

Avis au Conseil n° 23-02

Tribune publique du CCPM sur le rôle des ports dans la lutte contre les changements climatiques

Le Comité consultatif public mixte (CCPM) de la Commission de coopération environnementale (CCE) d'Amérique du Nord,

CONFORMÉMENT au paragraphe 6(4) de l'*Accord de coopération environnementale* (ACE), qui stipule que le CCPM « peut fournir des avis au Conseil [de la CCE] sur les questions relevant [dudit] Accord et exercer les autres fonctions que peut lui confier le Conseil »;

AYANT mené une tribune publique le 1^{er} décembre 2022 à Halifax (Nouvelle-Écosse), au Canada, afin de discuter du rôle des ports dans la lutte contre les changements climatiques, y compris leur atténuation, les couloirs de navigation écologiques, les combustibles à zéro émission et les infrastructures d'approvisionnement, ainsi que des dimensions des activités portuaires en matière de justice environnementale et sociale, et ce, avec des spécialistes invités représentant des administrations portuaires, le secteur du transport maritime, des organisations non gouvernementales (ONG), des universités et des gouvernements;

RAPPELANT le Plan stratégique pour 2021 à 2025 de la CCE et l'engagement des Parties à améliorer la qualité de l'air et à lutter contre la pollution causée par les navires en vertu des priorités de ce plan intitulées *La propreté de l'air, du sol et de l'eau et La prévention et la réduction de la pollution dans le milieu marin*;

RAPPELANT l'article 24.10 de l'*Accord Canada-États-Unis-Mexique* (ACEUM) intitulé *Protection de l'environnement marin contre la pollution par les navires*, qui détermine des domaines d'intérêt commun relatifs à la coopération en ce qui concerne la pollution du milieu marin causée par les navires, notamment leurs émissions;

RAPPELANT les principaux résultats du Sommet des dirigeants nord-américains de 2023, dont le fait que ceux-ci « reconnaissent l'urgence de mesures rapides, coordonnées et ambitieuses pour mettre en place des économies énergétiques propres et de répondre à la crise climatique. Lors de [ce sommet], les trois dirigeants se sont engagés à lutter contre la crise climatique, [entre autres] [...] en développant un marché nord-américain de l'hydrogène propre, notamment une coopération potentielle en matière de recherche et de développement, de codes et de normes de sécurité, de grappes d'hydrogène transfrontalières, de couloirs de transport maritime écologiques et d'opérations maritimes intégrées »;

RAPPELANT la *Clydebank Declaration for Green Shipping Corridors* (Déclaration de Clydebank sur les couloirs de navigation écologiques), que le Canada et les États-Unis ont signée lors de la 26^e Conférence des Parties (COP 26), qui soutient l'établissement d'au moins six couloirs de navigation écologiques et de routes maritimes à zéro émission entre deux ports ou plus d'ici 2030;

RECONNAISSANT les efforts concertés des Parties, dans le cadre du Plan opérationnel de la CCE pour 2017 et 2018, et plus spécifiquement, dans celui du projet intitulé *Réduction de la pollution imputable au transport maritime*, afin de réduire les émissions attribuables à la circulation des marchandises et aux activités du secteur du transport maritime;

RECONNAISSANT que le secteur du transport maritime est responsable de 3 % des émissions mondiales de gaz à effet de serre (GES), et que ces émissions devraient augmenter considérablement si aucune mesure significative n'est prise;

RECONNAISSANT que le secteur du transport maritime n'est pas explicitement visé par l'*Accord de Paris*, et que la stratégie de l'Organisation maritime internationale (OMI) en vue de réduire les émissions de GES n'est pas harmonisée avec l'engagement consistant à limiter le réchauffement climatique à 1,5 °C, faisant en sorte que chaque pays doit prendre des mesures fermes sur le plan national;

RECONNAISSANT que les ports constituent des points d'intersection entre la terre et la mer dans lesquels les gens qui y vivent sont affectés de manière disproportionnée par la pollution atmosphérique locale attribuable aux activités de transport de marchandises (le transport routier, ferroviaire et maritime), de même que par les changements climatiques qui suscitent des événements météorologiques extrêmes;

RECONNAISSANT qu'un nombre croissant d'intervenants, notamment les administrations portuaires, les secteurs du transport maritime et de la production énergétique, les entreprises d'entreposage et de distribution, et les gouvernements, s'efforcent d'établir des partenariats et des accords à l'échelle locale, régionale et internationale afin de soutenir et d'aménager des ports, des plaques tournantes et des couloirs de navigation écologiques, ce qui représente une occasion unique et opportune de collaboration et de coopération trinationales en Amérique du Nord;

SOUMET à l'examen du Conseil les commentaires et les recommandations qui suivent :

Les ports ont joué un rôle crucial tout au long de l'histoire de l'humanité, en facilitant la circulation des personnes et des marchandises, et en favorisant les échanges culturels et économiques entre différentes régions et civilisations.

Les exposés et les discussions qui ont eu lieu au cours de la tribune publique du CCPM ont mis en lumière les pratiques exemplaires, les problèmes, les défis et d'éventuelles solutions afin d'atténuer les changements climatiques et de réduire les émissions de GES et d'autres polluants atmosphériques imputables aux activités portuaires, ainsi que les répercussions de ces activités sur les collectivités locales (voir l'annexe 1). Ces exposés et discussions ont notamment souligné l'importance que revêtent :

- la collaboration et les partenariats stratégiques entre les intervenants œuvrant dans l'ensemble des secteurs de la chaîne de valeur, de même qu'entre ceux des entités privées

et publiques, afin de soutenir la conception et l'adoption de combustibles et d'infrastructures à zéro ou à faibles émissions de carbone;

- la reconnaissance du rôle crucial que jouent les gouvernements dans la décarbonation des ports en élaborant des politiques, des lois et des règlements, des mesures incitatives et des mécanismes de financement public-privé afin d'aider les précurseurs à réduire les risques et à investir dans les infrastructures;
- la prise en compte de toutes les sources de pollution liées au transport maritime (p. ex. l'eau de ballast, les espèces envahissantes, le bruit sous-marin, etc.) lorsqu'il est question d'instaurer des couloirs de navigation écologiques;
- la fourniture d'espaces et de mécanismes appropriés en vue de mobiliser adéquatement les collectivités locales et autochtones, celles visant la justice environnementale, ainsi que la population active et d'autres groupes d'intervenants dans le cadre des activités portuaires, y compris le développement des ports et la transition vers la décarbonation;
- la sensibilisation et la mobilisation du public à l'égard de la justice environnementale.

1^{re} recommandation : Mettre sur pied un projet permanent de la CCE concernant les ports et les changements climatiques

La tribune publique a mis en lumière les diverses questions qui peuvent être abordées sur le thème des ports et des changements climatiques, notamment la justice environnementale, les points de vue et la mobilisation des Autochtones, la pollution de l'air, des sols et des océans, le commerce, la décarbonation, la transition énergétique, etc. Toutes ces questions sont pertinentes pour la CCE et pourraient bénéficier d'une coopération trilatérale accrue, qu'il s'agisse, entre autres, de partager les connaissances et les pratiques exemplaires en matière de processus, d'outils juridiques, de technologies et d'innovations entre les trois pays, ou d'établir une vision, des définitions, des mesures et des normes communes à l'échelle continentale. Le Secrétariat de la CCE a toujours joué un rôle important en facilitant le partage des connaissances et le renforcement des capacités, y compris dans le secteur du transport de marchandises, et il occupe une place unique pour contribuer à diriger et à diffuser ces activités à l'échelle du continent.

- Le CCPM recommande au Conseil de mettre sur pied un projet permanent concernant les ports et les changements climatiques, et de soutenir les projets qui traitent du rôle des ports dans les interventions à l'égard des changements climatiques et de la transition écologique à l'échelle mondiale. Ces projets pourraient permettre de déterminer et de diffuser les pratiques exemplaires concernant le rôle que peuvent jouer les ports dans l'atténuation des changements climatiques, l'électrification des opérations portuaires et des activités de transport de marchandises connexes, les combustibles à zéro émission, les mesures d'efficacité sur les plans opérationnel et énergétique, et la mobilisation significative des collectivités autochtones et de celles visant la justice environnementale en Amérique du Nord.

2^e recommandation : Établir un plan d'action nord-américain à l'égard des océans et du climat

Les ports nord-américains sont bien placés, d'un point de vue stratégique, pour mettre en œuvre des projets environnementaux qui donnent suite aux engagements climatiques qu'ont pris le Canada, le Mexique et les États-Unis. La tribune publique a mis en lumière plusieurs projets impressionnantes élaborés et mis en œuvre par un large éventail d'intervenants afin d'accroître la viabilité des activités portuaires et du transport maritime, ainsi que le bien-être et la prospérité des collectivités au sein desquelles ces activités sont menées (p. ex. des projets de restauration d'écosystèmes, la disponibilité de systèmes d'alimentation électrique des navires à quai, l'achat de navires alimentés par des combustibles à faibles émissions de carbone, l'électrification de l'équipement de manutention des cargaisons et la Mission Transport maritime zéro émission). Les spécialistes invités ont également souligné les risques auxquels sont confrontés actuellement les précurseurs, ainsi que la disponibilité limitée de combustibles à zéro ou à faibles émissions, et que les gouvernements ont un rôle crucial à jouer en soutenant la décarbonation des opérations portuaires et des activités de transport maritime. Les gouvernements du Canada, du Mexique et des États-Unis ont ainsi l'occasion de se concerter en vue d'harmoniser leurs stratégies et de donner ainsi une position avantageuse à l'Amérique du Nord dans la cadre de cette transition.

