



May 1, 2023

## **Support for California Commercial Harbor Craft Waiver**

Docket ID No. EPA-HQ-OAR-2023-0153

Comment from the American Lung Association

Via email: [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

The American Lung Association calls on the United States Environmental Protection Agency to approve California's waiver to implement standards for new and in-use Commercial Harbor Craft (CHC). The range of harbor craft covered by this California Air Resources Board (CARB) rule represents a major source of local and regional health risks and must be addressed as quickly and thoroughly as possible. We write in strong support of the waiver to authorize implementation of CARB'S regulation amendments to provide relief for communities currently bearing immense heart, lung, cancer, and other health impacts of CHC pollution.

Californians face the most difficult air pollution challenges in the United States. The American Lung Association's "State of the Air" 2023 report found that California is home to six of the ten most ozone-polluted cities in the United States, including the top four.<sup>1</sup> Despite decades of progress in reducing air pollution, Californians still face risks associated with unhealthy air, including asthma attacks, strokes, heart attacks, lung cancer and premature death. Low-income communities and communities of color face disproportionate burdens and disparities in health impacts, including portside communities directly impacted by the tugboats, ferries, fishing boats and other CHC addressed through CARB's lifesaving policy.

Despite a relatively small overall population of approximately 3,100 vessels, the CHC category represents an important source of community health impacts and regional air quality impacts. CHC emissions are a significant source of smog-forming NO<sub>x</sub> emissions and fine particle pollution that threaten lung and heart health. The CHC sector represents one of the top three cancer risks in seaport communities, and contributes to California communities failing to achieve health-protective air quality standards.<sup>2</sup> To put the scope of the emissions in context, CARB staff noted during the state's rulemaking process that [just one sportfishing vessel produces the equivalent exhaust to 162 diesel school buses](#). These vessels, along with ferries, tugs,

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<sup>1</sup> American Lung Association. State of the Air 2023. April 2023. [www.lung.org/sota](http://www.lung.org/sota).

<sup>2</sup> California Air Resources Board. Initial Statement of Reasons Proposed Amendments to the Commercial Harbor Craft Regulation. Figure II-1. Seaport Contribution to Near Source Cancer Risk at p. III-3. September 2021. <https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2021/chc2021/isor.pdf>

commercial fishing boats and others, generate heavy doses of carcinogenic diesel exhaust in some of the most disadvantaged communities in California. All CHC must be brought up to the most health-protective engine technology standards possible – as soon as possible – so that the lungs of children in disadvantaged communities no longer pay the price of CHC pollution.

Implementation of the CHC program is estimated to generate significant health benefits through major reductions in harmful air and climate pollutants. The CHC program amendments adopted by CARB set more stringent emission control strategies<sup>3</sup> and broadened the prior CARB rule to capture emissions from additional vessel types.<sup>4</sup> The American Lung Association and many health and medical leaders in California strongly supported the expanded scope of existing rules to ensure greater health protections in highly impacted communities. CHC emission controls will now apply to a wider range of vessels, including certain barges, pilot vessels, commercial passenger “charter” fishing vessels, commercial fishing vessels and other CHC not included in the earlier CARB CHC rule.

CARB included reporting responsibilities for CHC facility operators to support data tracking and compliance, as well as preparation of facilities for more zero-emission technologies. The rule requires more stringent in-use emission controls for vessels, including accelerating the deployment of zero-emission technologies. For example, new excursion vessels (e.g., dinner cruise, sight-seeing) will need to be zero-emission capable/hybrid by 2025 and new and in-use short-run ferries will be required to be zero-emission by 2026. New and in-use diesel-powered vessels must meet standards equivalent to the cleanest available certified engine operating with a diesel particle filter.

By shifting to zero emission and cleaner engine technologies, and expanding the scope of the rule, the CHC amendments adopted by CARB in 2022 are projected to save hundreds of lives and yield billions in public health benefits. The proposed amendments will cut carcinogenic diesel particle pollution from CHC by 89 percent and will cut smog- and particle-forming NOx by more than half by the end of 2038. This will support efforts to attain health-protective air quality standards and significantly improve health. Notably, the CHC standards will result in an estimated \$5.25 billion in public health benefits between 2023 and 2038, and avoid:

- 531 premature deaths
- 161 hospital admissions
- 236 emergency room visits<sup>5</sup>

It is important to note that the monetized health costs of the proposed amendments do not factor in the significant reductions in cancer risk and many other health impacts that will result from implementing the amendments to the CHC rule. The cost of compliance with this regulation

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<sup>3</sup> CARB at p. III-7.

<sup>4</sup> CARB at p. III-1.

<sup>5</sup> CARB at p.III-1; pp. V.6-7.

is far less – approximately one-third – than the *monetized* health benefits to be gained.<sup>6</sup> These *non-monetized* health benefits are substantial and cannot be overlooked. For example, cancer risk due to CHC emissions could be greatly reduced or eliminated for millions of Californians.

- The South Coast Air Basin’s population exposed to a potential cancer risk of 1 chance per million will drop by 10 million residents due to implementing the proposed rule.
  - 5 million residents would maintain this risk due to ongoing emissions from CHC.
- The San Francisco Bay Area population exposed to a 1 chance per million cancer risk from CHC will drop by five million.
  - 2 million residents would still face this level of cancer risk, speaking to the need for ongoing rule strengthening and updates as technologies progress.<sup>7</sup>

We urge EPA to grant the Clean Air Act waiver for California’s implementation of the proposed amendments because failure to address this major source of carcinogenic pollution in heavily impacted communities is unacceptable. Please contact Will Barrett with any questions at [William.Barrett@lung.org](mailto:William.Barrett@lung.org).

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<sup>6</sup> CARB at Table IX-8 at page IX-12: Annual Direct Costs of the Proposed Amendments are estimated at approximately \$1.8 billion between 2023 and 2038.

<sup>7</sup> CARB at p. V.4.