



## The Coalition for Healthy Ports POLICY PLATFORM

The Port Authority of New York and New Jersey and other government entities in the region must reform and modernize the port, related industries and trucks in order to achieve cleaner air, safer working conditions and living wages and benefits for both port-adjacent communities and workers.

It is vital that the Port Authority implement a Clean Air Action Plan and Community Benefits Agreement to:

- Modernize and retire dirty diesel at the port
- Vastly improve the efficiency of freight movement and workforce stability
- Consistently enforce and strengthen existing environmental, labor and transportation standards
- Improve air quality in port-adjacent communities

The Coalition for Healthy Ports is a broad coalition of environmental, labor, faith, community, environmental justice and business organizations that seek to create sustainable ports in New Jersey. The ports represent the largest piece of a complex logistics industry that also includes a growing number of warehouse and distribution centers and light industrial manufacturing and service related industries.

Our mission is to improve the air quality, safety and security as well as the working conditions for all workers that support port commerce and to assure environmental justice and prevent harm in affected communities. The Coalition recognizes that the ports are an economic driver for the entire region and a major component in the global economy. We believe that maintaining environmental, labor and community standards will enhance the port's position and will enhance growth.

**As with much of the nation's infrastructure, our ports face an economic, social and environmental justice crisis:**

- Heavy congestion and harmful emissions damage our air quality and the health of our communities and workforce;
- While our ports generate essential economic activity, they operate with a cost to surrounding communities and the natural environment;
- Many workers in the ports and port-related industries do not have living wages and benefits, a safe work environment or the right to organize;
- In a complex, modern society, the traffic and commerce at ports makes them vulnerable to security breaches which require unprecedented attention and resources to ensure surrounding communities are safe.

## **Overview**

### ***The Port Authority of New York and New Jersey must establish a Clean Air Action Plan and Community Benefits Agreement.***

All companies operating within the ports must live up to legal, ethical and moral standards of clean air, living wages and benefits, and good jobs for port community residents. Governments and public authorities in the region must create a democratic forum for additional input and local collaboration that allows all stakeholders, including area residents, to have a voice in setting port standards, development, expansion and mitigating measures. To that end, the Port Authority shall sign a Community Benefits Agreement wherein port-adjacent communities will derive improvement from the activity generated by the port.

Further, the Port Authority shall commit to expeditiously and constantly reducing the public health risk associated with port-related mobile and stationary sources. The Port Authority shall implement a Clean Air Action Plan (CAAP) within five years that will achieve a net reduction in emissions while facilitating growth in trade. The Port Authority shall utilize all mechanisms available, setting conditions on lease amendments, new and renewed permits and project applications consistent with meeting the Clean Air Action Plan goals.

## **CLEAN AIR**

### **I. Setting Standards for Health and the Environment**

*It shall be the Ports' goal to establish standards at the following three levels:*

#### **(1) Port Community Standards**

*Reduce public health risk from toxic air contaminants associated with port-related mobile and stationary sources to the lowest possible levels. Consider a variety of pollution control methods and choose the alternative that will minimize, to the maximum extent possible, the health risks and consequences caused by toxics and air pollutants emitted by mobile and stationary port-related sources. Prevent port-related violations of the state and federal ambient air quality standards at the Port and in port-adjacent communities.*

#### **(2) Project Specific Standards**

*Require every new and existing port-related permit and project to address the cumulative impacts on port adjacent communities by ratcheting down the pollution load to create a net reduction in the emissions produced by port-related activities. Restrict all new projects or permits that fail to demonstrate an achievable net reduction in overall emissions. Produce an analysis of greenhouse gas emissions and create standards for appropriate mitigation measures.*

#### **(3) Source Specific Performance Standards**

*Establish a series of standards to reduce cumulative impacts that will be met through Port lease requirements, tariffs, incentives, and market-based mechanisms. Standards should reduce port-specific and port-wide cumulative impacts.*

*The Port Authority must commit to monitor, document, and report on performance of their efforts under the Clean Air Action Plan and should update the Plan on an annual basis. Also, standards should be fully enforced, penalties assessed and collected, and violators subject to corrective action.*

## **II. Clean Air for Port Adjacent Communities**

Our ports must work to significantly reduce their diesel emissions from ships, tugboats, yard equipment, cranes, trucks, and railroads.

The Ports of Los Angeles and Long Beach have created a plan for cleaning up port related emissions. The following clean air policies are adapted from the Ports of Los Angeles and Long Beach Clean Air Action Plan and are recommended for implementation as a Clean Air Action Plan for New Jersey:

### **Heavy-Duty Vehicles/Trucks**

*By the end of 2011, all trucks calling at the Ports frequently or semi-frequently will meet or be cleaner than the EPA 2007 on-road particulate matter (PM) emissions standards (0.01 g/bhp-hr for PM) and be the cleanest available oxides of nitrogen (NOx) at the time of replacement or retrofit.*

### **Ocean-Going Vessels**

*100% compliance with the Vessel Speed Reduction (VSR) Program (initially out to a distance of 20 nm from Ambrose Point, and expanded to 40 nm). The use of  $\leq 0.2\%$  sulfur Marine Gas Oil (MGO) fuel in vessel auxiliary and main engines at berth and during transit out to a distance of 20 nautical miles (nm) from Ambrose Point and expanded to 40 nm or equivalent reduction (starting 1<sup>st</sup> quarter 2009).*