- Le CCPM recommande au Conseil d'appuyer l'établissement d'un plan d'action nord-américain à l'égard des océans et du climat afin que l'Amérique du Nord occupe une place avantageuse et soutient l'aménagement de ports durables.
 - Les spécialistes invités à participer à la tribune publique ont formulé des recommandations qui pourraient être prises en considération dans le cadre du plan d'action, notamment les suivantes :
 - L'interdiction immédiate de l'utilisation de mazout lourd dans les eaux arctiques américaines et canadiennes.
 - L'abolition du financement public destiné à l'utilisation de combustibles fossiles dans les ports (p. ex. le gaz naturel liquéfié [GNL]).
 - La progression des technologies et des solutions à zéro émission dans le secteur du transport de marchandises.
 - L'atteinte de l'objectif de zéro émission par les navires à quai d'ici 2030.
 - L'atteinte de l'objectif de zéro émission dans le transport maritime d'ici 2040.

3^e recommandation : Signer un accord nord-américain sur l'utilisation de combustibles à zéro ou à faibles émissions

Lors de la tribune publique, les spécialistes invités ont confirmé la disponibilité et l'exploitabilité de combustibles et de technologies à zéro ou à faibles émissions afin de réduire celles causées par les opérations portuaires et les activités de transport maritime. Afin d'aider à réduire le risque et à accélérer le rythme de la transition dans ce secteur, les gouvernements du Canada, du Mexique et des États-Unis pourraient lui donner un signal clair en signant un accord nord-américain sur l'utilisation de combustibles à zéro ou à faibles émissions. Cet accord servirait également à

stimuler la transition écologique, ce qui présenterait un avantage stratégique pour l'Amérique du Nord.

- Le CCPM recommande que les gouvernements du Canada, du Mexique et des États-Unis signent un accord nord-américain sur l'utilisation de combustibles à zéro ou à faibles émissions afin de soutenir la transition écologique et de donner aux Parties la possibilité de remplir les engagements qu'elles ont pris en matière de climat sur le plan mondial.

Il est possible de consulter, à l'annexe 2, d'autres recommandations que les spécialistes invités ont formulées au cours de la tribune publique.

Les membres du CCPM sont convaincus que les recommandations émises dans le présent avis donnent suite aux priorités stratégiques du Conseil de la CCE, et ils le cautionnent unanimement.

Approuvé par les membres du CCPM
le 23 février 2023

Annexe 1 – Principaux points abordés lors de la tribune publique



**Tribune publique du Comité consultatif public mixte
sur le rôle des ports dans la lutte contre les changements climatiques,
intitulée
Mettre le cap sur la décarbonisation de l'industrie
Le 1^{er} décembre 2022, à Halifax (Canada)**

Compte rendu sommaire

POINT 1 : Reconnaissance des territoires traditionnels, par Louie Porta, et allocution de bienvenue, par Richard Paul

Le président du Comité consultatif public mixte (CCPM), Louie Porta, ouvre la tribune en reconnaissant le territoire ancestral et non cédé de la Nation mi'kmaw et les sept districts des peuples mi'kmaq, ainsi que Kjipuktuk (signifiant traditionnellement la Grande Baie), qui a constitué pendant des milliers d'années un lieu de rassemblement traditionnel où les familles convergeaient pour récolter, partager leur culture et être ensemble. M. Porta cède ensuite la parole à Richard Paul, qui prononce une allocution de bienvenue.

M. Paul souhaite la bienvenue à tous sur le territoire mi'kmaw. Il dit espérer que cette tribune publique permettra de mettre en commun des perspectives différentes en vue de créer un avenir reposant sur la durabilité. En sa qualité de représentant de la Première Nation de Membertou, il fait état des progrès qu'elle a réalisés et indique qu'elle est devenue l'une des collectivités autochtones les plus économiquement prospères du Canada, et que son plus récent projet vise l'électrification des bateaux de pêche afin de réduire les émissions imputables à leur exploitation commerciale.

POINT 2 : Allocution d'ouverture par Louie Porta, président du CCPM

M. Porta remercie tous les participants et les organisateurs qui ont permis de tenir cette tribune. Il affirme que lui-même et ses collègues du Canada, du Mexique et des États-Unis sont heureux d'accueillir la tribune à Halifax. Il donne ensuite un aperçu de l'ordre du jour et présente le directeur exécutif de la Commission de coopération environnementale (CCE), Daniel Taillant.

POINT 3 : Allocution de bienvenue par Jorge Daniel Taillant

M. Taillant déclare que la CCE est un organisme où il est possible de partager des expériences et où les représentants gouvernementaux peuvent se réunir avec la société civile et les dirigeants autochtones pour faire progresser les choses. Il souligne l'importance que revêt le rôle des ports dans la réduction des émissions, et ajoute que les couloirs de navigation peuvent représenter une partie de la solution dans la lutte contre les changements climatiques. M. Taillant conclut en remerciant chacune des personnes présentes de participer à la tribune.

POINT 4 : Exposé fédéral par Andy Fillmore



Le secrétaire parlementaire du ministre de l’Innovation, des Sciences et de l’Industrie du Canada, Andy Fillmore, déclare que les villes ont la responsabilité d’exercer leur pouvoir et de mener la marche dans la lutte contre les changements climatiques, et que les autorités portuaires partagent également ce pouvoir. De plus, les modes d’aménagement et d’exploitation des ports détermineront si le Canada atteint ses objectifs environnementaux. Il mentionne deux secteurs d’intervention prioritaires pour le gouvernement du Canada :

- La mise en valeur de l’hydrogène vert, qui offre l’une des options les plus prometteuses pour pouvoir décarboniser les ports.
- La collaboration internationale en vue de créer des couloirs de navigation écologiques. À la 26^e Conférence des Nations Unies sur les changements climatiques (COP 26), le gouvernement du Canada s’est joint à 22 autres pays pour signer la déclaration de Clydebank, qui a pour objet d’instituer au moins six couloirs de navigation écologiques d’ici le milieu de la présente décennie.

POINT 5 : Exposé provincial par Timothy Halman

Le ministre de l’Environnement et du Changement climatique de la Nouvelle-Écosse, Timothy Halman, fait valoir le rôle crucial que peuvent jouer les ports dans la transition mondiale des combustibles fossiles à l’hydrogène vert et à l’électrification.

Il souligne qu'il est important de créer des possibilités pour tous, et affirme que la décarbonisation des activités portuaires est essentielle pour la Nouvelle-Écosse. Il ajoute que son gouvernement s’apprête à rendre publics une nouvelle évaluation des risques climatiques et un nouveau plan relatif au climat pour la Nouvelle-Écosse; ces documents énonceront des mesures supplémentaires et fourniront des détails sur les risques, de même que sur les solutions auxquelles nous devons tous adhérer pour aller de l’avant.

POINT 6 : Le rôle des ports dans l’atténuation des changements climatiques

Animatrice :

- **Octaviana V. Trujillo**, présidente du CCPM

Orateurs invités :

- **Antonio Santos**, directeur, Politiques climatiques fédérales, Pacific Environment.
- **Daniel Dagenais**, vice-président, Performance portuaire et développement durable, Administration portuaire de Montréal.
- **Orlando Cabrera-Rivera**, chef d’unité, Qualité de l’environnement, Commission de coopération environnementale.

Durant cette partie de la tribune, les orateurs discutent des nombreuses facettes sociales et environnementales qu’ont les activités portuaires, ainsi que de leur rôle potentiel dans l’atténuation des changements climatiques. Ils mentionnent les travaux qu’ils effectuent pour faire diminuer les émissions, protéger la biodiversité et réduire les répercussions sur les collectivités avoisinantes, et soulignent en



outre l'importance de la collaboration et des travaux concertés avec les secteurs privé et public. Les orateurs mettent également en relief les éléments suivants :

- L'élaboration de politiques publiques prévoyant la protection de l'environnement et des collectivités touchées par les activités portuaires.
- L'importance des structures et des mécanismes de gouvernance lors de l'instauration de règles, de politiques et de directives.
- Le fait que les pouvoirs publics doivent cesser de financer l'avitaillement en combustibles fossiles et fixent des objectifs qui s'alignent sur l'Accord de Paris.
- Les clients, expéditeurs et grands détaillants sont en mesure d'appuyer la décarbonisation de la chaîne d'approvisionnement en exerçant une influence sur la demande et en réclamant des produits à zéro émission nette de carbone.
- L'un des défis que pose la réduction des émissions des installations portuaires réside dans la disponibilité d'infrastructures d'avitaillement en combustibles à zéro émission.
- Des mécanismes de financement conjoints par les secteurs privé et public sont essentiels pour accélérer l'électrification des ports et mettre en place des infrastructures d'avitaillement en combustibles à zéro émission.
- Des investissements sont nécessaires dans le domaine de la surveillance de la qualité de l'air.
- Les ports doivent être vus et gérés d'une manière plus holistique, en prenant en compte toutes les activités de fret connexes.
- La nécessité de créer des couloirs de navigation écologiques à l'échelle nationale afin de donner suite aux engagements internationaux.

POINT 7 : Le rôle des couloirs de navigation écologiques comme outil de décarbonisation de l'industrie

Animateur :

- **Louie Porta**

Orateurs :

- **Salomon Diaz**, coordonnateur, Décarbonisation des ports, Fonds mondial pour la nature (WWF), au Mexique.
- **Michael Berube**, sous-ministre adjoint, Transport durable, ministère de l'Énergie des États-Unis.
- **Brennan Sydor**, consultant en énergie et en développement durable, Arup.
- **Brent Dancey**, directeur, Action pour le climat marin, Océans Nord.

Durant cette séance, les orateurs discutent de la manière dont les couloirs de navigation verts peuvent constituer des outils de décarbonisation du secteur du transport maritime, du rôle des ports dans ce domaine et de l'état d'avancement des projets connexes. Ils soulignent les avantages que la décarbonisation des ports apporterait sur un double plan, à savoir atténuer les changements climatiques et améliorer la santé des résidants dans les collectivités avoisinantes. Au nombre des principaux éléments à retenir des discussions des orateurs, il faut signaler l'importance de la prise des mesures suivantes :

- Établir des partenariats dans l'ensemble de la chaîne d'approvisionnement.
- Mobiliser différents intervenants et travailler de concert avec les collectivités.



