



Coalition for Clean and Safe Ports

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Clean Ports Act of 2013 Introduced to Empower Local Ports to Reduce Environmental Pollution, Mitigate Traffic Congestion, & Improve Highway Safety

Washington, D.C. – Today, Senator Kirsten Gillibrand (D-NY) and Congressman Jerrold Nadler (D-NY) introduced legislation in both the United States Senate and House of Representatives to make it clear that U.S. commercial ports possess the authority to implement environmental programs that will reduce the health, environment, and safety risks port operations pose in local communities. Such programs would – if enacted and enforced by ports – improve air quality and mitigate the impact of port trucking on the 87 million Americans that live in port communities.

Communities surrounding U.S. commercial ports have long expressed dire concerns regarding port-generated emissions in their neighborhoods. A major contributing factor to these emissions is that the estimated 110,000 diesel trucks that haul containers to and from our ports tend to be some of the oldest and most polluting on the roads today. A large number of these port trucks fail to meet current EPA emission standards, increasing malignant toxins by 1,000%. Today's modern trucks, when properly maintained, emit lower diesel emissions and create a greener and safer port.

Many major ports have initiated programs to reduce emissions from port trucks, including the Port Authority of New York & New Jersey, Virginia Port Authority, Port of Houston, Port of Charleston, Port of Seattle, Port of Oakland, Port of Long Beach, and the Port of Los Angeles. The Port of Los Angeles, which adopted the [LA Clean Truck Program](#) in 2008, has:

- Banned more than 10,000 late-model, heavier polluting trucks;
- Provided nearly \$200 million in port subsidies and leveraged more than \$600 million in private investment of 10,000 clean diesel and natural gas fuel trucks; and,
- Reduced diesel pollution by approximately 80%.

This landmark program has led to 100% of port gate moves being made by cleaner trucks, and made Southern California the preeminent market for alternative-fuel truck technology. However, federal court rulings, including the U.S. Supreme Court's decision in the *American Trucking Association v. the City of Los Angeles*, have left unanswered whether ports can insist that trucking companies take steps to assure their fleets remain clean.

Further, inadequate federal oversight over trucking companies has allowed companies to shift financial responsibility for purchasing and maintaining trucks onto individual drivers and their families. Independent studies show that [port drivers typically live near or below the federal poverty line](#); many are paid less than federal or state minimum wages and rely on Medicaid for health care; and, as [federal](#) and state government authorities have determined, are misclassified as independent contractors. In California, misclassified drivers have filed more than 500 wage and hour claims valued at approximately \$50 million in illegal deductions of clean truck lease payments, fuel, and insurance from their paychecks. The California Labor Commissioner [won her first case in court](#) against a company for making its drivers pay for the cost of purchasing and deploying clean trucks. Further, eight class action lawsuits have been filed against trucking companies, leaving the total potential liability to the Los Angeles and Long Beach port trucking industry in excess of \$100 million.

The Clean Ports Act of 2013 will empower – but not mandate - local ports to adopt and enforce requirements that will serve to reduce pollution, mitigate traffic congestion, improve highway safety, and enhance efficient utilization of port facilities.

“People living near the Ports of Los Angeles and Long Beach have suffered health problems for too long due to dirty trucks,” said Melissa Lin Perrella, senior attorney for [Natural Resources Defense Council](#) (NRDC). “We need to ensure ports have the authority to readily address these local threats to public health and safety. The Clean Ports Act will safeguard the Southern California Clean Truck Program and other innovative clean truck programs adopted across the nation, while encouraging other ports to improve the quality of their operations to reduce harmful air pollution in their communities.”

“We must take action now to clean up our ports to ensure we protect workers, the communities nearby, and the environment,” said David Foster, Executive Director of the [Blue Green Alliance](#). “The burden for doing that should not fall on hard working truck drivers already suffering under low wages and deplorable working conditions. Instead, industry should foot the bill to ensure public health and cleaner ports.”

“Port pollution has a severe effect on drivers and the 87 million Americans who live in nearby communities. Every American deserves to live and work in a community with clean air,” said Wade Henderson, president and CEO of [The Leadership Conference on Civil and Human Rights](#). “The Clean Ports Act would empower local ports to adopt requirements that would help reduce pollution and traffic congestion and improve highway safety. Further, local ports would be empowered to extend essential civil rights and labor law protections to drivers, who are currently misclassified as independent contractors.”

“The transfer of responsibility for owning and operating port trucks from trucking companies to drivers over the last thirty years, and paying those drivers too little to properly maintain the trucks, has led to an air quality crisis in harbor communities,” said Jim Hoffa, General President, [International Brotherhood of Teamsters](#). “The Clean Ports Act will allow ports to modernize the industry and clean the air without pushing drivers beyond the financial breaking point.”

“The Ironbound Community of New Jersey – one of America’s most polluted neighborhoods – needs Congress to give the Port Authority of New York/New Jersey the tools it needs to clear the air,” said Ana Baptista, Director of Environmental Policy for the Ironbound Community Corporation. “Right now, the Port tells us that their hands are tied because the laws are not clear and they don’t want to be sued by the trucking industry. The Clean Ports Act will resolve this problem so that the port can demand that trucking companies that do business at the port comply with Federal air quality rules.”

“The Port of Los Angeles took a bold step in adopting the Clean Trucks Program,” said Roxana Tynan, Executive Director of the [Los Angeles Alliance for a New Economy](#) (LAANE). “Tragically, the incredible environmental successes achieved are at grave risk because the ports have limited ability to hold the trucking industry accountable for keeping these trucks clean. Los Angeles needs the Clean Ports Act to assure that the emissions reductions that we have achieved are sustainable.”

“Chatham County Georgia, home to the Port of Savannah, ranks [third worst in the state for health risks](#) from diesel exhaust. Too many people are sick and dying and our port needs the tools to make change,” said Jerome Irwin, former port truck driver serving the Port of Savannah, Georgia (now a Teamsters organizer). “Even if every driver was given a modern truck, the so-called “independent contractors” servicing the trucks couldn’t afford to maintain them and keep them clean burning.”

“The Puget Sound region, home to the Port of Seattle, is in the top 5 percent of communities nationally for air toxics,” said Genevieve Aguilar, Ports Campaign Director for [Puget Sound Sage](#). “The Port of Seattle wants to demand change, but has been hesitant to do so because of vague and confusing Federal laws. The Clean Ports Act will clarify those laws and allow these harbor communities to be cleaned up and more livable.”

“Congress must act to provide New York, and cities all across the country, with the common sense tools they need to improve the quality of air and quality of life for millions of people,” said Senator Kirsten Gillibrand (D-NY). “It’s time to update federal laws and allow our nation’s ports to help reduce diesel emissions and improve air quality for all New Yorkers by putting clean trucks on the road.”

“With an estimated 87 million Americans living in communities near ports which fail to meet federal air quality standards, Congress must take action to address the pollution generated by ports and port trucking,” said Congressman Jerrold Nadler (D-NY). “Pollution from dirty trucks greatly increase rates of asthma, cancer, and heart disease, creating a growing public health crisis. The Clean Ports Act will update federal environmental law to allow forward-thinking ports to implement clean truck programs that will improve air quality and decrease incidents of pollution caused illnesses.”

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The [Coalition for Clean & Safe Ports](#) is a unique partnership of environmental, public health, community, labor, faith, business, civil rights, and environmental justice organizations that promote sustainable economic development at ports coast to coast to make the port trucking system a less polluting, more competitive generator of good quality jobs for residents, workers and business alike. We are more than 150 organizations strong nationwide.

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