

MINUTE ITEM

This Calendar Item No. 71 was approved as
Minute Item No. 71 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

**Minute Item
71**

09/13/07

CALIFORNIA STATE LANDS COMMISSION

Regular Item 71: The Commission was asked to consider a resolution supporting S. 1499 which would reduce the emission of air pollutants from all marine vessels entering or leaving U.S. Ports. The Commission approved the resolution as presented by a vote of 3-0.

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09/13/07
P. Thayer
M. DeBernardo

**CONSIDER A RESOLUTION PROPOSED BY THE CONTROLLER SUPPORTING
S. 1499 (BOXER) AND H.R. 2548 (SOLIS) WHICH WOULD REDUCE THE
EMISSIONS OF AIR POLLUTANTS FROM ALL MARINE VESSELS (INCLUDING
FOREIGN-FLAGGED VESSELS) ENTERING OR LEAVING U.S. PORTS OR
OFFSHORE TERMINALS**

The California State Lands Commission is considering the adoption of a resolution proposed by the Controller supporting the Marine Vessel Emissions Reduction Act of 2007 (S. 1499 and H.R. 2548), which would reduce the emissions of air pollutants from domestic and foreign-flagged marine vessels entering or leaving U.S. ports or offshore terminals.

The Port of Los Angeles, Long Beach and Oakland rank first, second and fourth, respectively, among the busiest ports in the United States. Large marine vessels, particularly foreign-flagged vessels, are the largest unregulated source of pollution in areas such as Southern California. These marine vessels burn "bunker fuel," one of the world's dirtiest fuels, containing on average 27,000 parts per million (ppm) of sulfur—on-road vehicles in the U.S. are limited to using fuel containing a maximum of 15 ppm of sulfur.

Reports indicate that ships are significant contributors to the sulfur inventory in California's South Coast Air District. Pollutants, such as sulfur, emitted as a result of marine vessels burning bunker fuel, contribute considerably to the smog and soot in areas such as Los Angeles. Moreover, the air pollution from marine vessels is a factor in environmental problems such as acid rain and global warming.

It has also been reported that air pollution from marine vessels contributes to health problems for those living and working around ports. These reports indicate that harmful pollutants, such as toxic diesel emissions, increases mortality, cancer risks, and intensify respiratory illnesses.

The Resolution supports the Marine Vessel Emissions Reduction Act of 2007 bill in both the U.S. Senate (S. 1499) and House of Representatives (H.R. 2548). This act, if

passed, will set limits on the sulfur content of marine vessel fuel to no more than 1,000 ppm beginning December 31, 2010. Additionally, this act will establish standards for new and in-use engines in marine vessels that will require the maximum degree of emission reduction for PM, NOx, hydrocarbons, and carbon monoxide achievable by no later than January 1, 2012.

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**CALIFORNIA STATE
LANDS COMMISSION**

JOHN GARAMENDI, *Lieutenant Governor*
JOHN CHIANG, *Controller*
MICHAEL C. GENEST, *Director of Finance*



EXECUTIVE OFFICE
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

PAUL D. THAYER, *Executive Officer*
(916) 574-1800 Fax (916) 574-1810
California Relay Service TDD Phone 1-800-735-2929
Voice Phone 1-800-735-2922

PROPOSED
**RESOLUTION BY THE CALIFORNIA STATE LANDS COMMISSION
SUPPORTING SENATE BILL 1499 (BOXER) AND HOUSE BILL 2548
(SOLIS), WHICH WOULD REDUCE POLLUTION FROM MARINE
VESSELS THAT USE OUR NATION'S PORTS**

WHEREAS, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's \$46 billion ocean economy; and

WHEREAS, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands below the mean high tide line out to three miles from the coast as well as the lands underlying California's bays, lakes, and rivers; and

WHEREAS, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, common law that requires these lands to be used for commerce, fishing, navigation, recreation, and environmental protection; and

WHEREAS, the impacts of air pollution affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public, future generations, and the environment; and

WHEREAS, most commercial goods imported to the United States come through our nation's ports by means of marine vessels; and

WHEREAS, California is home to the busiest ports in the nation, with large volumes of international goods entering through the Ports of Los Angeles, Long Beach, and Oakland, which rank as the first, second, and fourth busiest ports in the country, respectively; and

WHEREAS, in 2004, 1,900 ships visited California's ports, 87% of which were foreign vessels, and it is estimated that freight volume will more than double in the Los Angeles region over the next 20 years; and

WHEREAS, marine vessels at California's ports emit large amounts of diesel particulate matter (PM), nitrogen oxides (NOx), and sulfur oxides, and

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WHEREAS, most marine vessels use high emitting diesel bunker fuel, a low quality petroleum, high in sulfur, that is capable of producing approximately 50 times more haze-forming pollutants than the dirtiest trucks on our nation's highways; and

WHEREAS, bunker fuel used by marine vessels contains, on average, 27,000 parts per million (ppm) of sulfur, compared to the 15 ppm of sulfur allowed in diesel fuel used by heavy-duty trucks in the U.S.; and

WHEREAS, the pollutants emitted from burning bunker fuel cause environmental problems such as smog, soot, acid rain and global climate change, as well as damaging health effects such as asthma and cancer—as reported by the California Air Resource Board's Emission Reduction Plan for Ports and Goods Movement, air pollution from California's ports is the cause of 750 premature deaths each year; and

WHEREAS, in 2006, Maersk, Inc., which operates the largest container terminal in the Los Angeles harbor, voluntarily switched all 37 of its cargo ships to low-sulfur fuel, proving that it feasible for marine vessels to use environmentally safer fuels, and

WHEREAS, the U.S. Environmental Protection Agency (EPA) announced a delay until December 2009 to adopt new emission and fuel regulations for big ocean ship propulsion engines and there is no assurance that the rules will be adopted by then or that they will be strict enough to significantly reduce air pollution; and

WHEREAS, the United Nations International Maritime Organization has before it a proposal, supported by the EPA, World Shipping Council, Pacific Maritime Shipping Association, and U.S. Coast Guard, to develop, among other things, stringent new standards on sulfur content in fuel used by marine vessels; however, it is uncertain if enough nations will support this proposal; and

WHEREAS, the Marine Vessel Emissions Reduction Act bill, introduced by Senator Boxer and Feinstein through S. 1499, and Congresswoman Solis through H.R. 2548, seeks to regulate the emissions of domestic and foreign-flagged marine vessels entering or leaving U.S. ports or offshore terminals; and

WHEREAS, specifically, the Marine Vessel Emissions Reduction Act, if passed, will mandate the EPA to set limits on the sulfur content of fuel used by these vessels, if they are within a certain distance from the coast (for the west coast, it is 200 miles), to no more than 1,000 ppm beginning December 31, 2010, unless the EPA determines that such a limit is not technically feasible, in which case there will be an interim limit of 2,000 ppm; and

WHEREAS, the Marine Vessel Emissions Reduction Act, if passed, will also mandate the EPA to establish standards for new and in-use engines in marine vessels that will require the maximum degree of emission reduction for PM, NOx, hydrocarbons, and carbon monoxide achievable by no later than January 1, 2012; therefore, be it

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RESOLVED BY THE CALIFORNIA STATE LANDS COMMISSION, that it supports the Marine Vessel Emissions Reduction Act (S. 1499 and H.R. 2548), which would reduce the emissions of air pollutants from marine vessels, including foreign-flagged vessels, entering or leaving U.S. ports or offshore terminals; and be it further

RESOLVED, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the Senate Committee on Environment and Public Works, the House Committee on Energy and Commerce, and to each Senator and Representative from California in the Congress of the United States.

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