- Formuler des objectifs continentaux et des engagements nationaux concernant la décarbonisation des ports.
- Passer à l'action, puisque la technologie existe.
- Investir dans les systèmes de surveillance en vue de réduire les émissions dans les ports et d'y améliorer la qualité de l'air.
- Prendre en considération les répercussions de la transition sur la main-d'œuvre.
- Tenir compte de toutes les sources de pollution dans le secteur du transport maritime (p. ex. l'eau de ballast, les espèces envahissantes, le bruit sous-marin, etc.) au cours des études sur la création de couloirs de navigation écologiques.
- Reconnaître le rôle crucial que les pouvoirs publics jouent dans la décarbonisation des ports en élaborant des politiques, des lois et des règlements connexes (p. ex. des normes relatives aux combustibles à zéro ou à faibles émissions de carbone), en aidant les entreprises pionnières à réduire leurs risques, de même qu'en investissant dans les infrastructures.

POINT 8 : Des combustibles et des infrastructures à zéro émission de carbone

Animateur :

- **Robert W. Varney**, membre du CCPM

Orateurs :

- **Allan Gray**, président et chef de la direction, Administration portuaire d'Halifax.
- **Xiaoli Mao**, chercheuse principale, *International Council on Clean Transportation* (Conseil international des transports non polluants).
- **José Álvarez Rosas**, consultant, secteur de l'environnement et de l'énergie.
- **Lee Kindberg**, responsable, Environnement et développement durable en Amérique du Nord, Maersk.
- **Jeff Grant**, vice-président, Solutions en matière de transports, HTEC.

Lors de cette partie de la tribune, les orateurs invités discutent des différents combustibles sans émission de carbone, de leur degré d'utilisation et des moyens d'accroître leur adoption. Ils mentionnent les travaux qu'ils effectuent à ce sujet et soulignent le rôle essentiel des pouvoirs publics en ce qui concerne le soutien à la mise au point de combustibles à zéro émission. Ils mettent également en relief les éléments suivants :

- La collaboration et les partenariats dans l'ensemble de la chaîne de valeur sont nécessaires pour soutenir la mise au point et l'adoption de combustibles à zéro ou à faibles émissions de carbone, ainsi que des infrastructures connexes.
- La demande de produits à zéro émission nette et les signaux lancés par des acteurs clés représentent certains des éléments qui ont motivé de la prise de mesures par l'industrie en vue de réduire ses émissions. Le financement précoce constitue également un facteur clé.



- L'avenir des combustibles durables sera notamment fondé sur une combinaison de différentes options d'utilisation de combustibles en fonction des réseaux, des routes de navigation et des types de navires.
- Divers pays ayant déjà adopté une réglementation concernant certains combustibles verts, un examen de ces réglementations s'impose et il est essentiel de ne pas compliquer indûment leur application à l'échelle mondiale.
- L'un des principaux défis auxquels est confrontée la décarbonisation de l'industrie du transport maritime réside dans la disponibilité de combustibles à zéro émission. Il faut mettre en place un nouvel écosystème de soutien à l'avitaillement en combustible.
- Les pouvoirs publics ont pour rôles de devenir des facilitateurs et d'appliquer des règlements transparents et pratiques qui inciteront à utiliser les nouveaux combustibles et les nouvelles technologies. Si les règlements ne sont pas d'application obligatoire, il faudrait avoir recours à des mesures incitatives.
- Il conviendrait d'élaborer des paramètres mondiaux afin d'assurer la cohérence des buts et des objectifs relatifs à l'instauration de couloirs de navigation écologiques.
- Dans le cadre de la mise au point de nouveaux combustibles, il est essentiel de veiller à ce que les concepteurs respectent les normes et tiennent compte du cycle de vie de leurs produits.

POINT 9 : Rapport des représentants des comités consultatifs national et gouvernemental des États-Unis sur le rôle des ports dans la lutte contre les changements climatiques, par Andy Carey et Marina Brock

Le président du Comité consultatif national des États-Unis, Andy Carey, donne un aperçu des efforts de développement dans la région frontalière américano-mexicaine :

- Les exigences imposées aux sources d'approvisionnement en eau s'accroissent et engendrent des répercussions sans cesse plus graves sur le double plan économique et environnemental.
- Les travaux de collaboration entre le Mexique et les États-Unis peuvent contribuer à résoudre certains problèmes de longue date concernant la gestion des eaux souterraines dans la région des fleuves côtiers San Diego et Tijuana.

POINT 10 : Les dimensions de la justice environnementale et sociale liées aux activités portuaires

Animateur :

- **Esteban Escamilla Prado**, membre du CCPM

Orateurs :

- **Sabaa Khan**, directrice générale, Québec et Canada atlantique, Fondation David Suzuki.
- **Heather Kryczka**, conseillère juridique, Centre de l'environnement, de l'équité et de la justice, *Natural Resources Defense Council* (NRDC, Conseil de défense des ressources naturelles).
- **Heather Tomley**, directrice générale, Planification et affaires environnementales, Port de Long Beach.



- **Andrew Rhodes Espinoza**, coordonnateur, Activités maritimes, sous-ministère des Affaires multilatérales et des Droits de la personne, ministère des Affaires étrangères du Mexique.

Lors de cette séance, les orateurs invités discutent de la manière dont les autorités portuaires et les intervenants locaux peuvent travailler de concert afin d'améliorer le bien-être et la prospérité des collectivités avoisinantes. Ils décrivent d'abord leurs travaux essentiels dans le cadre de projets locaux relatifs à la justice environnementale et soulignent l'importance d'adapter les lois de manière à tenir compte de cette question. Ils font ressortir les éléments suivants :

- Le droit à un environnement salubre doit être reconnu.
- Il faut informer et mobiliser le public en ce qui concerne la justice environnementale.
- On doit tenir compte des répercussions locales des activités portuaires et des activités de fret connexes, et aménager les installations portuaires à distance des lieux de vie et de travail des habitants.
- L'accès à l'information (p. ex. sur le choix de l'emplacement des installations).
- Le respect du droit des peuples autochtones à un consentement libre, préalable et éclairé.
- Fournir un espace et des mécanismes appropriés pour permettre une participation adéquate des collectivités locales, autochtones et environnementales qui œuvrent dans le domaine de la justice environnementale.
- Lutter contre les répercussions sur la qualité de l'air à l'échelle régionale et sur la santé publique à l'échelle mondiale et locale, et adopter des normes plus rigoureuses de protection de la salubrité de l'environnement.

POINT 11 : Aperçu du processus relatif aux communications sur les questions d'application (processus SEM), par Paolo Solano, suivi d'une discussion

Le directeur des Affaires juridiques et des communications sur les questions d'application de la CCE, Paolo Solano, présente le processus SEM et indique les éléments clés à inclure dans une communication. Il donne ensuite un aperçu des communications qui sont en cours d'examen.

POINT 12 : Séance de participation du public

Durant cette séance, les membres du CCPM donnent la parole aux membres du public qui participent en personne ou en ligne afin qu'ils puissent contribuer aux discussions sur le thème de la tribune. Voici certains des commentaires exprimés par le public :

- Les peuples autochtones doivent participer aux réunions et y faire entendre leur voix.
- Il est important de prendre en considération les effets cumulatifs des activités portuaires.
- L'expansion des ports devrait s'effectuer en respectant les collectivités avoisinantes.
- Les baux verts sont un autre outil qui peut favoriser la décarbonisation des ports.
- Il est important de prendre en considération le concept des couloirs de navigation verts dans une optique écologique.
- Il faut adopter des réglementations plus rigoureuses.



- Il faut prohiber immédiatement le mazout lourd.
- Il est essentiel de tenir compte de toutes les espèces qui subissent les effets néfastes des couloirs de navigation maritime.

POINT 13 : Séance de clôture par les membres du CCPM

Les membres du CCPM remercient le public de sa participation à la tribune, et soulignent l'importance du dialogue avec toutes les parties prenantes en vue de faire jaillir de nouvelles idées et de progresser dans la voie d'un avenir qui repose davantage sur la durabilité. Ils font remarquer qu'il est essentiel de veiller à la participation des collectivités locales et autochtones à l'égard de cette question, ainsi que de promouvoir la coopération entre les trois pays d'Amérique du Nord.

Annexe 2- Recommandations formulées par les spécialistes invités

Recommandations de Pacific Environment :

We recommend that the governments of Canada, Mexico, and the U.S.:

- Align on trilateral ambition on 1.5°C-aligned climate targets for maritime shipping, specifically committing to pursue zero-emission shipping by 2040.
- Align on 100% zero emissions from ships at berth by 2030, modeling national policies off of California's At Berth regulation (<https://ww2.arb.ca.gov/our-work/programs/ocean-going-vessels-berth-regulation>) as needed.
- Align on stopping short-lived climate pollutants in maritime shipping, specifically stopping fossil fuel (e.g., LNG) uptake in maritime shipping and build out at North American ports.
- Ships burning heavy fuel oil (HFO) produce black carbon. This short-lived climate pollutant heats the atmosphere and increases the rate of loss of glacier and sea ice. The IMO ban in 2021 on the use of HFO is insufficient, allowing some ships to use HFO until 2029. Given the U.S. and Canada's current ambitions on climate change, they must move faster. We recommend an immediate ban on the use of HFO in U.S. and Canadian Arctic waters. (For additional background, see: <https://policyoptions.irpp.org/magazines/april-2021/ban-on-heavy-fuel-oil-in-the-arctic-is-too-weak/>.)

