April 19, 2023

Assembly Member Laura Friedman,

Chair, Transportation Committee

State Capitol P.O. Box 942849

Sacramento, CA 94249-007

**RE: AB 1372 (Alvarez): OPPOSE**

Dear Chair Friedman:

The International Border Steering Committee (IBSC) is writing to express our strong opposition to AB 1372. This committee was formed because of the designation of the border communities (San Ysidro and Otay Mesa) as an AB617 community by the California Air Resources Board (CARB). The focus of the AB617 program is to reduce exposure in communities most impacted by air pollution. Designated communities around the State are working together to develop and implement new strategies to measure air pollution and reduce health impacts.

AB 1372 proposes to prohibit the California Air Resources Board (CARB) from enforcing regulations requiring the purchase and use of heavy duty zero-emission vehicles (ZEV) operating at a land port of entry on the California-Mexico border.  The bill attempts to nullify the requirements of the current Advanced Clean Truck (ACT) rule and the proposed Advanced Clean Fleets (ACF) regulation in the border region. ACF will be voted on by CARB in April. The bill requires CARB to essentially guarantee that charging infrastructure is available to enforce ACT & ACF rules.

The IBSC is striving to improve air quality and fight climate pollution by developing a Community Air Monitoring Plan (CAMP) and a Community Emissions Reduction Plan (CERP). Diesel pollution from medium and heavy-duty trucks severely impacts the communities adjacent to the U.S./Mexico border land crossings such as Otay Mesa and San Ysidro, the marine terminals in Barrio Logan and National City and throughout environmental justice (EJ) communities where residential communities are adjacent to industrial operations. This bill removes a critical tool for air quality in EJ communities and therefore the IBSC opposes AB 1372 for the following four fundamental reasons which are detailed below:

1. Direct Negative Impacts to our Community and Public Health
2. Undermines the IBSC’s Development of the CERP
3. Perpetuates Environmental Racism in Impacted Communities
4. Undermines California’s Ability to Achieve Climate Goals
5. **Direct Negative Impacts to our Community and Public Health**

The communities of San Ysidro and Otay Mesa are directly impacted by air pollution. San Ysidro is surrounded by three freeways and directly adjacent to the busiest border crossing in the Western Hemisphere, air quality is one of the biggest concerns. Approximately 60,000 vehicles cue for hours to cross from Mexico into the US every morning and return to Tijuana in the evening hours, leading to San Ysidro to constantly report the highest levels of Black Carbon in San Diego and one of the highest levels of Particulate Matter in California. Otay Mesa is a growing commercial and industrial hub, with nearby residential villages, schools, and the Otay Mesa Port of Entry (POE). According to the Bureau of Transportation, in 2022, roughly 1,052,286 (1.05 million) trucks alone crossed the Otay Mesa POE which is ranked the 3rd highest port of entry in North America, San Ysidro POE sits in first place for its automobile traffic.

The San Diego Air Pollution Control District has conducted monitoring which has shown that black carbon emissions are very high in the border communities, and the area has the highest traffic percentile in the state and its PM2.5 levels are in the 95+ percentile. The San Diego International Border Community was selected as an AB617 community because of these serious impacts. The San Ysidro and Otay Mesa border crossings, and Interstate 905 carry thousands of trucks a day which are the primary sources of this pollution. The community is directly exposed to this pollution, especially children, given that multiple schools in the community are located next to the freeways.

AB1372 would prevent our communities from reducing and mitigating the effects of air pollution which have been affecting us for years. San Ysidro on average is in the 75th percentile for asthma rates compared to the rest of California. It would enable further exposure to sensitive populations and increase an array of health impacts that our community already deals with. The bill places an undue burden on our community by prioritizing economic interests over public health and environmental concerns.

1. **Undermines the IBSC’s development of the CERP**

Under AB617, one of the main purposes for the International Border Steering Committee is to develop a Community Emissions Reduction Plan (CERP) for the community of San Ysidro and Otay Mesa. AB1372 would directly interfere with our efforts to reduce emissions in the community. Reducing heavy-duty truck emissions is an important strategy the committee wants to incorporate into our CERP, and this bill would take away a tool for implementation.

1. **Perpetuates Environmental Racism in Impacted Communities**

San Ysidro is a majority (93%) Latino community and has some of the lowest income census tracts in the City of San Diego. AB 1372 would allow heavy-duty trucks operating in the border region, where diesel particulate pollution is significant, to be exempted from ACT, ACF and any other ZEV rules managed by CARB.   This is a clear attack on environmental justice communities as heavy-duty trucks contribute significantly to pollution in our border communities. Much of the air pollution and greenhouse gas emissions in California and San Diego results from the transportation sector, with medium and heavy- duty trucks being among the highest emitters. Nearly 1 million heavy-duty trucks cross the US/Mexico border at the Otay Mesa Border Crossing every year.  In California, these trucks only account for about 12% of the total truck population, but they represent about 48% of the daily NOx emissions.

1. **Undermines California’s Ability to Meet Climate Goals**

This proposal significantly undermines the forward movement to ZEV directed by the Governor and Legislature and carried out by CARB via Advanced Clean Trucks; the proposed Advanced Clean Fleets regulation and the State Implementation Plan which emphasizes that more is still needed to achieve federal attainment standards. If adopted, this bill could stall the transition of heavy-duty trucks throughout the state.

The bill allows heavy-duty fleets to avoid compliance with CARB rules if they assess that charging or fueling infrastructure is deemed to be unavailable or not cost effective. The method by which these assessments would be made is not defined. Availability of charging infrastructure is a challenge that has been acknowledged by the Legislature, California Energy Commission (CEC), California Public Utilities Commission (CPUC) and CARB. Charging infrastructure is a high priority in the historic $32 billion investment in climate change measures over five years. That includes the recently announced CEC $2.9 billion investment plan that accelerates California’s 2025 electric vehicle (EV) charging and hydrogen refueling goals. The funds will support the deployment of thousands of zero-emission trucks, school buses and transit buses to deliver clean air benefits to communities hit hardest by the impacts of pollution from medium- and heavy-duty vehicles. In addition, the CPUC has directed the investor-owned utilities to offer infrastructure support programs and incentives for fleet owners to install infrastructure in their territories.

California’s ambitious plans to phase out diesel-burning trucks was just approved by the U.S. Environmental Protection Agency which enables other states to move forward with similar rules. The move promises to dramatically improve air quality for Californians, as heavy-duty trucks make up nearly a third of the state’s nitrogen oxide emissions and more than a quarter of its fine particle pollution linked to health problems.

AB 1372 undermines San Diego’s ability to reduce serious air pollution in the most impacted areas at the border and throughout the south bay. AB 1372 threatens California’s ability to meet its climate goals and perpetuates environmental injustice. The International Border Steering Committe strongly opposes AB 1372 and urges the Transportation Committee to prioritize the interests of our community over economic considerations, support regulations that promote the use of zero-emission vehicles at land ports of entry on the California-Mexico border and reject this bill.

Sincerely,

The International Border Steering Committee