



March 31, 2009

Commission President Bryant
Commissioner Creighton
Commissioner Davis
Commissioner Hara
Commissioner Tarleton
Port of Seattle
2711 Alaskan Way
Seattle, WA 98121

Dear Port of Seattle Commissioners:

We are concerned that the Commission may soon vote on a clean air strategy that is not an effective use of time and taxpayer dollars. We are concerned about the future of some 400 truck drivers with pre-1994 trucks, and we are concerned that this plan will not reduce dangerous diesel pollution in our communities in a sustainable manner. Under the staff's current plan, motor carriers and shippers like Wal-mart will avoid any responsibility for the impacts of their business operations on our communities.

We do not believe the Commission has enough details about the staff's truck plan to take a vote committing funds or authorizing action. Furthermore, the Commission is not being given a range of alternatives to consider. We do, however, encourage the Port of Seattle to move forward, when this information is fully provided, to thoughtfully address dangerous diesel pollution emitted by the 1,800 trucks moving millions of containers through our communities.

We believe we share with the Port several goals for the trucks air pollution reduction program – goals that are critical for the sake of our local community health as well as that of the wildlife in the Puget Sound basin. They are:

- Meeting the NW Ports Clean Air Strategy 2010 deadline;
- Maximizing:
 - the viability of this program through a sustainable business model
 - making regional air pollution gains by upgrading and maintaining port trucks
 - meeting global air quality goals by scrapping polluting trucks
- Ensuring that environmental benefits are for everyone equally and fairly and do not unfairly burden any one group of people.

We believe the port's current plan will not meet these goals because the proposed scrapping and replacement plan is not based on a realistic business model. We understand that Port staff will recommend a program to ban pre-1994 trucks, offer payments to drivers to scrap pre-1994 trucks, and that this will be followed up with development of a loan or lease program for drivers to obtain cleaner trucks. Other ports have tried, and

failed, to retrofit and upgrade truck fleets through lease and loan programs with individual drivers.' Under even the best economic conditions, individual drivers are unable to bear the costs of leasing and maintaining replacement trucks. Although these drivers are classified as "independent contractors," **trucking** company workers lack the negotiating rights to pass the costs of clean trucks on to the **trucking** companies, the shippers, or the buyers.² The proposed plan will force drivers to choose between taking on substantial additional debt and losing their jobs. In the end, this plan may encourage drivers to simply take their polluting vehicles into other Northwest port communities such as Everett, Tacoma, and Portland.

The Port of Seattle Commission needs to have all of the information before it votes to authorize funds or action.

Before committing funds or authorizing action, we urge the Port of Seattle Commission to direct port staff to:

- 1) **Present a range of genuine alternatives:** Port staff are offering the Commission only one plan to accept or reject instead of offering a range of possible models to meet the clean air goals.
- 2) **Conduct an independent analysis of the impacts of the top truck plan alternatives:** Like the Ports of Los Angeles, Long Beach and Oakland, the Port of Seattle should commission an independent analysis of the environmental, community and economic impacts of alternative clean truck plans before committing further public and private resources. With more than 18 months before the December 2010 deadline, we believe there is enough time to conduct a thorough and thoughtful analysis of a range of alternatives.
- 3) **Fully analyze and present the plans details:** Before authorizing action or funds, Port Commission should require staff to fully document exactly how the plan to meet the 2010 standards will address these important components:
 - **Scrapping:** Ensure that scrapped trucks are truly removed and do not appear in other markets or communities.
 - **Registry:** Demonstrate how a truck registry or licensing system will work and will enable efficient **tracking** and enforcement of the truck ban at the terminal gates.
 - **Enforcement:** Ensure terminal operators will enforce and document the truck ban at the gates in a fair and consistent manner, and allow for adaptive management in the face of new requirements. Port staff must provide adequate public review of

¹ Approximately 35 individual drivers have enrolled in a similar program at the Port of Long Beach to date, and less than a dozen signed up for the Virginia Port Authority's retrofit program.