Recommandations du Fonds mondial pour la nature au Mexique (WWF- Mexique)

Inventarios de emisiones

1. Elaborar y publicar un inventario integral, actual y accesible sobre las emisiones de los puertos y del transporte marítimo tanto doméstico como internacional (INECC, SEMAR).
2. Definir una metodología nacional estandarizada y homologada entre puertos para el cálculo de las emisiones domésticas e internacionales (INECC, SEMAR).
3. Actualizar y hacer pública la información del RENE, RETC (SEMARNAT) y ASIPONAS (SEMAR) sobre las emisiones de las empresas portuarias y del transporte marítimo.
4. Actualizar los datos de los impactos ambientales y a la salud por la contaminación marítima (SEMAR, SSA).

Lo anterior, es indispensable para dimensionar integralmente las emisiones de GEI marítimas y portuarias y formular e implementar la normatividad y las políticas públicas de descarbonización en esos sectores, sobre todo por la tendencia al crecimiento de los puertos y rutas marítimas.

Instrumentos Normativos

5. Incluir objetivos y estrategias de descarbonización en instrumentos de política nacional:
 - Estrategias, Programas y otros instrumentos sobre Cambio Climático (SEMARNAT)
 - Estrategias y Programas de Calidad del Aire (SEMARNAT).
 - Política Nacional para el Manejo Sustentable de Mares y Costas de México (SEMAR, CIMARES)
 - Política Marítima Nacional (SEMAR)
 - Estrategia de Implementación de la Economía Oceánica Sostenible (SRE)
6. Actualizar Reglas de Operación y Programas Maestros de Desarrollo Portuario para incluir la obligación de publicar periódicamente el inventario de sus emisiones, así como también establecer objetivos y estrategias de descarbonización (SEMAR, ASIPONAS).
7. Ratificar del Anexo VI del Convenio Marpol (SRE, SEMAR, SEMARNAT, SENER).
8. Emitir normas sobre la emisión de gases de efecto invernadero para puertos y transporte marítimo (SEMARNAT).
9. Implementar la Estrategia Inicial y las resoluciones de la OMI relacionadas con emisiones atmosféricas del transporte marítimo (SEMAR).
10. Asegurar que los proyectos de expansión de puertos y rutas marítimas (Dos Bocas, Corredor Interoceánico, Veracruz, Manzanillo) incluyan objetivos y estrategias de descarbonización (SEMAR y promoventes de los proyectos).
11. Fomentar la inclusión del tema de descarbonización marítima en espacios de coordinación nacionales y subnacionales (CIMARES, CICC, Comités y Consejos Estatales).
12. Asignar financiamiento para la investigación de medidas efectivas de descarbonización (CONACYT, SEMAR, SEMARNAT) e incentivos y beneficios fiscales y económicos para las empresas que implementan medidas de descarbonización (SEMAR, SHCP, SAT, Aduanas).
13. Sumar a más empresas portuarias y navieras para que adquieran el reconocimiento de empresas y puertos limpios (PROFEPA).

Capacidades y alianzas locales y regionales

14. Fortalecer las capacidades de las comunidades aledañas a los puertos para que tengan acceso a la información de las emisiones y cuenten con presencia e incidencia en mecanismos de coordinación relacionados con puertos y transporte marítimo (Organizaciones Locales, ASIPONAS).
15. Solicitar capacitación y entrenamiento a la OMI para la implementación de la Estrategia Inicial y sus guías y cajas de herramientas para reducir las emisiones de gases de efecto invernadero¹ (SEMAR, SER, SEMARNAT).
16. Promover campañas de concientización sobre la importancia de reducir emisiones y contribuir al combate al cambio climático y al mejoramiento de la salud de las comunidades portuarias (SEMAR, SEMARNAT, SSA).
17. Adherirse a iniciativas internacionales (SRE, SEMAR), como:
 - Green Shipping [Challenge](#), para descarbonizar el transporte marítimo lanzado en la COP27
 - [Declaración](#) Clydebank sobre [corredores](#) Marítimos Verdes (COPCC26)
 - [Declaración](#) sobre emisiones marítimas cero en 2050 (COPCC26).
 - [Puertos](#) para la Gente para descarbonizar los puertos del Pacífico
 - [Llamado](#) a la Acción para la Descarbonización Marítima de la Alianza Getting to Zero

Energía Renovable

18. Reemplazar la producción y el abastecimiento de combustible fósil por combustible cero emisiones (SENER).
19. Eliminar gradualmente el uso de combustibles fósiles y transitar a emisiones netas cero de gases de efecto invernadero (SENER, SEMAR).
20. Fomentar el uso de energías renovables en los puertos y transporte marítimo (SEMARNAT, SENER, SEMAR).
21. Desalentar cualquier nueva infraestructura portuaria o proyectos de transporte marítimo que utilicen combustibles fósiles (SEMAR, SENER).
22. Implementar las medidas recomendadas en los estudios “Mexico: fuelling the future of shipping” (GZC, 2021) y la transición energética del transporte marítimo: Oportunidades estratégicas en México (GZC, 2022)², elaborados por el Foro Marítimo Mundial y la coalición “Getting to Zero”³ (SEMAR, SEMARNAT, SENER).

Medidas operativas y de eficiencia energética

23. Implementación de medidas operativas y de eficiencia energética recomendadas por la OMI y otros organismos internacionales (SEMAR, SEMARNAT, SRE)

¹ <https://greenvoyage2050.imo.org/download-publications/>

² <https://www.globalmaritimeforum.org/press/with-quick-and-strategic-action-mexico-can-become-a-competitive-producer-and-exporter-of-zero-emission-fuels>

³ Getting to Zero Coalition es una alianza de más de 150 empresas de los sectores marítimo, energético, infraestructura y financiero, con el apoyo de gobiernos clave y organizaciones intergubernamentales. La Coalición se compromete a poner en funcionamiento buques comercialmente viables en aguas profundas con cero emisiones, propulsados por combustibles de cero emisiones para 2030.

https://www.ucl.ac.uk/bartlett/energy/sites/bartlett_energy/files/p4g-getting_to_zero_coalition_mexico_report.pdf

24. Modernizar, cambiar o electrificar equipo de carga y embarcaciones más pequeñas (por ejemplo, remolcadores, transbordadores, etc.) (SEMAR, ASIPONAS, prestadores de servicios de puertos).
25. Emprender nuevos proyectos de infraestructura relacionados con puertos y el transporte marítimo cero emisiones (SEMAR, ASIPONAS, prestadores de servicios de puertos).
26. Analizar e implementar medidas y acciones de eficiencia energética y operativa en los puertos y transporte marítimo, como por ejemplo el “Justo a Tiempo” (SENER, SEMAR).
27. Exigir cero emisiones a todos los buques atracados o fondeados en puertos de México, considerando las fechas comprometidas internacionalmente (SEMAR, ASIPO).

Lettres de recommandations transmises par le Moving Forward Network (MFN)



October 26, 2021

The Honorable Michael Regan, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
N.W. Mail code 1101A
Washington, DC 20460
Email: Regan.Michael@epa.gov

Cc: Joseph Goffman, Acting Assistant Administrator, Office of Air and Radiation (OAR)
Sarah Dunham, Director, Office of Transportation and Air Quality (OTAQ)
Alejandra Nunez, Deputy Assistant Administrator for Mobile Sources, Office of Air and Radiation (OAR)
Bill Charmley, Director Assessment and Standards Division, Office of Transportation and Air Quality (OTAQ)
Matthew Tejada, Director, Office of Environmental Justice

Dear Mr. Regan:

The Moving Forward Network (MFN)¹ writes the following to the U.S. Environmental Protection Agency (EPA) to present the need for EPA to prioritize environmental justice in freight impacted communities by aggressively advancing zero-emission technology and solutions across the freight sector. We appreciate the EPA's commitment to meet with EJ and grassroot organizations and communities. However, this letter highlights the critical need for immediate actions to be taken in conjunction with these meetings. With people's health and environment on the line, the EPA must move a Zero Emissions agenda, which crosses the freight sector and prioritizes environmental justice. The global freight transportation system is one of the largest sources of pollution across the country. Freight transportation relies on thousands of diesel trucks, locomotives, cargo handling equipment, and ships, aimed at moving huge volumes of goods from places of manufacturing to distribution e.g. warehouses, to places of consumption, i.e. the market, small business, etc. Presently this system contributes to significant amounts of localized pollution in areas that

¹ The Moving Forward Network (MFN) is a national network of organizations that center grassroots, frontline knowledge, expertise, and engagement with the communities across the US that bear negative impacts of the global freight transportation system. In collaboration with allies and partners, MFN identifies local solutions that call for community, industry, labor, government, and political action that advances equity, environmental justice, and a zero-emissions focused just transition. MFN's vision is to see that negatively burdened communities become healthy, sustainable places by reducing and ultimately eliminating the negative impacts of that system. MFN is deeply committed to advancing environmental justice, equity, economic justice, and a just transition.

are already overburdened by other sources of pollution. All of which generates a significant amount of pollution that contributes to an ongoing health crisis in environmental justice communities and the climate crisis across the globe.

Introduction

Over a decade ago, EPA recognized that more than 13 million people (3.5 million of whom are children) live near major marine and inland ports or rail yards, and that these individuals are disproportionately low-income communities of color and susceptible to increased health risks from air pollution.² These figures do not include the approximately 45 million individuals who live within 300 feet of a highway³ or close to large distribution centers where diesel emission sources congregate. These problems persist today with a rapidly growing freight system, an expanding network of warehouses and last-mile logistics centers, and constantly increasing throughput volumes at our ports and railyards. The result is that, even as technology has allowed for reducing emissions from trucks and other freight-moving equipment, increases in activity have outpaced the gains achieved by EPA rules that have not been amended in over a decade.

President Biden's January 27, 2021 Executive Order on Tackling Climate Change at Home and Abroad directs agencies to "make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts." To fulfill that mission, EPA must include reducing freight-related air pollution as a top priority for the Agency.

