shore power practices due to the associated savings on fuel and operational costs.

OGVs are sources of both NOx and PM emissions, both of which cause severe health impacts. Reducing diesel emissions will significantly reduce the risk of respiratory diseases and cancer. Again, by 2032, this rule will save California an estimated 2.3 billion in health-related costs statewide.

Sierra Club California strongly sports the proposed At Berth Regulation. We urge CARB to adopt this rule and move forward with implementation as quickly as possible.

Thank you.

CHAIR NICHOLS: Thank you.

MR. MAGAVERN: Good morning, Madam Chair and Board members. Bill Magavern with the Coalition for Clean Air in strong support.

California's port communities have an urgent and compelling need for relief from diesel exhaust. Just last month at your Board hearing, you heard about the research
on the health effects of fine particulate matter. And we
know that it causes cancer, causes lung and heart disease,
and premature death. You have established yourselves in
your State Implementation Plan the need for this
strengthened rule. And here in West Oakland, as you'll
hear later, it's part of the Community Emission Reduction
Plan under AB 617.

We know there are costs to complying with this
proposed rule, but we also know that the benefits outweigh
the costs. We should also look at the fact that the costs
will be primarily paid by large multi-national
corporations. The benefits will be incurred mainly by
low-income communities of color, who have faced historic
environmental injustice.

We also think that the proposed system of shared
responsibility is, compared to the existing rule, both
more fair and also more effective as a way to improve
compliance. Adding the vessel types, adding the ports
that have not been covered in the past will improve the
health benefits of this rule.

Our one real objection to the proposal is that we
think it is too generous in the amount of time given to
the oil tankers to comply, up to ten years outside of Los
Angeles and Long Beach. And we think -- we agree with the
Bay Area Air Quality Management District that that
deadline should be moved up.

Other than that, we think that the staff have done a very thorough job with both the substance of the proposal and the public process. And we urge you to today instruct that they go forward quickly and to bring this back for final adoption as soon as possible. We would recommend at your March Board hearing.

Thank you.

CHAIR NICHOLS: Thank you.

MR. BARRETT: Good morning. Will Barrett with the American Lung Association. The Lung Association is one of over 20 health organizations who submitted a letter in strong support of this proposal. The American Cancer Society, California Medical Association, the American Academy of Pediatrics, California Thoracic Society, local asthma coalitions, and physician groups from the Bay Area, nurses, others have all written in support -- in strong support of the rule, because we view pollution from the ships to be such an unacceptable health risk in our local communities.

We know that we can't move quickly enough to protect public health from the harms of diesel emissions. And we also support the idea of moving more quickly with the compliance time frames as the air districts put forward, as Mr. Magavern just noted from the Coalition for
Clean Air.

As Dr. Thakur noted, the risks of particle pollution on community health are widespread and well known from cancers, to asthma impacts, to heart attacks and strokes, and premature deaths. We know the risks are significant and that CARB's actions here are super important to improving the health of all Californians, but especially those most impacted in our most disadvantaged communities near the ports.

We appreciate that the staff have really learned from the implementation of the existing rule and know that it won't keep pace with the projected growth in freight traffic. We know that the facilities have a role to play in compliance and we appreciate the new direction that the staff has taken the rule. Again in strong support of that.

As freight traffic is projected to grow, along with it carcinogenic diesel particle pollution will grow. And the cancer risk and other health burdens will grow along with that, unless we take strong actions like this rule.

We really look at this proposal as being at a fork in the road. We either have, on one hand, the increased pollution burden, on the other hand, reduced risk of health harms across the board to these most
impacted communities.

We know that we're projecting a 55 to 60 percent reduction in cancer risk in many community -- in the communities most impacted, adding community protections to communities that are not currently included in the rule. We think that's an important step forward at protecting those communities in Richmond and Stockton. We know that the health benefits outweigh the cost of the rule. So I think these all weigh on the side of moving forward with a strong rule.

We do think that moving as quickly as possible with the compliance time frames is important. Moving quickly to adopt the rule -- I'll go ahead and agree with Mr. Magavern -- on a March time frame. I think that makes sense.

And then really just look forward to working with you and other stakeholders to make sure that this rule is as health protective as possible and goes forward as quickly as possible.

Thank you very much.

MR. GASSMAN: Good morning. I'm David Gassman from No Coal in Oakland, though I'm really just speaking for myself at the moment.

And first of all, I'd like to thank you all for coming here to being in West Oakland, to experience -- I
personally live outside of the technical West Oakland area, but still, thank you all for coming.

As you probably know, we're concerned about the Oakland bulk and oversized terminal. And should this get built, even if we're able to stop, you know, it from being a coal terminal, which is our main concern, it will be a bulk carrier. And so we want to be sure that this community has less inflicted on it then it absolutely -- well, that the absolute minimum is inflicted upon it.

So I want to support all of the previous statements about -- about this ordinance, about this rule, and about moving it as quickly and as effectively as possible.

Let me also say a word or two about the refineries, because I am involved with the Sunflower Alliance, which Supervisor Gioia I'm sure knows as much about as he can tolerate.

(Laughter.)

MR. GASSMAN: They are -- they are quite concerned about the oil term -- tankers coming through and so that this gets applied to oil tankers is really quite important.

And I think I've said enough. Thank you, all.

(Laughter.)

CHAIR NICHOLS: Thank you for being here, too.
MR. KILBRETH: Hi. My name is Jeff Kilbreth. I have a business background. And I served on the Richmond Planning Commission for two years, which is how I actually came to think this issue was so important.

First of all, I'd like to say that I found the staff work to be just terrific. I mean, really, kudos. Much, much stronger than what I generally read from Bay Area Air Quality Management District comparable staff work in preparation for regulation definition.

And, in particular, I want to note that the clarity about the sources of pollution and the goals of regulation structure the entire effort. And this is what we still haven't quite managed to achieve at the regional level. And any help that could be offered by cross-pollination between the staffs would be greatly appreciated.

I've got five quick points to make. Richmond, as you know, is an AB 617 community. And it's a big deal. This is how Richmond thinks we're finally going to get some relief for being -- having the levels of pollution we have.

If CARB takes a very strong move on this, and, in particular, advances the timeline for bringing power to the Chevron Long Wharf, then it says something that CARB is working with AB 617 and is deadly serious.
And that's very important to us, because, you know, we're very cynical. I can't tell you how many times Richmond has failed to get pollution reduction. It's depressing. So this is -- this is a moment for you to help make AB 617 real.

Number two, the Richmond Carquinez Straits cluster is not one thing. You know, it really isn't. As someone noted, there's a wharf that goes out a mile and a half in the Carquinez Strait, but Chevron Long Wharf, which has far more vessels coming to it, far more vessels idling is very short and compact. It's just full. It's busy. Every day there's two or three ships, every day, idling all the time.

Okay. So don't make the same timeline for the Richmond Chevron Long Wharf, as you make for the Carquinez Strait. I mean, you know, every issue is specific. Everything has to be looked at individually. But Richmond doesn't need ten years. Chevron does not need ten years to bring power to the wharf.

In general, for -- you know, as a comment on the staff work, it would be very helpful, I think, just in terms of confidence in the process, that if -- if delays are thought necessary, you know, to be reasonable for industry, it would be good if there was a full explanation of that.
Fourth, tugs and bulk carriers. Richmond's exports of coal has increased terrifically the last two years, as Utah and Wyoming search for new markets in Asia. And, I mean, we need -- you know, we've got coal dust. We've got a lot of trains coming through Richmond. So, this -- you now, dealing with bulk carriers helps us deal with the problem of coal and pet coke exports.

Also, tugs. Tugs are very polluting. And they're -- and the -- and the rules on tugs are definitely needing -- needing a kind of revisit. We can use better engines. We can use more modern tugs. It's -- they're not that expensive to upgrade, you know, et cetera.

And then finally, I'm just a layperson in this regard, but I think that it just makes sense that shore power is the way to go, unless there's a good reason to do something else. And so my question is how do we have the regulations have a bias, have a preference for shore power, and have some kind of way of sort of allowing industry to make a case and to do something else, if something else really does make sense, or if the cost of shore power is, you know, prohibitive. Okay.

That's it. Thanks.

CHAIR NICHOLS: Thank you.

MR. HAMPTON: Good morning. My name is Earl Hampton. I'm here for IBEW Local Union 595 representing...
the workers who live near or work at the Port of Oakland and Stockton.

I'm here in strong support for the proposed At Berth Emissions Rule. This will expand the class of vessels being regulated and create good green jobs through our project labor agreements. Both ports, which include a local hire requirement, so that living and -- so those living and working on or around the ports, who are subject to the emissions from these vessels, can benefit from the rules.

Thank you.

CHAIR NICHOLS: Thank you.

MR. PULEO: Hi. My name is Joe Puleo. I'm a resident of Point Richmond and a consumer of polluted air. I support this initiative. However, I believe a blanket date of 2029 for tanker compliance is unacceptable. I recognize that there are technical and regulatory barriers to implementing these rules. For example, the tankers moored in Anchorage number 9 south of the Bay Bridge have significant number of regulatory hurdles to clear before bringing shore power to the anchorage.

On the other hand, there are sites which can implement these requirements in a significantly shorter time. For example, there the Chevron's Long Wharf dock, which is least from the State of California. Four hundred
vessels a year, sometimes four at a time, dock there, running their auxiliary diesel engines 24 hours a day, and spewing diesel particulates borne by the prevailing wind directly into the City of Richmond.

These vessels referred to as lighters by Chevron as -- but as tankers by a layman, are part of a shuffle of perhaps only a dozen different -- distinct vessels.

Chevron, which has its own electric power plant and can provide electricity in any quantity, and of any type required to allow these ships to heat the crude oil and pump it up to the refinery without running their diesel engine. Chevron was asked to do this almost five years ago, during refinery modernization but refused to do so.

I want you to adopt the much shorter time period, say three years, to implement these tanker regulations, with exceptions that can be provided upon application by the polluter to the Air Board for approval. Ten years is too long to wait.

Thank you.

CHAIR NICHOLS: Thank you.

MS. HARVEY: Hi. My name is Ann Harvey. I live in North Oakland and I'm a family doctor who worked for CONTRA Cost County until recently. I'm in strong support of the measure, but really importantly with the changes
that were presented at the beginning by Phil Martien from BAAQMD. I just -- I'll try to be brief, but I wanted to point out that, as you know, the life expectancy differences are totally outrageous and unacceptable between the impacted communities and more privileged communities. And I believe that those are strongly impacted not just by the air pollution people need to breathe, but also by the incredible stress of living with that powerlessness and discrimination. And your implementing these with the most -- the fastest implementation possible. It gives some respect and regard to people who have been forced to live in these conditions.

I also wanted to say, in that line, that as it was presented that it would cost less than one cent per gallon of the -- on gas to do this. I think that these people are worth a lot more than one sent per gallon. And if it costs a lot more, we need to spend that. And the oil companies can spend that and we can pay more than one cent per gallon more for fax.

And I also noticed that in the Richmond slide, that most -- I think, it was the majority, but certainly the largest proportion of the benefit comes from implementing these around the tankers, as opposed to all the other kinds of ships. And so that -- you know, that
whole refinery corridor in Contra Costa county is severely impacted, so the tankers really need to be included much sooner.

And certainly, I agree also with including the bulk carriers for West Oakland, because that may be increasing a lot soon.

Thank you very much.

CHAIR NICHOLS: Thank you. Moving on here.

Jesse Marquez?

(Laughter.)

CHAIR NICHOLS: I knew you were here and we have your written testimony.

Good morning.

(Thereupon an overhead presentation was Presented as follows.).

MR. MARQUEZ: Hello. Thank you. My name is Jesse Marquez. Thank you, Chairman and Board members for being here. And all you beautiful members of the public that are here to support your community.

I have more PowerPoint. It's basically 18 slides. I did have two other people cede their time to me, but it's going to be about six seven minutes.

I do have to apologize. I did not know that when you print a PowerPoint, it changes. And so some of the letter exceeded the side. And so I'll go ahead and have a
PDF made also, but at least get all the pretty colored pictures.

    I listened -- I've been here since the beginning. And I've heard all of many of the questions that you asked. Well, in our research, we asked those questions. So I can answer those questions and provide you additional information that staff or anybody else did not provide you.

    Next slide.

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MR. MARQUEZ: So we support the proposed control measure. However, we do have some differences that we would like to not be included. We request that the measure include both at berth and at anchor. So that you know that AMECS system has already been applied to ships at anchor at the Port of L.A., Port of Long Beach. So it's already been done and it's being done right now as we speak.

    When we're talking about ship emissions, they're trying to exclude bulk -- break bulk type ships. Well, there's no such thing as little emissions from a ship. We're talking tons and tons a day from every category. So there is no validity for not including them as part of this, and I'll give you more information as we go along.

    As you are well aware, emissions effect both the
environment, our climate change, as well as public health significantly. So that is the big reason why we support these technologies.

The other fact is that ships coming to our ports in California are increasing every year. The Port of L.A. and Port of Long Beach will triple in the next 20 years. Okay. And so these are things that need to be addressed today and now.

We believe that all categories of ships should be included. We don't believe that there should be an exemption for small ports. For one thing, as been mentioned before, this is already been in the works for five years. Numerous meetings, public hearings, task force have been going on to hear what the public comment was on this. And so it's no surprise, okay? There are cap-and-trade funds, Proposition 1 funds. There's DERA grants and others that can also be directed to supporting the smaller ports.

And we do support electric shore power naturally. But then there's also the alternative, which is the ship emissions control technologies, which we call SECT. Both electric shore power and ship emission capture technologies are feasible. They're cost effective.

Next slide.

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MR. MARQUEZ: They're proven technologies and they're proven as excellent mitigation measures for addressing all their impacts.

In addition, there are options in either purchasing a system or leasing a system, so it can be affordable. Okay.

Port of Los Angeles in the past has had container tariffs, both as a program and both as mitigation. So a container fee or a bulk loading fee can be applied for a short-term time in order to purchase one, so that the ports have them available.

Next slide.

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MR. MARQUEZ: We prefer the ship emissions and capture technologies, and these are some of the reasons. They are already using state-of-the-art off-the-shelf technologies. So we're not having to reinvent anything. We're just applying something that works already, but on a larger scale.

They do not require any modification of a ship. They don't require any modification of a terminal infrastructure. They do not require any shore power. They're not subject to power outages. They don't require any special permits. They work on any category of ship. And in fact, if you look at it from a financial tax
structure, they're capital equipment, so it's a tax write-off. Okay.

They also capture and treat both auxiliary engines and boilers. Whereas, electric shore power cannot do the boilers. So in this case, we get two-fer deal.

Next slide.

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MR. MARQUEZ: AMECS is already CARB approved. And to be fair, we have also reviewed the other competitor that's also approved. But when you compare it, item by item, there is no comparison, the AMECS system is by far the most excellent system in every single category.

Not only that, we're talking about on dock. AMECS was the first to invent on dock. Okay. They were the first to have ship-side barge. They were the first to have an at-anchor barge. They're about 80 percent plus building right now what they call a spud barge, which would be used for your liquid bulk tanker ships. So by next year, first quarter or so, it will be ready and it will be tested next year. And so by the end of 2021, it will be completed. So we don't -- not -- we're not looking way out there in the future. We're talking about 12 months or so.

So that you know, AMECS has serviced over 226 ships at the Port of Long Beach and Port of Los Angeles.
There have been 65 ships that were on dock. About one-fourth to one-third of those ships were actually already bulk ships. So when we're talking about why not including them, it's been done, on a 4050 bulk ships already at the Port of Long Beach. Your ship-side barge has already serviced 159 ships and at anchor has already done two to date right now.

They have already commercially operated without one incident for close to 3,000 hours. So we're talking a proven technology. AEG has already met with the Coast Guard. They've already met with OSHA and have built their barges to meet all the requirements and standards. In addition to that, they've already gone through risk evaluations by both the American Bureau of Shipping and the Det Norske Veritas, the European equivalent.

They also have the capability to build sufficient AMECS systems to meet any schedule, just like anything. If you place an order for ten and you need it for two years, then they hire more man power and order the parts. And since these are off-the-shelf parts, we're not talking having to wait three, four, five years. Within a year or two, everything is ready.

Next slide.

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MR. MARQUEZ: This is an example of a barge that
shows that articulated arm, where it is going over the
exhaust stacks of a ship.

Next slide.

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MR. MARQUEZ: So they're able to capture and
clean airborne emissions from auxiliary engines as well as
auxiliary boilers. It consists of two components, the
exhaust capture, which is the hose bonnet portion of it,
and then you've got the treatment, which is your scrubbers
and those technologies.

So there is both a first generation and a second
generation. We're talking about emissions capture. Look
at the numbers, PM, 94.5; NOx, 99 percent; SO2, 98.5
percent; VOCs, 99.5 percent. You might be asking what
about greenhouse gases? Well, no one has asked for that
yet. So you just add that technology to the existing
system, and voilà in six months you could have one that
captures more than what's being captured right now.

Next slide.

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MR. MARQUEZ: The issue comes out about from
ships I need to get some numbers. So Tiax did do an
evaluation and the listed the different types of ships.
And there you see bulk ships annual PM, 42 tons, NOx, 22
tons. So I don't know where staff is coming from. I know
they're coming from that, you know, it's little. It's not little. It's a lot of tons. So therefore that's where we're asking you please do not allow that exemption. There's no basis for it. They are a huge emissions source.

Next slide.

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MR. MARQUEZ: You can see where there was the first generation, the second generation of the scrubbers. So they're continually updating and investing in new technologies.

Next slide.

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MR. MARQUEZ: Right here is the on-dock system, so you can see it on dock going to the ship. You can see the articulated arm can go very high and meet every height of every category of ship right now today.

Next slide.

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MR. MARQUEZ: This is the bonnet. You see two versions of it. What they have done now is gone from the bonnet, which goes over the big smokestacks, some ships actually have multiple exhaust pipes.

CHAIR NICHOLS: Mr. Marquez, you've used up nine minutes. We extended your time as you requested. So
could you please just give us like a one or two sentence summary and --

MR. MARQUEZ: So in summary, there are already three versions. A fourth one will be available. So next year four are available to meet all requirements. It is feasible, it is cost available, and they're ready today. And we request that the schedule be shortened to 2025. There's no reason to go beyond that.

Thank you.

CHAIR NICHOLS: Thank you very much.

Okay. We have another extended presentation here from PMSA and support from other entities that have yielded their time, so --

MR. JACOB: Thank you.

CHAIR NICHOLS: Hi.

MR. JACOB: Appreciate Madam Chair. Mike Jacob with Pacific Merchant Shipping Association. We represent ocean carriers, marine terminal operators operating in California's ports. And I also wanted to speak very quickly on behalf of a coalition of industry members who have submitted some comments to you and the staff over time. You'll be hearing individually from CAPA, the California Association of Port Authorities, from CLIA, the Cruise Line International Association, from WSPA, the Western States Petroleum Association. And I also have a
statement from World Shipping Council who apologizes. They weren't able to come today, because they have a Homeland Security matter they had to attend to in Washington D.C.

But before I get to that, I did want to spend a little bit of time thanking the staff for working with us. A number of the folks you hear from today, including from me and from a number of the ports, we represent entities that are regulated under the current rule. And we've been working with staff on the implementation of the current rule since 2007. It's an extensive process. It's an expensive rule. It's a technical and complicated administrative rule.

There's a lot of moving parts, which is why you will hear extensive comments from us today on the -- and you'll see more comments coming written on Monday from all of us regarding the implementation, because the devil is in the details on how this is accomplished.

We have achieved really tremendous successes with this rule as acknowledged by the CARB staff in their presentation. I want to thank them for that acknowledgement. We're very proud of the emissions reductions we've made to date as an industry. And that's across all the sectors. And you'll see in some of the graphs we passed out, and include in our correspondence,
all the vessels that we're talking about today are currently regulated with respect to at-berth emissions for -- through clean fuel rules.

Additional sectors, including cruise, and containers, and reefer ships also have additional at-berth requirements. But all of the shipping fleets have reduced their emissions by approximately over 70 percent just through cleaner fuels alone. When you look at our sector, we've also reduced those emissions by close to 95 percent.

And if you did nothing today -- we're not advocating that. We'll get into the specifics of what we are asking you to do. But if you did nothing, under the ISOR projections that are included in this current rule, we would be basically at a tenth of a ton of diesel particulate matter by 2031, which is about 40 percent cleaner than where we were when this original rule was promulgated in 2007 as our target for 2020, which was seventeen-hundredths of a ton per bay of DPM.

So we think that's pretty fantastic. You're looking at a total from regulated cruise ships, container ships, reefer statewide of about three pounds per day of diesel PM. That's pretty phenomenal. That's a success that we want to be able to essentially replicate moving forward with these rules.

If I could very quickly -- and I apologize for
reading from World Shipping Council, but they asked if we could provide this statement to you today.

    World Shipping Council and its members have been pleased to work with CARB staff for more than a year to revise and improve the current at-berth regulations to make them more practicable and to ensure ocean carriers are not subject to all the requirements that fall outside of their control. For the rules to function effectively, each party that is needed to play a role in meeting the rules' objectives should be provided with clear and achievable regulatory obligations. We therefore appreciate the proposed rules inclusion of appropriate obligations on ports, marine terminal operators, and on emissions control strategy operators.

    But while the current proposed rule addresses some of the World Shipping Council and the industry coalition's concerns, many issues remain. World Shipping Council will soon provide written detailed comments and recommendations to the CARB to address specific aspects of the proposed rule that require further attention. One issue, about which we have serious concerns, is CARB's proposal to both substantially revise the current at-berth regulatory system and expand the applicability of that system to new classes of vessels, particularly ro-ro vessels without a clear and comprehensive cost benefit and
feasibility analysis for each class, and on the assumption that capture and control technology, which does not -- which barely functions today, is a viable control option. Thank you for your consideration of these issues. Doug Schneider, Vice President, World Shipping Council. We agree substantially with those comments and also with most of what you heard in the presentation from staff today.

The good news is we all agree, from industry side and CARB staff, and we hope you do too as a Board -- and we know you do from your policy positions -- that the current clean fuel and vessel at-berth rules have been extremely effective in reducing emissions from vessels. And with the current fleet, the current CARB policy goal is a hundred percent rule compliance. We agree with that as well. The current rule captures 97 percent of the vessels in the fleets that are calling the container ports in California. That's a phenomenal number. It also means that the Delta of additional emissions to capture is very, very small, which leads us to the concerns that when you're changing the fundamental nature of this rule from a fleet basis, where we can capture 80 percent emissions to an 80 percent emission control standard on a per ship basis, you're actually not reducing emissions from the existing controlled fleet very
much at all.

But as proposed, the CARB estimate is that the additional costs associated with that are over $400 million for our industry. You'll hear from the individual ports in their comments that are coming up, that they have concerns, as do we, about whether or not that's the appropriate place to make an investment of close to half a billion dollars. And so there are very significant cost effectiveness questions that we have moving forward.

If the resulting emissions reduced are very small, so should the costs relative to those emissions, which is why we appreciate the staff putting in the consideration that they did today with respect to exploring the opportunity for alternative emissions. We all have agreed informally amongst ourselves and our many years of conversations, that if we can achieve these emissions faster and cheaper, in another method, that's better for the communities and for the industry. So if we can get to that type of win-win, we think that's something that should be explored. Don't close the door on it.

Moving forward, the other theme you'll hear from all of us today is there is no rush to get a rule that's imperfect back in front of this Board, if a better rule could be happening -- I'm sorry -- be constructed if this Board meeting happens a couple of months later. Whether
this occurs in April or June really is immaterial to the
fact that we're going to be talking about what kind of
investments are we making over the next six, seven, eight,
nine, ten years, especially because you have our track
record in front of you, where we already have substantial
emissions reductions. And the 2021 effective date really
does not represent any additional emissions reductions,
there's no harm in waiting and doing it right.

I'd like to take a couple of seconds right before
I run out of time to specifically address some ro-ro
issues. We, again, will be submitting our own technical
review of ro-ro controls. But just as preliminary
conclusions, you'll see that our evaluation is that ro-ro
controls actually increase GHGs by 50 percent. We think
that's significant and should be avoided by the Board.
Emissions reductions after accounting for all the
alternative and requisite logistics actually have an
effective reduction rate of DPM of only 40 percent not 80
percent as required by the rule.

And that the cost effectiveness of the proposed
ro-ro rule is nearly $200,000 per weighted ton, making it
an exceptionally expensive place to go for emissions in
the short term. Again, if we can find alternatives to
those types of outcomes, that's what we want to be doing,
not forcing us to have a round peg in a square hole.
And I think, finally, because we believe this is a very successful rule - and thank you very much for working with us over the years to make it so - we do not want the Board to change courses in the middle of the stream. We want to keep the existing regulatory structure that we have. What's proposed in front of you right now is a brand new rule. We don't think we need a brand new rule. We think we need to be making small administrative tweaks to a successful rule and make it even better.

