



**For Immediate Release:** Wednesday, July 22, 2009  
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## **Oakland Port Commission Vote Urges Congress to Ensure Ports Have Real Power to Clean Up Diesel Truck Pollution; Improve Security, Safety**

### **Commission Resolution Sends Strong Message: Federal Law Must Be Updated so Trucking Industry Cannot Tie Up Life-saving Environmental Policies in Court**

(OAKLAND, CA -- July 21, 2009) . Signaling that the status quo in a deregulated trucking market is unacceptable, the Oakland Port Commission tentatively voted in favor of a resolution Tuesday calling on Congress to modernize transportation policy so there will be no doubt that ports can set and enforce trucking industry standards to make goods movement sustainable for local communities and workers. The Port Commission directed staff to make some minor language changes to the resolution, and authorized the Executive Committee to give the revised resolution final approval during their meeting scheduled for July 30<sup>th</sup>.

Our nation's ports need the tools to protect public health by holding industry accountable to a more responsible means of transporting goods, said Port Commission President Victor Uno who introduced the resolution. Unless Congress brings transportation law into the 21<sup>st</sup> Century, we will fail to permanently reduce the toxic diesel pollutants that are contributing to serious illnesses such as asthma and cancer amongst children, port drivers and residents.

The Oakland Port Commission's action appears to be in response to efforts by the Virginia-based American Trucking Association to stop key elements of Southern California ports Clean Trucks Programs from going into effect. The ATA's legal maneuvering is hamstringing efforts in Oakland to move forward on a concession program with company clean-vehicle requirements and employment responsibilities to meet environmental, local hire, public safety and security objectives.

A coalition of port truck drivers and more than 80 environmental, community, public health and faith organizations, which has been calling for reform of the Oakland port trucking system for more than three years, immediately applauded the Port Commission's action. The Commission is taking the right steps toward holding the highly polluting industry accountable, said Christine Cordero, of the Center for Environmental Health. This is a step in the right direction towards a long-term sustainable solution to protect communities and workers.

The Coalition for Clean & Safe Ports is advocating for instituting a concession program in Oakland in order to lessen port diesel truck pollution that is contributing to a public health crisis. Diesel pollution contributes to asthma, increased cancer risk, birth defects and premature births. One in five West Oakland children suffers from asthma, and there is a thousand-fold elevated cancer risk among truck drivers.

*Taking a Toll*, (<http://www.workingeastbay.org/article.php?id=683>) a recent study conducted by the Pacific Institute and the East Bay Alliance for a Sustainable Economy puts a \$153 million a year price tag on the cost of health impacts due to Oakland Port truck diesel pollution. Residents and truck drivers pay the price with their health, and taxpayers, residents, and truck drivers pay the healthcare costs.

I get these coughs that don't go away for weeks at a time, and my throat always feels sore, says Lorenzo Fernandez, who has been driving a truck at the Port of Oakland for four years. But I don't have health insurance so I cannot go to the doctor. I'm afraid of what will happen in years to come. If I get too sick to work, I don't know how I am going to support my family.

The Port of Los Angeles became the first in the nation to recognize deregulation's failures by requiring trucking companies to sign comprehensive concession agreements. Since October 2008, the LA Clean

Trucks Program and a similar plan in Long Beach have removed thousands of dirty trucks from service and put 4,500 clean-burning and alternative fuel vehicles on the road. The LA Port is years ahead of schedule in its goal to reduce diesel truck pollution by 80 percent. In addition to the environmental gains, economists point to other major benefits of the LA business model that relies on capitalized trucking firms, rather than low-wage independent contractor drivers, for turnover to and upkeep of clean vehicles. Amidst a recession, the LA Clean Trucks Program has reduced public and port subsidies and spurred remarkable private investment:

- Every \$1 in port incentives has leveraged approximately \$10 in private investment into the purchase of new vehicles and equipment; pumping \$400 million into the industry to date.
- Truck dealers near the LA harbor are seeing business up by 33 percent vs. new truck sales down 60% nationwide.
- Economic analysts expect the LA program to generate a total of \$5 billion to the regional economy.

Despite these achievements, the ATA is suing to destroy the Southern California Clean Trucks Programs in their entirety. A federal judge initially denied the industry lobby's request for a preliminary injunction, but a 9<sup>th</sup> circuit appellate panel sent it back to the U.S. district judge, ordering her to reconsider the decision. Judge Christina Snyder again denied the ATA's request to kill the clean-air program in April, but felt compelled to put key elements on hold until the full merits of the ports' case are heard in trial this December. The Port of Oakland's action today demonstrates their frustration with the legal roadblocks that prevent the Commission from aggressively addressing air quality, safety and security challenges sooner.

President Barack Obama, Secretary of State Hillary Clinton, Speaker of the House Nancy Pelosi, Senators Barbara Boxer (D-CA), Dianne Feinstein (D-CA) and the entire Democratic Congressional Delegation in California have publicly endorsed the LA Clean Trucks Program developed under the leadership of Mayor Antonio Villaraigosa. Senator Frank Lautenberg (D-NJ) and Congressman Jerrold Nadler (D-NY), whose constituents live near the highly-polluting Ports of New York and New Jersey, have also supported LA's bold local leadership on the issues.

"If an old law can be interpreted to allow companies to pollute for profit with no strings attached then it's time to change the law," said Alicia Carrera, a Long Beach mother of three asthmatic children. "My kids have literally breathed easier since the Clean Trucks plan got underway. We must protect it here so parents in every port town can have the same peace of mind."

The Oakland Port Commission's leadership also offers hope to low-paid independent drivers facing the prospect of going into debt to buy or retrofit a new truck to meet new state air quality standards. Currently, independent contractors who average \$10-11 an hour must cover the costs.

"I want my kids to breathe clean air, but I can't afford to replace my 1984 rig with a new truck and neither can my fellow drivers," said Oakland port driver Manuel Rivas, a widower from El Salvador who was forced to support his 13-year-old twins and another young son on \$24,000 last year. "A system where trucking companies aren't responsible for trucks or even truck drivers doesn't work at all."

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*The Coalition for Clean & Safe Ports is an alliance of more than 80 environmental, labor, public health, faith and community organizations dedicated to promoting sustainable economic development at our nation's ports. The Coalition is working to make the Port trucking system more efficient, reduce air pollution, improve the quality of jobs and stimulates greater economic opportunities for residents living in surrounding port communities. To ensure a level playing field, the Coalition is organizing in communities at the Ports of Oakland, Los Angeles, Long Beach, Seattle, Tacoma, New York/New Jersey and Miami so that standards are lifted regionally and no one port is put at a competitive disadvantage.*