This letter outlines specific actions EPA must advance to finally provide relief to freight-impacted communities. These policies, rules, programs, outlined below must include guaranteed emission reductions in environmental justice communities. In addition, the Moving Forward Network looks forward to working with EPA to facilitate collaboration with community partners as a key part of this effort. EPA should foster action oriented, regular meetings in each region with environmental justice communities adversely affected by freight-related air pollution, and identify short- and long-term goals/policies/programs that address the unique needs of each community while aiming to clean-up the freight system as a whole.

I. Federal Rules

EPA must prioritize using its rulemaking authority under the Clean Air Act to address freight-related sources of pollution. Rules send the necessary signal to the market that a transition to zero-emissions must occur. Yet many of these sources are protected from state and local controls by federal preemption. EPA regulations are thus critical in advancing technology and protecting overburdened communities. Moreover, many of EPA's rules on the freight sector have not been amended for decades, and the most

² Office of Transportation and Air Quality (OTAQ), U.S. Environmental Protection Agency (EPA), *Regulatory Impact Analysis: Control of Emissions of Air Pollution from Locomotive Engines and Marine Compression Ignition Engines Less than 30 Liters Per Cylinder*, EPA420, pp. 2-57 (March 2008). Available at: <http://www.regulations.gov/#!documentDetail;D=EPAHQ-OAR-2003-0190-0938>.

³ See Office of Transportation and Air Quality (OTAQ), EPA, *Near Roadway Air Pollution and Health* (May 22, 2015). Available at: <http://www.epa.gov/otaq/nearroadway.htm>.

stringent standards imposed by those rules no longer require the emission reductions that could be achieved using modern technologies. EPA must quickly move forward with new federal rules for all of the following, and at every regulatory opportunity, EPA must include mandates that rapidly advance zero-emission solutions.

A. Heavy-Duty Truck Standards

Advancements in zero-emission truck technology are enabling more dramatic progress to tackle pollution. We understand that EPA has traditionally considered zero-emission technologies as part of the solution for reducing greenhouse gas emissions, but EPA must also incorporate these feasible controls in strategies for reducing all emissions, including criteria pollutants like nitrogen oxides and particulate matter. The rapid development of zero-emission technologies warrants a fresh approach to overhauling the fossil-fueled freight system. It is no longer adequate to focus solely on incrementally cleaning combustion vehicles. Thanks to improving zero-emission technology, pollution from trucks can not only be lowered but eliminated. Zero-emission trucks are commercially available,⁴ economically compelling,⁵ and the single most effective solution for reducing freight emissions.⁶ Advances in this technology are outpacing even the best estimates from just a few years ago—cost and technology assessments of battery-electric trucks from 2018 are already becoming obsolete.⁷ The barriers that once relegated zero-emission trucks to be considered a niche solution are shrinking, allowing zero-emission trucks to become the centerpiece in our battle against air and climate pollution. At every regulatory opportunity, EPA must include policies that rapidly advance zero-emissions not just in certain market segments but for the entire truck sector.

EPA's forthcoming NOx standards for heavy-duty trucks starting in MY2027 is the first unmissable opportunity to drive this transition. As part of that upcoming rulemaking, President Biden's August 5, 2021 Executive Order on Strengthening American Leadership in Clean Cars and Trucks directs EPA to "consider[] the role that zero-emission heavy-duty vehicles might have in reducing emissions from certain market segments."⁸ Now is the time to hasten the transition to zero-emission trucks and buses, and EPA has one of the best opportunities to do so by setting stringent emissions standards that include both limits on NOx emissions and escalating zero-emission sales mandates that provide a clear signal for manufacturers to chart a path toward zero-emissions. At a minimum, the federal government should require that all new trucks must have zero emissions beginning in 2035, with intermediate targets before

⁴ See MJ Bradley & Associates, Medium- & Heavy-Duty Vehicles (July 2021) <http://blogs.edf.org/climate411/files/2021/08/EDFMHDVEVFeasibilityReport22jul21.pdf>.

⁵ See Amol Phadke et al, Why Regional and Long-Haul Trucks are Primed for Electrification Now (Mar. 2021) https://eta-publications.lbl.gov/sites/default/files/updated_5_final_ehdv_report_033121.pdf.

⁶ OECD, International Transport Forum, Transport Outlook - 2019, at 157 https://doi.org/10.1787/transp_outlook-en-2019-en stating "[s]caling up decarbonisation measures for road freight transport that have already been tested and are comparatively easy to introduce is one of the most immediate actions required."

⁷ See, e.g. estimates from the ICCT, which have already been surpassed several years ahead of schedule https://theicct.org/sites/default/files/publications/Zero-emission-freight-trucks_ICCT-white-paper_26092017_vF.pdf

⁸ <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/08/05/executive-order-on-strengthening-american-leadership-in-clean-cars-and-trucks/>

then. EPA needs to ensure that the new NOx standard is implemented across the country and that the rule ramps up zero-emission technology requirements for all types of trucks and buses.

First and foremost we cannot afford to delay. EPA must complete the NOx and GHG rules in 2022. Further, EPA's medium- and heavy-duty vehicle emission standards must be additive to and not preempt state policies. Additional policies should be adopted as soon as possible to accelerate the retirement of all combustion trucks on or before 2045, and to quickly build out the infrastructure and operational environment to facilitate this transition without impacting drivers in environmental justice communities. Many of these policies fall under EPA's purview, however some, like prioritizing the conversion of the oldest trucks on the road, which are often operated by misclassified drivers, may require exercise of President Biden's whole of government/interagency approach.

In setting these standards across the freight sector, EPA must consider environmental justice impacts and priorities "from source to tailpipe to grave."⁹ This means thinking through the unintended consequences of regulatory design. For example, regulations must avoid promoting false solutions, (e.g., carbon trading and/or "greenwashed" energy that comes from non-renewable and heavy-polluting sources such as natural gas, biomass, etc.), that will only lead to further burdening our environmental justice communities. Standards that focus solely on reducing or eliminating carbon, rather than eliminating all combustion emissions, can allow these false solutions to continue through offsets and other accounting games that concentrate emissions in the most impacted communities. At the same time, transportation electrification must be accompanied by standards and regulations around renewable electricity generation, i.e. wind and solar,¹⁰ that will not further burden environmental justice communities. Decisions on siting the new electricity infrastructure must be coordinated with environmental justice leaders, address cumulative impacts and support mandatory emissions reductions.

B. Locomotives and Railyards

EPA also needs to take immediate action to clean up the nation's incredibly polluting freight rail industry. Children, families, and workers live near railyards and freight rail routes where some of the dirtiest switcher and line-haul locomotives belch diesel particulate matter each day, sometimes just feet from homes, schools, and workplaces. Communities have had to pay for the rail industry's pollution with their health for decades, and continue to suffer devastating short- and long-term health consequences from exposure to diesel pollution.

We ask that EPA adopt a much-needed rulemaking by the end of 2022 to address the public health dirty air crisis caused by locomotive pollution. EPA should include a Tier 5 zero-emission locomotive standard for all new freight locomotives that requires 100% of all new switchers be zero-emission by 2025, and 100% of all new line-hauls be zero-emission by 2030. We also ask that EPA set significantly more stringent emission standards for all remanufactured locomotives and locomotive engines, so that 100% of

⁹ "To grave" means that how and where waste from the ZE technology as well as the diesel vehicles that will no longer be in use must consider the waste stream in the planning and implementation of ZE policies and programs.

¹⁰Renewable energy may have many definitions based on the source of energy. MFN considers solar and wind to be renewable energy. However, there are important EJ and equity implications that come from these "cleaner" energy sources (i.e siting, manufacturing, shipping, etc). All of these must be considered with EJ leadership before endorsing specific renewable energy recommendations.

all remanufactured switchers meet the Tier 4 standard by 2025, and 100% of all line-haul locomotives meet the Tier 4 standard by 2027. EPA should require the forced retirement of any locomotives or locomotive engines that do not meet a zero-emission Tier 5 standard by 2045. In addition, EPA should work with our organizations to create a strategy to eliminate pollution burdens from concentrated railyard operations that pose significant health and safety risks, including but not limited to pollution and impacts from the operation of locomotive maintenance facilities, locomotive parking/idling and supporting warehouses, throughout EJ communities and railyard maintenance facilities.

C. Marine Vessels

Marine vessels are one of the largest contributors of cancer-causing pollutants around seaports and inland waterways. Ships and boats that operate along our coastlines and in our lakes still operate on dirty diesel engines and are responsible for a significant amount of diesel particulate matter exposure in portside communities. To address the health risks associated with marine vessels, we recommend that EPA adopt a rulemaking by the end of 2022 that will maximize zero-emission requirements for marine engines.

Specifically, EPA should include a Tier 5 zero-emission standard that will require 100% of new marine engines to be zero-emission by 2035. EPA should also require all remanufactured marine diesel engines to meet the Tier 4 standard by 2025 and the retirement of any marine engines that do not meet the zero-emission standard by no later than 2045.

To support the shift towards zero-emission vessel operations, EPA should continue to provide grants for the installation of shore power infrastructure and ship emission capture systems to reduce at-berth emissions. In fact, EPA should direct all Regional Administrators to work with local state and port officials to incorporate shoreside power and ship emission capture standards into their State Implementation Plans. We also encourage EPA to require all ships at-berth in U.S. ports emit zero emissions under the United States' port state control authority. Finally, because EPA's domestic regulations only apply to U.S. vessels, we urge EPA to push its federal colleagues at the U.S. Coast Guard, National Oceanic and Atmospheric Administration, and the Department of State to push for strong international standards and other strategies to clean up toxic hotspots near seaports at the International Maritime Organization.

