

# CALIFORNIA LEGISLATURE

STATE CAPITOL  
SACRAMENTO, CA  
95814

September 13, 2021

Liane Randolph, Chair  
California Air Resources Board  
P.O. Box 2815  
Sacramento, CA. 95812

**RE: Taking action to ensure practicable requirements within CARB's commercial harbor craft regulations**

Dear Chairwoman Randolph,

Congrats once again on your new position. We're looking forward to working with you.

We write to express our concerns over the Air Board's pending airborne toxic control measures for commercial harbor craft ('CHC') ('the proposed rule'). As currently proposed, these pending regulations would have significant and irreparable negative impacts on the commercial charter fishing and whale watching vessel owners, ports, and coastal communities we proudly represent.

These regulations would also adversely impact public access to the natural beauty and bounty of California's magnificent coastal waters because operators would be unable to comply. They can't comply because the technology required to do so literally doesn't work.

Luckily there is time for remedial actions to ensure that your vital work to protect public health, air quality, and our climate doesn't impose impracticable or even impossible burdens on residents, and we look forward to working with you to see these actions through.

The Legislature, in partnership with Governor Newsom, has recognized the importance of maintaining coastal community health and public access to the ocean resources the State painstakingly conserves and manages. We worked collaboratively with the administration during the protracted COVID-19 emergency to restore tourism-based jobs and support small business recovery. And we have passed legislation to ensure that regulatory burdens are feasible and equitable both on implementation and for continuing to expand access opportunities for disadvantaged communities.

Commercial Passenger Fishing Vessels (CPFV), also known as charter fishing vessels, are a critical part of coastal economies and community recovery. These businesses are the primary means by which the public, including disadvantaged communities, who do not themselves own a boat, nonetheless have access to the living marine resources of our state through fishing and whale watching. CPFV operators partner in research and marine education. Federal, state, and university researchers (including students) utilize, often at no cost, access to CPFV to conduct research on the health of marine waters and fisheries. In addition, vessel owners work with schools and nonprofits (including Title 1 schools, disadvantaged youth, and veterans) to provide education and access to many that would not be able to access our marine environment any other way.

The Legislature has also prioritized, as you know, the health and wellbeing of Californians by directing your agency to take prudent action to reduce airborne toxins within our state. However, the Legislature has done so with the further direction that implementation programs be 'practicable' (HSC §39650(k)) as well as 'cost-effective, and technologically feasible' (HSC §43013(a)).

Unfortunately, rather than enhance access to the ocean and economic recovery, the proposed rule would impede coastal communities by putting many family-owned and operated CPFV out of business and reducing affordable access to marine recreation. These requirements are not practicable, they are not cost-effective, and they are not technologically feasible. So, again, the solution the agency is seeking to implement on these vessels truly doesn't work.

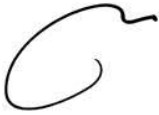
These requirements would require the installation of Tier 4 marine diesel engines and diesel particulate filters within CPFV that have been acknowledged by agency staff to be either impossible to acquire because they are not available on the open market, infeasible to install because operators cannot conform to US Coast Guard vessel safety requirements, or unsafe to operate because they run at operating temperatures that preclude their installation in wood and fiberglass hulls. While the proposed rule separates, for the first time, CPFV and commercial fishing vessels (CFV), we believe that it is inappropriate to do so. Both CPFV and CFV require operators to purchase commercial fishing licenses. Operators have used similar sizes and types of boats that operate in similar offshore areas, both spending most of their operating time far away from population centers. Unfortunately, the current structure of the proposed rule would separate these two classifications of harbor craft and, in so doing, require CPFV to conform to impracticable requirements that are neither cost-effective nor technologically feasible.

We appreciate CARB's efforts to implement policies to reduce emissions that impact climate change and reduce criteria pollutants. However, the proposed rule does not conform to the Legislature's statutory guidance for regulatory practicability. We did not intend for hundreds of businesses to be bankrupted and thousands of Californians to lose access to the ocean through

the promulgation of our important public health regulations. Therefore, we respectfully request that CARB amend the proposed rule to place CPFV back with CFV to provide an achievable, feasible, and equitable compliance pathway to reduce emissions. This is something all sides can support.

Thank you for your attention to this critical matter.

Warmest Regards,



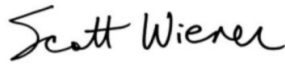
MIKE MCGUIRE  
Senator, District 2



BILL DODD  
Senator, District 3



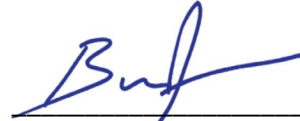
ANDREAS BORGEAS  
Senator, District 8



SCOTT WIENER  
Senator, District 11



TOM UMBERG  
Senator, District 34



BRIAN JONES  
Senator, District 38



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Assemblymember, District 17



ADAM GRAY  
Assemblymember, District 21



MARK STONE  
Assemblymember, District 29



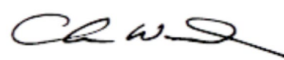
AUTUMN BURKE  
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Assemblymember, District 78