Thank you very much.

BOARD MEMBER TAKVORIAN: Madam Chair, can I ask a question?

CHAIR NICHOLS: Yes.

BOARD MEMBER TAKVORIAN: I'm here.

CHAIR NICHOLS: Oh, there you are. Hi.

BOARD MEMBER TAKVORIAN: Yes, sir, did I hear you --

CHAIR NICHOLS: I heard the voice.

BOARD MEMBER TAKVORIAN: I'm sorry.

CHAIR NICHOLS: Go ahead.

BOARD MEMBER TAKVORIAN: Did I hear you correctly to say that the ro-ro regulation actually increases pollution?

MR. JACOB: We -- yeah, we'll be submitting technical comments on that.
BOARD MEMBER TAKVORIAN: Well, it's quite an assertion. So could you give us a little more information about that now?

MR. JACOB: We actual -- well, we'll have a complete report done by a consultant that goes through all of the actual details of that. I'm not technical, so I don't want to misstate what those things are. They'll be provided on Monday on December 9th at our submission date for comments.

But I will say this, the components of what goes into how you actually reduce those emissions from the vessel at berth are what they are, and that's one thing. Where you get GHG emissions increases, and ultimate reductions in the amount of DPM is because you have to actually position those control devices somehow. So if it's on a barge, you have to hire a tug. And tug has to go from its home port, pick up the barge, move the barge to the vessel. And then after the vessel has been appointed with that control, the tug goes back to its home port. Then you have to move it again for the vessel to leave. So it comes back out and then it removes the barge and takes the barge back to where the barge is.

So these things will be happening all the time. It also occurs when you have a -- you can't do lightering, which is fueling for the vessel, and have the controls at
the same time. So if you have multiple barge requirements for the same call, then that vessel will have to go to anchor to do the lightering, which is their refueling, if they're actually under a barge control at the same time.

So there's a lot of moving parts to that type of thing. And that's what will be in the technical analysis.

BOARD MEMBER TAKVORIAN: Appreciate you giving a little more information about that. My understanding is that that was considered in the staff evaluation, but -- so when we get there at the end, perhaps we could ask them to expand on that.

Thank you.

MR. JACOB: Yeah, I think that is exactly one of the things that we have a lot of very technical concerns about. And because this is a complex rule, and we're talking about very small emissions reductions, those are the types of things we would like to work out fully with staff before they come back to you with a complete proposal.

CHAIR NICHOLS: Well, excuse me, thank you for that. I think it's fair to say that as others have pointed out, this rule has been in development for years, many years. And you're raising issues at, what I would regard as, rather the last minute, which could have been and should have been raised much earlier, if they haven't
been before now.

You continue to characterize these as small emissions reductions.

MR. JACOB: Um-hmm.

CHAIR NICHOLS: But taken as a whole, these are important emissions reductions or we wouldn't be here. And I think that your final comment, or one of your final comments, about how we should just be tweaking the existing rule versus adopting a new rule is somewhat disingenuous. I'm wondering -- you know, you're not a technical person you say --

MR. JACOB: Right.

CHAIR NICHOLS: -- but what exactly are you talking about?

MR. JACOB: Thank you for allowing me to clarify that, because it certainly is not intended to be disingenuous at all. And I think if you ask staff, they would be sure to agree, that we have been working diligently and provided a lot of detail and conversation.

CHAIR NICHOLS: Yeah.

MR. JACOB: So no one is providing anything at the last minute. Nothing I've said today is a surprise to anyone on staff.

The issue with the existing rule versus a new rule, for the currently covered fleet, is we have invested
close to $2 billion by the initial CARB estimate in the existing rule. The existing rule is fleet average based. We want to maintain that. We understand that there's a desire to move to an every vessel, every visit standard for non-regulated fleets, like the tankers and the ro-ros. That may be appropriate for those fleets.

We don't believe we should be covered under the same rule as the additional fleets. We would like to maintain our rule. We would like to improve our rule and we don't want to get rid of the rule that we already have. We want to make it work better.

So if I, in any way, shape, or form, implied otherwise, I apologize for that. Certainly, there's nothing disingenuous about trying to do that.

But we already have a rule that's gone through a waiver process. It's in place, it's effective, and it's successful. And we want to make it work better and reduce our administrative costs, make it actually more effective. And again, we are very proud of the fact that we only have a small amount of the way to go with our additional emissions reductions. So that was not meant in a pejorative. We mean that in a very positive way. We have really done a successful job at reducing very, very, very significant emissions.

CHAIR NICHOLS: Okay. We just --
MR. JACOB: And we find that to be very positive.

CHAIR NICHOLS: And I don't mean to extend this much further, but as I understand it then, your real objection is that you prefer the fleet average approach. And your objection is to the new addition of more specific controls on more specific vessels?

MR. JACOB: That's right.

CHAIR NICHOLS: Thank you.

MR. JACOB: Yeah. Thank you.

CHAIR NICHOLS: Okay.

MR. DOW: Good afternoon, members of the Board.

CHAIR NICHOLS: Good afternoon.

MR. DOW: My name is Tom Dow. I'm here to represent Carnival Corporation and our ten operating cruise lines. Also a member of CLIA.

At Carnival, we favor long ships and short speeches, so I'll try to hold to that myself.

(Laughter.)

MR. DOW: In the case of the cruise lines, I've had the opportunity to work with CARB on shore power for about 20 years, starting with the first installation that we did in Juneau, Alaska. And I've been involved in everyone of them personally in California working with ports, and the utilities, and so on. So we believe in shore power.
Our concern with this new rule is really that we find ourselves in a binary situation with outlying infrequent fliers, which generally apply to ships that are on around the world cruises that might call on a California port one day every year or two or other non-frequent fliers that are not home-ported or regular ships calling.

Those ships to equip to the ship, which is now running around $2 million in round figures, if we're only going to use it for eight hours every two years, the company will make a decision not to deploy to California. And so that is -- that would affect, according to the numbers that we're working on right now within my company, which is about half of the North American industry - it might be slightly more than half of the California deployment - would affect about 22 calls we think of ships that fall into this category. And I'll give you a couple of examples just to show you what that is within the next minute.

For example, we have Cunard ships that are on round the world cruises that -- the Queen Elizabeth has one call in San Francisco and one call in Los Angeles in a year. Queen Victoria has just one in San Francisco. So our choice is really to not call, rather than to equip a ship. And we'd prefer to -- fleet averaging would allow
us to accommodate this. Our home-ported ships are using
shore power and have been for years.

Thank you very much.

CHAIR NICHOLS: Thank you.

MS. MILLER: Hello. My name is Martha Miller
with the Co -- sorry, the California Association of Port
Authorities. I wanted to, first of all, thank the CARB
staff for working with my predecessor and the team at
CAPA, since the rule was initiated in 2007 on amendments.
I know it's been a long process, so really appreciate
that.

You're luckily going to hear from many subject
matter experts in our membership at the Ports of Oakland,
San Diego, Los Angeles, and Long Beach, which will be
great, I think, to kind of inform some of the questions
that have come up. But we just want to say as an industry
coalition that represents all 11 ports throughout the
state, we just would respectfully request that the Board
direct staff to continue to work with us, the fleets, the
different terminals and ports just to look at creating
amendments to the current regulation just to help improve
compliance methodologies. It's really a priority for us,
as well as just conduct feasibility studies to evaluate
and identify the most effective and most economical
application of any future at-berth controls, as it expands
to any additional ocean-going vessels.

Thank you.

MR. CANNON: Good afternoon, Board members.

Chris Cannon, Chief Sustainability Officer at the Port of Los Angeles. We support shore power. We are current -- we probably have more experience with shore power than anybody, because shore power really was pioneered in the San Pedro Bay. And so we're sitting I think at about just about a little under 80 percent compliance with the current rule and so we want to see it continue to succeed.

And so we don't have a problem with the idea of shore power, but we do have some concerns that we've raised on the proposed rule. And Morgan Caswell of the Port of Long Beach is going to be speaking after me and she's going to talk a little bit about some of those details of our concerns that we've raised. We've worked with staff and they've been very, very helpful and very open in discussing these issues with us. And we want to thank them and you for that.

But the long and short of it is that we just want to make sure that whatever you enact is feasible and that it gets the most bang for the buck. We -- this is especially in light of our Clean Air Action Plan goals that we've set for ourselves, which include zero emissions. And that's going to be very expensive and
require a lot of resources.

And so we believe it will ultimately be very, very effective. But we don't have unlimited resources, and so we just want to make sure that when we work with you to continue, and expand, and develop shore power, we also do so with a goal -- with the idea of making sure we get the biggest bang for our buck for our investments.

You can be sure we'll be coming to you for help, by the way, for funding with our Clean Air Action Plan. So we look forward to talking to you about that. And we look forward to continuing to work with your staff on the -- this rule. And we ask that you give them the opportunity to work through some of these issues before you actually go finish and complete your rulemaking process.

With that, I'll end my comments and thank you for your time.

MS. CASWELL: Good afternoon, Chair Nichols and CARB Board members. Thank you for this opportunity to comment on the proposed rule. My name is Morgan Caswell and I am the Manager of Air Quality Practices for the Port of Long Beach. The Port has worked closely with CARB staff throughout the rulemaking process. And we are in strong support of additional emission reductions at berth. I'm going to focus today on the opportunities to improve
the proposal before us.

First, I'd like to talk about the timelines. To comply with the new regulation, these timelines are very stringent. First, given the technology to control emissions, specifically from the ro-ros and the tankers, we need a lot of technological advancement to get them where they need to be. The shore power at our tanker terminal is unique and specific to two vessels that are -- that call the Port of Long Beach. And it's not applicable to the rest of the fleet. The Port believes at least two additional years to comply would be necessary for both vessel categories.

Second, the rule should require the feasibility assessment in 2023 consider the state of technology, cost effectiveness, and safety considerations. There should be a mechanism for staff to alter the implementation timeline should the feasibility assessment deem the technology not feasible or the cost too great per ton of emissions reduction.

Third, the CARB staff report estimates compliance under the proposed regulation will cost the shipping industry $2.2 billion. To reduce the likelihood of cargo diversion, which could result in greater emissions overall, and to support the development and deployment of the requisite technologies, the Port suggests that CARB
allocate at least 200 million for tanker and ro-ro
emission capture and control technology or shore power
statewide. The ports have a successful track record of
using State grant funds for advancing technologies and
accelerating emission reductions. The Prop 1B funds used
to install shore power infrastructure at our container
terminals prior to the implementation of the 2007 At Berth
Regulation were critical to our success of our shore power
programs.

Fourth, the Port is in support of alternative
compliance plans that can be implemented to achieve
equivalent emission reductions more cost effectively.

The Clean Air Action Plan places near-term focus
on cargo handling equipment and heavy-duty trucks, because
of priorities identified by our mayors and our boards.
The CARB Board must recognize that a requirement to comply
with the At Berth Regulation and an investment in
resources to support that effort will take priority over
our voluntary zero-emission goals. And our success on
these voluntary efforts will likely be limited as a
result.

I'd like to once again thank you for your time,
as well as for the time we spent working with staff. We
appreciate the opportunity to work with CARB on this
important effort to develop an effective regulation to
reduce air emissions from vessels and to reduce the public health impacts of our communities.

Thank you.

MR. SINKOFF: Good afternoon, Chair Nichols and members of the CARB Board. My name is Richard Sinkoff. On behalf of the Board of Port Commissioners and our Executive Director, Danny Wan, I want to welcome you to Oakland and really commend you for holding your meeting in West Oakland, which is our host community. We really appreciate it.

I'll focus my remarks on just some background on our shore power results, some broad concerns in the rule, the proposed control measure, a few methodological issues, and a conclusion.

First, as the fellow ports have said, we are fully committed to improving air quality and health outcomes especially here in West Oakland. We take this charge very, very seriously. As you know, in 2009, our board approved the Maritime Air Quality Improvement Plan, which set a target, aligned with the State, of reducing diesel particulate matter emissions by 85 percent and related health outcomes.

And the Port and his -- and our partners have achieved some impressive results. The emissions inventories that we conduct regularly show that we've
achieved already an 80 percent reduction in diesel particulate matter emissions. So we have a little bit more to go, but we're doing quite well.

Ocean-going vessel emissions have declined from 2009, 209 tons per year, in 2005 to 42.2 tons per year.

And the At Berth Rule that you have in place has been a key to the success. So the rule as we have it today is working. Under the current rule, Oakland is achieving a plug-in rate of 76 percent. So that's higher than the current regulatory level. And in October of this year, so two months ago, our plug-in rate in Oakland was 83 percent. So that means that right now under the current rule, we're exceeding the target for 2020. So the rule is a very, very good and solid rule. We think these are good results.

I see a green light buzzing that means I have 52 seconds.

Okay.

(Laughter.)

MR. SINKOFF: So what are the -- what are our broad concerns. I'm going to touch on these very, very briefly. The first is, as you heard, we think there's a more cost effective way of getting those final incremental emissions through some of the projects that we've presented through PMSA.
The second issue is that the barge system, the control and capture device under your staff's analysis, won't work in the Oakland harbor conditions. So we'd like to see some exemptions that reflect the provisions for Southern California.

And finally, this concept of shared responsibility, it sounds great. But I do want to say that we already have shared responsibility, because when we don't have a successful plug-in, we reach out to the carriers. We reach out to the terminals. We send an immediate notification and we resolve the issue right away. So that shared responsibility is working.

So finally, my final comment is, and I told this to Cynthia Marvin, when she was working with us, we already have the gold standard in place. I know that your staff said that and we really appreciate that. We've built a lot of expertise. And with the community and with our stakeholders, we'd like, as you move forward with the rule, see us as your partners. We really have built these systems, we know how these works, and we're a tremendous resource for you as you craft the rule itself.

Thank you so much.

CHAIR NICHOLS: Thank you for that.

MR. UMENHOFER: Good afternoon, Chair Nichols and members of the Board. My name is Tom Umenhofer. I am
Vice President of Technical and Regulatory Affairs for the Western States Petroleum Association.

I will be addressing the unregulated portion of the proposed regulation and hopefully focusing a little bit on realities.

While WSPA has and continues to support emission reduction initiatives around ports and marine terminals, including the highly successful existing At Berth Regulations, we do have several concerns with the current proposal for the regular -- unregulated sector.

The primary concern is our number one priority and I really want to emphasize this, which is safety. For what we know today - and I'm a technical guy. And I've been working in this area for a long time - the staff's proposed land-based control technology approach has not been designed or tested for the complex tanker or marine terminal application. It poses a number of unanswered significant safety risks that will be further discussed by the speaker after me.

Further, even if the technology were feasible for tankers, the cost by staff's own analysis is enormous, relative to the emission reductions. And that's at an estimated $1.7 billion - it will probably be more - if we were to do this.

Finally, the staff proposal would require
substantial over-water infrastructure, including the likely rebuilding of docks at several marine terminals that would take years to complete, long after staff's proposed compliance deadlines. And that's if it would be allowed under CEQA guidelines.

So I'm going to change a little bit here and kind of go to what the Board had talked about in the beginning, and that's this interim report. So a little history, staff used a different approach in -- with the 2007 rulemaking, which resulted in a more realistic and assured path towards emission reductions than we see here today.

They conducted a feasibility study, which was done before developing the rule. We haven't done that yet. A feasibility study would be allowed -- would allow for setting achievable emission reduction targets and implementation timelines. It would fit nicely into the proposed regulations under the interim report section. And it wouldn't -- it could be accomplished without changing the deadline for reporting back to the Board on June 1st, 2023.

Looking ahead already, we provided staff some ideas of what that language would look like. You may not be surprised, so it could be -- easily be put into a package.

So to close out, we seek your support on this
feasibility study approach in line with the language that
we've provided staff as a path to reliable and, more
importantly, safe emission reductions for our port areas.

    Thank you very much.

CHAIR NICHOLS: Thank you. Yes, Mr. Gioia.

BOARD MEMBER GIOIA: I have a question.

MR. UMEMHOFER: Yes.

BOARD MEMBER GIOIA: So I understand that there
are distinctions between supplying power out to a long
wharf versus, you know, right at the dock land based. But
I want to -- you mentioned something about technology --
technology not being there. I visited the shore -- the
one shore power facility that exists at Marathon Oil
and -- down in L.A.

    MR. UMEMHOFER: Right. Right. Right.

    BOARD MEMBER GIOIA: So I want to make sure, you
said that that -- there are problems. It hasn't been
proven. I mean, I know that one was designed for two
ships and now serves one that go back and forth to Alaska,
but there is an -- there is an operating shore-power
facility --

    MR. UMEMHOFER: Right.

    BOARD MEMBER GIOIA: -- at the Marathon facility
in Los Angeles.

    MR. UMEMHOFER: Yeah. Thank you, Supervisor
Gioia. And when I give this response. We've had this conversation with staff. I don't think it's semantics when we have this conversation. I think there's real differences.

So first, taking the electrification. The one example that we have was build for purpose. Okay. The ship was built for purpose. The shore was built for purpose. That's why you have one. These are not the ships that come to California delivering crude. And that's the second part of my answer. Where does the problem come in with tankers? Tankers visit California ports once, twice, perhaps three times a year.

It's a different vessel. It's from an international fleet. We don't own them by and large. We have no control over them. And so when you take a look at control technologies, you just can't adapt what you may do for a different type of sector that has vessel that comes every week and it's owned by the folks that are local here.

So that's the -- that's a big difference in what we do. And you'll hear from a speaker, because it brings in international certifications. So all these things could be addressed, I happen to think that the shore-based bonnet system is not a good solution for tankers. That doesn't mean there's not a good solution, but we need do
the feasibility to get to that place and I'm -- and we're suggesting is trying to do it within the time frame that staff has proposed. We -- and Chair Nichols said earlier, in terms of, well, this is coming up. We've talked about this for a long time. This is not new. I was involved in the 200 -- 2007 rulemaking. I talked about it back then. So we have thought about this a long time. Let's get going. Let's make some progress now. We're ready to go. But as a technical guy, I hear folks talk about it. We have to deal with realities. Does that help, Supervisor Gioia?

BOARD MEMBER GIOIA: I'll ask maybe more questions later.

MR. UMEMHOFER: Okay. Thanks.

CHAIR NICHOLS: Thank you.

MR. STASHOWER: Good afternoon. I'm Captain Saul Stashower from Woodbridge Marine. We're a maritime consultancy headquartered in Benicia, California. And we're maritime safety professionals, specializing in tank ship safety. I came to Woodbridge after a 24-year career on American flag tankers and last sailed a master for the Alaska Tanker Company trading to the U.S. west coast. At Woodbridge, we worked closely with the Oil Companies International Marine Forum, also called OCIMF.
OCIMF is the leading authority for tank vessel safety. OCIMF is headquartered in London and works closely with the IMO, which is the United Nations-based international law rule maker for ocean-going vessels.

The marine transportation oil, gas, and chemicals has been de facto regulated through the OCIMF SIRE Program for over two decades. That's resulted in the tanker industry itself becoming the safest sector of maritime transportation. Captain Andrew Lott, Woodbridge's Principal, along with myself, are two of only 29 OCIMF accredited auditors -- SIRE auditors worldwide.

The vessel terminal interface has been intensively studied by OCIMF. Significant areas documented include cargo connections, mooring, and, of course, the transfer of bulk liquid cargoes, all of which is discussed in depth in an OCIMF publication, the International Safety Guide for Oil Tankers and Terminals. We call that ISGOTT. The use of exhaust gas processing is a brand new concept and presents an entirely new interface. It is yet to be vetted from a safety aspect and is therefore not included in the international guidelines.

Tank vessels are significantly different from almost all other commercial vessels. They change in draft -- the change in draft can be rapid and extreme, as
much as 36 feet for the very large crude carriers that call at Long Beach's Terminal 121. And they typically have multiple exhaust streams that change significantly during the discharge process, all of which complicates the issue.

We have looked at the concept of exhaust gas capture for tankers and have identified additional immediate safety concerns. These include our greatest concern, which is that when safety issues are not thoroughly investigated, we are potentially introducing a hire risk of fire explosion and pollution. This has been proven to be true when technologies that have not been thoroughly vetted are introduced into the tanker sphere.

Determining safety guidelines takes time. We recently -- OCIMF recently published mooring guidelines that took several years to produce. The system, and this is -- this is very important, I think. The system, as currently envisioned, runs a significant risk of negatively affecting the generation of inert gas, which is a key component of tanker safety and can cause a vessel to shut down. The dangers of static electricity -- I guess I'm out of time.

CHAIR NICHOLS: Yes. Thank you. I think the issue of safety has been brought up. And we're aware of it. If there's any written material that hasn't been
submitted, I hope you will make sure to put it into the record.

MR. STASHOWER: I think they've submitted the paper we put together --

CHAIR NICHOLS: Okay.

MR. STASHOWER: -- in which from our point of view is a helicopter view of some very serious issues --

CHAIR NICHOLS: Right.

MR. STASHOWER: -- that could prevent vessels from being allowed to discharge.

CHAIR NICHOLS: Understood. Thank you.

MR. McDONALD: Good afternoon, Chair Nichols, Board, and CARB staff. My name is Brian McDonald. I'm here representing Marathon Petroleum Corporation.

Marathon produces products residents and visitors of the state rely on every day to make their lives better. Our operations span the coast of California, including two refineries which may require as many as seven vessels berthed at any one time.

As Supervisor Gioia mentioned, we operate T121.

And I just wanted to highlight that as what's already been discussed, this is a very unique situation. Two vessels were specifically designed under a previous company to allow this to happen. The ultimate problem is the bulk of the fleet that comes to California and around the world
isn't -- doesn't meet the puzzle piece structure of these two vessels, right? You have to have certain things lined up in exact positions to be able to plug it in. It's not an extension cord, per se.

So I will support the comments made by WSPA along with the industry coalition, and thank you for your time to allow me to articulate some of our specific concerns.

So first - thanks, Chair Nichols - this regulation intends to reduce emissions from some of the largest machines in the world. Based on CARB's analysis, in 2016, 1,628 tanker vessels visited California. Each vessel is very unique. They do not come from Henry Ford's production line.

To further complicate the calculus, each terminal and berth has a unique footprint with varying amounts of accessibility for physical changes. Marathon sees the need for a feasibility study, but asks CARB to go further.

In the case of a land-based control system, by reserving the inclusion of this technology until it has been demonstrated as safe and feasible on a sufficient number of tankers, the demonstration of a land-based capture unit on a container vessel at a single non-tanker terminal to the system successfully operating on over 600 -- 1,600 different tanker vessels per year is inadequate to identify it as a compliance strategy for the
majority of tankers.

Next, the proposed growth in emissions over time is inaccurate. CARB relied on two sources for its growth factors, the 2016 Mercator report for the Port of L.A. and Long Beach, and the Freight Analysis Framework for all other areas.

At the Port of L.A. and Long Beach, staff calculations overestimate emission growths by nearly 50 percent, despite CARB's own source showing that tanker imports will decline over time.

Additionally, staff applies growth rates to the 2016 base vessel count for all regions, despite each of the sources indicating growth is in cargo volume, resulting in a near doubling of the number of vessels required to move the indicated volume in the reports.

These mistakes inflate the estimated emission benefits of the proposal and should be addressed before the next Board hearing on this proposed regulation.

I appreciate Corey for replying to my email last night and I'm glad that they're going to look into it further.

So thank you for considering my comments. This is an important topic and I look forward to continuing a meaningful dialogue.

CHAIR NICHOLS: Thank you.
MS. KINDBERG: Well, good day. I won't just say morning or afternoon.

(Laughter.)

CHAIR NICHOLS: It is afternoon.

MS. KINDBERG: So, Chair Nichols, distinguished Board members, and in particular CARB staff, thank you for this opportunity to comment as part of a ten-year dialogue on this rule. Our fleet is entirely covered by the existing regulation.

So I'm Lee Kindberg. I'm head of Environment and Sustainability for North America for MAERSK, which is the largest container shipping company in the world. We make over 500 calls a year in California.

MAERSK has been long committed environmental leadership in shipping. As you're probably aware, we began to voluntarily use cleaner fuels in 2006, long before the California fuel rule was in place. We've reduce our CO2 and toxics globally by 47 percent per container per kilometer since 2007.

And we've now committed to zero carbon shipping by 2050, which means we have to launch our first zero carbon vessel by 2030, which is very soon. So all of these things are trying to go together. And they're very much aligned with what California is trying to do.

Now, I've managed our clean fuel programs and our
shore power programs since the beginning. I've been with
the company 15 years. And so you can see the overlap
there.

So let me talk a little bit about how this works. This morning, MAERSK Exeter came into Port of Oakland.
She left here in August. She's going to be here for about
30, 35 hours, and then she will go back to China,
Singapore, Suez Canal, Europe, and then back. She'll be
back here in April. To execute that kind of 16-week
service takes 16 vessels, which costs $16 million to equip
with shore power.