D. Cargo Handling Equipment

Cargo handling equipment (e.g. forklifts, loaders, gantry cranes, tractor trucks, and yard hostlers) is an ineffectively regulated major source of pollution in port-adjacent communities. These pieces of equipment are regulated under EPA's nonroad engine rule, which has not been amended since 2004 and has failed to adequately reduce their pollution. Like freight trucks, this equipment is ripe for electrification--it does not travel beyond the port, rail yard or warehouse, and can be recharged on site or operated with a permanent electrical connection. Ports around the globe have already demonstrated many examples of this zero-emission equipment.¹¹ The Clean Air Act directs EPA, from time to time, to revise the standards for

¹¹ Electric yard cranes have entered service at the Port of Long Beach, a fleet of electric forklifts runs on on-site renewable energy at the Port of Hull in the United Kingdom, and rubber tire gantry cranes are in operation at the Port of Montevideo in Uruguay.

nonroad engines and vehicles to achieve the greatest degree of emission reductions achievable. It is beyond time for EPA to revise these standards and include zero-emission mandates for cargo handling equipment. By 2023, EPA should adopt new nonroad standards for port, warehouse, and railyard cargo handling equipment that achieves 100 percent zero-emission equipment by no later than 2026,¹² which is the date that the largest port complex in the U.S. also plans to achieve zero-emissions.¹³¹⁴¹⁵

E. Indirect Source Review Rules

The rapid and unchecked growth in warehousing has created toxic hotspots around the country well beyond the traditional ports and railyards that have been the focus of freight regulations. EPA must use its authority to address this growing problem. In addition to directly regulating mobile sources with new federal standards, EPA should also support the electrification of freight operations by exercising its authority to adopt regulations on freight facilities that “indirectly” contribute to pollution hotspots by concentrating mobile source emissions. Indirect source¹⁶ requirements can support transportation electrification by encouraging zero-emission operational strategies for moving freight, and ensuring magnet sources have the infrastructure necessary to support zero-emission trucks and equipment.¹⁷ Because of the expansive nature of warehouses across the country and lack of regulations protecting the health and safety of frontline communities, the timeline for EPA to move an indirect source rule and review process for warehouses needs to be aggressive with targeted goals and accountability structures that begin immediately.

EPA has authority to regulate “major federally assisted” indirect sources as part of a federal implementation plan.¹⁸ EPA has used federal implementation plans to address regional NOx pollution from power plants, and should include federal indirect source rules as part of future federal NOx plans. These federal rules can serve as a model for states wishing to address these NOx sources, or provide a backstop for those states unable or unwilling to regulate these sources.

II. Support State and Local Freight Controls

In addition to adopting the federal regulatory measures outlined above, EPA must also support state and local actions to address freight pollution in areas that violate the national ambient air quality standards, create toxic “hot spots,” and/or increase inequities in pollution burdens. The following are

¹² California Air Resources Board, Cargo Handling Equipment Regulation to Transition to Zero-Emissions (Description of Approach),
<https://ww2.arb.ca.gov/resources/documents/cargo-handling-equipment-regulation-transition-zero-emissions>

¹³ <https://ww2.arb.ca.gov/our-work/programs/cargo-handling-equipment>

¹⁴ CARB, Cargo Handling Equipment: 2011 Regulatory Amendments,
<https://ww2.arb.ca.gov/sites/default/files/2020-07/chefactsheet121813.pdf>

¹⁵ <https://ww2.arb.ca.gov/resources/documents/cargo-handling-equipment-regulation-transition-zero-emissions>

¹⁶ See 42 U.S.C. § 7410(a)(5)(C) (defining “indirect source”)

¹⁷ The South Coast Air Quality Management District recently adopted a warehouse indirect source rule that promises to cut pollution from the trucks traveling to and from warehouses, electrify warehouses, and create local clean energy jobs. Allyn Stern et al, “South Coast AQMD Adopts Warehouse Indirect Source Rule, First Reporting Months Away,” *National Law Review* (May 18, 2021)

¹⁸ 42 U.S.C. § 7410(a)(5)(B)

recommendations on steps EPA should take to bring necessary attention and resources to the environmental justice priorities around freight facilities.

A. Direct States to Quantify the Problem

First and foremost the EPA needs to be applying its authority to ensure that all states are submitting state implementations plans and meeting air quality standards. The Clean Air Act includes very specific deadlines for the adoption of plans and rules, for demonstrating progress in reducing emissions and achieving attainment,¹⁹ but EPA often must be sued by community groups to enforce these deadlines. EPA must commit to fulfilling its mandatory duties to make the air planning process meaningful. By the end of 2021, EPA should make a publicly available list of those states and air quality control regions with upcoming and outstanding SIP obligations. This list should include the timeline for when states are responsible for submitting plan requirements and when EPA must act on those submittals. For those states that are out of compliance, EPA should be imposing sanctions and adopting federal plans as required by the Clean Air Act to ensure compliance.²⁰ As the 2009 NEJAC recommendations highlighted, there is a basic need to identify facilities of concern and engage the communities around those facilities in formulating solutions. Unfortunately, the current approach to state implementation planning does not facilitate that sort of facility-based assessment because emissions inventories typically quantify the emissions from various categories of sources including heavy-duty trucks and locomotives without providing information on how those emissions are aggregated at freight hubs. EPA has authority to revise how inventories are prepared in order “to assure the [nonattainment plan] requirements . . . are met.”²¹ EPA should require States to report the emissions from freight facilities in order to allow communities to understand the pollution and health risks created by freight operations, and devise and advocate for control measures and solutions to address the problem.

B. Provide Guidance on Control Options Available to State and Local Authorities

To date, EPA has provided little to no guidance on current options for mobile source measures that could be adopted by state and local agencies responsible for addressing air pollution, even though the failure to consider these types of measures has been found to be a violation of the Clean Air Act.²² Too often, state and local air districts assume that because the sources of emissions at freight facilities are mobile sources subject to federal preemption protections, state or local agencies have no authority at all to regulate these sources.²³ The reality is that state and local agencies have a number of tools available to them to control pollution from freight sources, and EPA should issue guidance to assist states in their evaluation of

¹⁹ See, e.g., 42 U.S.C. §§ 7410, 75027505a, 7509, 7511a, 7513, and 7513a.

²⁰ See, e.g., 42 U.S.C. §§ 7410(c), (k), (m), and 7509.

²¹ 42 U.S.C. § 7502(c)(3)

²² See *Sierra Club v. EPA*, 294 F.3d 155, 162-63 (D.C. Cir. 2002) (vacating EPA approval of plan for D.C. area based on failure to consider measures such as retrofitting trucks and buses and controlling airport ground support equipment); see also Memorandum from Roger Strelow, Asst. Admin Air and Waste Mgmt., EPA to EPA Regional Administrator (Dec. 9, 1976) (explaining that fulfilling the Act's reasonably available control measure requirement requires consideration of area and mobile sources controls as well controls on stationary sources); 80 Fed. Reg. 15340, 15371 (Mar. 23, 2015) (proposed PM2.5 implementation rule).

²³ See, e.g., 42 U.S.C. § 7543(a) and (e).

available options including: regulations on the use of existing engines and vehicles²⁴ indirect source review requirements on facilities that attract mobile sources,²⁵ and public fleet purchase requirements.²⁶ Finally, while states are generally precluded from adopting standards for new engines and vehicles that are more stringent than federal standards, California is not, and states with nonattainment plans are free to adopt standards that are identical to the California standards.²⁷ As part of EPA's guidance, EPA should encourage states where freight sources are important contributors to violations of the national standards to adopt mobile source measures that California, and EPA (through its preemption waiver approval), have deemed feasible.

C. Develop Incentive Funding Strategies to Target Freight Sources

EPA must develop a more targeted strategy for awarding federal funds to promote zero-emission technologies in freight operations. Funding should only support zero-emission projects and be targeted to applicants that meet strict criteria, including for example, ports with facility-specific emissions inventories that are publicly available and meet meaningful health risk and emission reduction goals, mandate community and environmental justice participation. Finally, funding programs must be coupled with regulatory requirements to provide clear market signals.

Enforce Civil Rights Obligations on Entities Receiving Federal Funds

EPA should also ensure that federal funding recipients are complying with civil rights obligations and are not approving or otherwise enabling freight projects that create disproportionate impacts on communities of color. It can do so by, for example, weighing-in on local decision-making processes to emphasize the importance of EJ assessments for freight facilities that evaluate impacts to air quality in the immediate community compared to air quality impacts in other parts of the city/municipality, along with more comprehensive evaluation of cumulative environmental burdens and disparities consistent with a “cumulative impacts” framework. Coordination with the U.S. Department of Transportation and other federal agencies with freight responsibilities to these ends is also necessary and called for by President Biden’s government-wide commitment to achieve environmental justice.²⁸

III. Conclusion

Environmental justice communities are disproportionately impacted by the pollution and effects of climate change that comes from the freight sector. The effects of climate change nationally can already be seen in an increase in extreme weather events, rising sea level, higher temperatures, and prolonged heatwaves. The window within which society as a whole can take action to avoid the worst effects of climate change is rapidly closing. Preventing the consequences of climate change will require drastic changes in energy production, use, and consumption. To effectively implement the necessary considerations there needs to be collaboration between the EPA, other regulatory departments,

²⁴ see id.

²⁵ *id.* § 7410(a)(5)

²⁶ See *Engine Mfrs. Ass'n v. South Coast Air Quality Management Dist.*, 498 F.3d 1031, 1045-49 (2007)

²⁷ 42 U.S.C. §§ 7507 and 7543(e)(2)(B)

²⁸ https://legacy-assets.eenews.net/open_files/assets/2021/02/02/document_gw_03.pdf

environmental justice communities and frontline workers. The concerns and recommendations shared in this letter are not meant to be an exhaustive list but to illustrate the breadth to which the freight sector should be addressed. EJ communities are bearing the public health and environmental burdens from this ever expanding freight sector. MFN is calling upon the EPA to be a leader in prioritizing and implementing actionable policies and programs that center equity and justice while moving Zero Emission solutions now.

Thank you for your consideration. We look forward to hearing from you. If you have any questions or would like to schedule a follow up meeting please contact, Angelo Logan at alogan@oxy.edu and Molly Greenberg at greenbergm@oxy.edu.

