

Backroom Deal Leaves Long Beach Truck Program in Hands of Polluting Industry

Clean Air Advocates Sue to Protect Local Communities & Clean Truck Program

LOS ANGELES, Jan. 4 /PRNewswire-USNewswire/ -- A backroom agreement between the American Trucking Associations (ATA) and the Long Beach Harbor Commission could illegally reverse efforts to improve air quality in communities surrounding the Port of Long Beach, according to a lawsuit filed last week by the Natural Resources Defense Council (NRDC) and Sierra Club.

"You can't cut the public out of the conversation when you're talking about the air they breathe and the health consequences they face," said David Pettit, director of NRDC's Southern California Clean Air Program. "This deal puts the wolf in charge of the henhouse - with a likely result of dirtier air for local communities. Industry cannot be allowed to dictate clean air efforts and rollback the Port's clean air advancements."

The new agreement gives the ATA authority to oversee future updates to the clean trucks program at the Port of Long Beach even if the Port is acting to protect public health and safety. The arrangement requires the Port of Long Beach to receive ATA's approval before making changes to the clean trucks program or risk the ATA filing a lawsuit.

"The problems posed to blighted communities and the environment are far greater than the simple issue of tailpipe emissions that this settlement tries to cover," Tom Politeo, spokesperson for the Sierra Club. "The superficial agreement is far more about a subsidy that buys shiny new trucks for the industry than of the reforms needed to establish environmental justice. It is protectionist to a floundering status quo at the cost of suffering residents, workers and the environment."

This private agreement, entered into on October 19, 2009, violates Long Beach Municipal Code and state law, which require public involvement and an environmental review. The NRDC lawsuit calls for a legally-required state environmental study of the agreement that includes public comment before it can move forward.

The Ports of Los Angeles and Long Beach are serviced by roughly 17,000 trucks, which are responsible for tons of diesel pollution in the Los Angeles region contributing to hundreds of premature deaths and chronic heart and lung diseases.

Under the new deal, the Port cannot stop trucking companies from using dirty trucks that fail to meet environmental and safety standards. The Port cannot deny a trucking company port access even if it commits large scale or repeated violations of federal, state, municipal, or port environmental, safety or security standards--unless the company's motor carrier license is revoked by federal or state authorities. Additionally, the agreement does not include requirements that would result in environmental benefits, including enforcement provisions,

environmental maintenance requirements, financial capability requirements, and auditing provisions.

"This agreement repeatedly violates the public's trust," said Pettit. "Long Beach residents deserve transparency and honesty that the Port can easily provide if it simply complies with the law and completes a basic environmental assessment on the agreement."

The Long Beach Harbor Commission has repeatedly denied requests to examine potentially adverse health impacts under the new agreement as required under the California Environmental Quality Act and entered into the agreement without public approval by the Long Beach City Council.

Clean Truck Program Background:

In spring of 2008, the Port of Long Beach and Port of Los Angeles adopted clean trucks programs to modernize port trucking, reduce pollution and provide the ports with greater oversight over port trucking operations. The clean trucks program is comprised of three components: (1) a progressive truck ban that phases out older, dirtier trucks from port service over five years; (2) a fee assessed on cargo containers moved by truck that will be used to help subsidize the purchase of newer, cleaner trucks that comply with the progressive truck ban; and (3) concession agreements that require any trucking company dispatching trucks hauling cargo to or from the ports to become a concessionaire and adhere to obligations outlined within the concession agreement.

In July 2008, the ATA sued the Cities and Ports of Long Beach and Los Angeles claiming that the concession agreement component of both ports' respective clean trucks programs is illegal under federal law. Los Angeles and Long Beach argued in response that the concession agreement is a valid exercise of the ports' authority as landlords and necessary to ensure that trucking companies meet critical environmental, safety and security standards that further the ports' business objectives.

Throughout the litigation, Long Beach maintained, up until the Long Beach Board of Harbor Commissioners abruptly settled with ATA, that its concession agreement allowed the Port to hold an identifiable, financially-responsible entity accountable for compliance with the clean trucks program, and that the concession model produced environmental benefits. Now, Long Beach has abandoned its earlier position and entered into a new agreement behind closed doors that gives the ATA veto power over the port's and the city's ability to protect local residents.

Related Links:

Read David Pettit's and Melissa Lin Perrella's blogs on port air pollution at:
<http://switchboard.nrdc.org/>

NRDC is a national, nonprofit organization of scientists, lawyers and environmental specialists dedicated to protecting public health and the environment. Founded in 1970, NRDC has 1.3 million members and online activists, served from offices in New York, Washington, Chicago, Los Angeles, San Francisco and Beijing.

The Sierra Club has been working to protect communities, wild places and the planet since 1892. It is the oldest, largest and most influential grassroots environmental organization in the United States.

SOURCE Natural Resources Defense Council