If we have to change out anyone of those vessels
for various reasons, and there are many, then that's
another million dollars for that vessel and it's six to
nine months to get the equipment, do the engineering, and
get it installed. So it's not something you can just drop
onto a ship.

Okay. So the current rule really has been very
effect. You've heard a lot of talk about that. And it
steps -- it's not completely implemented even. It steps
up to an 80 percent connection level, which is much more
than 80 percent compliance by the way in 2020, so January.
So that's not even in place yet. And, of course, we've
been equipping additional ships to meet that requirement.
It is complex, administratively complex and operationally
complex, to manage, and for CARB to enforce.

It does need some technical corrections, some things that we just didn't know when the rule was written, because this is the only place with any experience.

And I'm out of time.

CHAIR NICHOLS: That's -- yes, it is your time. Do you have written testimony for us?

MS. KINDBERG: I'll be submitting some written testimony.

CHAIR NICHOLS: Okay.

MS. KINDBERG: I do have some recommendations for you, if you would like to hear those, either now or at a later time.

CHAIR NICHOLS: Well, why don't you just go ahead, if you could tick them off quickly.

MS. KINDBERG: Okay. Well, what we'd like to see is that you direct staff to pause on this thing for the currently regulated fleet. Let us get into this 80 percent. Let us get the rule completely implemented and get the data on it.

Work with the currently regulated fleets to improve that structure, work out some unintended consequences and some technical issues, and get that cleaned up, either with the old, or new, or even some third hybrid approach, that would be more effective both
for the environment and cost-wise.

Second, please ensure that there is at least one feasible, clear, cost effective -- reasonably cost effective method for compliance for all of the reasonably predictable disruptions that happen in this industry.

And they do happen. Everything we do moves. So we had the 2015 labor. We had the 2009 -- '18 tariffs, which caused all kinds of additional vessels to have to come here. So make sure that there's a clear compliance pathway for all of those situations.

And then finally, remember that only California has this experience. The world is watching. Other ports and other governments are trying to figure out how do we do this, so we need to get it right.

Thank you.

CHAIR NICHOLS: Thank you. I had the pleasure of visiting your company's facilities a few years back. So I'm familiar with some of what you've done, and I appreciate your leadership in this area. Thanks.

MS. KINDBERG: Thank you.

CHAIR NICHOLS: Okay. We're move on here.

Mr. Gray

MR. GRAY: Chair Nichols and Board members, I'm Richard Gray with 350 Bay Area. We are strongly supportive of this proposal. This is -- there couldn't be
Clearer environmental and climate justice issue. Diesel PM is a killer and has so many other harmful health impacts. So this regulation is long overdue and I know you've been working on it a long time.

Ten years is an unacceptably long time to implement this for Richmond and the other refinery communities. Many lives will be shortened or lost in those communities over ten years.

It seems to me as though the wealthiest corporations in the world, whose products are the drivers of the climate crisis and the health impacts of PM, could deploy floating capture, or control systems, or some other methods much more quickly.

So we would urge you to speed this up, as Phil Martien from the Bay Area Air Quality Management District has recommended. Please consider amending the rule and working with the air district to make this happen much faster for those refinery communities.

Thank you.

MS. THOMAS: Good afternoon. My name is Taylor Thomas. I'm with East Yard Communities for Environmental Justice coming from Long Beach, an unceded Tongva territory. And I just like to remind everyone that before the United States was here, we had several sovereign nations and we are currently on Ohlone
So I represent many who, like myself, are raised or live in the shadow of one of the largest polluters in our region, the Ports of Long Beach and Los Angeles. And we need this regulation with accelerated compliance. In no other facet of our lives do we allow an industry to knowingly commit harm and get away with it, unless they're cops.

If my partner's family or business -- my family's -- my partner's family business that's in the food industry, if they made someone sick with their products, they would get shut down. And if my doctor poisoned, she would go to jail. But we allow the freight industry, the oil and gas industry to saddle millions of people with asthma, cancer, reproductive issues. And we're just supposed to be thankful, because they deliver our good and put shoes and toys in our stores.

Any time a regulation is proposed, the dissent is always the same. It's burdensome, too expensive. There should be more time, more studies, it's not feasible. But we've been out of time. People are sick, dying, and dead. No more excuses. It's time for accountability. No delays. No carve-outs. Adopt this rule and begin implementation as soon as possible and start saving lives, instead of being complicit in ending them.
Thank you.

MR. YOW: Good afternoon, Chair Nichols and Board members, CARB staff. Thank you. Thanks for having us and for this hearing. And thank you also for the sustained engagement that we have enjoyed, as you have worked on developing this rule throughout the process. You've taken a closer look to see what works. And we've appreciated the dialogue and thank you for that.

You know, the Port of San Diego's goal in this process is to see a good regulation that is both practical and effective. And we have a shared commitment with you, with the ARB and our neighboring communities to pursuing environmental priorities, being proactive wherever we can in working with our State and local partners. It's best to be solutions focused.

We were an early adopter of shore power. One of the first in California, and one of the first ports in the country to have a Climate Action Plan. And we appreciate, as you've been going through this process, your continued work on refining and improving this regulation, the different compliance pathways for our customers, and the implementation flexibility. That's all -- that's all part of a successful regulation.

Looking at the regulation today, the remaining needs would be looking at the time tables and assessing
what are the adequate resources needed to do the job. We have to take into account shore power availability, not only at San Diego, but elsewhere. And speaking of San Diego, the costs that we're facing are about to go up 400 percent. We currently are requesting rate relief from the PUC, but that -- that's a challenge.

And, you know, there's going to require time to develop and make available technology. And another piece of it is going to be funding ultimately, funding that is -- that is scalable and -- or scaled, stackable, and strategic. Less piecemeal, more long term for success.

Ultimately, we count on our partnership. We always have. And whatever happens next, we look forward to working with you and are going to need your help.

Thank you for your -- for having this hearing today. We appreciate it.

MS. ZIZI: Hello, everyone. My name is Isabella Zizi. I am with Stand.Earth. And I live in occupied Ohlone territory. So thank you to the Ohlone people for letting us gather here today and good morning to everyone who's here.

I'm all for reducing emissions. I'm not for false solutions like cap and trade or carbon offsets. And so I think we need to find better alternatives for situations like this. And I definitely encourage tankers
to be pushed forward and not to be regulated in 2029. And my big concern about this is we're wanting to reduce emissions for tankers. But yet, in other regulatory agencies, there's -- we're still waiting if the Phillips 66 Refinery is going to expand their wharf terminal to bring in more tar sands oil to refine.

Then we're also dealing with the Army Corps of Engineer who is wanting to bring in heavier and bigger tankers. That could -- that is most likely going to be bringing in tar sands or any crude oil. And so this is a bit wishy-washy. It's a bit unclear for me to understand, but I hope that later on with more documents, I can look more into that.

But please push this forward and don't be in favor for the fossil fuel industry, and be in favor for the community and our health, because that's really what's most important, especially with the climate crisis and the climate chaos that we're in -- that we're facing every single day right now. So thank you.

MS. UENNATORNW ARANGGOON: Good afternoon. I want to start by thanking the CARB Board members and staff for having this meeting in West Oakland. My name is Fern Uennatornwaranggoon. I am staff at the Environmental Defense Fund. We're an environmental group with more than two million members nationwide.
EDF as we're known, and my team specifically work on a couple of air pollution monitoring projects, including one in West Oakland. And over the last few years, I've been working with community leaders at the West Oakland Environmental Indicators Project to support the advocacy for measures to reduce air pollution in this community. And I've also served on the steering committee for the West Oakland Community Action Plan.

I'm also here as a resident of Oakland. I live here with my husband and son breathing in the same airshed as this community impacted by ship pollution. And I'm here really to iterate -- reiterate that EDF strongly supports the regulation proposed by CARB staff, and really wanting to urge the Board members to adopt the proposed new rule without further delay.

This proposed regulation responds directly to a mitigation measure that's included in the West Oakland Community Action Plan, the first community-led plan aimed at reducing local air pollution following the directive of AB 617 that you'll be considering later today.

And estimates from the community scale modeling conducted by the Bay Area Air District, as part of this plan, show that vessels berthing is the largest localized source of diesel PM, adding 4.3 tons per year, and also the largest contributor to air toxics that increases
cancer risk, adding more than 3,000 tons per year.

So the West Oakland plan calls for the Air
Resources Board to strengthen the At Berth Air Toxics
Control Measure to further reduce ship emissions. And as
such, the proposed new regulation will be an important
mechanism by which the community can achieve the goals set
out in this plan and really overall to help realize the
promise of AB 617.

I see the light flashing.

So just one quick note. In addition to providing
benefits to port communities in California, this proposed
regulation will also have out-of-state benefits by really
accelerating the development and growth of control and
capture technologies and shore power technologies that
will become more affordable and familiar to vessel
operators and ports elsewhere.

For example, EDF -- I'll just wrap-up -- EDF is
aware of interests at facilities in Houston ship channel
in Texas. And that they're interested in using some of
these control systems. And successful adoption by the
CARB Board will help spur those facilities to do the same.

So thank you very much.

MR. GOLDMAN: Good afternoon. My name is Theral
Golden. I'm a resident of West Long Beach and a current
member of the West Long Beach Association.
With that -- we're a small community group that lives in West Long Beach and we are trying to improve our air quality. The immediate implementation of this regulation is extremely important to that goal. We have been carrying the load of -- with poor air quality and poor health concerns for over 50 years from direct implementations of certain products and energies from the port itself, and we need relief.

It's just that simple. I believe that government's responsibility to its residents is to protect them from adverse effects whenever possible. This is an adverse effect that is being placed on the residents of West Long Beach in a disproportionate rate compared to the rest of the City of Long Beach.

For that reason, we have approximately ten percent higher juvenile asthma rate. The rates for other respiratory diseases in that area are higher than the citywide rate. We need relief.

And with that, I'm asking you to move expeditiously with the implementation of this rule. Delay means that that burden is still being placed on our back. We are the ones who's suffering. Industry is not suffering. But they just won't write the check to justify or to reverse their wrongs over the last 50 years. It is time to call them to order and bring them forth.
Thank you for your time.

CHAIR NICHOLS: Thank you for coming. We appreciate it.

MR. LANTSBERG: Good afternoon, Board members. My name is Alex Lantsberg. I'm here on behalf of San Francisco Electrical Construction Industry. And I actually happen to also live in the shadow of the Port of San Francisco.

I'll just second and echo the comments by my colleagues from Los Angeles and from San Diego. But I do want to -- I do want to note just, you know, maybe I'm cynical, but it's really hard to take an industry that's spent the past two generations telling us to kick the can down the road, and denying climate change, and denying its health impacts seriously. And I don't why any of us should.

I understand that there's questions -- technical questions about implementation. But everything that we've seen over the past two generations has shown us that whenever they say they can't do it, we tell them that you have to do it, and they get it done. And that's the thing to keep in mind.

This is -- this is a really issue for health. This is a real issue for how we treat our neighboring communities. But more -- but even more than that, and
something no one has mentioned here today, is that this is how we do this Green New Deal that everyone is talking about. We don't do it in just one vast tremendous legislative package. We do it bit by bit. We do it piece by piece in our communities locally, where the rubber hits the road, where the pollution happens, and where the regulatory agencies can make changes.

So please do everything that you can to proceed expeditiously, protect our health, provide the transition that is necessary to turn this economy around, and really don't take the polluters who are the wealthiest companies in the world who have made their -- who have made their bones by poisoning people seriously.

Thank you.

CHAIR NICHOLS: Thank you.

Okay. Kathy Kerridge is next.

MS. KERRIDGE: Good afternoon. Kathy Kerridge.

I'm with Benicians for a Safe and Health Community.

First of all, thank you so much for extending these regulations up through the Carquinez Straits. Even though Benicia is not a low-income community, we have elevated cancer and asthma rates in our community. And we, too, live right by a refinery.

I want to just make a comment about the timeline, as many other speakers have. In ten years, my little
grandson will be through elementary school, and his
developing lungs will be -- have been exposed to all of
this pollution. And we know that has long-term lasting
health impacts. We are talking, as the last speaker said,
about the richest industry in the world, I think. It's
time that they put some money into developing technologies
that are going to work. And it seems to me that these
regulations give them a lot of flexibility.

These will not be the only regulations just in
this one place. If this is successful, this is going to
be replicated around the world, so it's time for them to
put some money into it. It took -- I think it took us
less than ten years to get to the moon. I'm sure that we
can develop regulations and -- that they can develop
technology to keep the pollution down.

I think these regulations should apply to all
ships and in all circumstances. And I think -- trust that
the Board will do this. And I trust that the industry
will cough up some of that money that they've been making
off of our backs for years to developing the appropriate
technology.

Thank you.

CHAIR NICHOLS: Thanks.

MR. BEVERIDGE: Good afternoon. My name is Brian
Beveridge. I'm the Co-Director of the West Oakland
Environmental Indicators Project. We'll be back a little later with our *Owning our Air*, our local air plan.

I want to thank the Board for bringing your meeting to our community today. I think it's a powerful statement on how important you think it is to recognize the needs of disadvantaged communities in these issues that you have before you.

I have a few comments. Primarily, as many others have said, it's about time. We certainly support any emissions reduction proposals that can be successful and do the job. Several folks from the industry have been up here today and said they were involved in 2007, when I think -- when I think tankers and bulk ships got a waiver, and we focused on containerized cargo and shore power.

I don't know what they've been doing for the past 12 years, but suddenly they're ready to start. I think it only about three things affect motivation within the -- within the commercial sector, competition with their -- with other businesses, profit, and regulation.

I don't think the first two have a deep penetration on an issue like reducing emissions, but the last one certainly does. Nothing will motivate the industry, nothing will motivate any of us better than a clear defined regulation with a clearly defined threshold of performance.
Frankly, the response that they're not ready and they need another ten years is unacceptable. I look back to -- I look back to diesel particulate filters when CARB did the one year early action, I think there was one certified filter. By the time the policy went into effect, there were six companies manufacturing certified filters. And in two years, the engine manufacturers were building it into their systems. That's the motivation created by a policy that's clear and defined.

Early on with the marine distillate fuel - if you'll give me another moment - the marine distillate fuel rule, we had a few ships lost power in the shipping channels and the Coast Guard went out and helped. They'll talked their onboard folks how to do it right and that problem was solved.

Would the problem have been solved if we hadn't passed the rule? There wouldn't have been a problem and they wouldn't have solved it.

And I think this is -- this is the key to this. And I want to say one other thing, Ms. Margaret Gordon, my Co-Director, would be here, except she's in San Francisco receiving an award from the Architecture Society. She gets a lot of awards because she deserves them for a lifetime of work.

But if she were here, she would probably mention
that she was just blessed about three weeks ago with her first great grandchild, a little girl. And I can't help but think that that child will be about ten years old, as someone else mentioned, before this rule sees any benefit. That means that that child may wind up in elementary school with asthma, may wind up in elementary school with stunted lung growth, may wind up 20 years from now with some weird cancer that, hey, I don't know where that came frame, but hey people get cancer.

The seeds --

CHAIR NICHOLS: You've used up your three minutes, you know that, so --

MR. BEVERIDGE: Yes, I do.

CHAIR NICHOLS: Dr. Balmes wants to extend your time by asking a question.

MR. BEVERIDGE: Sure.

CHAIR NICHOLS: But before I let me do that, I want to comment that although I was not on the bus that you were leading the tour of yesterday, several of my colleagues were. And you got rave reviews. So it may not be award, but the critics who were aboard your bus said that it was a really good tour and that they learned a lot from it.

MR. BEVERIDGE: I'm good tour guide.

Thank you for coming.
CHAIR NICHOLS: So thank you.

Dr. Balmes.

BOARD MEMBER BALMES: So I appreciate your comments --

MR. BEVERIDGE: Yes.

BOARD MEMBER BALMES: -- but I wanted to redirect you specifically to the Port of Oakland --

MR. BEVERIDGE: Yes.

BOARD MEMBER BALMES: -- and the alternative approaches that we going to be entertaining.

MR. BEVERIDGE: Yes

BOARD MEMBER BALMES: So because of the tour yesterday, I was very impressed with all the trucks that why lined up.

MR. BEVERIDGE: Um-hmm.

BOARD MEMBER BALMES: And to me, knowing a lot about diesel exhaust particles and their health effects, there was a part of me that was more concerned about all those trucks lining -- lined up than the -- the -- what is it, about 17 percent of ships that dock at the Port of Oakland that are not using shore power right now.

MR. BEVERIDGE: Yes. Yes.

BOARD MEMBER BALMES: So I just wanted to ask you, given your organization's experience here in West Oakland and working with the Port, what do you think about
alternative approaches to reducing diesel emissions that are different than the current At Berth Rule that we're considering. Did I make myself clear?

MR. BEVERIDGE: Alternative approaches for other vessels -- other --

BOARD MEMBER BALMES: No, other ways to capture diesel emission reductions, other than the At Berth Rule specific, because that's what's being proposed.

MR. BEVERIDGE: Oh, I -- yes, if it weren't being proposed. Well, I think there's a tremendous opportunity to accelerate the electrification or the fuel switching in the trucking fleets.

That will require clear definition of land space and infra -- to build infrastructure. If we don't define that land, there's no one willing to invest in infrastructure. So -- and I think that waiting another ten years for significant transition isn't enough there either.

BOARD MEMBER BALMES: Oh, yeah that's --

MR. BEVERIDGE: I do think that when I look offshore and I see five to eight tankers every day parked out there downwind from my community hotelling, I figure something needs to happen out there.

BOARD MEMBER BALMES: I see those tankers when I cross the Bay Bridge. I know what you're talking about.
MR. BEVERIDGE: There you go, yeah.
And the Port of Oakland wants to diversify its market, it's -- and it -- so there are multiple dry bulk carriers would like to be working there. None of them plug in and few of them hire very many people.

We need to address these -- these carriers that are, at this point, not really being addressed. And we can certainly accelerate what's happening on shore. And I don't see any reason why we can't when technology is either existing in pilot stages or already marketed.

BOARD MEMBER BALMES: Thank you.

MR. BEVERIDGE: Thank you.

CHAIR NICHOLS: Ms. Williams.

MS. LaDONNA WILLIAMS: Yes.

Good afternoon. My name is LaDonna Williams. I'm with All Positives Possible, a small community-based group in the Bay Area, particularly Vallejo. And I just wanted to ask how many of you - and I say it in a respectful way - live in a front-line fence-lined community where ships pass you a quarter mile basically from where your community is.

BOARD MEMBER GIOIA: I live in the Port of Richmond.

MS. LaDONNA WILLIAMS: Right. So what I want to say is unfortunately as one of the family members that
have now had to take on the role of burying my family members, my oldest family member is now 61 years old and I'm next in line. I live in that community, where recently, as you all know, Vallejo, Rodeo, Glen Cove was literally on fire on both sides. It felt like we were in the beginnings of stages of armageddon literally.

We couldn't even get home to our families for five or six hours. We had explosions going on the week before from refineries. We've had numerous spills from ships coming through. And we find out they want to increase more ships coming through.

Berth rules, docking rules, whatever rules, at the end of the day, my community is that collateral damage that happens from these rules and regulations that we all seem to think we can do nothing about, because that's just the way it is.

So my family is being cut short, when you have loved ones being born with birth defects, and the oldest ones dying in their sixties. And we come to these meetings and we hear these regulations that's been on the books forever and have not been implemented, you learn to not trust anything from industry, from agency, from any of you all. Because at the end of the day, you still pass these things and my community passes away. I know they say, you know, we give credit to Ohlone, we give credit to
all these folks, but the reality is when you know that they are black communities on that front line, these decisions are very easily approved. And it happens from here, to Long Beach, to L.A., around the world. When our communities are at stake where these vessels come through, these decisions are so easily made, and we move on with our lives, and we excuse it as business as benefits to the community.

If you do allow business in exchange for lives, then what good are we doing here? And I hope when you guys make this decision -- I went from approving it -- or supporting it, to opposing it -- I'll just ask for few minutes more -- or seconds more -- to being neutral, and then back to opposing it. Because at the end of the day, you guys are going to regulate and who's going to benefit, the agencies, because they'll get their fees, the companies, because they'll get their money, and my community gets death. And I'm hoping that you change that.

Thank you.

CHAIR NICHOLS: And our last speaker on the list who's from the same organization. Pat Dodson.

MS. DODSON: Hello. I've got to take a deep breath, because I am little scared.

I'm going to read something that worried me.
"WHEREAS, the Draft EA concluded that implementation of the proposed regulation has the potential to result in potentially significant impacts to aesthetics, agriculture, forest resources, air quality, construction-related emissions, biological resources, cultural resources, tribal resources, geologic, geology and soil, hazard and hazardous materials, hydrology, and water quality mineral sources, noise and vibration, transportation and traffic, and utilities and service systems. The potential significance and unavoidable adverse impacts are primarily related to short-term construct related activities".

Not true.

"If appropriate, consider all feasible mitigation or alternatives that could eliminate or substantially lessen any significant adverse environmental impacts identified".

I realize that mitigation means we get -- somebody pays to hurt us in our community, South Vallejo, and the good stuff goes someplace else. That's, to me, is what mitigation means. That is bad. Where a company pays for hurting us, killing us, and they give the good stuff to someplace else who doesn't need it.

CHAIR NICHOLS: Excuse me, Ma'am. Could I -- could I interact with you for just a moment.
MS. DODSON: Sure. Sure.

CHAIR NICHOLS: Okay. The language that you just read is from the California Environmental Quality Act.

MS. DODSON: Yes.

CHAIR NICHOLS: It's mandatory language about any regulation that we do we're subject to CEQA.

MS. DODSON: Yeah.

CHAIR NICHOLS: And I think what they're trying to say is that we can't overlook the fact that in implementing our regulation, some regulated industry could build something, might build something like, for example, a facility at the port, which could have some environmental impact at the port, meaning it could disturb the soil, it could interfere with some creature that lives there. And I'm not trying to minimize that, but it's really, what we call, boilerplate language --

MS. DODSON: Yes.

CHAIR NICHOLS: -- meaning it's like mandatory language. It's not intended to say that there's any harm that we know of that would come about as a result of implementing this regulation.

So, I'm sorry, if it's disturbing language for you as a reader, and a person who's impacted by the regulation, but I don't think you should feel that that specific text that you're reading from indicates any
belief on the part of anybody who is involved in this, that there actually would be adverse impacts to you, as a result of us moving forward.

So this regulation may not be perfect, but one of the things I think it does not do is cause environmental harm. And I'm just looking at my staff, because I want to make sure that if anybody disagrees with that or has any additional information, that they would -- that they would bring that forward.

One of your attorneys is here. So, yes.

SENIOR ATTORNEY RABINOWITSH: Got the attorney up the table.

(Laughter.)

SENIOR ATTORNEY RABINOWITSH: So, yeah, thank you for your comment. That -- what Chair Nichols said is right on point. We did prepare a very thorough Environmental Analysis for this item. And it -- as part of preparing that document, what we're doing fundamentally with this -- this regulation is to increase the standards to protect air quality further, which may require some infrastructure changes at the terminals and ports.

And so that language you just read is basically our way of saying that we don't know exactly when and where those infrastructure changes will happen, for example, installing new shore power vaults or alternative
control technology equipment. But we're taking as conservative of an approach as possible and essentially overdisclosing the potential for those impacts to occur in an abundance of caution.

So hopefully that makes sense. We didn't want to suggest that those changes are going to be really considerable or environmentally harmful. It's -- ultimately, the end goal of those changes is to improve air quality at and around the port.

VICE CHAIR BERG: And also isn't the mitigation -- and, again, ma'am, thank you for bringing this up. But I believe in this particular case, isn't the mitigation that we would be requiring there at the site to protect the community?

CHAIR NICHOLS: Yes.

SENIOR ATTORNEY RABINOWITSH: The purpose of the rule definitely is to protect the community

VICE CHAIR BERG: But even the mitigation, if something through construction were to be a negative impact, isn't the mitigation to then offset that impact at the community?

SENIOR ATTORNEY RABINOWITSH: That's right. And we -- we ourselves are not able to require that mitigation, because we don't have ultimate permitting authority over these improvements that would happen at the
terminals and ports, but we, in our environmental
document, included suggested mitigation measures that
would do exactly that. And we would expect that the local
government that approves those infrastructure changes
would implement those mitigation measures.

BOARD MEMBER BALMES: But Ms. Dodson --
CHAIR NICHOLS: Sorry, this took so long, Ms. Dodson, but you can see --

BOARD MEMBER BALMES: Can I say one thing?
CHAIR NICHOLS: Yeah, go ahead.

BOARD MEMBER BALMES: No, it's -- I think --
CHAIR NICHOLS: Go ahead.

BOARD MEMBER BALMES: I think Ms. Dodson's main point is that disadvantaged communities of color often
have the greatest burden of environmental exposures --

MS. DODSON: Yes.

BOARD MEMBER BALMES: -- and that's what you're trying to say.

Thank you.