Sincerely,

The Moving Forward Network Advisory Board and Staff

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November 17, 2022

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Re: Zero Emission in Freight Year in Review from 10/26/2022 Letter Submitted by MFN

Dear Administrator Regan:

A year ago, the Moving Forward Network¹ sent the U.S. Environmental Protection Agency (EPA) a letter demanding the Agency address the cumulative impacts from the freight sector.² Now, one year later, the Moving Forward Network is sending a renewed request due to little progress at EPA. We remain committed to working with the Agency to address the deadly pollution caused by the global freight system. We know the EPA has made efforts to address the myriad impacts cumulatively hitting ours and other environmental justice (EJ) communities across the country. Nevertheless, the urgency to do more to address freight-related pollution and freight-related burdens from both inland and seaports is ever growing and critical, especially as this sector continues to expand in its impacts. We urge EPA to reflect on the past year and the

¹ The Moving Forward Network (MFN) is a national network of organizations that center grassroots, frontline knowledge, expertise, and engagement with the communities across the US that bear negative impacts of the global freight transportation system. MFN includes over 50 organizations spanning more than 20 sea and inland port adjacent cities. In collaboration with allies and partners, MFN identifies local solutions that call for community, industry, labor, government, and political action that advances equity, environmental justice, and a zero-emissions focused just transition. MFN's vision is to see that negatively burdened communities become healthy, sustainable places by reducing and ultimately eliminating the negative impacts of that system. MFN is deeply committed to advancing environmental justice, equity, economic justice, and a just transition.

² Moving Forward Network. (October 26, 2021). [Letter from Moving Forward Network to Administrator Michael Regan]. Retrieved from https://www.movingforwardnetwork.com/wp-content/uploads/2021/11/MFN-Zero-Emission-in-Freight-Letter-to-EPA-10_26_21.pdf.

inactions on freight and renew the Agency’s commitment to addressing these cumulative burdens. We remain committed to holding this administration accountable and to prioritizing environmental justice, addressing overburdened communities³, and adopting policies and programs that will confront this deadly polluting sector.

The global freight transportation system is one of the largest sources of pollution across the country. On-port operations, coupled with thousands of diesel trucks, locomotives, and ships, contribute to significant amounts of localized pollution in areas already overburdened by other sources of pollution. Port pollution is an environmental and health injustice – increasing asthma, heart disease, and cancer rates. We know that the ports and freight-related industries, i.e., rail and warehouses, are often located closest to EJ communities. Frequently the ports are served by the oldest and, therefore, dirtiest sources of pollution, and to compound the issues, these sources move and are mobile, traversing through our communities and adding to the cumulative burdens.

A. Heavy-Duty Truck Standards

The recent draft report from EPA’s Science Advisory Board reinforced the public health and environmental impacts from an overburden of traffic related air pollution for environmental justice communities. “Research also shows that heavy-duty vehicles are a major contributor to inequitable traffic-related air pollution distributions. In addition, reducing heavy-duty vehicle nitrogen oxides (NOx) emissions is necessary to reduce air pollution disparity, which persists across the U.S. despite declining regional average pollution levels over decades.”⁴ Because of the deadly impacts from heavy-duty trucks, EPA must ensure that a strong policy is in place that will require/mandate emissions reductions for environmental justice communities.^{5,6,7}

And while we acknowledge that in the past year, since our initial letter, EPA has made some advancements in streamlining zero-emission truck policy that enables more dramatic progress in tackling pollution, the timing and sense of urgency have not been met. MFN’s 2021 letter stated that EPA must also incorporate feasible controls in strategies for reducing all emissions,

³ We use this term to connect with regulatory authority definitions such as EPA’s definition of “overburdened community “Minority, low-income, tribal, or indigenous populations or geographic locations in the United States that potentially experience disproportionate environmental harms and risks.” <https://www.epa.gov/environmentaljustice/ej-2020-glossary>. However, it is important to note that MFN declares there is no acceptable level of pollution burden for our communities.

⁴ United States Environmental Protection Agency. (n.d.). Science advisory board. United States Environmental Protection Agency. Retrieved October 17, 2022, from https://sab.epa.gov/ords/sab/f?p=114:18:14582673407232:::RP,18:P18_ID:262

⁵ Moving Forward Network. (August 2, 2022). *Comments in Support of Granting California’s Waiver Request for the Heavy-Duty Low NOx Omnibus Rule, Docket No. EPA-HQ-OAR-2022-0332*. https://www.movingforwardnetwork.com/wp-content/uploads/2022/11/Moving-Forward-Network-Comments_-The-Omnibus-Low-NOxRegulation.pdf

⁶ Moving Forward Network. (August 2, 2022). *Comments in Support of Granting California’s Waiver Request for the 2018 Heavy-Duty Emissions Warranty Amendments, Docket No. EPA-HQ-OAR-2022-0330*. https://www.movingforwardnetwork.com/wp-content/uploads/2022/11/Moving-Forward-Network-Comments_Heavy-Duty-Vehicle-and-Engine-Emission-Warranty-and-Maintenance-Provisions.pdf

⁷ Moving Forward Network. (August, 2, 2022). *Comments in Support of Granting California’s Waiver Request for the Advanced Clean Trucks Rule, Zero-Emission Airport Shuttle Rule, and Zero-Emission Powertrain Certification Rule, Docket No. EPA-HQ-OAR-2022-0331*. https://www.movingforwardnetwork.com/wp-content/uploads/2022/11/Moving-Forward-Network-Comments_Advanced-Clean-Trucks_-Zero-Emission-Airport-Shuttle_and_Power-Train-Certification.pdf

including criteria pollutants like NOx and particulate matter. In response to our letter, we were assured that the EPA was “actively pursuing rulemakings to establish new NOx and GHG standards for heavy-duty engines and vehicles.”⁸ The assurances, however, began fading over time.

Since MFN’s 2021 letter, EPA did move forward with its Clean Trucks Plan, which includes two proposed rulemaking actions to address both global warming greenhouse gas (GHG) emissions and criteria pollution from new heavy-duty trucks. The first proposed rule targeting additional GHG reductions for a narrow three-year window (Truck Model Years 2027-2029) has now been postponed to next year to be combined with an as-yet proposed rule covering 2030 and beyond. We remain hopeful, based on public statements, that this will be finalized quickly and revise the woefully inadequate proposed targets to better align with what the industry is capable of achieving through electrification, as well as to lay a strong foundation for additional regulations consistent with a 100 percent zero-emission target for all new trucks by 2035. The second, a rule restricting NOx emissions from new vehicles, is on track to be finalized by 2022, as requested by MFN; however, based on the proposal, the final rule is not likely to do *anything* to accelerate the industry’s transition to zero-emission heavy-duty trucks, and, based on news reports, it appears unlikely the final rule will even clean-up diesel combustion engines to the greatest degree achievable as required by the Clean Air Act.

MFN remains committed to zero emission solutions that are being proposed that require renewable energy sources⁹ and do not allow for so-called “near zero” fuel alternatives like natural gas. In fact, EPA’s allowing non-renewable energy sources like natural gas actually incentivizes the sorts of “false solutions” that MFN expressly warned EPA against. These “bridge” and alternative fuels only further the environmental injustices caused by the “false solutions” and exchange one source of pollution for another, increasing the impacts being felt in environmental justice communities by further entrenching fossil fuel pollution and delaying the zero emission solutions needed.

MFN reiterates their recommendation that as we move to implement zero-emission based technology for medium- and heavy-duty vehicles, EPA must include a plan along with additional policies to accelerate the retirement of all combustion trucks on or before 2045 and to quickly build out the infrastructure and operational environment to facilitate this transition without impacting drivers in environmental justice communities.

⁸ Letter from Joseph Goffman in response to Molly Greenberg on January 19, 2022

⁹ Renewable energy may have many definitions based on the source of energy. MFN considers solar and wind to be renewable energy. However, there are important EJ and equity implications that come from these “cleaner” energy sources (i.e., siting, manufacturing, shipping, etc.). All of these must be considered with EJ leadership before endorsing specific renewable energy recommendations.

Importantly, neither of the rules EPA moved forward guarantees a minimum level of electric trucks on the road nor a clear path to eliminating the harmful emissions from heavy-duty trucks on *any* timetable, let alone one consistent with MFN's requests. The administration touts the importance of zero emissions for medium and heavy-duty vehicles, yet the policy is not matching the rhetoric. This disconnect between words and policy has resulted in zero regulatory actions put forth by EPA to date that address the ongoing harm from diesel trucks currently on the road or that mandate emission reductions in environmental justice communities.

B. Locomotives and Railyards

The rail industry remains one of the most significant sources of environmental pollution for many environmental justice communities that are already experiencing cumulative impacts across the country. Many of our members live near railyards and freight rail routes, where some of the dirtiest switcher and line-haul locomotives belch diesel particulate matter each day. For these reasons, a year ago, MFN urged the EPA to initiate a rulemaking on locomotives and railyards by the end of 2022. MFN noted the immediate need for EPA to adopt a Tier 5 zero-emission standard, to set much more stringent standards for remanufactured locomotives and engines, and to require the retirement of heavily-polluting locomotives and engines. The need for EPA to take these actions to eliminate railyard pollution in environmental justice communities has not subsided, and if anything, has increased.

On November 9, 2022, EPA responded to petitions for rulemaking from California and the San Joaquin Valley Air Pollution Control District, asking the agency to adopt updated emission standards.¹⁰ In these responses, EPA committed to evaluating how best to address air pollutant emissions from the locomotive sector. Notably, EPA did not approve the petitions or commit to adopting a Tier 5 zero-emission locomotive standard. While we appreciate that EPA agreed to take steps to clean up locomotive pollution at the federal level, it is critical that the agency adopt strong, zero-emission regulations that reflect the dire public health needs for communities and the requirements set forth under Clean Air Act section 213(a)(5) to achieve the greatest degree of emission reduction achievable. EPA must adopt these updated standards swiftly, and include zero-emission locomotive technology that is already available today, including overhead catenary and battery-electric technology. We continue to urge the EPA to take action on transitioning all new switchers to be zero-emission by 2025 and all new line-hauls to be zero-emission by 2030.