² Trucking companies, in comparison, are much better qualified to manage and maintain retrofit trucks. Trucking companies have better access to credit, can pass costs on to shippers and buyers, are able to reallocate resources, and are better able to manage risk and fluctuating cargo volumes. Trucking companies will ultimately be more responsive to the maintenance requirements of retrofit engines and are less likely to default or violate the terms of a retrofit truck lease or contract.

the specific terms of the implementing agreements between the Port and its terminal operators.

- *Incentives:* Incentivize drivers to scrap their pre-1994 trucks by ensuring that they have a real opportunity to stay in the market and prosper. A one-time cash payment of \$5,000 is far below the amount needed to obtain a clean replacement vehicle and the Port Staff has not demonstrated that \$5000 is an amount that will actually work to accomplish the goal of their proposed program.
- *Loans:* Establish fair lease and loan terms for retrofit trucks, whether provided by Cascade Sierra Solutions or other entities and require trucking companies to enter into those leases.
- *Safety:* Ensure that safety maintenance costs, as well as parking, are paid for by trucking companies. How will the Port or PSCAA make sure that the trucking companies will provide an adequate level of safety and emissions maintenance -- costs that are out of economic reach for most drivers but are essential to protecting our communities?
- *Sustainability:* Build towards a sustainable program that will work for the 2015 goals without requiring another infusion of taxpayer funds or job losses at that time.

Before the port commission votes to authorize funds or action on this issue the staff should fully provide all of the details and alternatives for your consideration. We look forward to working with you to implement a sustainable, effective and fair clean trucks program at the Port of Seattle.

Sincerely,

David West, Executive Director
Center for a Changing Workforce

Heather Weiner, Director
Coalition for Clean and Safe Ports

Joyce Tseng, Board of Directors
**Community Coalition for
Environmental Justice**

Arsalan Bukhari, Executive Director
**Council on American-Islamic
Relations Washington Chapter**

Phil Mitchell
Greater Seattle Climate Dialogues

Sharyne Shiu Thornton, Executive
Director
**International District Housing
Alliance**

Dale Cannon, Business Manager
Laborers Local 242

Steve Marquardt, Research Director
**Laborers NW Regional Organizing
Coalition**

Ricardo Ortega, Organizer
**LELO: A Legacy of Equality,
Leadership & Organizing**

David Freiboth,
Executive Secretary-Treasurer
ML King County Labor Council

Dorry Elias-Garcia, Executive Director
Minority Executive Directors
Coalition

John Littel, Political Director
Pacific Northwest Regional Council of
Carpenters

Heather Trim, Urban Bays and Toxics
Program Manager
People For Puget Sound

Howard Greenwich, Research Director
Puget Sound Sage

Vince O'Halloran, President
Puget Sound Ports Council
Maritime Trades Department **AFL-**
CIO

Lee Newgent, Executive Secretary
Seattle Building and Construction
Trades Council

Brady Montz, Seattle Chair
Sierra Club

Sergio Salinas, President
SEIU Local **6**

Diane Zahn, Secretary-Treasurer
UFCW Local **21**

Rick Sawyer, Secretary-Treasurer
UNITE HERE Local **8**

J. Allen Hobart, President
Teamsters Joint Council **28**

Chuck Eggert, Secretary-Treasurer
Teamsters Local **231**

Tracey Thompson, Secretary-Treasurer
Teamsters Local **117**

Justin (Buck) Holliday, Secretary-
Treasurer
Teamsters Local **690**

Rick Hicks, Secretary-Treasurer
Teamsters Local **174**

Steve Chandler, Secretary-Treasurer
Teamsters Local **38**

Ken Troup, Secretary-Treasurer
Teamsters Local **589**

John Emrick, Secretary-Treasurer
Teamsters Local **313**

Sally Kinney
Temple Beth Am

John R. Jones, Jr., President
Washington ACORN

Maru Mora Villalpando, Lead Organizer
Washington Community Action
Network