MS. DODSON: And I had -- I wish I had known you were here. I had pictures of all the troubles we've gone through. All the -- and I didn't get a chance to make enough. But we have fires, we've had earthquake, and it always says it doesn't affect us. I live in that red area right there in South Vallejo and we are always, always
impacted by what goes on by the ships. It affects our
land. It affects our water. It affects our air. I don't
know how you can stop or make this not happen.

The only thing I can think of that you can do is
stop building industries -- these kind of industries that
come into already heavily impacted communities. Just
don't let them come at all. Don't approve them. We have
enough. We've had earthquakes. We have the floods.
We've had the fires from Santa Rosa and the fires in the
last two months all around us.

Ninety percent of over 3,000 people in my
community are sick, asthma, emphysema, COPD, cancers of
all kinds, palsies of all kinds, hair falling out, boils,
all kinds of problems, because we get impacted. We're
right near the water. We're right near the Carquinez
Straits. And everything that gets dumped that is bad
comes to us.

Please, don't let this increase. Do not.
Thank you.

CHAIR NICHOLS: Thank you.
(Applause.)

CHAIR NICHOLS: This was the last witness on this
item and so I am going to close the record at this point.
I want to make it clear that it's only closed for this
Board hearing. The official period for submitting written
comments to the docket on this item will remain open until December 9th, 2019. After that date, if it's determined that additional modifications are appropriate, the record will be reopened and a 15-day Notice of Public Availability will be issued. And the staff has already indicated that they do intend to do that.

So it will be reopened, and there will be another 15-day Notice of Availability, and then the public may submit more written comments on proposed changes, which will be considered and responded to in the Final Statement of Reasons for the regulation.

Written comments that are received after December 9th, but before the notice -- the 15-day notice is issued do not get considered as part of the official record. So I think in plain English what that means is this regulation is going to come back to the Board with some proposals for amendments included. We don't have a date second -- set for that yet, but we certainly heard a lot of testimony that people would like that to be sooner rather than later. And I hope that the staff can do its work expeditiously, so that we can -- so that we can hear it quickly.

Now, before we turn to the resolution that's before the Board, I want to ask for Board members who have additional comments on what they've heard to speak. And
I'll start with Supervisor Gioia.

BOARD MEMBER GIOIA: Thanks, Mary. And first, I want to thank everybody for coming today here and I am really glad that we are holding this meeting in West Oakland. I know we're going to be holding future meetings in front-line communities over the next few months. And I think we should do more of that. I live and represent residents up in the City of Richmond, a few miles up the way. And I'm glad to see some folks from Richmond came out, because we share a lot of the same issues that folks in West Oakland share. And I remember 30 years ago I -- when I first elected to the East Bay Municipal Utility District board, I'd come here. East Bay MUD's headquarters is about -- used to be about a block or two away and we held our meetings here, so for about five, seven years, coming to meetings here in West Oakland, and also, seeing a lot of the community advocacy over -- over time.

In fact, one of the great things this community did, after the 1989 Loma Prieta Earthquake was advocate to re -- to basically move the location of the cypress structure, Interstate 880. Folks remember that. Because that was probably one of the largest sources of diesel emissions in this community, having a freeway cut literally, four blocks away from here. The I-880, which
is now further west, used to go only four blocks away from here.

And the community stood up to the State, to Caltrans, and basically forced the relocation of Interstate 880, so that the diesel emissions, and that traffic, and that freeway didn't split this community. So I think an amazing work of advocacy by this community.

And, of course, later this afternoon, we're going to have a chance to hear from more with regard to the approval of the Emissions Reduction Plan, which I know the Bay Area Air Quality Management District already approved at a meeting we had awhile back.

So I want to first start by acknowledging the really hard work of the staff on this issue, because this is complicated, but it's also really needed. And so I know you sorted through a lot of tough issues to get to where you are. And I know we're going to give some input. Today is not a decision, but we're going to -- we know -- we've had a chance to hear from the public and provide some input.

And so I just want to start with making just sort of a few general comments. I agree that we need to move forward with a rule that has firm dates and have that rule be adopted in the first part of 2020. And I think that the rule sets forth a good framework, but I wanted to make
some comments about it.

I'll get back to the point I made earlier, and that's the bulk carriers -- the bulk -- the car -- the cargo -- the general cargo and bulk ships. I do believe we need to look at tech -- the technology advancement in our assessment in 2023 to determine whether to include those as part of this rule. Those emissions are -- while they're not as large as some other categories, are indeed -- everything is cumulative and the importance of including that I think is vital. So as we move forward in a resolution, I'd want to ensure that we're setting up a process to look at that.

Clearly, I think shore power is preferable to the capture and control. I understand there's two ways to comply here. I think we agree shore power is the gold standard. I had a chance to visit a number of facilities, both in the Bay and in Los Angeles, just to get a understanding of this really complex issue.

And I did get to see the one shore power facility at Marathon in L.A. And I understand it was built for tankers -- two tankers that went back and forth to Alaska. And I understand it's more complicated than that, and that -- and that retrofitting tankers with different sizes from around the world takes some time.

But I think it's all doable. It's really about a
time issue, which I'll get to that in a second. And so let's hope that commitment remains at all levels by the oil companies to really look at that technology now. And I think you've heard from the staff and you've heard from the community about the importance of getting these -- these emission reductions as soon as possible.

Let me say something about the time period. Like everyone who's talked about the need to advance a time -- the time frame, I would like to do that as well, but I'm also trying to be realistic and understand, you know, what's really doable.

And I happen to serve on one of the main permitting entities, the San Francisco Bay Conservation Development Commission. I've served on it for 20 years. It was originally formed back in the 1960s to protect the Bay from being filled, and has jurisdiction over any construction on the Bay as well as 100 feet inland, what we call the 100-foot shoreline band.

And the reality is it takes time to do permitting. In fact, we are trying to figure out a way to be more efficient at permitting. In fact, just to -- on today's agenda, BCDC is having a meeting right now in San Francisco, there's an item that's getting postponed that involves permitting residential development within the 100-foot shoreline band. And by the time that that
project is permitted, probably early next year, it will have been four years.

 Earlier in the year, there was the approval of some docks for the ferry terminal that goes between San Francisco and Alcatraz, and that took two and a half to three years.

 I also serve on the San Francisco Bay Restoration Authority, which actually is a regional agency to allocate $500 million for wetland restoration. And we realized how long it takes to get projects approved in the Bay. And so we actually formed -- I know there was the letter from the Bay Area Air Quality Management District made reference to doing some joint planning. But we formed what was called -- and this is just sort of trying to throw out -- I'm trying to put out information as we think about what's the right time. It's called the Bay Restoration Regional Integration Team. And it's made up of six different agencies that have permitting, BCDC, the Army Corps, the Regional Water Quality Control Board, California Department of Fish and Game, U.S. Fish and Wildlife Service, and the NOAA Marine Fisheries Service. And then you add to that State Lands Commission.

 So that team is really designed to try to figure out how to have permitting of projects in the Bay happen faster. And so in checking with BCDC staff, the belief is
that it could cut -- that that process, all the time
savings occurs, not in the application process, but what's
called the pre-application process -- because in a
complicated project like these are, there's a
reapplication process. And the belief is that a two- to
three-year pre-application process for a wetland
restoration project could get reduced by 20 to 30 percent.
So a three-month -- three-year project would get -- or
three-year review period and a pre-application process
could get reduced by nine months. That's the estimate.
That's the goal. That's still a long time. And then you
have the application -- formal application process after
that first two to three years.
So I'm providing some perspective here that
projects in the bay -- and I know less about permitting in
the harbors of L.A. and Long Beach. In fact, I asked
staff to put up a diagram, because I think -- this is sort
of the challenge we deal with in the Bay. Do you have
that slide I think trying to shows difference.
So in the report that we have on page ES31 that
the staff prepared, there's a diagram, which I think sort
of shows the difference. So the top is the Chevron Long
Wharf, which is about a mile out from shore. And the
bottom is down either at the Port of L.A. or Long Beach.
So each one of these projects is going to be a little
different, right?

They're going to -- it's going to take a different amount of time to look at design, permitting, and construction.

So permitting a project like the top one, the long wharf, which is a mile out, involves construction both on land -- as I understand oftentimes a power substation. When I visited the shore power facility at Marathon in L.A., there's a substation on the land, on the shoreside, and then, of course, the dock is more like the bottom, so it's really closed in.

So for good or for bad, it takes longer than we would like to permit a project in San Francisco Bay, because of the many agencies and ensuring that building new facilities, expanding a wharf, expanding a dock, pilings, piers, which is all considered fill, has impacts on the Bay.

And one has to be thoughtful about that. And at BCDC, I've sat through permitting of the east span of the Bay Bridge, development on Treasurer Island, the new San Francisco Giants baseball stadium, issues at the port -- projects at the Port of Oakland. And I don't think there was one case where we heard it didn't happened fast -- that it happened quickly. In all of those cases, it just took a long time.
So I have -- so I think -- I'm trying to be realistic here. So when someone says we can permit -- that something can happen in three to five years, it may very well take three to five years, in some cases, to permit some of these things.

Sure, we should work at figuring out how to make that happen faster. And again, I think a regional group like with the Bay Area Air Quality Management District could make that happen faster. I'm not sure it would cut off an enormous amount of time, but it would -- we're hoping to achieve maybe a 30 percent reduction through the efforts for the west -- Westland Restoration Authority.

So I just wanted to put that out there. And maybe between the time that -- between now and the time a final rule comes back, we get more understanding of what that is, because I think we want to be honest about the time frame. Believe me, I would like to have this happen immediately and would like to see projects get implemented as quickly as possible, but we need to be realistic about that issue.

And so I'll just ask staff to do more work looking at this as it tries to understand what a reasonable time frame is in coming back.

I will also say, if we are looking at this 15-day rule with regard to innovative technology, I think the
principles that are important is that there would need to
be earlier implementation with greater emission reduction
benefits, something that would not otherwise be done,
right? You don't want to give credit to something
that's -- some emission reductions that already is going
to get done. So something that's a greater benefit to the
community.

So ultimately, if you're able to find emissions
reductions through some alternative technology, even if
it's on the shore, and it's -- diesel particulate
emissions are bad, whether they come from a ship or
whether they come from something on shore. And
ultimately, if you can achieve earlier implementation with
greater emission benefits, not something that would
otherwise be done, with greater benefit to the community,
I think those are the principles to think about. And I'm
interested in seeing what that looks like when you come
back.

And I do think the 2023 technical assessment will
be really important to understand how -- whether time
frames should get adjusted or not, as well as the bulk
cargo. But I support clearly moving forward and doing
this, because it will achieve really important emissions
reductions.

There was some speakers that mentioned anchorage.
I mean, this proposal doesn't include ships at anchorage. And I'm not certain how even that gets done. Anchorage 9 is located in the middle of the Bay between San Francisco and Oakland. So just to hear from staff, was there a discussion about how to do this at anchorage. And plus, at anchorage, ships are at various -- are anchoring at different points. They're not anchoring in one location in the Bay. They're anchoring at different fa -- at different locations within a defined anchorage area. There's Anchorage 9 and then there -- I think it's Anchorage 23 that's up by Benicia. So what -- what thought had you given to anchorage areas?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: So we had, throughout the development of the regulation, thought about anchorage, because it had been one of the proposals that we discussed early on. You've heard the complexities of controlling emissions at berth.

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Controlling emissions at anchorage, even become more complex. So things like shore power don't work at anchorage. I mean, it would -- it would require technologies. It would require a certain level of technology focus that could impact what's going on at berth. And so while something like a capture and control
system was demonstrated at anchorage, it's -- it would require really maybe a whole different suite of -- a different suite of technologies out at anchorage.

And so it's just --

BOARD MEMBER GIOIA: Would you be like building like a structure in the middle of the Bay, that then has the capture device on it?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It would look more like the barge-based system that would pull upside of a vessel in anchorage.

CHAIR NICHOLS: Um-hmm. Right. Something mobile.

BOARD MEMBER GIOIA: Right. Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Yeah. And so it would really restrict I think the type of technology that could be used.

BOARD MEMBER GIOIA: Because it's a barge-based system, right?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It would most likely be a barge-based system or it could be a vessel-side system, you know, that's on --

BOARD MEMBER GIOIA: So I assume that you may look at that in the tech -- in the 2023 technology assessment, as well, right? Has the technology changed and improved to make that possible? That can be part of
the assessment in 2023?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: That could be. And it could be as technology improves, you know, if we had a barge-based system that supplied power, you know --

BOARD MEMBER GIOIA: Right.

CHAIR NICHOLS: Um-hmm.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: -- and it could supply power to a shore-powered vessel.

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: I mean I think these things could happen out in the future --

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: -- but they are more complex, and --

BOARD MEMBER GIOIA: My understanding in building a successful shore power facility, you would need improvements both waterside and shoreside. In some cases, the shoreside involves a power substation, other types of development. And then, of course, as I -- looking at that chart back up there, maybe -- or that photo, if you can put back up. Maybe just leave that up -- is you would then have to build the -- extend the power infrastructure
out onto the dock. And in many cases, as I noticed, you would need to expand a wharf, new pilings, make something stronger, more robust in order to handle it, right?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO:
That's correct. And it really depends on what the technology is. If it's --

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: You know, and what electricity is there, what technology. If it's shore power, you might not need quite the infrastructure that you might need with the capture and control system. So it's really going to be site specific --

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: -- and technology specific. But for -- and for shore power, definitely you need landside and vessel-side.

BOARD MEMBER GIOIA: There was some discussion of tugs. Just to understand, had -- those totally different obviously issues with tugs. But had there been any discussion about tugs?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Maybe I would like more information on what you're asking. I mean --

BOARD MEMBER GIOIA: I'm just saying one of the
speak -- some -- a couple of the speakers mentioned the issue of whether shore power for -- or some capture and control for tugs.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: For tugs.

BOARD MEMBER GIOIA: And I don't know whether that's technically possible. Just wondering, because it got mentioned.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Well, so I -- so in 2020, we are proposing out of our branch, some of these same folks, to bring a -- to bring a reg -- an amendment to our existing Harbor Craft Regulation. And so underneath that regulation, we would be hooking at all those options. We would be looking at repowering.

BOARD MEMBER GIOIA: For tugs?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: For tugs.

BOARD MEMBER GIOIA: Right.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: There's -- there's very interesting technology for tugs. There are starting to be things that are more similar to hybrid, so diesel -- kind of diesel electric.

BOARD MEMBER GIOIA: Yeah.

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: And so I think that in the future there is -- there's
technology that could make tug operations much cleaner.

BOARD MEMBER GIOIA: Great. Okay. I appreciate that. Thank you. Those are my comments for now. And I know this is complicated, but I think -- I think we're moving forward in a -- as quickly as we can, knowing that there's some realistic limitations out there about the time frame.

CHAIR NICHOLS: Okay. Dr. Balmes.

BOARD MEMBER BALMES: And, Chair Nichols, I promise to be quick.

So I just wanted to say that what I've learned, both at this hearing and from staff, and from stakeholders is that, in some ways, one size doesn't fit all, in terms of the different ports. And I really like the concept, subject to the caveats that Supervisor Gioia just made, about the innovative alternative approaches. I'm very interested in seeing diesel emission reductions for the disadvantaged neighborhoods that are situated near these facilities.

And I'd be happy to see reductions in truck emissions or other types of emissions that might be easier for the parties to do sooner rather than later, because I do think that trying to capture these in quotes last few individual ships that are causing, you know -- that haven't been able to hook up to shore -- been refitted to
hook up to shore power, I don't know if the bang is worth
the buck at -- you know, in terms of getting immediate
reductions.

    So I'm happy in concept with considering
reductions in other ways. But, you know, again, the devil
is in the details. And I think it has to be sooner rather
than later. And it hasn't -- it can't be, as Supervisor
Gioia said, something that's already going to be done.

    So for the public health benefits, I'm fine with
considering that approach.

    CHAIR NICHOLS: Thank you.

    Mrs. Riordan.

    BOARD MEMBER RIORDAN: Yes. The tour yesterday
for some of us was just wonderful, because we don't
necessarily get to see the community. And frankly, I
don't think I've ever been in the Port of Oakland before.

    But I was struck by the number of trucks that
were queuing up to take a load. And I know this is true
probably in some of our other ports. And whatever might
be done to assist in that, an early, you know, way of
allowing for some reduction in those emissions, has to be
a positive thing, based on just the number of trucks that
I saw yesterday afternoon.

    So I am very willing to support that. And I like
the idea of our procedure here, which is to take in more
information until a date certain, December 9th, and then
to bring it back after review to our Board, and let's look
at some of our opportunities. But I really would like to
look at some of those trucks.

CHAIR NICHOLS: Thank you.

Other comments here?

Yes, Ms. Mitchell.

BOARD MEMBER MITCHELL: Thank you.

First of all, I want to thank the staff for all
the work they've done on this. And I know they have
worked pretty closely with all our stakeholders as well,
to try to come to the right middle ground.

A couple of things have already been said that I
would want to agree with, and that is that if we can
explore alternative technologies that bring earlier
reductions and use those, only in tandem with the existing
rule and without any delay in implementing the existing
rule, so that we have the proper safeguards in place to
ensure that the rule continues to be implemented.

The other issue that we've heard about today is
tankers. And I think, you know, what we've heard some
people say is we need a feasibility study. I'd like to
hear your comments about that. Because the other thing we
put out there on the table is technology demonstrations
and additional funding for technology demonstrations.
So would a feasibility study fit into that, or help that, or delay that? How is the best way, the fastest way to get to our goal of being able to reduce the emissions from tankers?

TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: Just wanted to go back to my last comment for a minute. I got handed a note that reminded me, and I had forgotten, that tugs do plug into shore power when they're sitting at dock. So I just wanted to bring that to your attention. Not when they're out operating, but when they're sitting at dock, so that's an important thing to note.

So the question was on a feasibility study. So this -- there's been a lot of discussion about a feasibility study. And I think that the WSPA comment was that in the 2007, there was a feasibility study done for shore power.

In the course of developing this regulation, staff has done two things. One, in 2018, we did a technology assessment. And part of that technology assessment looked at different technologies, what they were feasible -- what -- how they were feasible, areas that they needed improvement. So that in itself was a portion of the feasibility study.

The second is that in the -- in the staff report, which is very comprehensive, many of the components that
industries has talked about in a feasibility study has been included in there. We've looked at cost. We've looked at emissions inventory. We've looked at cost effectiveness, market ready, market availability, the ability for these companies to scale up. We've talked to these companies about their -- their technology solutions, about many of the safety issues that you've heard about today.

And so in terms of a feasibility study, we feel that between those two documents that we have done a feasibility study. And we have found that these technologies, they exist already, they can be adapted to tankers. We do feel there are safety challenges that are going to have to be addressed during the design. There are going to be site-specific issues that need to be addressed during design and engineering.

And so I think our position is that we have done a feasibility study. We need the regulatory certainty now to move into the process, where we're actually looking at design and site-specific engineering projects for these different tanker terminals.

BOARD MEMBER MITCHELL: Okay. And did your tech assessments -- or your feasibility study that you just mentioned, did it include bulk and general cargo vessels or ro-ros or was it only tankers?
TTD FREIGHT ACTIVITY BRANCH CHIEF SORIANO: It included all the categories for ocean-going vessels.

BOARD MEMBER MITCHELL: Okay. One of the things I do want to emphasize that we should be looking at, accelerating the technology demonstration for tankers and also a search for additional funding to carry out those demonstrations.

One of the things that South Coast requested was could there be an acceleration of the compliance deadline on roll-off roll-on vessels from 2025 to 2023 be carved out, perhaps just for Long Beach and Los Angeles, because of the need for the big challenge in getting the reductions needed to meet the ozone requirements in 2023 and 2031?

So I would request that you look into that and see if that is a possibility in -- when you come back with the 15-day changes.

I think you answered the question about the at anchor. That's totally different thing, isn't it? And I'm glad that you responded on that.

The interim review that is planned for 2023, there was a request to include in that the bulk and general cargo vessels as well as the ro-ros and the tankers. So I would be supportive of that as well.

So I think that covers the issues that I have.
Of course, the earlier reductions I think is an important thing, and we have talked about that. So that would be another important thing to look at for the 15-day comments.

CHAIR NICHOLS: Yes.

BOARD MEMBER MITCHELL: So thank you.

CHAIR NICHOLS: Thank you.

Diane and then Dr. Sherriffs.

BOARD MEMBER TAKVORIAN: Thank you.

I just wanted to add my thanks to CARB staff, first, for arranging for us to meet here. And I -- and to the community for welcoming us. And I know that it's a lot of work to move this whole operation, as I'm sure you can tell. And I just don't want that to go unnoticed, because I think that this is -- it's critical that we do go to communities, particularly those that are most impacted by air pollution. And so I'm very grateful that we're here today, and to the leadership for making that happen. So thank you -- thank you for that.

And I think that we couldn't have picked a better place to have this conversation about OGVs. And we know that disadvantaged communities are largely impacted, particularly those that are around the ports.

So I think what we saw yesterday, as Ms. Riordan has said, certainly emphasizes the importance of the
community that's most impacted having the opportunity to be here. And I hope we can do more of that. And I look forward to hearing about the Oakland -- the West Oakland CERP later today.

Thanks to staff also for all the work that you've done on this particular rule, getting to that. In this -- if anything is an environmental justice regulation, this is it. This is one of the most impacts -- the most -- the biggest sources of impact for communities -- environmental justice communities, disadvantaged communities that we see.

So I think it's critically important that we're addressing it. And I really appreciate the manner in which you addressed it in that way. So it wasn't an afterthought or a side issue. I understand that you understand the health benefits that will come from this regulation. And I'm really stunned by the benefits that you've outlined. I mean, a 55 percent reduction in cancer risk, as well as the other reductions in terms of hospitalizations and respiratory disease are pretty stunning and really worth the effort.

So I think the notion that this -- these are small emissions or that this is a small step is really not accurate. And so I really appreciate that this is a historic step and a big step that builds on an already
existing regulation that's been highly successful and well thought out, and very comprehensive.

That said, I want to disagree a little bit with my colleague, Ms. Mitchell, because I think, as you heard from Ms. Williams, the critical -- there's critical importance for regulating ro-ros across the state, I would say. So I would hope that you wouldn't consider only doing that in South Coast or in Oakland.

As you've heard, they're generating more of particular kinds of pollutants at the National City Terminal. One in ten cars are coming through there. So everybody is getting their vehicles, hopefully mostly electric.

BOARD MEMBER MITCHELL: No objection to that.
BOARD MEMBER TAKVORIAN: Okay. Thank you.
BOARD MEMBER MITCHELL: Anybody who wants to join --

BOARD MEMBER TAKVORIAN: Thank you.
BOARD MEMBER MITCHELL: -- come to the party.
BOARD MEMBER TAKVORIAN: We want to join. So I think it's really important. There are more of the emissions that -- combined than all of the other ships. So I think it's very important that we do that.

I wanted to ask about the interim evaluation -- well, you asked the question that I was going to ask. So
I think we got the response for that.

We have witnesses asking for earlier compliance deadlines and those lobbying for later ones. So I'm going to assume that in that 2023 analysis of all of the categories that you've now added to that, that you'll be addressing the factors that contribute to both lengthening and shortening the timeline, if that's -- I'm getting nods. So thank you for that.

And, I guess, I feel like I want to add to the -- on the 15-day change related to the -- the innovative proposals, I have to say that the testimony didn't give me anymore confidence in that strategy, because I'm concerned about it being looked at as kind of a way out.

But I think as long as the criteria are clear that it's earlier implementation, greater benefit to the community, I would like to add a link to the existing community plans, like the CERPs, so I think it's important that if there's a way that the earlier -- the innovative implementation could actually tick off something that's not getting done that's in a CERP, then that could have a higher degree of prioritization in my mind and it's something that the community has already said they want to have happen.

So I'm hoping that we're not considering things that are way out there, that are being come up -- that are
being developed in a shop somewhere that's away from community participation.

So those were my concerns about it. And can you say when you think we'll be back, because there's been a lot of discussion about that, in terms of when the second hearing will be.

EXECUTIVE OFFICER COREY: We called out spring. We need a few months of process to work through this direction on 15-day. And I expect it will be in the March/April time frame, but first -- near first quarter. Towards the end of the first quarter of 2020.

CHAIR NICHOLS: John Eisenhut had some comments. BOARD MEMBER EISENHUT: Are we on? Okay. Thank you. I try not to be repetitive, but I'm going to violate my own practices. I want to acknowledge West Oakland for sharing their time and their place with us. I think these conversations become far more meaningful when we're available and at the point where the discussion is centered, so we appreciate that.

With regard to anchorage, our conversation has been largely surrounding capturing the anchorage emissions. And from an outside perspective and not knowing the intricacies of the relationship of shipping lines and terminal operators, I wonder if it's possible for them to coordinate and cooperate in a manner that
reduces anchorage time, rather than focusing on capturing the emissions that somehow a different organizing structure -- and I'm sure this is their business and they know how to do that, but I just brainstorm that possibility.

