

**American Lung Association in California – Breathe California – Friends of the Earth
Natural Resources Defense Council – Pacific Environment – Sierra Club California
Union of Concerned Scientists – West Oakland Environmental Indicators Project**

October 7, 2009

SENT VIA EMAIL

Ms. Joan L. Lundstrom
48 Frances Avenue
Larkspur, California 94939
Chair, Harbor Safety Committee of the
San Francisco Bay Region

Re: CARB Ocean-Going Vessel Fuel Rule

Dear Ms. Lundstrom:

The above-listed organizations write to urge that the San Francisco Bay Region Harbor Safety Committee decline the request of the Pacific Merchant Shipping Association (PMSA) and the Western States Petroleum Association (WSPA), expressed in recent respective letters, that the Harbor Committee recommend to the California Air Resources Board (CARB) to suspend non-compliance penalties under CARB's ocean-going vessel fuel rule. We believe that current safeguards associated with the rule, as well as its importance to public health and welfare, weigh strongly against such a drastic proposal, which would severely undermine the rule's effectiveness. We further urge the Harbor Safety Committee to continue to help facilitate the rule's safe and environmentally beneficial implementation.

For the following reasons, the CARB ocean-going vessel rule should be maintained in its present form. First, the rule provides sufficient regulatory flexibility by offering two broad exemptions, for safety and essential modifications. The latter exemption has already been approved for over 275 vessels, which compose approximately 15 percent of the total number of ships that visit California ports annually. Second, any propulsion loss events that have occurred (15 reportable incidents from July 1st through August 2009) have been handled successfully without further incident because several procedures and practices are already in place to minimize casualty risk. These measures include notifying U.S. Coast Guard authorities about a propulsion loss, utilizing tug escorts, and beginning to switch fuels outside of the 24 nm boundary. Further, one should bear in mind that propulsion losses are not exclusively confined to fuel switching activities, but occur routinely for various other reasons as well. Third, as with any new regulatory measure, there is a learning curve, and implementation is not always seamless. It is reassuring to note, though, that propulsion loss incidents since the first of July have held steady (6 in July, 4 in August, and 5 in September), with broad efforts underway to push that number to zero. Lastly, relaxing full implementation of this rule will do little to adequately prepare ships to comply with the future fuel switching obligations of an IMO-sanctioned Emission Control Area – extending 200 nm off the California coast – which is likely to come into force by mid-2012.

In addition, the public health and welfare benefits of the CARB fuel rule are dramatic. As compared to normal bunker fuel use, implementation of the rule in 2009 will immediately result in reductions of 74 and 81 percent for diesel particulate matter and sulfur oxides, respectively, with additional reductions of 9 percent in 2012 for both substances. The substantial scaling back of ocean-going vessel air emissions will reduce incidences of cancer, cardiovascular illness, asthma, and hospital admissions, and will assist in achieving federal and state ambient air quality objectives. Finally, from 2009 to 2015, the rule will be responsible for avoiding a staggering 3,600 premature mortalities in California.

We thank you for considering these comments, and ask that this submission be included in the minutes for the Harbor Safety Committee's October 8, 2009 meeting in Richmond.

Respectfully submitted,

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CC:

Rich Smith (Vice Chair), General Manager, Westar Marine Services
Captain John Z. Strong, Chair of the Los Angeles/Long Beach Harbor Safety Committee
Captain Paul Gugg, Commander, Sector San Francisco, U.S. Coast Guard
Lt. Col. Laurence M. Farrell, Commander, U.S. Army Corps of Engineers, S.F. District
Gerry Wheaton, National Ocean Service, Coast Survey Representative for California
Chris Peterson, Chief Wharfinger, Port of Oakland
Thomas Wilson, Port Maintenance Manager, Port of Richmond
Ron Chamberlain, Safety and Security Manager, Port of Benecia
Aaron Golbus, Wharfinger, Port of San Francisco
Margot Brown, National Boating Federation
Richard Nagasaki, Area Operations Coordinator, Chevron Shipping Company LLC
Captain Marc Bayer, Manager Marine Assurance, Tesoro Refining & Marketing Company
Captain John Cronin, Vessel Manager Marine Operations, Matson Navigation Company
John Berge, Vice President, Pacific Merchant Shipping Association
Marina V. Secchitano, Regional Director, Inlandboatmen's Union
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Pat Murphy, Operations Manager, Blue & Gold Fleet
Captain Bruce Horton, Ship Pilot, San Francisco Bar Pilots
Sarah Randall, Program Director, Institute for Fisheries Resources
Steve Edinger, Administrator, OSPR
Captain Gary Toledo, Oil Spill Prevention Specialist, OSPR
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