C. Marine Vessels

Marine vessels are one of the largest contributors of cancer-causing pollutants around seaports and inland waterways. Ships and boats that operate along our coastlines and in our lakes still

¹⁰Joseph Goffman. (November 9, 2022). [Letter from Joseph Goffman to Liane M. Randolph]. Retrieved from <https://www.epa.gov/system/files/documents/2022-11/locomotive-regs-carb-petition-response-2022-11.pdf>

operate on dirty diesel engines. The continual impacts on our environmental justice communities are immense. Air pollution causes 266,000 premature deaths per year worldwide, while one additional vessel in port leads to 3.1 hospital visits per thousand Black residents within 25 miles of a port and 1.1 hospital visits for White residents.¹¹

For these reasons, one year ago, MFN noted effective rulemaking was necessary to maximize zero-emission requirements for marine engines. Additional recommendations included higher standards for new and remanufactured marine engines along with requirements for zero emissions from ships at-berth in U.S. ports, and federal adoption of California's recent at-berth regulations.^{12,13} EPA has yet to address implementing any rulemaking. We again implore EPA to take steps toward transitioning toxic diesel engines so that by 2035 100 percent of new marine engines will be zero-emission. Along with setting zero emission engine standards we continue to urge EPA to move on critical policies and programs that would guarantee emission reductions and can be implemented immediately like mandatory vessel speed reduction programs.

D. Cargo Handling Equipment

Our October letter, noted the ineffectively regulated pollution from cargo handling equipment operating within and around ports and other freight hubs. These typically diesel-powered pieces of equipment should be controlled under EPA's nonroad engine rule, which has not been amended since 2004.

To date, we have received no response to our request that EPA promulgates new nonroad standards for cargo handling equipment by 2023 to transition these sources to zero-emissions. Based on our review of the EPA official webpage, "Regulations for Emissions from Nonroad Vehicles and Engines," and of EPA publications in the Federal Register, we are not aware of any effort by EPA to revise its more than 18-year-old standards for nonroad engines.

The Clean Air Act directs EPA to update nonroad engine and vehicle standards to pursue the greatest degree of emissions reductions achievable. EPA's failure to initiate any such update is all the more glaring given how remarkably the potential for emissions reductions from this source has improved with the widespread commercial availability of zero-emission cargo handling equipment. EPA's 2004 standards are wildly out of step with the actions being taken by the State of California and Ports around the globe to transition to zero emission forklifts, yard

¹¹ O'Leary, A. (2022). *Maritime freight: Local and global impacts, technologies and considerations*. (pp. 1-31). Opportunity Green/Moving Forward Network. https://www.movingforwardnetwork.com/wp-content/uploads/2022/07/MFN_Maritime-Freight-Report.pdf

¹² Briscoe, T. (2022, October 17). *Ports reveal unprecedented surge in harmful emissions; officials blame COVID-19 logjam*. Los Angeles Times; Los Angeles Times. <https://www.latimes.com/environment/story/2022-10-17/ports-blame-covid-19-for-spike-in-harmful-emissions>

¹³ California Air Resources Board. (2020, August 27). *California approves updated "At-Berth" regulation, expanding efforts to cut pollution from ships in California ports*. California Air Resources Board. <https://ww2.arb.ca.gov/news/california-approves-updated-berth-regulation-expanding-efforts-cut-pollution-ships-california>

tractors, cranes, and container handlers. Hundreds of pieces of zero-emission cargo handling equipment are already commercially available, and new technology is actively being demonstrated in operations across the country and the world.¹⁴ We urge EPA to correct course and immediately take steps to speed the transition from poisonous diesel to zero-emission cargo handling equipment so that by 2026, all new equipment will be 100 percent zero-emission.

E. Indirect Source Review Rules

The impact of freight facilities that “indirectly” contribute to pollution hot spots such as warehouses, railyards, and ports was another important note in the letter sent in October of 2021. The EPA has not made any efforts to adopt any regulations for freight facilities and “major federally assisted” indirect sources. There continues to be an immediate need for the implementation of EPA’s authority to address indirect sources of pollution. MFN emphasized the growing problem of rapid and unchecked growth in warehousing and the need to immediately move an indirect source rule and review processes for warehouses, railyards, and ports.

F. Support State and Local Freight Controls

We appreciate that EPA has followed up on some of the demands that focused on supporting state and local freight controls with a public dashboard to track SIP obligations, a port emissions inventory guidance document to guide ports across the country in quantifying their emissions, and a fuel cell technology assessment for ports. Within our 2021 letter, we also requested a commitment to accountability. We, therefore, ask how EPA has ensured that all of the states have submitted their state implementation plans and are meeting air quality standards. This information is important for transparency and accountability in general but also critical in the context of the recently announced funding from the Inflation Reduction Act and the Infrastructure Investment and Jobs Act. Clear guidance is needed to determine how the money and resources will be distributed to overburdened and environmental justice communities. Money and resources should be utilized to support and mandate emission reduction from freight sources.

A critical piece of supporting state action is the granting of California waivers. EPA must grant the five waiver requests from California on mobile source measures currently pending at the Agency. MFN submitted comprehensive comments signed by our members and supported by organizations outside of MFN from across the country, all arguing that these waivers must be granted in full.¹⁵ While we appreciate EPA’s decision to hold a public hearing on these decisions, as reflected in our comments, there were numerous concerns over EPA’s commitment to environmental justice communities as a result of problems in the public comment, public outreach, transparency, and translation efforts.

¹⁴ California CORE. (2022). *Eligible Equipment Catalog*. California Core. (Accessed Oct. 5, 2022) <https://californiacore.org/equipmentcatalog/>

¹⁵ Ibid. See footnotes 5, 6, and 7

G. Funding Strategies and Civil Rights Obligations

In August 2022, President Biden passed the Inflation Reduction Act into law. The law provides billions in investments for zero-emission technology. Specifically, the bill includes \$3 billion in competitive grants and rebates to be administered to eligible recipients by EPA to purchase or install zero-emission port equipment and permitting and planning necessary. Of that funding, \$750 million must be used for ports in non-attainment areas. Another program to be administered by EPA is \$1 billion in competitive grants and rebates to purchase class 6 and 7 zero-emission vehicles and related infrastructure. In addition, the funding can be used for workforce development, training, and planning activities. \$400 million of this funding must be reserved for vehicles serving at least one community in non-attainment areas. \$60 million is available for the Diesel Emissions Reductions (DERA) program, which provides grants, rebates, and loans to reduce diesel emissions from transportation.

The Environmental and Climate Justice Block Grants include \$3 billion for projects up to three years in length, including investments in zero-emission technologies and the necessary technical assistance. EPA administers the Greenhouse Gas Reduction Fund; it includes \$15 billion for competitive grants to enable low-income and disadvantaged communities to deploy or benefit from zero-emission technologies, which would be important for EPA to track and coordinate. Another important program to coordinate is the Qualified Commercial Vehicle Tax credit administered by the IRS. Given all the funding opportunities, there needs to be clear guidance working with environmental justice communities on how the resources should be distributed to ensure that they reach those most burdened by the impacts of freight.

Additionally, there needs to be coordination with EPA and other federal agencies on the process for eliciting feedback and input from EJ communities. EPA should ensure continued engagement and clear next steps at the stakeholder meetings. Furthermore, there should be clear guidance that requires accountability and transparency in the spending but also the tracking of the application of the money. It is critical that EPA does not stop at distributing these investments - they must complement them with strong regulatory requirements that are in development now.

In September, the EPA announced a new Office of Environmental Justice and External Civil Rights. This office will have hundreds of staff members and a Senate-confirmed director, marking one of the most visible efforts so far by the Biden administration to ensure that the well-being of marginalized communities is an integral part of federal decision-making. While the announcement acts as a follow-up of the commitments from the administration, questions remain on what and how the office will work to ensure environmental justice and civil rights. How will this office move to address the decades of neglect that the industry has benefited from while communities have suffered at the hands of the freight sector? Administrator Regan is quoted that this office will “memorialize the agency’s commitment to delivering justice and equity for all, ensuring that no matter who sits in the Oval Office or no matter who heads EPA, this work will

continue long beyond all of us to be at the forefront and the center of everything this agency does.” For MFN, it is important that in addition to ensuring that resources and money go to environmental justice communities, there are clear commitments and timelines to moving critical policies that will hold the industry accountable and ensure protections in the long term.

Conclusion

Environmental justice communities are impacted daily by the cumulative impacts of toxic pollution, environmental racism, and the consequences of climate change. Delays and inactions exacerbate these impacts on comprehensive policy needs that will mandate emissions reduction across the freight sector. The technology available and the economic and health benefits of moving comprehensive regulations that center zero emissions while prioritizing environmental justice are not just feasible; it is deadly to continue to delay action. Climate change is hitting the communities least responsible for the climate crisis, therefore requiring drastic changes in energy production, use, and consumption. MFN operates on the principle that environmental justice communities and frontline workers are stronger together. We also embrace the collaboration with EPA and regulatory departments; this is critical to moving the demands coming from MFN and begin addressing freight impacts. To ensure this commitment is a top priority from the EPA, we are raising our request for Administrator Regan to meet with the communities on the frontline of freight impacts. MFN is requesting an in-person meeting as soon as possible on the issues highlighted in both of the letters to develop a plan on how to engage and move forward together.

Thank you for your consideration. We look forward to hearing from you. If you have any questions or would like to schedule a follow up meeting, please contact Molly Greenberg at greenbergm@oxy.edu.

Sincerely,

The Moving Forward Network Advisory Board and Staff

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