On the time frames for the implementation, particularly of roll-on, roll-off, and tankers, I am in favor of a more compressed time. And the rationale -- the rationale -- my rationale is that those folks own those emissions. And we have given them through the 15-day rule, and the possibility of providing other reductions in the same neighborhood to the same extent, we have given them a vehicle for reducing those emissions.

So they have a choice. They can -- and John -- Supervisor Gioia has correctly pointed out the intricacies of permitting and I get that. But these operators have other options available to them to provide commensurate reductions. And so I don't think we need to linger over this.

So those are my comments. Thank you.

CHAIR NICHOLS: Thank you.

Dr. Sherriffs.

BOARD MEMBER SHERIFFS: Thank you. Yeah. I have to add my appreciation for everybody being here, for the community involvement, for the stakeholders, and also
for the successes we've had in the past with this, which reflects the investments of the stakeholders and some very important long-term commitments. You know, to hear that a shipping line has said we are going to be carbon neutral, time definite. Thank you. That is -- that is wonderful leadership.

You know, it's disruptive for us to come here and be here, but it's so valuable. You know, it gives us an opportunity to hear the passion and breathe the air. And we can understand what's going on, not just at a technical level, but at a personal level. And that's really what we're about. We're about health and that is personal. That is personal.

So I really appreciate the effort everyone made to get this together. And it is disrupting, where is my cup of coffee, where did they say the bathroom was, but, you know --

(Laughter.)

BOARD MEMBER SHERRIFFS: -- we adjust. And I'm sorry I got here three minutes late. I was down the block, you know, find a parking space, but anyway.

CHAIR NICHOLS: We managed.

BOARD MEMBER SHERRIFFS: It's good. It's good. We should do it whenever we can.

You know, I think our successes in the past are
very much predicated on stubbornness and flexibility. And we are stubborn about the goals, and flexible about how we get there. And I think that's a great formula. We set clear goals and then we are flexible, you know, both, okay, industry you figure out the ways to do this. We do what we can to help develop collaborations. They're going to make that successful. But, yeah, we have to be stubborn. We have to set clear goals. Over and over -- does anybody have an example of a time we set the bar too high?

No. We always look and say, wow, they made that look easy. And I'm not suggesting we want to make it even harder, but we -- really, it pays to be aspirational. It's always paid off.

So, yes, anything we can do in this plan as we think about the changes that we're going to be making. Yes, set the bar high. We're going to stick to that clear message. But, boy, the more flexibility we can give to achieve that, the better.

Absolutely, we need to move these timelines up. And if we have a timeline that says something like 2025, we mean January 2025, not December 2025. You know, I'll take every month that we can get.

You know, we've talked a little bit about at anchor. And I love the creativity of how to approach
that. It's not necessarily to approach it mechanically. The bulk cargo issue important. I think it's great we're expanding. Stockton is going to part of this. Surely, what goes on in Stockton affects what goes on in my San Joaquin Valley.

And so all the more important, because I suspect most of the traffic there is bulk cargo. So the earlier we think about that, the better. And, you know, we're talking about an interim review in 2023. I don't think we need to wait until 2023 to have applied our successful models to thinking about the bulk cargo, and the at anchor issues. You know, we can -- we can start doing more on that be -- we don't need the interim review to do that.

One concern I had in the testimony was so we're -- we're going from a fleet to a per vessel and that causes some distress for some people, and that worries me. I know it would be much more complicated to have a bifurcated system. But I think we need to think about, you know, how do we reward the people, the groups that, in fact, have stepped up and are working under -- under that, the fleet model, are having success under that, that we continue to promote that. So I think more work thinking about that would be useful. I don't like to burden staff, now you get to run two systems. But there may be something to be said for that.
So the at anchor, and it's been mentioned, you
know, they're polluting at anchor. This requires some
kind of mitigation at the very least, you know, as we work
to figure out another way to direct it away from that to
ways that it can be captured or decreased. But, you know,
we're polluting in these environments. You know, at the
very least, we ought to be thinking about their must be
mitigation for that, as we look for solutions to minimize
or eliminate it entirely.

VICE CHAIR BERG: I just want to say that, first
of all, I really appreciate being here. I think Chair
Nichols you'll remember that prior to the Great Recession,
we used to do five Board meetings a year out into the
community. And the recession went for a very long time,
and then you get a new normal. And so maybe this is a
good time to start looking at 2020 and 2021, our Board
meetings, and be very purposeful to get out more. It's
great to be here.

A couple of things that really struck me. And I
really want to validate the things that have been said by
my fellow Board members. Without repeating them, I'm in
full agreement with making sure that on any technical
review, anything that we can move up to do sooner that we
do. I also appreciated all the various testimony.

But I think my comments are really going to be as
a CEO and an industry leader of a chemical company in a
617 community to the industry members. I've been on this
Board now 16 years. We know that our industries affect
these communities. And we are being called to operate at
a higher level. And we're being called this within these
various communities, so one size doesn't fit all.

And I know that for staff that is a huge burden
to try to build in the flexibility that allows various
locations to truly make a difference to specific
communities.

So industry, we have to step up differently. I
can tell you that in order to continue to run my business
in Boyle Heights, if I don't look at how to become a net
zero emitter, my business isn't going to be there, period.

And I don't need to wait for a regulator to come
and tell me this. And I realize that it's very
complicated. And I realize that my business is smaller
than running a port. But we're really smart people and we
have to figure this out, because for too long these
communities have carried the burden and we're going to
have to step up.

So I want to encourage industry. I want to thank
the communities coming out. And, staff, I know we've got
our work out to be able to come back in the early spring
versus late spring. But regardless, we do want to take
the time to get it right. And -- and so if there's any
addition a help, I think you've heard from the Board
members here that we're here to help.

Thank you.

CHAIR NICHOLS: Okay. We have a motion -- we
have a resolution before us. We do not yet have a motion.
I want to just add one or two additional thoughts. I
endorse wholeheartedly the comments of my colleagues,
particularly about standards that need to be applied to
any alternative compliance path that's allowed under the
15-day proposal, and also about the need to look across
the realm of things that are included in this
regulation -- proposed regulation to see where some
deadlines could be moved ahead.

I just want to add one additional thought, based
on my experience with technology reviews as a part of the
mechanism for dealing with a regulation with a very long
timeline. Because as the staff I think knows, I was
involved in the negotiations over the vehicle emission
standards that were adopted under President Obama. And we
included, at the insistence of the industry, a mid-term
technology review. The mid-term technology review was
done, and the minute there was a change in the White
House, it was rescinded, and was substituted with one that
had the effect of precipitating the litigation that we're
in right now over the question of whether we should be proceeding with the deadlines that we're set originally back in 2008.

So I am not comfortable with just having a blanket technology review, you know, three or four years down the road from now, unless it's much clearer that, you know, the effect of that is going to be to hasten the development of new technologies, not to serve as a platform for escape from the deadlines that we've set under these rules.

I'm not going to try to dictate that language now, because it will be in the rule. But I think we need to be thinking more creatively about how to make sure that this rule -- I do believe that when the rule comes into effect, it will have the -- it will have an impact in terms of unleashing creativity on the part of companies that have better technologies. And we know that some of those are out there and we really want that to happen.

But if there's the potential that their market will disappear, because those who would have to buy the new technologies decide that they can wait it out, then we've lost the benefit of what we've tried to do.

So I'd like to see some thinking going into how to make sure that the review doesn't -- does not serve as a potential off-ramp.
But having said that, I would like to see us move forward. I think we're -- we've all indicated that we're ready to do it. So if I can have a motion?

BOARD MEMBER SHERIFFS: Move it.

CHAIR NICHOLS: A motion. And a second?

VICE CHAIR BERG: Second.

CHAIR NICHOLS: All in favor of the resolution before us, please say aye?

(Unanimous aye vote.)

CHAIR NICHOLS: Opposed?

None.

Thank you all very much. This was a really, really good discussion. And I'm happy that we're marching forward on the right path.

Before we can take a break, our Board meetings require us to always have a public comment period for members of the public who come in with some item that's not on the agenda. And we could wait until the end of our second item on this Board meeting. But we have someone who I know is here who has to leave. So I'd like to ask everybody's indulgence. And we will call on the member of the public who presented an orange card, assuming that she's still here.

She's is. Okay. Great.

MS. SELLEN: Chair Nichols and CARB Board members
and CARB staff, thank you for your indulgence. I know this is off topic. But time is running out, so I want to take every opportunity to come before you to ask for substantive changes to the Shafter AB 617 Community Emissions Reduction Plan that's coming up.

Pesticide toxic air contaminants are among the top concerns identified by the Shafter AB 617 steering committee, notably the carcinogenic fumigant one, 1,3-dichloropropene or 1,3-D. The AB 617 blueprint specifies that it requires new community focused actions that go beyond existing State and regional programs to reduce exposure to air pollution in disproportionately burdened communities throughout the state. I'm sure you're familiar with the wording.

But regrettably, the community's wishes for pesticide emissions reductions have been rejected in their entirety. And the final version of the Shafter CERP, which was adopted by the San Joaquin Valley Air Pollution Control District on September 19th falls short in two significant regards.

The first is it specifically disavows the air district and CARB's authority to mitigate pesticide toxic air contaminant emissions. And secondly, it fails to include any new community-specific pesticide emissions reductions efforts arising from AB 617 beyond existing
State programs.

In addition, which I probably won't get time today, the CERP contains a number of misstatements regarding DPR's regulatory authority that significantly overstate the protection offered by DPR to communities. And that needs to be corrected.

So, first, the final Shafter CERP includes the following troubling language disavowing the authority of both the air district and CARB to regulate pesticide toxic air contaminant emissions. Under the heading "Jurisdictional Issues", it says, "The District does not have jurisdiction in case of open air applications, such as on-field pesticide application, because all potential control of emissions in such situations is also a regulation of the pesticide in its pesticidal use".

It goes on to say that, "The State's position..." - that's you guys - "...is that the District is prohibited from State law -- by State law from doing so". So the District is actually ceding CARB's authority along with its own.

We strenuously reject this analysis and its conclusion in the Shafter CERP. We think it lacks merit on legal grounds, and I'll submit our legal memo. We think it betrays the commitment made publicly by CARB at the July 22nd meeting of the Shafter AB 617 steering
committee, where they -- Mr. Karperos there was kind
enough to commit not to use jurisdictional grounds to
reject any emissions reduction measures sought by the
community.

But most importantly, it establishes an
unacceptable precedent for future -- future AB 617
emissions reduction efforts in agricultural communities --
yeah. Lot's more to say.

(Laughter.)

MS. SELLEN: So haven't finalized our written
comments, but those are coming, because we want to make
sure that the steering committee is able to sign on to all
of them. So you should be getting that within the coming
week.

CHAIR NICHOLS: Thank you.

MS. SELLEN: And you'll be hearing a lot more
from us. So thank you.

CHAIR NICHOLS: I'm sure -- I'm sure we will.

Thank you.

We're on notice. We can't take any action on an
item that isn't noticed for our agenda, but we -- we've
heard you.

Okay. Without further ado then, we're going to
take a break. We're not recessing, because we are coming
back at 4:00 o'clock. But we will be in remission for a
couple of hours, I guess. We'll be back at 4:00 o'clock.

    Thank you.

    (Off record: 2:14 p.m.)

    (Thereupon a recess was taken.)
AFTERNOON SESSION
(On record: 4:06 p.m.)

CHAIR NICHOLS: Ladies and gentlemen, we're ready
to get started.

Folks.

BOARD MEMBER BALMES: The Chair requests that
everybody sit down, so we can get started.

CHAIR NICHOLS: We're ready to start as soon as
we have people sitting down.

CHAIR NICHOLS: Okay. Ladies and gentlemen,
we're about to start. We're about to reconvene our
meeting, after we heard the Control Measure for
Ocean-Going Vessels at Berth earlier today, and sent it on
for further work by the staff before they bring it back in
the spring.

So our second item, and the only other time on
today's agenda is number 19-11-2. And is there anybody
who requested translation services? Do we still have the
translator with us?

We do. Okay. Great. So just to remind folks
that we do have a translator.

So we're here today to hear the AB 617 Community
Air Protection Program, which is a Community Emissions
Reduction Program for West Oakland. And we're very happy
to be here in West Oakland. We took a tour yesterday,
most of us, of the area that's under discussion here. And
now we're getting to focus on what the community has come
up with in terms of additional improvements that they want
to see.

The Community Air Protection Program provides a
community-focused approach for improving air quality and
public health in places that are disproportionately
burdened by unhealthy levels of air pollution.

Last year, our Board selected West Oakland for a
Community Emissions Reduction Program, as one of the ten
first communities to launch this program. This is the
first Community Emissions Reduction Program that our Board
will consider under AB 16[SIC]. And I think it's very
appropriate, given the amount of organizing and work
that's gone on here in West Oakland, that this is the
first plan that we're hearing.

Because of the community focus of these plans,
this presentation and discussion are going to be
structured a little bit differently. Before we go to
general public comment, we will hear from community
members and CARB staff regarding the West Oakland
Community Emissions Reduction Program. It is titled,
Owning Our Air, the West Oakland Community Action Plan.

So, at this point, I am going to turn to the
leader of that effort, and as we learned yesterday,
somebody who has been an activist in this community for what 50 years maybe or more.

And so I'm going to ask Ms. Margaret Gordon to please begin.

(Thereupon an overhead presentation was Presented as follows.)

MS. MARGARET: Well, is evening or good -- yeah, good evening everyone.

CHAIR NICHOLS: Good evening.

MS. MARGARET: I'm happy that we have got to this day. But not to get off topic, but start a topic, we have to make sure that we have more appropriate funding, more appropriate staff, more appropriate engagement, and more appropriate trust building as we do this process. That's one of the very key things that we have to do.

And this is some of the -- this is -- 95 percent of the stuff that we have done with Bay Area air quality, we have transitioned ourself with those type of things. But we'd like to be able to continue this, as we go into implementation and expediting, and also the other communities have the same type of situations.

So next slide.

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MS. MARGARET: So as is here, we're the first year -- the first year of -- the first year of any
planning, we was -- West Oakland Environmental Indicators is the first group in the state is doing an actual action plan.

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MS. MARGARET: You can see from Indicators on West Oakland and -- are around disease or issues of health, you can see that we're still at a certain high level between 2016 -- 2016 and 2017.

Next slide.

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MS. MARGARET: You also understand that one of the primary features of the -- our engagement with Bay Area Air Quality was to have the partner agreement, have the steering committee members being trained and understanding what this -- what was this program -- project was about. Also designing focused on equity and exposure. And also we had weekly called meetings. I know they're tired of seeing us for every -- every two -- every week for the last almost two years now, we have had some kind of meeting. Every week for almost two years now, right? Two years we have had a meeting. But there's one good thing that came from it, I served breakfast.

(Laughter.)

MS. MARGARET: Nobody complains about the
breakfast.

   (Laughter.)

   MS. MARGARET: We have grits and eggs, pancakes with fruit in it, fruit, all the good stuff. But I never heard a complaint about the breakfast. Coffee. They never complained about the breakfast.

   Next slide.

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   MS. MARGARET: All right. The steering committee, we have made -- this steering committee was made of residents, advocates, youth, business, public agency. And I have to say that the District left it up to WOEIP to make that list of folks that we can reach out to and also those relationships that we had had for many, many years to be able to ensure that we tried to cover all -- all constituents being at the table.

   When we did have -- we fell short on one thing. We did not have enough Latinos from West Oakland to participate. We did, but we had Latino youth who participated. So I want that to be -- that outside. And we was very clear on how we were going to -- the sources we need, the local issues, what kind of technology we needed, how we were going to model, and measure, and using the monitoring that we have done in the past as also to look at the goals and targets.
And we always identified our strategies to reduce emissions and exposure.

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MS. MARGARET: This map right here is how we divided up the community from the various partners we have had from 2015 on up now, where we've worked with EDF, and then had the Google car -- had the Google car as -- with the optical instrument on the back of it. How we divided -- how we learned on the ground what was the impacts per community. And we designed -- they helped us design this in seven neighborhoods. And each one of the neighborhoods have a particular -- have a particular impact. And we -- our -- we're in hopes that we can reduce the emissions by that particular issue particular to that zone.

And having this type of map was the first time we have ever had this type of a mapping, as far as looking at how to look at solutions and resolve those solutions. We have never had that before.

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MS. MARGARET: And also, because of the modeling and the -- modeling and monitoring, we were over -- able to overlay -- look at also the PM -- diesel PM and cancer
risk, where we had never had before also.

So a lot of the -- these type of maps, these
types of graphs and charts, give us -- have put us in a
place of stuff we had never had before. And the science
really supported us in identifying targets and strategies.

Next slide.

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MS. MARGARET: The same thing, we have had --
never had this type of information. We had never had this
type of collaboration. We have never had this in-depth
amount of science and research that coalesced all the
different things block by block, neighborhood by
neighborhood within West Oakland.

Next slide.

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MS. MARGARET: So we still have a high standard
for our goal -- our air quality and health. But our goals
are still about eliminating disparities. And our target
is by 2020, the neighborhood will be experiencing an
average level of air quality. And by 2030, we should be
experiencing the best air that we have ever had in West
Oakland in my 25 years, if I'll be here that long. But
just -- but that's -- that's some of our goals and our
standards we want to set. And we want the same thing for
all the other communities. They've got that -- we got
the -- we may be the guinea pig, we may be innovative, but
we set -- we're setting the pathway, but we also have to
be able to make sure all these things happen for West
Oakland.

Next slide.

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MS. MARGARET: The same thing, we looked at the
source in relationship to cancer risk. We looked at the
targets and we looked at all these things by neighborhood.
And so this was -- this was some of the first time we also
had this depth of information for sources and targets
around cancer risk. We had never had this type of a level
of engagement or this level of understanding block -- like
I said, I'm keep saying block by block, neighborhood by
neighborhood.

Next slide.

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MS. MARGARET: The same thing. Neighborhood
pollution and what contributes to the pollution, we have
never had before. This is because of the modeling -- the
modeling with a computer and overlaying all the data that
we had gotten from the air monitoring. A lot of -- all
this information had come to -- have come to be. And so
we are continuously -- continuously, I know, going to be
finding things. But at the same times, we're going to be
measuring things, if -- to make sure that we are on track.

Next slide.

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MS. MARGARET: You have -- like I said, we've been drilling down the local emissions and local exposures. We are -- there was four things that we -- we wanted instituted throughout the -- as a thread, exposures, proximity, land use, and enforcement. Those were the four main targets that we wanted to thread through all our strategies. And we wanted to be -- make sure we could fine-tune that at any -- at every juncture of a -- of this process, of this plan, and of implementation expediting it.

Next slide.

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MS. MARGARET: So this is -- at the end of the day, this is our strategy overviews. And we look, like I said, land use, looking at trucks. You guys had the big meeting this morning about the trucks. And then also -- I can't read the --

MR. BEVERIDGE: Other mobile.

MS. MARGARET: -- other mobile sources, and also the stationary source and the health impacts. And we have -- like I said, again, we have never had this level of detail of information as we did a plan.
You want to take over Brian or let me finish?

MR. BEVERIDGE: Would you like me to talk?

MS. MARGARET: Yeah.

MR. BEVERIDGE: Okay. We'll double team this.

I have a couple. Can I go back like three slides. I just want to make -- emphasize something.

AGP VIDEO: Can you turn your mic on?

MR. BEVERIDGE: Okay.

MS. MARGARET: See I like to share -- I got to share the spotlight.

(Laughter.)

MR. BEVERIDGE: If I only knew how to share.

(Laughter.)

MR. BEVERIDGE: Can we go back like three slides.

There's just something I want to point out that I think is important to recognize. This is -- well, this good is a one. I think that this is really powerful in the sense that we now can really look at, and the community can begin to understand graphically, where the -- you know, when the big movers are in this process. You know, it won't help us to achieve our goals, if we only -- if we only address highway, for example. We've got to address these big blue boxes.

But in some of our neighborhoods, it's interesting, highway is going to be a big factor. So we
can't -- we can't just point at a single source and say that's our problem.

Next slide.

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MR. BEVERIDGE: I think this is very important as well, because we're beginning to -- you know, in the time I've been working on this, this word cumulative -- cumulative impact, cumulative exposure, cumulative risk, cumulative emission has always been a moving target and no one exactly knew how we were going to quantify it.

We're beginning, I think here, to say, look, there is this cumulative effect. We've got -- we can identify, through models, this spectrum of sources and source attributions. And so it's -- it begins to help us have a better grounding on a very finite localized level what we can do about these locally produced emissions.

And it's important to recognize that we essentially said we want to deal with the 40 percent of emissions that originate within our plan area, because we don't think we can do much as a community about ambient problems. We know the State, and the air district, and everybody is going to keep working on that. But we've got 40 percent of the problem that starts within our -- practically our zip code.

And so that's why we focused on that. It's the
thing that we can wrap our arms around within our own neighborhoods.

Next slide.

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MR. BEVERIDGE: And I think this -- these -- all of these slides -- and I want to -- I want to thank, and acknowledge, and offer a great deal of admiration to the Air District staff for the work they've done in creating this -- these new models and the visualizations for these models, because one of the things that we -- that happens for communities is we're not experts, and we're not scientists and it doesn't help me at all to look at a spreadsheet of air data. It really helps to look at pictures.

And so these maps and these visualizations are -- have been incredibly powerful for our work.

Next slide. Let's see where we're going from here.

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MR. BEVERIDGE: Ms. Margaret touched on this.
The next one.

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MR. BEVERIDGE: Let's see what else we got here. Well, this is a little bit old, some of this is, but it touches on our process. We're hoping that the next bullet
on that will be all tonight, you know, adopting our plan. We have a lot of work to do. Let's go one more slide and see where this is going.

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MR. BEVERIDGE: Yeah. We have a lot of work to do now. As I have said in the past year and a half, almost two years ago, when we set out to write this local air plan, we didn't know how to do it. We really had no idea how this would work. We learned how to do it in the process. I will freely admit we don't know how to implement it either.

I'm sure you're familiar with the plan. You know that it involves not just one agency or even two agencies, but it involves multiple agencies with multiple lines of authority. And while most of those folks have come to our table and said we're willing to continue to participate. We still don't know how they bring their authority to this process. We still -- we still don't know exactly how and under what circumstances the City of Oakland, for example, you know, uses its authority for zoning and conditional use permits, and business licensing to help reduce exposure in our community. We are all going to learn hopefully how that works.

It is also going to require the de-siloing of authority. I think it will be very productive to get
multiple agencies at the same table saying, well, here's what we can and can't do, and, oh, we can fill in the gap there. And if we -- I think it's a new way of governing actually and a new way of regulating.

And so it's a grand experiment, but we think it has tremendous -- tremendous potential, because we've seen it work in the past, this notion of collaborative problem solving as opposed to confrontation.

Next slide.

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MR. BEVERIDGE: No more slides. All right.

You're lucky.

Blessed relief.

I do want to add -- I do want to add something about the future, and it is a very important one. And it has to do with what I'm sure you're all familiar with the issue which is the resources to do this work.

We have to have in communities -- and all the other communities that need to do this work, and all the air districts that are supposed to engage with us, and all of these communities and do this quality of work need resources. They need -- we need more resource than we've already had put into the bucket. And it's -- we can't be fighting every year just to hold ground on the same thing.

You have probably heard from the Air District,
the kind of staffing they need to really do this work well. You've heard from communities about what they need. And in many cases, I think where we don't know yet how much facilitation, mentoring, education, hand-holding, and other types of support communities are going to need.

We are here in West Oakland very lucky in the place we hold at this time, based on the work we've been doing. We have sort of specialized in engaging with government agencies and building partnerships for collaboration and with the private sector.

Many communities not only are not well organized, because they haven't had the capacity to do so, but they do not know how this works, how these -- what these vital partnerships look like. So we need to -- we need to be pushing upward. All of us need to be pushing upward with this message, that last year's funding probably isn't enough for next year, and next year's may not be enough for the year after that.

But this is fundamental to our society today. We cannot achieve the goals we have in mind for ourselves using the same allocation principles of resources that we've been using for decades and decades.

We have to think about how we're going to reallocate the primary sources of funding and how that will reflect on our actual intentions.
So I'll leave that for everybody to think about.

Thanks.

MS. RODRIGUEZ: My name is Mercedes Rodriguez. And I was invited to be a part of the AB 617 by Ms. Margaret Gordon and Brian Beveridge. They always get me involved in community action and I am a community member. I've been in West Oakland since 1974. I'm also an Neighborhood Watch Block Captain for almost 20 years. I'm representing BayPorte Village Neighborhood Watch today.

I'm also the President of the West Oakland Library Friends. And I'm on the Board for the West Oakland Walk, which is a part of the Downtown Specific Plan and the West Oakland Specific Plan.

So the reason that I'm here is because, after listening to Ms. Margaret and Brian, they gave you all the technical information regarding what we've been doing for the last year, and I've been attending these meetings from the very beginning, and air quality is very important for West Oakland.

