



## California Council for Environmental and Economic Balance

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February 28, 2020

Cari Anderson  
Branch Chief, Freight Transport  
California Air Resources Board  
Sent Electronically via [freight@arb.ca.gov](mailto:freight@arb.ca.gov)

Re: Concept Paper for Freight Handbook (Released on December 12, 2019)

Dear Ms. Anderson,

On behalf of the members of the California Council for Environmental and Economic Balance (CCEEB), we appreciate the opportunity to submit these initial comments on development of the Freight Handbook. CCEEB supports the general goal of the Freight Handbook and hopes these comments and questions help frame future and ongoing discussions between stakeholders and CARB staff as work on the Handbook progresses.

**Treat Project Types Equitably.** CCEEB recommends that the Handbook treat project types equitably, whether siting new sensitive receptors or freight facilities. If CARB is concerned about new freight facilities creating additional exposure to nearby sensitive receptors, it should also want to protect new sensitive receptors that are sited next to freight facilities. For example, should CARB recommend transition zones for new freight facilities (page 8, Table 1), it should also consider transition zones for new sensitive receptors (page 15, Table 4). Similarly, recommendations to rezone and remove non-conforming uses (page 21, Table 5) should consider both types of uses where co-location of sources and receptors creates unacceptable or undesirable impacts.

**Community benefit agreements should be bound by evaluation of a project's proportional contribution to cumulative impacts.** The concept paper recommends that local agencies develop screening criteria to evaluate what could be "cumulatively considerable air quality impacts," (page 22, Table 5); we believe this analysis should be directly linked to any consideration of Community Benefit Agreements (page 27, Table 5). We also note that local agencies are responsible for balancing a wide range of project impacts and benefits, including but certainly not limited to workforce development, local infrastructure, and transportation efficiency goals. All should be taken into consideration when evaluating community benefits.

**CCEEB continues to analyze several measures, particularly in terms of local government authority.** For example, we are uncertain authority exists to impose rate structures (page 27, Table 5) and/or lease provisions (page 28, Table 5) that require use of zero-emission equipment onsite by tenants. We are also concerned that this places the onus of enforcement on private party contractual agreements rather than regulating agency authority. We would appreciate more information about CARB legal analysis on these issues. For example, at the January 23, 2020 board meeting, staff indicated: “Local governments currently do not have explicit authority or a uniform statutory framework to implement policies such as zero-emission zones, road usage, or emission-based pricing.”<sup>1</sup> We believe further discussion is warranted.

CCEEB also recommends that CARB engage with freight facility stakeholders to understand how their operations and business practices can best be employed to achieve its stated objectives. Because warehouses and freight facilities typically use short-term leases that do not dictate terms of operations by customers, contractual approaches may not be feasible or effective as envisioned in the concept paper. Additionally, these facilities do not currently service trucks and other vehicles coming onsite, and existing facility footprints may not render themselves to the addition of fueling, charging, or long-term parking infrastructure. Furthermore, challenges in matching fueling and charging infrastructure to the types and volumes of vehicles used by tenants and their contractors needs to be better understood, especially as it pertains to uncertainty regarding fast-evolving emerging technologies and the needs of out-of-state fleets. Thought should also be given as to how to develop recommendations that avoid stranded assets and the imposition of technologies that may quickly become outdated or under-utilized.

**The Handbook should focus on air quality concerns,** recognizing that local agencies have existing expertise in evaluating other types of impacts. For example, it is unclear why CARB would recommend buffers for zero-emission facilities (page 11) to mitigate impacts outside of its authority, such as, “noise, vibration, odor, glare, etc.” Indeed, the generalization and lack of specificity in the concept paper around such issues suggests that CARB may not have the requisite expertise to thoroughly evaluate non-air-related impacts and what would be needed as an appropriate buffer or transition zone.

**CARB should rework Figure 2 to avoid confusion.** Specifically, we recommend removing the DPM emission concentrations and the individual cancer risks on Figure 2 (page 13), as these could be misinterpreted as applying to freight facilities broadly. We are also curious as to how these values were calculated, given the hypothesized DPM emissions of 1.3 tons per year (tpy). For comparison, the preliminary health analyses for the At-Berth regulation found a lifetime cancer risk of 53-in-a-million to the maximally exposed

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<sup>1</sup> J&K Court Reporting, LLC Transcript, Page 60.

individual receptor at the San Pedro Ports from at-berth vessels given total DPM emissions of 23.8 tpy.<sup>2</sup> It is unclear how a freight facility with about 5 percent of the same emissions would result in more than thirty-three times the estimated cancer risk. Given the variability in equipment, operations, and locations among freight facilities, we believe the risk reduction slope can be adequately and accurately characterized without hypothesized values along the y-axis.

**Amend Table 6 to clarify that recommendations apply to warehouses and distribution centers.** The title of Table 6 (page 33) indicates that the policies only apply to warehouses and distribution centers, but the text in the table is very broad in that it talks about freight facilities in general. Table 6 should be amended to change “freight facility” to “warehouse.”

We appreciate the opportunity to provide these comments and look forward to engaging with staff as these concepts develop. In the meantime, should you have any questions or wish to discuss our comments further, please contact me at [janetw@cceeb.org](mailto:janetw@cceeb.org) or 415-512-7890 ext. 111.

Sincerely,



Janet Whittick  
CCEEB Policy Director

cc: Heather Arias, CARB Division Chief, Transportation and Toxics

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<sup>2</sup> CARB Preliminary Health Analyses: Control Measure For Ocean-Going Vessels At Berth And At Anchor, November 5, 2018. See Table 13, page 36 and Table 1, page 5.