*The use of shore-power (or equivalent) for hotelling emissions implemented at all major container, selected liquid bulk, and cruise terminals under Port Authority of New York and New Jersey management within five years and at all container terminals within five to ten years.*

### **Cargo Handling Equipment (CHE)**

*Beginning 2008, all CHE purchases will meet one of the following performance standards:*

- *Cleanest available NOx alternative fueled engine, meeting 0.01 g/bhp-hr PM, available at time of purchase*
- *Cleanest available NOx diesel-fueled engine, meeting 0.01 g/bhp-hr PM, available at time of purchase.*
- *If there are no engines available that meet 0.01 g/bhp-hr PM, then must purchase cleanest available engine (either fuel type) and install cleanest Verified Diesel Emissions Controls (VDEC) available.*

*By the end of 2010, all yard tractors operating at the Ports of New York and New Jersey will meet at a minimum the US EPA 2007 on-road or Tier IV engine standards. By the end of 2012, all pre-2007 on-road or pre-Tier IV top picks, forklifts, reach stackers, rubber tired gantries (RTG), and straddle carriers <750 hp will meet at a minimum the EPA 2007 on-road engine standards or Tier IV off-road engine standards. By end of 2014, all CHE with engines >750 hp will meet at a minimum the EPA Tier IV off-road engine standards. Starting 2007 (until equipment is replaced with Tier IV), all CHE with engines >750 hp will be equipped with the cleanest available VDEC verified by CARB.*

### **Harbor Craft**

*By the second year of the Plan, all Harbor Craft (HC) home-based at the Port of New York and New Jersey will meet EPA Tier II for harbor craft or equivalent reductions. By the fifth year, all previously repowered HC home-based at the Port of New York and New Jersey will be retrofitted with the most effective CARB verified NOx and/or PM emissions reduction technologies. When Tier III engines become available, within five years all HC home-based at the Port of New York and New Jersey will be repowered with the new engines.*

### **Railroad Locomotives**

*By 2008, all existing switch engines in the Ports shall be replaced with Tier II engines equipped with 15-minute idling limit devices, retrofitted with either DOCs or DPFs, and shall use emulsified or other equivalently clean alternative diesel fuels available. By 2011, all diesel-powered Class 1 switcher and helper locomotives entering Port facilities will be 90% controlled for PM and NOx, will use 15-minute idle restrictors, and after January 1, 2007 use ULSD fuels. Starting in 2012 and fully implemented by 2014, the fleet average for Class 1 long haul locomotives calling at Port properties will be Tier III equivalent (Tier II equipped with DPF and SCR or new locomotives meeting Tier III) PM and NOx and will use 15-minute idle restrictors. Class 1 long haul locomotives will operate on USLD while on Port properties by the end of 2007.*

*Technologies to get to these levels of reductions will be validated through the Technology Advancement Program. Any new rail yard developed or significantly redesigned at the Port of New York and New Jersey shall be required to operate the cleanest available technology for switcher, helper, and long haul locomotives, utilize idling shut-off devices and exhaust hoods, use only ULSD or alternative fuels, and have clean only CHEs and HDVs consistent with the Clean Air Action Plan.<sup>1</sup>*

<sup>1</sup> <http://polb.com/civica/filebank/blobdload.asp?BlobID=3452>

## **COMMUNITY BENEFITS**

### **I. Community Economic Development**

Governments and public authorities in the region must ensure that residents and businesses in the surrounding communities benefit from the overall economic activity of the ports through employment, training and educational opportunities.

*(1) The Port Authority shall enact a Local Employment and First Source hiring program to facilitate the employment of targeted applicants by port trucking and port commerce employers. It is a goal of a Local Employment and First Source Hiring Program that the Program enlist workers from a pool of qualified job applicants while addressing an unemployment crisis in the communities that neighbor the port.*

*(2) The Port shall establish a referral system to ensure that Port Trucking Employers receive prompt referrals of qualified, pre-screened applicants.*

*(3) The Port shall establish a transition period to convert drivers with independent contractor status into employees; this Program will take effect upon the conclusion of such transition period.*

*(4) Education advocates, community colleges, youth organizations and labor unions shall create strategic alliances to prepare and execute training programs that can prepare new workers for the growing port commerce and logistics field.*

### **II. Employment Standards**

All workers must have access to a living wage, safe and healthy working conditions, health and pension benefits, and the protection and enforcement of applicable federal and state labor laws, including the freedom of association.

*The Port Authority shall adopt a plan similar to the Clean Trucks Program established by the Port of Los Angeles wherein environmental and labor standards will be set by the Port Authority that require companies to invest in newer, cleaner trucks and end poverty wages for truckers. The port trucking industry must be restructured to require the reclassification of drivers as employees in order to clean the air and bring long-term stability to the workforce.*

### **Conclusion**

If we take these measures in a proactive manner, we will reduce negative health impacts, improve air quality, alleviate environmental injustices, revitalize urban economies, create more living wage jobs, improve working conditions and ensure that the port's growth will benefit all residents of the region in a fair and just way.