From my understanding, over this past year, the air quality in West Oakland is one of the worst basically in all of California, not to say just Oakland, you know, but all of California. And in my neighborhood alone, most of the children and older people are suffering from respiratory problems.
One of my neighbors, she has all kinds of medical problems. I just talked to her a few months ago and I said, you know what, I'm a part of the AB 617 air quality steering committee board. She says Mercedes, you know what, my doctor told me about a few weeks ago that within the last 18 years is the only time that I started having respiratory problems. And she has a whole slough of medical problems. But only within the last 18 years -- and we bought our homes 19 years ago. So she started having respiratory problems once she moved into the neighborhood of West Oakland. Didn't have those problems before.

So air quality is very important for us. In West Oakland, we have schools. We have children. We have a lot of elderly people. In my neighborhood, there's a lot of elder people. In fact, where I live at there's three senior citizens facilities in my general area. All of these people are suffering some -- from some kind of asthma or respiratory problems.

We need to get this resolved. The AB 617 air quality board steering committee they've done tremendous work over this past year. The steering committee is made up of community members, public officials, even a youth group is a part of our steering committee. We have all sectors of the community at the steering committee.
One lady in particular, Pat McGowan, I was talking to her. She retired recently, but she was a part of it from the City of Oakland. She actually came out to my residence on three separate occasions when I told her about the quality of air that I'm experiencing from the truck exhaust. I live across the street from Jack London Gateway Shopping Center. That happens to be a place where big rigs park in order to get food from the Kentucky Fried Chicken place and also Jack London -- what do you call it? Jack in the Box or McDonalds.

I don't even eat there. I've lived in that neighborhood for 40 some years. I don't even eat Kentucky Fried chicken or McDonalds. I'm into health.

(Laughter.)


My chimney -- I keep my -- I even wash my own house. I have a power washer. However, the chimney -- even though I don't use my fireplace. In 20 years, I've uses it twice -- it's full of soot from the trucks that are -- that -- the refrigerated trucks that keep their motor going right in front of the house.

And as I said, three senior citizens facilities are right in that two-block area. So we need to do
something about air quality. It's very, very important
for our community.

The children, the schools -- there's a school a
couple of blocks away from where the Jack London Gateway
Shopping Center is. Those trucks are passing by there on
a continual basis. They actually need a place where they
could go on the port, so that they could get their food
and stuff. I had a tour of the port yesterday, we did.
Okay. We had a tour of the port. They need to have
facilities for people to eat there, the truckers, so that
they won't have to go into the community and keep those
refrigerated trucks going.

As a community member and a neighborhood watch
block captain, I have to watch out for what's going on in
my neighborhood. I work closely with the Oakland Police
Department. And one of the things that I did was, as a
result of those trucks parking, I actually went to the
City of Oakland and told them you need to do something
about it.

Their result was they put signs up on both sides
of the street at my request. No trucks 7,000 to 10,000
pounds. Do you know the trucks park right in front of
those signs with the refrigeration unit going sometimes
for up to an hour. And this is all times of the day and
night.
I've also talked to the parking enforcement. They could make tons of money, if they would just give those trucks tickets, because they're illegally parked there. And I am very bold. So I'll go up to them and say, look, don't you see the sign. I've always been like that. I'm from New York. I'm not -- I don't scare easily.

(Laughter.)

MS. RODRIGUEZ: I really do not scare easily. So I would go up and approach them and say, look, I have your driver's license info -- your vehicle information, who owns the truck, the license information. You're not supposed to be parked here. Can you please move?

Well, we're going to move as soon as we finish our lunch. That's not good enough. When I call OPD, by the time they get there, I have all of the information, but they will not do anything about it, because the vehicle is no longer there.

So a part of this AB 617 plan, we need to make sure that enforcement is a part of it. Because without the enforcement, what is the use of it. Right now, we don't have enforcement, even though we have all of the mechanisms there in order for the law to do what it's supposed to do, but it's not being down.

Like I said, Pat McGowan came to my house, my
location, three separate times, so she understands. She understood what the problem was, but it hasn't been resolved yet. So once this plan -- hopefully, you do adopt the plan, because it's a wonderful plan. We've been working on it for over a year, well over a year, all of the organizations together. It's an excellent plan.

Everything that we recommended was taken into consideration. So please look at this plan, think about all the effort that we put into it. And I've never missed one meeting. Every single meeting I've attended from the very first meeting, which is what -- which was at the West Oakland Library. The same room that I have my West Oakland Library friends meeting on a monthly basis. So this plan is excellent.

The people that worked on it did a great job as far as I'm concerned. I don't -- maybe other people have different opinions. But as far as I'm concerned, I don't have anything bad to say about the process that was used, the locations that we were at. Everything was in perfect order. Ms. Margaret also always provided food, as she says.

(Laughter.)

MS. RODRIGUEZ: So I would recommend that you adopt the plan, and hopefully the enforcement will be a part of that, because we need the enforcement. The plan
is great. It's wonderful, as far as I'm concerned, but we need enforcement to go along with it. Plus, we're going to need funding for it. My co-worker, my co-steer person will follow me.

MS. MACDONALD: Thank you very much. My name is Karin MacDonald. And I am the co-steer person. I'm also a neighbor and a steering committee member.

I am going to piggyback onto some of the things that my neighbor just outlined and also my neighbors, of course, Brian and Ms. Margaret.

My representation came -- I'm basically representing the Prescott Oakland Point Neighborhood Association. Prescott Oakland Point is a neighborhood right up -- up here, right up the street. And we're eligible for inclusion in the National Register of Historic Places if we ever were to get it together. That's where all the beautiful Victorians are. It's really a pretty wonderful place when you're looking at the architecture. It's not so great when you're leaving your house and you actually have to breathe.

But you've heard all about this. I've lived here also for about 25 years. Bought my house about 20 years ago, 21 years ago now. And as Mercedes has just pointed out, many of us are also involved with many other activities that are neighborhood based. And I'm guessing
you hear this everywhere there's neighbors involved.

It's -- you know, it's kind of the same old people that are -- that are involved with a lot of the things here.

This particular process was an interesting one. I -- my -- you know, my last participation on kind of a greater level that had to do with agency collaboration was on the Redevelopment Board for West Oakland. So that was an interesting one also.

This one here was different. It seemed like we had more responsibilities. And I'm hoping you're interested in hearing this, by the way. As neighbors -- I think we had four neighbors on the committee, maybe three -- four -- or four neighbors that we're on the committee.

We were also kind of responsible for communicating everything about the plan, and whatever was going on to our neighbors. And that was a lot of work and really a huge responsibility. I mean, we're clearly not -- this isn't a full-time job for us. I mean, you know, Mercedes has a few jobs, so do I. And sometimes it seems like -- how do I say it? It seem like you're selling stale beer, because people don't want to -- you know, people have better things to do than listen to you about air quality, even though everybody knows it's a problem, but, you know, you walk around with your, you
know, fancy maps, or, you know, a report that is this fat and good luck to you.

(Laughter.)

MS. MACDONALD: So but -- but nevertheless, I think we all learned a lot, a lot more than we probably thought we would learn about science. But one thing I always point out is we're not -- you know, we're not professionals in that particular field. We're educated people, but we're not -- you know, we're not air scientists, or -- you know, I took botany when I had the opportunity. It was definitely not -- you know, definitely didn't seek out science. So this was a little bit of a shock to the system, some of the explanations.

So I think when you're looking at maybe dealing with other communities, one thing that would be -- that I would recommend is just to really emphasize more explanations on a -- you know, on a better understandable level. I don't think you can implement anything like this at all, if you don't have, you know, an organization like the West Oakland Environmental Indicators Project as a trusted resource, as people that are living, you know, in the neighborhood that are well known, and that can provide some translation services so to speak.

We definitely had problems bringing in people, you know, with different language backgrounds and
different ethnicities. But we had problems bringing anybody in -- everybody in. It was difficult, definitely. Sometimes you're kind of suffering from doing too good a job representing your community, because everybody goes, well, if you're there, we don't have to worry about it. But, you know, it's not a preferred scenario. Clearly, we would have liked to have packed the rooms a little bit more.

Let me say just a few things very quickly about implementation. And again, I'm going to echo some of the items that were already discussed here. We're definitely going to need funding to implement this plan. And one thing that I'm really concerned about personally is when you're looking at this plan and you're looking at these strategies, what's -- what really pops out is that there is a necessity for a lot of political will to make things happen.

So it's not all about money. It's really also about politics. Some of this could really, very easily be done if the will were there, because I think funding strategies are in place and, you know, if that -- if the will were there, this could happen.

So we can use all the help that anybody wants to provide, but we're really open to collaborating with everybody. We're willing to show up. We're willing to
say something, if that helps. We're willing to bring a few neighbors with us, but something really needs to number.

And where I see that issue, the political will issue, really most clearly is when we're talking about 580. So we're sending all of I-580. So right now, all the trucks are going onto 880. I mean, 880 is -- you know, if you can avoid it, you do, because it's -- it's like the hell freeway. You know, you don't want to breathe. You kind of breathe in and then you try to breathe out when you're off it.

There -- it's just lots of trucks. And then 580, there was no trucks on 580. Well, what a miracle, you know. Who has political power here? We all know how this works. So there is probably things that could be done, if the political will were there. We would really like to see some sort of, perhaps, a pilot program, look at like certain lanes perhaps, just look at something, just make something happen there. Because that's going to make a big -- a big difference for us.

And then also, we will really -- yeah, enforcement, of course. That's a huge one, because we have all heard -- you know, we've been there before. We've all been on I don't know how many committees. This is perhaps unique. It's definitely unique.
It was a lot of work. It's great. You know, we now really have something. We can walk around with it. We can say, hey, this is your responsibility. Please do it. But, you know, again, if we don't have enforcement of some of these issues, then this was all for nothing. We really, really do need enforcement. And again, this goes back to funding and political will, so it kind of just all rolls into one.

And finally, for the implementation committee, and for implementation strategies, I think an ongoing commitment by various agencies to provide staffing, and really staff just like we had for this process, staff who really are interested in making this happen, because we were really golden with the staff that we had. We had really great people that were participating from these agencies.

I mean, again, I know that Mercedes had, you know, a colleague who -- you know, an agency member who came over and came to her house repeatedly. And I know that somebody who's sitting right here came by my house when I was complaining about certain things, and was riding his bike up and down the street to figure out a particular source of pollution. So thank you very much.

(Laughter.)

MS. MACDONALD: So, you know, it's just very
important. So thank you very, very much for your
attention. I hope you'll adopt this plan.

AIR POLLUTION SPECIALIST SCODEL: All right.

Thank you to Ms. Margaret and Brian for your
presentations. And thank you to Mercedes and Karin for
your comments and sharing your perspectives.

So West Oakland is one of the first set of ten
communities, selected under the Community Air Protection
Program. And today's action by the Board marks an
important milestone in the statewide effort to improve air
quality in impacted communities.

So as we work to implement these community scale
efforts, we're already identifying lessons learned to help
improve the program overall and deliver emissions
reductions.

I'm going to talk briefly about CARB staff's
review and recommendations on, Owning Our Air: The West
Oakland Community Action Plan. These recommendations are
specific to West Oakland, but can also inform local
efforts in other communities. And I think we already sort
of heard that raised by Mercedes and Karin and what they
were sharing.

So CARB staff reviewed the plan with a few things
in mind. We looked at comparing it to the statutory and
the blueprint criteria. We considered the comments and
perspectives that we heard at steering committee meetings and other outreach events. And we also reviewed the public comment letters submitted on the plan itself and on our staff report.

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AIR POLLUTION SPECIALIST SCODEL: So one of the best ways for our program as a whole to improve is by identifying key strengths that can benefit other communities.

In West Oakland, there were several aspects that we want to highlight, and Ms. Margaret and Brian have already touched on some of these.

First, the District partnered with the West Oakland Environmental Indicators Project, a well-established community-based organization with a strong community network and technical capacity. This enabled them to form a community steering committee before West Oakland was even selected by the CARB Board and to hit the ground running.

And then to support their joint leadership of the process, the District and the West Oakland Environmental Indicators Project signed a partnering agreement that clearly defined roles and responsibilities for the process. And you heard a little bit about that already.

The steering committee operated collaboratively
and focused on achieving consensus. And many steering committee members mentioned that they felt heard and appreciated throughout the process, and that their viewpoints were taken seriously.

And so we're pointing out the West Oakland model as one approach to community leadership and engagement, that really ensured community voices were at the center of decision making.

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AIR POLLUTION SPECIALIST SCODEL: We've heard broad support for the plan. And today we're recommending that the Board approve it.

However, we've also heard concerns about implementation, particularly about prioritization, and resources. The plan has enormous potential to reduce exposure to air pollution in West Oakland. So strong implementation, coupled with clear mechanisms to attract progress and measure success will be essential.

To strengthen implementation, we've identified a set of recommended actions for the district, the steering committee, and CARB to continue to work together on. These actions fall into three main areas, reduction strategies, tracking progress and enforcement, and technical enhancements. And so now I'll just touch briefly on those three areas.
Under reduction strategies, our recommendations are focused on prioritizing the list of strategies included in the plan and detailing how implementation will work. For example, the steering committee has raised land-use and transportation as major issues to address. And the plan includes numerous strategies for local agencies with authority in these areas, like the City of Oakland and the Port of Oakland.

To ensure that these strategies are implemented, we are recommending that the District work with the steering committee and CARB to identify which strategies will require new commitments from other agencies, and to define specific engagement mechanisms to secure those commitments.

Under tracking progress and ensuring effective enforcement, our recommendations are focused on identifying clear mechanisms to support tracking progress that everyone can understand and follow. For example, the plan includes a set of example metrics, but recognizes that more work is needed to fully define how they will measure progress.

We're recommending that the District, the steering committee, and CARB build on these examples to define clear action-based metrics. And as part of that progress, it will be important to identify data sources
and tracking frequency to enable everyone to evaluate plan effectiveness over time.

Finally, for technical enhancements, our recommendations are focused on ensuring that the technical work can be used to inform strategy development and track progress, and that the steering committee has access to emissions information and easy-to-use formats.

As you heard, the District did a lot of work developing a community scale model to better understand exposure. However, they did not have adequate time to include all emission sources.

To help fully characterize exposure, we're recommending that the District define a clear path to incorporate all emissions into the model, and continue to work with us to finalize and share comprehensive emissions inventory data with the steering committee to complement the modeling results.

Taken collectively, these recommendations are designed to help define and measure success in West Oakland and build on the potential of the plan. And as we've already talked about, lessons learned from the first year will help future steering committees in the Bay Area and statewide.

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AIR POLLUTION SPECIALIST SCODEL: You know, we recognize that the plan is the result of an extensive community collaboration that we've already heard a lot about already, and we commend the steering committee district for all their work.

With these considerations in mind, staff recommend that the Board approve the West Oakland Community Emissions Reduction Program and direct the District to work with the community steering committee and CARB on the identified actions.

We're also recommending that the Board direct the District to provide updates on these actions in the annual reports required by AB 617.

So this concludes the staff presentation. The CARB staff and we have District staff, as well as the community members seated at the table will be happy to respond to any Board member questions before we turn to public comment.

Thank you.

CHAIR NICHOLS: Questions?

Oh, public comment. All right. Let's -- all right. Let's turn to the public next. That's fine. I think that's -- that will help enrich any discussion that we may wish to have.

So let's begin with David Wooley.
MR. WOOLEY: Good after -- evening, everyone.
I'm David Wooley.
Is it on?
I think so. I'm Director of the Environmental Center at the Goldman School of Public Policy. And we've been involved -- the Environmental Center has been involved in this for quite a long time. Back in 2016 and '17, my predecessor convened a stakeholder process that explored these issues of -- particularly of air pollution hot spots. And I think that effort contributed to the passage of AB 617.

I joined the effort about two years ago, when we went -- began into the implementation phase, participated in most of the co-lead meetings, on virtually all of the steering committee meetings as an observer. And under a grant from the District, we have been preparing an independent study of the air quality -- of the community engagement on the plan, and including surveys of the participants. And Lily MacIver, who's the principal researcher on the will speak later I believe. She's a graduate student at Public Health and Planning Schools at UC Berkeley.

This was a very successful effort. And it produced a comprehensive plan. And I expect an effective abatement plan, if there's strong support for the
implementation. The District staff, the steering committee, and WOEIP were very effective.

I want to just highlight a couple of things that are important to use to think about in other community efforts. One is the co-lead model of a community group with the District was very effective. And I recommend that that be replicated in other communities.

I'm a supporter of the development of the new exposure modeling effort. It gives important information allowing greater ability to target abatement actions at the neighborhood level. And it should be used in other AB 617 communities, where there are complex and diverse air pollution sources in the inventory.

Everybody that we talked to wanted more time for this. And this is complex. It takes time to do the engagement. And that's one of the things we keep hearing, that more time for this kind of activity is important.

And going forward, strong funding for this will be very important. And I know that there's a -- there's a complex competition essentially for funding in one case for financial incentives for pollution controls. But I think we need to find a balance between those demands and the demands to really empower these communities.

One -- could I just say one more thing. There's -- I think there's a nationally important story
going on here. You know, I've been involved in Clean Air Act work since before the 1990 amendments. And I know this is the unfinished businesses, these air pollution hot spots. And I think that this process was effective and can be used in other states and communities. And the irony is that I think that although environmental justice concerns were, at one point, a threat to some of the underpinnings of the carbon controls in California, in the end, AB 617 is a new driver for also getting at these carbon emissions. And my guess is that any national attempt to deal with climate will also have to have this important environmental justice an equity element to it.

So I recommend that you recommend that you approve this plan.

Thank you. And sorry for the over time.

MR. BROWN: Good evening, Chair Nichols and members. My name is Bob Brown. I represent the Bay Area on behalf of the Western States Petroleum Association. Thanks for allowing me the opportunity to share a few comments. AB 617 represents really the first of its kind opportunity to bring together a broad group of stakeholders and to advance a very important conversation around community air quality.

We've appreciated the opportunity to be a part of that conversation from the development of the blueprint,
to participation in the steering committee and communities where we operate, Richmond of course being one. And Richmond -- thank you, Member Gioia, for your leadership in that area as well, because it provides an important example of allowing a productive conversation to occur, a very diverse stakeholder group. And also shout-out to the Bay Area Air District for both their work and support in making sure the community and the community steering committee is front and center, and them as a public agency offering the support to help, you know, steer the data and the science to help drive that conversation.

And the people who live and work in the community are running the process. Folks are getting a voice in how that process is designed and carried forward. And I think it's -- really, I think the Bay Area in looking at other regions in California offers a nice model for how to operate this program going forward. I've certainly seen that in West Oakland as well.

We recognize there are many lessons learned from this first year of implementation. And just like you would have with any program, there's a lot of work to do, certainly looking at source apportionment and prioritization of the many projects that have been enumerated here.

We certainly aren't always going to agree on
everything. But what's important really is that people are coming together to have hard conversations. And that's really the only way we're going to be able to find solution by -- by having those conversations and working together.

So there's a lot more work to be done. We are certainly convinced that if we can continue working together and continue this type of engagement, that we'll be able to find real solutions and be successful. So thank you again.

MR. TORRES: Hello. My is Christian Torres. I'm with Comite Civico Del Valle. You usually find my director Luis before you, but today I'm here.

I'm going to read a quick letter that we submitted today. This is on behalf of the AIRE collaborative, which is a group of organizations throughout the state of California that are working in AB 617 communities. One of our partners is West Oakland Indicators Project.

Dear, members of the. Board, the AIRE Collaborative would like to expose it's support for the approval and implementation of, Owning Our Air, the West Oakland Community Action Plan drafted by the West Oakland Environmental Indicators Project in partnership with the Bay Area Air Quality Management District.
This action plan outlines key strategies to reduce emissions and exposure to emissions that are in no way unattainable as well as strategies to improve health program access as a clearly disadvantaged community. The plan has been tailored for West Oakland, but this community action plan will also serve as a model for other communities to follow. We need a model like this as an example and template of community working with its air district and CARB to continue to define the intent of AB 617.

West Oakland faces different challenges than the ones that our -- that other AIRE partners face through the state. However, all of these communities share one similarity they have to confront historical and systematic adversity and marginalization. The implementation of this Community Action Plan will not eradicate decades of environmental injustices overnight, but it is the right step -- the right step into a more equitable future.

We're asking for you to approve this plan and commit to its implementation.

And I'd like to add something that's a little personal to me, because of the way the AB 617 is working, and that is that there needs to be more funding into this project. As mentioned, by Ms. Margaret, by Brian, by the community members, by staff, there needs to be more
support.

I myself work as co-chair on one of the steering committees for the AB 617 communities which will host you in two months. And we can tell you, the money that is being put into this program is not enough, and there needs to be more support. Working with local stakeholders is a tough issue to have. But with the right support, I know it's available. Thank you.

MR. BERENSHTEYN: Good afternoon. My name is Roman Berenshteyn. I'm here on behalf of the Bay Planning Coalition. We're a policy advocacy group that represents over 150 members around the Bay Area with a shared goal of building a more environmentally sustainable and economically viable region. And we'd like to express our support for the plan and recognize Brian Beveridge, Margaret Gordon, and all of the plan partners for all of the hard work that went into putting this plan together, and teeing it -- teeing it up to become the first AB 617 community plan to be adopted in the state.

This plan is a monumental step for both improving regional air quality and helping eliminate some of disparate health impacts felt in the West Oakland Community and will surely serve as a strong precedent for future AB 617 community plans.

So we're excited that the plan has come this far,
and we look forward to being a supportive partner as the plan enters the implementation phase.

Thank you.

MR. ABOUDI: Good evening. My name is Bill Aboudi. I'm with AB Trucking. We operate a drayage company. So all those trucks that they're talking about were not drayage trucks, because we're clean trucks, right?

We were the first to go through the clean truck program back in 2010.

Thank you.

We took a jump. We've learned from that rule a lot. I am an AB 617 steering committee member and I've been working with West Oakland for many, many years. This program, AB 617, the way it was set up in West Oakland is a collaborative process. That's the way it should be. Everybody is at the table. Everybody's concerns are addressed.

So we are in the trucking business, but we are also concerned about the health impacts of the equipment that we're using to do our jobs. We've learned a long time ago that proximity is the cause. And we are the closest to that equipment and that diesel emission. So we do support the efforts of this program.

There are some things that we've addressed. Land
use was a major part of that. We have trucking companies
that are business models are shifting and we need a lot of
land space. And not one trucking company at the port has
long-term leases to be able to have the infrastructure for
going forward and getting to the electrification or any
type of other fuel, unless you have a place that you're
going to be.

And month-to-month rentals of space for trucking
companies just does not work, if you're going to try and
clean the air. So that's why we have resistance of moving
to any other mode except for diesel because of that. So
we have to think very clearly as we're making these rules.
We need other partners to come in and make sure that the
infrastructure is put in to address those issues.

Just as a point, I think last Board meeting at
the port, they had month-to-month renewals. They have to
come up and renew the leases and advise the Board that --
when they reach a year. And there was almost 250 acres is
what they claim to be truck parking on month-to-month. So
that just tells you the issue that we're dealing with.

I'm running out of time, so I'll say thank you.

CHAIR NICHOLS: Thank you.

MS. MACIVER: Hi, everyone. Thank you for the
opportunity. And I'd really like to commend the
community, Karin and Mercedes who are here, Brian and Ms.
Margaret. As David mentioned, I'm working with him and we're doing a study on the process. I'd like to commend the process, and especially the sharing of decision-making power between the Air District and the community, which contributed to the success of the process. I echo Ms. Margaret, and Brian, and the community in general's concern over implementation and funding.

I'd like to ask the Board to please advocate for strong baseline funding for AB 617. Implementation needs more support. We need to also increase the resources to pay community members to participate, for the air districts to build out their staff, and the staff's competency, as Ms. Margaret mentioned, for community collaboration and engagement, and for the new modeling that the Air District is doing. That takes a lot of time and effort at this hyper-local level.

I fear that if consistent funding is not secured, AB 617 risks replicating historic patterns of policy volatility, that fail to deliver promised change and degrades community's trust in government.

I define policy volatility as when a policy is not enforced, not properly resourced, or when a policy is repealed or undermined. Why is this important? As researchers, we believe that AB 617 is an important evolution in policy and air law. AB 617 processes give
communities an opportunity to -- well, communities that have seen a lot of historic injustice to heal themselves.

Government rarely, if ever, has this function, holding space for community healing. It has been the opposite. Government policies have caused harm, have caused environmental injustice, et cetera.

AB 617 I think is revolutionary. It reverses this trend. It creates a venue for West Oakland and other communities to restore justice by improving the air and preventing racial and class based health disparities.

Thank you.

MR. MAGAVERN: Good evening. Bill Magavern with Coalition for Clean Air in support of the staff recommendation.

And I want to congratulate WOEIP and all the community members, as well as the Air District for your successful partnership. And I think this is really the kinds of community-driven process that AB 617 is supposed to engender.

We also think that the additional staff recommendations from the CARB staff will help to make the implementation of the plan more effective and improve enforcement. And as we look at all of the Community Emission Reduction Plans across the state, I think what we most need to see in those is, first of all, a
community-driven process, and secondly, tangible
reductions in emissions and exposures that go above and
beyond what was included in existing rules and policies or
those that were part of other plans.

This is supposed to address the cumulative
impacts of air pollution in the most impacted communities.
So we really need to see the 617 plans adding to what was
already on the books and giving the needed relief to those
communities.

Thank you.

MR. WAN: Good evening, CARB members. I'm Danny
Wan. I'm the Executive Director of the Port of Oakland.
So first of all, welcome to Oakland and particularly our
neighborhood West Oakland. And the Port, you may know, is
many of the 500 employees and the people who fill the
85,000 jobs the port generates, as we work, and many hours
in West Oakland. So we consider ourselves part of the
community here. Along with the neighbors and residents,
we are the West Oakland community. So welcome.

And this is why the Port of Oakland congratulates
and supports the community, CARB, and the Air District in
empowering this community in partnering CARB in
determining our own environmental and economic future
here.

And so we've heard much about the plan and
implementation of it. You heard from the community that
the implementation is absolutely important. I am proud
that the Port has a very good record of implementation.
From 2005 and 2017, the Port has reduced our DPM emissions
by about 80 percent. And we're which shooting for 85 by
2020.

And we -- and the drayage trucks you visited our
port this morning, you see many of the drayage trucks.
Well, those are the trucks that are already complying.
They're compliant. And in that same period of time, our
trucks have reduced their emissions by 98 percent. And
our ships, over 80 percent of our ships are plugged in
when they're parked at the port.

And I just visited Asia and many of the Asian
shipping lines inform me that they're actually very proud
that they have accomplished that accomplishment complying
with an 80 percent rate. And it is a California-specific
requirement that these folks have invested a lot of money
into.

Now, that's not to say we're going to need to do
more. The Port has adopted its own 2020 and beyond plan,
in which the goal is zero emissions. So we need to
emphasize electrical infrastructure. And we're already
examining many of the measures that's the community plan
to adopt as our own as part of our 2020 air emissions
plan. So certainly, we're committed to future implementation of the community plan as well.

And last point, and many of the community members also pointed out, in order to implement this, we need collaboration. The Port is absolutely committed. I just became the Executive Director, what, two weeks ago.

(Laughter.)

MR. WAN: I am -- of course, I'm committed to talking to West Oakland Indicators Project, the community, in terms of talking them ahead of time before we go too far down any projects that may impact the community. That is absolutely key. Collaboration means transparency in terms the of Port's plans, and in terms of consulting with the community ahead of time before the decision is already made. That's certainly a commitment you'll hear from me. And I know that Ms. Margaret, and Brian, and I have already had a conversation about starting that process.

So you will have our commitment and I support the plan. Thank you very much.

MR. PAYDAR: Hello. My name is Naveed Paydar. I'm with the California Public Utilities Commission. Thank you, Board members, CARB, steering committee, community members for all your leadership on this issue. So I've heard a couple times throughout the day already that you guys are looking for collaboration, you're
looking for partnership, you're looking for support and
resources, and funding. And that's what we have at the
CPUC and that's why I'm here to offer --

BOARD MEMBER GIOIA: You're here to give us
money, right?

(Laughter.)

MR. PAYDAR: Absolutely, John. And John -- John
is a good friend of mine. So we are here, because the
Commission is -- the CPUC is committed to social and
environmental justice. And we've just last year passed
our social and environmental justice action plan, which
goes beyond SB 350 to really look at the impacts on
disadvantaged communities of all of our programs. So the
CPUC we regulate electricity and natural gas and other
things. And we have a number of programs that will help
meet some of these goals.

The CPUC passed their social and environmental
justice action plan. Two of our Commissioners spearheaded
that. That's Martha Guzman Aceves and Cliff
Rechtschaffen. We have an amazing five Commissioners at
the CPUC right now, four of which are women, four out of
the five. Four of those women are -- three of those women
are women of color. Our -- we have a new President,
Marybel Batjer, who is amazing.

We are here in the spirit of partnership. I
brought with me a report that we -- we've developed through Martha Guzman Aceves's office that looks at how you meet these goals that we're here to hopefully approve today and how you can use CPUC programs to help do that. So I have that report right here.

I want to pass it out to everyone. She's got one, but I have about enough for the Board members. I also have my business card, so that -- my role also is local government and community liaison. So I'm going to pass out, as many as I can, of my business cards out, so that if you have any questions -- and this -- this is about an 80-page report. And it looks a lot of our programs, but it's really just a primer of our programs. If you have any questions about it, you know, please contact me, contact other CPUC staff.

The programs are designed to meet these goals and to have specific set-asides for disadvantaged communities. We have the Solar on Multifamily Affordable Housing Program, which provides free solar on low-income multifamily housing that benefits the tenants. That came out after the Solar on Single-Family Affordable Housing. We have the Electric Vehicle Program that sets aside tens of millions of dollars for disadvantaged communities to install electric vehicle charging stations at their workplaces and at their resident -- at their homes, and
many more.

And this is -- this report just came out a week ago. So it's got the most comprehensive list of the CPUC's programs that we have right now. And there's a lot of them.

So we're here to help. And thank you all for your leadership on this.

MR. JACOB: Good evening, Madam Chair and Board members. Mike Jacob with Pacific Merchant Shipping Association. Good to see you again today.

We don't have an official position the plan, per se. There are some of the strategies we embrace, such as funding incentives for trucks, and harbor craft, and some things we have concerns with, including Indirect Source Rule.

But we wanted to show up tonight to embrace the key strategy component, and which was referred to by several of the other speakers with respect to separating industry and residential uses. That's not only a protection for residents, that's a protection for industrial businesses. And to allow us to do our jobs in a way where we don't have impacts, where we don't have the situations that we need to turn around and mitigate or regulate later.

And we think that that is exceptionally important
as a strategy for moving forward, both for improving the existing conditions for residential communities in West Oakland, but also for preserving the industrial use of -- at the Port of Oakland going forward.

Right now, the Port is under some pressure from the City. And there are other considerations with respect to the potential reuse of property at the port, which could have up to 30,000 new residents within our current industrial buffer zone. The application of these strategies will help push back on that type of encroachment that will not only increase our cost of doing business, but also put new residents and sensitive receptors directly into a place where then we'd have to turn around and adopt new rules and new mitigations.

And that's something we should be strenuously avoiding. So moving forward, again, we applaud AB 617 planning that's going on in West Oakland with respect to the existing residents but we also think it should be applied proactively. You should be looking at how does this maintain industrial buffer zones where they exist right now. And we'd like to make sure that this Board is a key in making sure that that implementation component is not lost too.

Thank you very much.

CHAIR NICHOLS: Thank you. That concludes the
list of witnesses who've signed up to testify.

I don't think there's huge amount of suspense about what's going to happen.

(Laughter.)

CHAIR NICHOLS: I hope nobody is in doubt.

But I think it might be useful if Board members had a chance to either ask questions or make comments at this point about where we are in the process.

And I'm going to start by asking everybody, I guess, to really address the question of what next? I know it was in the presentation, but it was, let's say, a little bit general, in terms of, you know, going forward from today. We presumably will endorse, adopt, approve the plan. What will you do tomorrow, what should we do tomorrow to then bring this into fruition?

I'll turn to you.

MR. BEVERIDGE: Tomorrow, I have to go to Santa Clara and do a different job. But in the weeks to come, our next -- our steering committee is still meeting and in the -- at the December meeting, we will take a deep dive into what they think the process of the steering committee looks like in implementation. We have not demanded that the same group of people commit to the next 15 years. But certainly, if that leadership will stay in place, it will be a great advantage as we figure out exactly what the
structure is.

As we've said, we've had a meeting every month of the steering committee. We have had weekly meetings with the District for planning. We think the planning probably will continue to be fairly intensive. Hopefully, we will find -- we will get into a stride of some kind, and we'll have a kind of standard process.

We expect to have a series of subcommittees that will meet, special subject category groups that will meet to dive deeper into our strategies. So the work will continue in a formal and structured way. We know we're required to have a quarterly meeting. We expect to continue our monthly meetings in some form to continue to have facilitation support to carry out those meetings.

In -- coming -- in the coming year, we really -- we have to begin to dig into these individual strategies. We've said all along that they are -- they are somewhat malleable, especially those that don't fall within the direct purview of the Air District or CARB.

CHAIR NICHOLS: Um-hmm.

MR. BEVERIDGE: And there was great concern on the part of the city, and business, and a variety of people. It's like do we -- does it have to say exactly this? And we said, well, it's going to say that for now. You know, the wording will be what the wording is, because
we have to have wording.

But it is a collaborative process to figure out how any particular strategy comes about. So that will continue to be a process of diving deep into subject matter, of finding the resources among a group of stakeholders, of finding the right approaches to these solutions, and always looking at are we moving in the direction of the -- of the intentions of the plan and are we doing that in a way that's equitable, because equity is going to be at the center of this pro -- of this implementation.

So we expect in January that we will convene the steering committee and we will begin to discuss the structure and the work itself. The process is so -- as you've heard, much of this is about what is the process that gets us where we need to go, whether it's partnering agreements or it's collaborative models and methodologies, education of the stakeholders, and a shared vision.

So we will take the structure we have. We will probably have to make some small modifications, but we don't intend to lose a grip on the key elements, community-centric leadership, and a rich partnership with our local air district.

CHAIR NICHOLS: And other than sending checks, which, you know, we should probably want to do, what do
you want to see from CARB specifically as our next steps?

MR. BEVERIDGE: Do you want to speak on what we want from CARB?

MS. MARGARET: Yeah. Well, CARB -- one of the things that we're going to have to have, and I'm just going to put it out there, we've got to have some kind of formal agreement of what is CARB's role and tasks as a new entity sitting at the table with us as co-lead. Is that their role? We're going to have to have this -- going to have to have this discussion, because -- really, I know -- I know the people from the last year, but I don't know the people who's going to be sitting at the table. That's a whole different thing. Because CARB staff come to our meetings and they never say nothing. Don't -- I'm serious, they say nothing. They don't criticize. They don't -- you know, so we need to have that really frank conversation, what is your role, what is your task through some form of agreements.

Because I cannot, in my own principles, move forward without understanding that, because it might not work.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: Some people don't need to be in community. And I'm saying that, some staff do not need to be in community. They need stay in their little
cubby-hole --

(Laughter.)

MS. MARGARET: -- if they got one. Stay at their desk. Don't come out.

(Laughter.)

MS. MARGARET: All right. I'm just going to say it. Some staff don't -- I have had that experience, because I don't want to --

CHAIR NICHOLS: Somebody has to be in a cubby-hole.

MS. MARGARET: Yeah, well -- because I'm willing to tell you the thing you turn to come through the door, it's the same thing you turn to get out of here, all right.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: So it's just that frank and that blunt that some people do not understand community engagement. They have not had any training.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: They don't understand what is the process. And I'm very leery of people coming in that -- if that's going to be part of my role to get them to understand these baby steps, let's talk about it.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: I don't want to be -- have a
hidden agenda behind --

CHAIR NICHOLS: Right.

MS. MARGARET: -- what we -- what we see as important and have value, and they don't see the importance or have value, because it's based on some statute, or some policy, or some mandate that's inside CARB.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: And I need -- we need -- clearly need to understand all those things as we move along.

And one of the next things I want to do I've got to get in touch with the guy from the PUC, all right, because we have other projects -- other projects outside of just with AB 617 that these --

CHAIR NICHOLS: Right. He's over there standing up.

(Laughter.)

MS. MARGARET: All right. We have other projects that -- other projects that could contribute to -- we need funding to contribute to do part of emission reduction, especially one of my favorite programs that I have been instigating for a long time is indoor filtration.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: And within the neighborhood especially where the hot spots is. And I live in the hot
CHAIR NICHOLS: Um-hmm.

MS. MARGARET: And I live in a building that's -- it's a newer building that's 25 years old, but we have no -- the electrical system that we have does not support indoor filtration.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: So I'm really, really looking for how do we work with the housing provider and the other nonprofit housing providers in the neighborhood to support the most vulnerable and the most impacted have indoor filtration.

Our school is going to have it.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: Our school is have -- one thing, after all these years, our public school in our neighborhood will have indoor --

CHAIR NICHOLS: That's great.

MS. MARGARET: -- indoor filtration after all these years. But that's one of -- those are the things I see that's important for next steps.

MR. NUDD: Can I respond to Ms. Margaret real quick.

CHAIR NICHOLS: So while we're being candid, where is the city, where is Oakland? I mean, a lot of the
measures that we're talking about here are directly
related to local --

    MS. MARGARET: The City does not have -- the City
does not have control of the school district.

    CHAIR NICHOLS: No. No. No, I'm not -- this is
not about that specific issue, but just more generally.
    So go ahead if you -- this is a free-flowing
conversation and others will join me soon.

    MR. HILKEN: Sure. Absolutely. Chair Nichols,
the City has a huge part to play in this. You saw that
one slide that sort of summarized --

    CHAIR NICHOLS: Um-hmm.

    MR. HILKEN: -- the different types of controls.
A lot of them are city measures, land use and
transportation measures.

    CHAIR NICHOLS: Um-hmm, right.

    MR. HILKEN: They've been great partners. The
City has been on the steering committee. And we
continue -- my staff met with them this morning, so
there's already a -- to your answer questions what happens
tomorrow.

    CHAIR NICHOLS: Um-hmm.

    MR. HILKEN: I think it's working with some of
those key partners, the City and the Port --

    CHAIR NICHOLS: Um-hmm.
MR. HILKEN: -- to sort of drill down and where is there common ground between the priorities that the steering committee is laying out --

CHAIR NICHOLS: Right.

MR. HILKEN: -- and plans and programs that the City and the Port have in mind already, and let's --

CHAIR NICHOLS: Um-hmm.

MR. HILKEN: -- let's -- let's join those together, what does the City and Port plan on doing and where are the steering committee priorities? And let's drill down and focus on those. But this -- I'm not sure if the City has a representative here tonight, but they've been very good partners and we have -- we'll continue to work with them and they've made their commitment very clear.

CHAIR NICHOLS: Great. That's great to hear.

MS. MARGARET: The City staff did show up for the tour yesterday.

CHAIR NICHOLS: Um-hmm.

MS. MARGARET: We did have City staff on the tour.

MR. NUDD: And, Chair Nichols, I want to just interject a couple of things. I think one of the big challenges in the City of Oakland and a lot of these other impacted communities is going to be resources on the city
and county side, right?

These are communities that have experienced
disinvestment and underinvestment for decades.

CHAIR NICHOLS: Right.

MR. NUDD: And so their capacity to participate
in the planning and the implementation of these measures
is going to be challenging.

You asked earlier about the role for CARB moving
forward in the implementation. To riff on what Ms.
Margaret was talking about with the indoor air filtration,
that's a new kind of thing, right? The Air District has
never stood up a indoor air filtration program. CARB has
never done one as far as I know. Our read of the statute
that's associated with the investment with the inventive
funding is that this is something that should be fundable
under the incentive program.

So the flexibility of the CARB staff and the
willingness to work within the community's desires and the
community's direction --

CHAIR NICHOLS: Um-hmm.

MR. NUDD: -- is going to be very helpful as we
move into implementation.

BOARD MEMBER BALMES: And in terms of indoor
filtration, if I could jump in, it would also be very
helpful for those bad air days with -- due to wildfires.
MR. NUDD: Yeah. We're --

BOARD MEMBER BALMES: Ms. Margaret, go to the
school next time there's a bad wildfire.

MR. NUDD: Yeah, we're hopeful -- we're hopeful
if we can stand up a program and a model in West Oakland,
we should be able to expand that to the impacted
communities throughout the air district. And hopefully,
we'll get some funding for wildfire centers as well.

CHAIR NICHOLS: I'm going to be quiet and call on
other people who want to speak. And I think just --

MR. BEVERIDGE: I wanted to -- I wanted to add
one thing. One of my steering committee members passed me
a note with the word "advocacy" on it. And I think it's
going to be very important that boards like yours advocate
across the governmental chain and up to the Legislature.
Because what we've done here is an unusual thing and not
everyone really understands what it is. They don't
understand it's a plan. A lot of people know about plans,
but they don't understand the process that got us here.
And it is somewhat, I would say, innovative, if not
revolutionary.

And I think that that's a powerful element of a
role that this Board can play, and that the Agency as a
whole can play. And I think figuring out how to partner
more, there's some needs to transfer, allocate, or pass
some authority probably. Our cities need to better understand how to enforce air quality regulations. Frankly, they don't know how to do it at all, because it's never been under their purview really.

So it's something as simple as how to write a ticket for a truck that's idling. They don't know how. They don't know if they should. They don't know what reg they should use. So I think there -- there's some real strong need for education from the Agency to municipal governments and to the enforcement agencies within municipal -- municipalities.

CHAIR NICHOLS: Great. Thank you.

BOARD MEMBER RIORDAN: Madam -- oh, excuse me. Sorry, I was going to call on John and then you.

BOARD MEMBER RIORDAN: Okay.

BOARD MEMBER GIOIA: First, I want to thank Ms. Margaret, Brian, Mercedes, and Karin all for your really eloquent presentations and your whole time. And Ms. Margaret, thank you for also providing advice to those of us in Richmond and the AB 617 process there. I think that's been very helpful.

I think we all know Oakland has had a head start on every other community in California working on this, because you've been working on this for years. And it shows in this plan, a really thoughtful plan. And I'm
happy to say this is the second time I'll be voting to approve the plan. The first time was as a member -- is as a member of the Bay Area Air Quality Management District. And so I just want to make a few comments, similar to some comments -- to some comments I made there. I think the work is just starting or a different phase of the work. And where the rubber meets the road is going to be how this plan gets implemented. Because AB 617 un -- didn't really change the authority of any agency. What it did is set up a community process for the community to identify the pollution reductions that need to occur. So the next step -- and that's why I think in looking at sort of -- in the CARB staff report under some priorities, I think what's going to be really key is both listed as, one, prioritize the strategies and further study measures, and develop an implementation plan for the highest priority strategies. And two, identify the strategies that require commitments from other agencies to implement and include engagement. I mean, your plan I thought was really well thought out, because not only did you list your 89 strategies, you listed which agency is responsible for implementing that strategy, whether it's the City of Oakland, the Port of Oakland, the Air District, or the Air Board, or the County, all of them have a role.
And so as you indicated, advocacy is important.

And so while resources is important, I think equally important is action and political will of the Air District Board members on which I serve, this Board, the Oakland City Council, the Port of Oakland, because ultimately, the plan is only as good as these other partner agencies implementing what's in the plan.

So I don't want to -- I don't want to undervalue the importance of money and resources, which we all need to advocate at the Legislature. But let's not undervalue the political will that it's going to take, because when you go either to our Air District Board or to the City of Oakland and say we need this new policy or regulation, remember, that's going to be a whole public process, and there will be interest groups on all side of that process.

So there may be interest groups who said, okay, this plan is fine. It's just a plan. But when it comes time to implementing the plan and passing a new law or regulation, that's where folks will fight. And you know that, because as a community you've already fought. But one thing I said this morning and I'll say again, the West Oakland community has shown an amazing ability to advocate and make a difference. Because I said -- you know, we're at the 40th anniversary of Loma Prieta and folks remember that this community fought rebuilding the freeway, which
was four blocks away from here along Mandela Parkway,
because of all the diesel -- I remember and -- that fight
from folks in this community.

They convinced Caltrans and others to relocate an
interstate freeway. That's a big deal. And if Oakland --
West Oakland can convince federal and State folks to
relocate an interstate freeway from out of their
community, I think you can be successful in getting all of
us collectively to successfully implement this plan.

So I think, again, there's a lot of work. And
I'm glad to see the -- I mean, the Port's commitment here.
And I know Danny Wan has a commitment here. I mean,
your -- you were elected by residents in West Oakland to
the East Bay MUD Board many years ago, so it's unique.
You understand what it's like. We served together on the
East By MUD Board many years ago. And then you were on
the Oakland City Council really working to better West
Oakland as well. So it's great to see you in that
position and commitment with the Port.

And I know the community is going to -- is going
to hold your feet to the fire, as they should. And it
would be nice to see someone from Oakland here. I know
it's good to hear that they were involved in the process.
But land-use issues are going to be really important,
And so I'm really excited, but it's -- I'm waiting to see and help in the next -- really in the next phase of this. And I know we're all committed collectively to make that happen. And finally, I want to thank the Air District and its staff, both current and former Air District staff, who I see are here, who really a worked hard to work and support the community on this. And I know that’s the same approach that you're all taking in Richmond.

And I've gone to every, except one, AB 617 meeting in Richmond. And I know we've got a long ways to go in Richmond and we're watching closely what you've done here. And I think it's helped informed us. And so we always welcome your advice, but every community is going to do it differently. So thank you for really a successful effort and we'll now roll up our sleeves to really what's the most important part is getting the action to get it done.

CHAIR NICHOLS: Mr. Riordan and then Dr. Balmes.

BOARD MEMBER RIORDAN: Thank you.

First of all, let me congratulate all of you for being a role model. This is, I think, an excellent plan. And particularly, I think it's because you've had a lot of experience. And it has made for a plan that hopefully other communities can follow.
But just in a more casual way, let me ask a question of you four who are sitting here. There are communities that are identified in other parts of the state, who have not been active in their quest for cleaner air. What advice might you give, just a very quick what would you do? What would you suggest for a community that's sort of just beginning?

MS. MARGARET: First, you've got to learn -- first thing first was that how do you keep people at the table to develop the trust and the relationships. What steps does it take to do that? And also have neutral facilitation. Not to have somebody from the community, not somebody from the agencies be at the head of the table.

And it's a shared process. If it's not a shared process of the good, bad, and the ugly, it does not work. You've got to be able to have certain mechanisms in place for -- to get a shared process and a shared momentum of how you're going to move forward, not move back, but move forward.

And people have got to put their stuff on the table. If you're not going to put your stuff on the table and you go back, you go back and write something or say something, and it get back, and you had opportunity to say it in front of everybody, that is going to be a problem.
So trust, relationship building, having a system that's set up that is a shared process, shared value, shared -- going beyond just input and feedback. That's what I see is very important.

And also understand the research and the data. Very first thing, you have to be -- have somebody ongoing, if nothing else to interpret it in such a way -- and it's not dumbing down, but to be able to talk at you -- with you and not at you.

BOARD MEMBER RIORDAN: Okay.

CHAIR NICHOLS: That's great. Thank you.

MR. BEVERIDGE: I would say, and this is the essence of our work, educate ourselves and share it with your neighbors. And then let people decide what's important to them. If we share the right information, people will say I understand. That must -- that's important to me too. Finding the knowledge is sometimes a challenge. Starting from scratch you find some graduate students who need a project. You ask them a question. Go -- you know, go research this for us, if you would. Write us a little report. You know, you just start to educate yourself and you find sources of knowledge around the issues that you need. And as you begin to share that with your neighbors, that's the essence of organizing.

We always talk about how do we organize a
community? Well, you start to talk to each other. That's the first way you organize, and you start to share something besides your anxiety.

(Laughter.)

MR. BEVERIDGE: You begin to share knowledge, even if it's your own intrinsic knowledge, and you build a body of knowledge that you can begin to share with others and you can begin to use in places like this. And eventually, we find partners who can help us expand on that knowledge. And I would say that's a good starting place.

Do you have any thoughts?

MS. RODRIGUEZ: I would say that basically you need to find people that have the same like mind as you, people that are interested in the same types of air quality that you are. Once you have a group of people that are interested, they can branch out to other members in the community to find out if they're interested, so that they could go to the public and find out ways in order to accomplish a goal. They also will have to work with public agencies and also community agencies in order to get something like that to happen.

But the key is to all -- everybody to work together. If they don't work together, nothing is going to happen. That's how we were able to do so great with
this AB 617. The CARB, West Oakland Environmental Indicators Project, the City of Oakland, community organizations, we all worked together over this long year in order to get this AB 617 draft here for you. So working together is the key.

    BOARD MEMBER RIORDAN: Thank you.

    MS. MACDONALD: I think if you're starting with a community that perhaps is not as well organized with respect to environmental concerns, I would say that having some peer learning, basically bringing in somebody like West Oakland Environmental Indicators to give a presentation, I think you're going to be work -- there are going to be activists wherever you go. There are people that are interested in something. And those are people that know specific segments of their communities and probably have some trust of certain segments of the community. I think that that is a good place to start, and then bring in somebody from another community, either, you know, perhaps neighbors other steering committee members to talk to them, and explain the process to them. I think this kind of neighbor to neighbor, peer to peer knowledge and information sharing is very powerful, in particular when you're asking people to make a long-term commitment to something, and when you're asking people to really put a lot of time into something
that they don't know will work. We've all been on -- I mean, we've all written plan, after plan, after plan. And they're all at the West Oakland Library, as we always say, you know.

So hopefully this one here will be, you know, getting a little bit more airtime and will actually be implemented. But I think that is probably the same for other communities. They may not be as active, but I think that is where I would start.

BOARD MEMBER RIORDAN: Thank you all very much. Appreciate it.

CHAIR NICHOLS: Dr. Balmes.

BOARD MEMBER BALMES: Thank you, Chair Nichols. So I'll start by saying that I'm going to build on some of the comments from my colleague Supervisor Gioia. And to try to save time, I agree with almost everything he said about the fact that there's going to be a lot of political will that's going to be needed to get these various governmental agencies to work on implementing the plan.

It's been a real pleasure and honor of mine to be the Chair of the AB 617 Consultation Group, of which Ms. Margaret is an active participant. And if I've learned one thing from Ms. Margaret, and I've learned more than that, it's land use, land use, land use, and that's
complicated.

We heard testimony earlier today up front about the -- about how there's no long-term facilities for truckers -- long-term lease -- lease available for trucking companies at the Port of Oakland. I'm not blaming anybody, but that's an Issue. If electrification, which we need for the port trucks can occur.

Certainly, the City of Oakland has a lot to say about land use. And I'll just say that the bulk terminal that is right adjacent to the port and is another potential source of exposure to the citizens of West Oakland is a whole nother issue. And obviously, the city has been fighting to prevent coal at that terminal. But even if there's something other than coal there, it's going to be an issue for exposures to the community.

So I really am very proud of what you all have done. In terms of working together, working with the District, I'm proud of the district as well, but -- and I'm also proud of CARB staff for not saying anything. Maybe they should do a little bit more, but they haven't -- they've been trying to not get in your way. And we'll learn how to be better partners in the future during implementation. You know, I heard you, Ms. Margaret, about your concerns.

But, you know, it's -- CARB, the District, and
your steering committee, you know, it's not enough, as you
know. I'm not telling you anything you don't know. So
I'm not sure how to best advocate for that -- the
cross-governmental agency collaboration that we need,
other than to advocate. And I certainly am willing to do
that. I'm willing to go to meetings of local and city
council with you, if that's necessary, or meetings with
other Oakland staff. I'm committed --

BOARD MEMBER GIOIA: He went to the Richmond City
Council, so he's -- he means what he says.

(Laughter.)

BOARD MEMBER BALMES: Because I'm committed to AB
617, the success of this, because it -- as several people,
my colleagues, at UC Berkeley, glad you're here, Mr.
Magavern and others, this is potentially transformative
effort that has residents and application outside of
Oakland in other AB 617 communities in California, but
outside of California.

If we ever get a federal administration that's
interested in environmental justice again, AB 617
successful implementation is key to moving forward
elsewhere.

So I just want to say that I'm very proud of what
you've done and I want to continue to support you in any
way I can. I'm a busy guy, but I am -- I'm serious about
going to meetings, if you need me.

Thank you.

CHAIR NICHOLS: Yes, I'll call on Ms. Takvorian and then Ms. Mitchell.

BOARD MEMBER TAKVORIAN: Okay. Thank you. Thank you, all. A lot has been said. Congratulations.

BOARD MEMBER GIOIA: Speak closer.

BOARD MEMBER TAKVORIAN: Sorry. Is that better?

CHAIR NICHOLS: Yes.

BOARD MEMBER GIOIA: Yes.

BOARD MEMBER TAKVORIAN: I've generally not been accused of being too quiet, but --

(Laughter.)

BOARD MEMBER TAKVORIAN: -- that's a good day. I don't remember when you and I met first Ms. Margaret, but I remember that we were all angry about something. And Ms. Margaret was leading us to try to figure out a solution. So you're continuing to do that.

I guess -- I know it's been said, but I'm not surprised at all that you all are in the leadership here, because you've been doing for decades. And so I just want to be super clear for anyone who's not, that this didn't happen in any year, or a year and a half, or two years. You know, you all have been working on this for a very long time. And so this really represents some of the best
work -- the best environmental justice work in the State of California.

And I think we are looking at a model that many of the rest of us in environmental justice communities can emulate, and we can also try to support, that it should really be going a whole lot further than it's going, even in your own plan. And that's not a criticism. It's a stark reality that our communities are suffering. They've suffered for decades.

And while this plan is a great reflection of collaboration, and partnership, and patience -- I want to give you kudos for patience -- it doesn't get those kids that we were talking about this morning that have been born -- last week, I think you're great grandchild -- cleaner air by the time they're out of elementary school, right?

So it's -- I know that we have to work the process, but we really, really, really need to do something that's moving us forward faster than we're moving at this point. And I think -- I think we all agree with that. So the question is how do we do that?

Because CARB -- and you asked, Ms. Margaret, about what CARB's role would be. Well, 617 is not just about creating a plan, it's about creating emission reduction. It's about getting the actual reductions in
our communities. So the rubber needs to meet the road here. We have an obligation, I think, to make sure that happens.

So that's -- you've done all this hard work. I think CARB needs to ensure that we're with you all the way in -- with the authority that we have, along with the Air District to make it happen.

And so I have a question for staff, and that is, you know, when do we hear back? How can we hear back soon for some -- to -- for the implementation of some of these elements of the plan that are so critical. Because while I'm thrilled that there were a number of people standing here that are saying they support the plan, it would be great if the City of Oakland were here saying, and here's the parcel that we're going to allocate for this truck stop, and here's -- and we're not going to allow this kind of housing to be built right next to the port, again like we saw on the tour yesterday, and the list goes on.

So I would love to be at another meeting in a year, where folks are standing up and making those commitments -- specific commitments that will get us those specific reductions, because I know that's what you're asking for in the plan.

And we want to support that. And so I wonder if that wouldn't be supportive to say in X period of time
we'll back here and hope that that's what the lineup looks like at that point.


MR. BEVERIDGE: I wanted to say where we are looking for these other agencies, like the City and other agencies that are called out, to, in some way, certify this plan, whether it's through a resolution at city council, or some administrative act. I don't know what it looks like, but that's something that we think is one of the ways to put some teeth to it.

We need -- we need more than happy thoughts and, you know, nice things said about it. So that's something -- that's one of our next advocacy challenges is to get those agencies that aren't mandated legally to do this work to say, yes, we're committed to it in some formal way.

BOARD MEMBER TAKVORIAN: So is it helpful to you if CARB joins you in that expression?

MR. BEVERIDGE: Yes.

(Laughter.)

BOARD MEMBER TAKVORIAN: So when can we do that?

OCAP DIVISION CHIEF MAGLIANO: So as Anna said, there are requirements for annual progress reports that have to be submitted. And that would be in the October time frame.
But I think as we go through the Board hearing, all of these Emission Reduction Programs, it may be useful to identify things that you might specifically like to hear back and be tracked. And we could come back sooner for a report back to the Board, say in the summer, just to make sure that we are seeing ongoing progress on these, in addition to the annual progress reports.

BOARD MEMBER TAKVORIAN: Okay. So we could invite all of those agencies that are -- have some responsibility in the plan, and the other plans going forward. Because the other thing to say is you all are really leading the way and on the cutting edge, but we've got another plan that will be presented next month, and the month after that. So we're trying to set the framework here for what this is going to look like.

And I think it would be great if those organizations and agencies could come forward at that time. We would invite them to come, because, you know, there's legislators that might be interested in buffer zone ordinances along the lines of the guidance that CARB did, what, 15 years ago.

So, you know, there's other ways to get this to happen - so you can't take the advocate out of me completely here.

(Laughter.)
BOARD MEMBER TAKVORIAN: - that we -- that we
could explore. But we'd prefer not to do that, if the --
if the municipalities could go forward. So let's express
that invitation now and hope that they will be here with
us.

Thanks, Karin.

MS. MARGARET: One of the first steps that we
need as far as engaging the city, we need to have a
meeting with the Mayor, the city administrative head, the
head of planning, head of the Oakland Department of
Transportation, the City Council President, and the
president -- the city council member for West Oakland. We
need to have that meeting ASAP.

BOARD MEMBER MITCHELL: Thank you. I think
you've done wonderful work here to put the plan in place.
But the biggest challenge is in front of us, and that is
how do we implement this plan?

But -- and through your plan, we see that you've
outlined -- you've outlined the strategies and then you've
outlined who's responsible for those strategies. And all
those people that are responsible for the strategy need to
be at the table. They need to maybe sign this resolution
that you have mentioned Brian and we have to work through
them. There may be some more people that aren't in there.
But I think your terminal operators, your fleet operators
should be part of this whole project with the ports.

But I also want to say that as this plan started coming forward, the name that stood out was this name Ms. Margaret. And I thought, well, Ms. Margaret. What is Ms. Margaret? This sounds like a legend. This sounds like --

(Laughter.)

BOARD MEMBER RIORDAN: -- an icon of some kind.

And why is it Margaret? Does she have a last name? It's just Ms. Margaret. Everybody knows Ms. Margaret.

(Laughter.)

BOARD MEMBER RIORDAN: And I will say having met Ms. Margaret, I can see why she's known that way. She is a legend in the community and she certainly has been a moving force over all these years. And I want to congratulate you on what you have done here and to get your community involved. And Karin, Mercedes, very competent people who were part of this process. I'm so glad to see that we have people like you stepping up.

And I do think what Diane has said, that whatever we can do as either Air District Board members, or CARB Board members to help you implement this is important. It may be that a CARB person goes to the city council meeting for the City of Oakland and helps push forward the -- a resolution or a plan for them to commit to be involved in implementing the plan or what other agencies. We have the
Port of Oakland here, so I think we're going to have them on board as well, so -- but all of these different agencies that we need to help us get this plan in place, we need to have the commitment from them, and we'll help you get that.

CHAIR NICHOLS: So, yeah, go ahead.

BOARD MEMBER GIOIA: So I have a specific ask right now of CARB staff. One of the things the Board directed staff to do - I know I advocated strongly for this - is the development of a Freight Handbook that would actually have -- be a toolkit on strategies and policies for both city and county land-use agencies and local communities. We're working on some of these strategies already in North Richmond for any new warehouses.

So what's the timing of that? Because we -- the CARB staff has been working hard on developing a document which can be used by advocates and help city and county planners as you look at the land-use policies. So what's the timing of that, Richard? I know that that's -- that's actually something concrete that we can do to help -- to help local communities.

EXECUTIVE OFFICER COREY: It is, Supervisor. And it came from direction of this Board. We have a draft. We actually are having it reviewed by OPR, as well as some other --
BOARD MEMBER GIOIA: By the Governor's Office of Planning and Research.

EXECUTIVE OFFICER COREY: The Governor's Office, and plan to get a draft out shortly after that. So in the near term, the next few weeks, we plan to get that draft out, the concept, the write-up that really lays out with a focus initially on large warehouses, because really that was the conversation of -- at the same time we were focusing on correcting 617 communities and really reducing emissions and exposure, what steps were being taken to avoid creating new ones?

CHAIR NICHOLS: Actually, we could use some help from the folks here to get that document out of the Office of Planning and Research, because they are not happy -- well, I don't want to put it too strongly. But the idea that CARB is out there developing guidelines in the land-use area that relate to air quality wasn't necessarily met with enthusiasm by our colleagues.

So I think the idea that the communities want this document would be something that would be useful for them to hear.

Go ahead.

VICE CHAIR BERG: So staying on the subject of implementation, because as you have correctly said, the devil is in the detail, and we have our partners here with
the District, one year goes by and all of this work --
you're going to have a lot more meetings, how are we going
to look at -- how are you going to look at the priorities
and the time frames? And Air District staff, and CARB,
how are we going to specifically measure success in
responding to priorities and time frames?

So first, community members, if you can help me
understand how are we going to establish the priorities
that you want to address first and kind of, you know, how
are you going to look at the time frames? And then I'm
going to call on both of our agencies as to how are we
going to report out those time frames, so that we're on
the same page with you, and that we're measuring the same
thing, so when we're back here a year later, we're not
talking past each other.

MS. MACDONALD: Let me start by answering this in
a more general way and then I think Brian is going to be
very specific and a lot more elegant.

For us, the -- when you're look at the
strategies, you're seeing that we have identified the
various agencies or jurisdictions that are responsible or
that have power to implement them. I think part of that
reasoning is that when we're looking at priorities, I
think we'll be looking at priorities within these
responsibility areas, because -- just because something is
more important and this specific agency is responsible for it does not mean that everybody else, who may not be responsible for something as important, should just be sitting there and twiddling their thumbs. So I think there's going to be, you know, multiple avenues of approaching that. That's at least going to my suggestion. So I think that is one thing.

Thank you to everybody who said that they are going to help us with the city. I want to just say something. It may not be popular here in the room, because we're all holding hands and singing Kumbaya, it is one thing to come to a meeting and go on a bus on a nice bus tour, and it is a totally other thing to actually then figure out how to implement something like this.

So whatever -- please, please do come to the city council meetings. Please invite them to your meetings. Please ask them for progress. Please ask for specifics. Whatever you can do to help us, we really appreciate your help. And that is probably not just to -- not just for the City of Oakland but for some other agencies also, but definitely for the City of Oakland.

So I'm going to pass it on to Brian.

Thank you.

MR. BEVERIDGE: I think one of the first things we have to do is be -- as you're saying the word priority,
prioritization is going to be very important. The plan looked at a multiplicity of other plans. One of the things -- exercises we did with our steering committee was to say here's a whole bunch of other plans. Here's what they all say they're going to do. Let's not duplicate work. Let's not re -- let's not renegotiate or, you know, rediscuss things that are already in the pipeline somewhere.

Let's -- we did -- we didn't use the word, but we did a gap analysis essentially saying what's missing in all these other plans? Let's focus on that in our plan.

So one of the first things to do will be to say what's already in the pipeline? What's already being done that moves this plan forward? It is -- as I'm sure you know, one of the great challenges is just having the right hand know what the left hand is doing. It's like, oh, that agency was doing that. I wish we'd known before we started this initiative over here.

So that will be one of our primary things. We also want to set a fairly short timeline for action. I think we're going to say what can we -- you know what things can we really move in 18 months, not five years? Well, we do have a five-year sort of threshold mark and another five years.

So we're -- we're thinking in terms of this
rolling sort of 18-month timeline for action. So we'd be looking for things that are, I won't call it, low-hanging fruit as such, because that suggests that they're easy. But we will be looking for things that -- that the people around the table can say that's doable in six to 12 months.

We'll be looking for -- sort of lost my train, but -- oh, we also have to determine, because as you've probably read, some of our strategies aren't sort of like this many pounds of reduction of something. So we're going to have to discuss metrics to achieve some of these strategies. And we have had some deep discussion about metrics, and measurements, and achievements in the course of our steering committee meetings, and some things, where it says such and such agency will pass a policy. Well, the first question will be did they pass it? You know, the next question will be did they fund it? The third question will be did it do any good?

And so we're going to have to figure out a set of metrics for a different -- for some different kinds of policies than what we have all -- typically been addressing in -- where air quality is concerned.

I think as we move from emissions reduction at a tailpipe or smokestack into some of these areas of exposure reduction, we have to do some real thinking.
We're probably going to need some more expertise to come to the table and help us to figure out what are we going to measure to know year to year, decade to decade if we're making any progress.

MS. MARGARET: And I would add that we have to have continuous air monitoring to see if the -- if the -- if what we asked about regarding the emission reduction is really coming together.

CHAIR NICHOLS: Did it happen?

MS. MARGARET: And the modeling. We need both of these simultaneously as part of the process. Whatever happens, that has to happen ongoing, because -- and also the ability to get information from the county and the county public health to see if the conditions of people have changed, if they really are -- if they have changed. There's not as many children having asthma attacks and not as many children going to the emergency services for -- emergency hospital for services of -- as reduction. We need to have a -- that type of comprehensive process ongoing.

We've got to -- those two things have to happen. Now, that's the only way we're going to find out if -- by zip code or census tract that this really has -- really is happening.

MR. BEVERIDGE: This might be an area that this
body, as well as others, could help with. We have, as
you've seen in the maps, this highly granular, highly
resolved data at a 60 meter street segment on black
carbon, for example. We don't have any data, anything
like that for public health. And it's very challenging,
because the privacy, and HIPAA, and all of those
challenges.

But we won't be able to begin to say that if we
reduce the concentrations in the middle of my block,
whether it had any benefit, unless we're able to link that
to public health outcomes. And so this is a challenge
that starts at the State on what kind of data is reported,
what's collected by hospitals and health programs, what is
actually reported, and what's available to researchers and
agencies so.

I think this is a very important piece, as we
look at this notion that everything is becoming more
personal. So air quality is now becoming a personal
issue. It's not demographic-wide, it's not regional, it's
in front of your house or in your living room.

And so we can't determine whether you're any
better off, unless we know something about what's
happening to you in relation to the air quality.

CHAIR NICHOLS: So I think that's something that
you could task us, or our staff, with doing, which is to
help gather what's available and to help figure out how to
get what we do need to answer those questions.

And it reminds me that one of the first things I
meant to say was to congratulate you on the naming of your
plan, because you didn't just use the statutory language
for what it is. You actually gave it a title, which is
called *Owning Our Air*, which I think is brilliant for all
the reasons we've been talking about here. So that --

VICE CHAIR BERG: Before we leave this topic

though --

CHAIR NICHOLS: All right. You're interrupting,

but go ahead.

VICE CHAIR BERG: I know.

CHAIR NICHOLS: I'm not leaving this topic.

VICE CHAIR BERG: Oh, good.

(Laughter.)

VICE CHAIR BERG: But I had asked the Air

District also to chime in --

CHAIR NICHOLS: Okay.

VICE CHAIR BERG: -- on the implementation,
because I think it's really important that we all leave

here with an understanding what everybody is committed to.

So I'd love to hear from the District.

MR. NUDD: Thank you for that question. My name

is Greg Nudd. I'm a Deputy Executive Officer for Policy
at the Air District. I apologize. I should have introduced myself earlier.

To build on the prioritization criteria that were mentioned before. Because we did that exposure assessment modeling, we can prioritize emission reductions with incentives, based on what gets the most bang for the buck. And so I think we can take those incentive funds and focus them on things like harbor craft, which are not that well controlled, and happen to be at the end of their lifecycle. So I think we can replace some tugboats, make some short-term changes.

Other than that, I think really our prioritization is going to be driven entirely by what the community steering committee tells us. In terms of tracking, we have, if you look at the plan, each of the -- each of the measures has a rough timeline, which was discussed as when the plan was put together. And, you know, our expectation in terms of reporting is that our primary customer is the steering committee. And reporting out to the steering committee, this is what we said we going to do, this is what did or didn't do, and here is what we're going to do next to keep up with where we're behind.

And I don't know if Henry has anything to add to that.
MR. HILKEN: I don't have a whole lot to add. I think Greg, Brian, and Ms. Margaret really covered it. This is a topic that your staff has really been pressing us on also in our conversations. So many of the measures do lend themselves to quantification, as has been said. So rulemaking that you do or grants that we do --

BOARD MEMBER GIOIA: Or rulemaking the Air District Does.

MR. HILKEN: And rulemaking that we do. We're good at quantifying that and we can provide data on the outcomes of those rules and incentives.

Some of the other measures, indoor air filtration or enforcing idling limits, for instance, those are harder to quantify emission reductions. But certainly we'll track progress on actions taken. And as Ms. Margaret mentioned, the measurements, the air quality monitoring is going to be very important.

We have a contract with Aclima that's going to be doing more measurements in all West Oakland streets. And the frequency, it will be at a minimum annually. And as Karin mentioned, if there's a desire for more frequent interim reporting, we would certainly work with your staff to do that as well.

MS. MARGARET: In closing, I want -- I'll say this, Owning Our Air is one of -- a part of one of the
principles of environmental justice, of
self-determination. If we don't -- you --
self-determination is about owning something, is about the
leadership, is about including everybody. So Owning Our
Air came about based on the fact that is a principle of
environmental justice.

VICE CHAIR BERG: And that is what's so
impressive about this. So a couple of things, what's
really helpful is to know what isn't working, what is
disappointing you before a year from now. So if we're
missing the mark on something, to know sooner than later,
and how we can help on that, I think, would be key.

And we didn't talk about one of the number one
things, and that is the resources and additional funding.
So I'd like to offer that soon, whenever it's -- you know,
soon in your meetings, let's start looking at what
resources do you need? What budgets do you we need? If
we could quantify some things, at least we know what to
advocate for. And that would be helpful for me
personally. Thank you. And thanks very much to the
District.

CHAIR NICHOLS: This is not quite done yet, guys, so...

MR. BEVERIDGE: We're working on it.

(Laughter.)
BOARD MEMBER GIOIA: We have lots to say here. So, you know, I get that, you know, what -- the Air Board, Air District all asked to help advocate to Oakland and advocate for each other. But as someone who's been a locally elected public official in Richmond for 30 years, there's nothing more effective, right, and more powerful than the community coming to that elected body and advocating for itself.

And as one who's advocated and folks who advocate to me, I think our role as agencies is to give the tools to community to be the most effective advocates as well as our self-helping. And that's why things like the freight handbook are so important, that ultimately the more we empower communities, then when we're all long gone, the community itself - and you've already done this, right, successfully - are more effective.

You -- hundreds of people, dozens of people from West Oakland going to the Oakland City Council or to the Port of Oakland Port Commission to advocate is even more effective than us individually going. I'm not saying we shouldn't and we will. But the community is the most powerful. And I say that as someone who hears from the community all the time in Contra Costa County and in Richmond. And looking around at my colleagues on those Boards, I know they're are all impacted more by hundreds
of community residents showing up and advocating for themself.

And that's the principle of environmental justice, right? And that's why I think our greatest benefit is helping provide the information, the tools to help communities advocate the most.

And finally, what I'll say, is I think what's been interesting about this process is sometimes the sources of pollution are not other -- always the ones who we always see or first think about. I think that's what's been so valuable in this process. And I think about that in my own city in Richmond, that the sources of pollution are very complex, and having this process help to find and provided the data to see that it's things that we don't always see and think about. It's not just the stationary sources, right? It's mobile sources and even mobile sources that we don't always appreciate. And that's also what's been valuable about this.

MR. BEVERIDGE: I just want to say we're not asking you to go to the city council alone. We're asking you to stand behind us, while we get up and say what needs to be done, because that's -- one of the most powerful things we've learned in our partnering is that you walk in the room with, what I call, broad shouldered friends, and you get up and you say what you need to say. And, you
know, your friends just need to listen and be present.

And so that it's very powerful when communities
have -- when you have our back, when we're stepping up to
try and ask for something new.

CHAIR NICHOLS: Hear, hear.

You know, we're here because of a failure of the
Clean Air Act to deliver healthy air, but particularly a
failure that affected the communities that we now call the
617 communities, and that is a failure of environmental
justice. And having been involved with the Clean Air Act
from its very beginning in 1970, and the plans that were
put together by states and communities, there -- a
tremendous amount of progress was made, but it wasn't
distributed evenly or fairly.

And so we ended up with communities that, in
fact, did not get the benefits of what was supposed to
have been delivered. The process worked great for a lot
of areas. And a lot of the process that got there is very
similar in a way to what we're recreating here. It's just
that we're creating it with the constituents of people who
are the ones who are directly affected now by what didn't
work.

So I'm mindful of the fact that we can learn some
lessons from the battles that went on going back to 1970,
including the importance of the data, of course, and
publishing, and the results, and having the right kind of
monitors get to people, but also by the ability to have
accountability and sanctions, if there isn't -- if we
don't deliver what we have said needed to be delivered,
which didn't really follow through in all of our
communities.

So I think this issue about gaining political
power, as several people have commented, is something that
we can't lose sight of. We just -- we have to look at all
the tools that we have to use in that regard and make sure
that we're working together to develop the kind of power
that we need to overcome the basic inadequacies of the
system as it exists today to get us where we need to go.

I think we've all said, you know, how impressed
we are and how grateful we are to this group for having
gone first. And I think we can -- we can't say it too
many times, but it's just -- it's just the beginning.

So if anybody has any additional comments.

BOARD MEMBER GIOIA: I'll make a motion to
approve the plan.

BOARD MEMBER BALMES: Second.

CHAIR NICHOLS: Let's do it. We have a motion.

We have a second.

I believe it's a unanimous, but we'll -- I'll
ask. All those favor please say aye?
(Ayes.)

CHAIR NICHOLS: Any opposed?

Any abstentions?

Great, we approve the plan with enthusiasm.

Thank you.

(Applause.)

CHAIR NICHOLS: And I think that's it for the day -- the meeting.

All right, the meeting is adjourned.

(Thereupon the Air Resources Board meeting adjourned at 6:18 p.m.)
CERTIFICATE OF REPORTER

I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing California Air Resources Board meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California, and was thereafter transcribed, under my direction, by computer-assisted transcription;

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of December, 2019.

[Signature]

JAMES F. PETERS, CSR
Certified Shorthand Reporter
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