

Federal Advisory Committee Act

**Clean Air Act Advisory Committee:  
Teleconference Meeting Summary**

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September 7, 2016  
EPA Headquarters  
Washington, D.C.

**Welcome and Introduction**

Mr. Jim DeMocker called the teleconference meeting to order at approximately 2:00 pm on September 7, 2016. Mr. DeMocker reviewed the logistics of using the teleconference system and the meeting objectives. The meeting objectives were to allow CAAAC members to discuss the draft Ports Workgroup report, vote on whether to approve submission of the report to the EPA Administrator, and provide the public an opportunity to comment on the draft report. Mr. DeMocker reviewed the meeting agenda and thanked the Ports Workgroup for its work in developing the draft report. It was noted that a quorum of CAAAC members had been reached.

All presentations and meeting materials are available online at: <https://www.epa.gov/caaac>.

**Presentation: Overview of Ports Initiative Workgroup Recommendations**

Dr. Lee Kindberg provided an overview of the Ports Workgroup recommendations. Ms. Kindberg noted the Workgroup recommended that the EPA develop a voluntary ports environmental performance program, and a suggested name for this program is PACE: Port Action for a Clean Environment, or Port Action for Communities and the Environment. The recommended scope of this program is to include the port and the activities up to the first point of cargo or passenger rest. It is recommended that the overall program design provide funding, technical resources and expertise to enable environmental improvements; consider using a tiered participatory structure; and set goals, track progress and incorporate ongoing feedback. The Workgroup recommends six focal areas for the program, including emission reduction strategies, community-port engagement tools, coordination with relevant government programs, increasing and targeting funding, information clearinghouse and communications, and inventories and metrics. In addition, the Workgroup recommended elements to include in the ports program for each of these focal areas.

*Discussion*

Mr. Howard Feldman stated that the report was good and commended that the workgroup produced a tremendous product, but he thought there seemed to be a lack of prioritization. He stated that the EPA would not be able to implement all the recommendations en masse. Ms. Kindberg noted that the Workgroup did try to prioritize recommendations, particularly in the executive summary, but she agreed that the EPA will need to do some work on prioritization and planning.

Ms. Pamela Faggert commented that she did not personally agree with the statement that the EPA should not divert any funding from other activities to this effort because that would imply that this is less important than anything else the EPA is doing. She added that she thought the recommendation should be that this work is important, and it should be funded by the EPA.

Ms. Ann Weeks noted that black carbon did not appear to be mentioned in the report, and she thought it should be added to the list of concerns to be addressed with a ports program. Ms. Kindberg noted that it was the intent of the workgroup to include black carbon, and she would double check the report to make sure it was on the list of pollutant to be addressed. Ms. Sarah Froman noted that black carbon is mentioned at the beginning of the report, and the intent of the report recommendations was that a ports program would address all the relevant types of air pollutants.

One CAAAC member mentioned that he was glad to see that port electrification was discussed in the report.

Mr. Don Neal also stated that he was happy to see port electrification mentioned in the report. He noted that, as a general reader, it was difficult to understand from the report what contributions different port emissions sources make to the overall amount of port emissions. He also asked whether the workgroup considered the impacts that larger container vessels, which are now being allowed at U.S. ports, will have on port emissions. Ms. Kindberg responded that the Workgroup did discuss the impact of these larger ships, and she noted that the larger vessels have less environmental impact per container, and they are newer and use more environmental technologies. However, she stated that information about these activities and the relative contribution to port emissions are the kinds of tools they would like to see the EPA make available to the public and participants in a ports program.

Ms. Gillian Mittelstaedt asked whether the EPA can be encouraged to ensure state and local authorities are supporting the port authorities in working toward these goals. Ms. Kindberg replied that state and local governments often have closer relationships with the port authorities than EPA is able to have, so they have a key role.

Mr. Nicky Sheats stated that he is in support of developing a voluntary port program, although he would prefer a more structured program with definite goals. He also commented that more regulations are likely needed for port equipment and activities, and he hopes that a voluntary program would not replace necessary regulatory actions. He also stated support for the statement included in the report written by Ms. Melissa Lin Perella, and he would add that communities with ports that are already overburdened with air pollution should be prioritized for action. He further commented that to promote frank discussion, he felt there is a need for the EPA to meet with communities without the port authority present, for the EPA to meet with port authorities without the public present, and for the public to meet with the port authority without EPA present. Ms. Kindberg noted that the Workgroup did promote this program as part of a total strategy for ports, and needed regulations could be part of that strategy; however, the Workgroup's scope was limited to the voluntary piece of this strategy.

Ms. Nancy Kruger commended the Workgroup on this work. She suggested that the CAAAC also include and forward to the EPA the sentiments expressed by the MSTRS in its cover letter to the report. Those MSTRS suggestions were that the program should have a goal of continuous improvement in air quality and public health, include clear benchmarks with quantifiable goals, and include measurement to assess continuous improvement.

Mr. Andrew Hoekzema noted that he submitted comments on the report in writing. Ms. Kindberg mentioned that the substantive comments received to date are included in the presentation. She noted that Ms. Julie Simpson submitted a comment suggesting that a graphic be added to the report, but the Workgroup determined it would be a complicated graphic to develop and is proposing to add this suggestion to the report as an addendum. She also noted that Mr. Hoekzema's comments were mostly implementation suggestions.

Mr. Hoekzema suggested that a report addendum with comments from CAAAC members would be a good way to include the perspectives of the CAAAC members while moving the report forward to the EPA. He also noted that, as a non-substantive comment, there is mention in the report of emissions of ozone, but this should be corrected to "ozone-forming emissions" because ozone is a secondarily-formed pollutant and is not directly emitted. He also commented that there was a lack of context in the report, in that it did not mention or discuss the quantity of emissions from ports. He also stated that the inventory component is a big part of a ports program, since there needs to be some assessment of the baseline emissions, but there are ways to do a screening-level inventory based on simple port factors, such as the amount of cargo (i.e., ton equivalent units) handled. He also mentioned that Diesel Emissions Reduction Act (DERA) funding is a relatively small pot of money, and there are other ways to direct money to ports, such as through state and local programs. He also said that a ports program should heavily involve the state and local governments because they have a more direct relationship with the ports in their areas.

Ms. Kindberg replied that the "ozone emissions" reference will be treated as a typo and corrected to "ozone precursors." She also noted that the total of DERA funds is relatively small, but this funding has been a powerful resource. She also noted that there may be some settlement funds available for use at ports.

### **CAAAC Vote on Ports Workgroup Report**

Mr. DeMocker noted there were three suggested voting options:

1. Vote to approve submission of the Ports Workgroup report with minor edits and an addendum with any substantive CAAC comments received in writing by September 14, 2016;
2. Vote against submission of the report -
  - a. without a process to remediate concerns impeding approval; or
  - b. with a process to remediate concerns impeding approval and potential future submission of a revised workgroup report.

Ms. Kindberg made a motion for approval of submissions of the Ports Workgroup report to the EPA under voting Option 1. Mr. John Busterud seconded the motion.

A vote was held, and all CAAAC member present on the call unanimously voted to approve submission of the report to the EPA under voting Option 1.

### **Public Comments on Ports Workgroup Report**

There were no public comments.

### **Miscellaneous Business and Adjournment**

Mr. DeMocker stated that the EPA will be considering the recommendations in the Ports Workgroup report and will provide updates to the CAAAC in the future on the EPA's plans to address those recommendations.

Mr. DeMocker also noted that the next CAAAC meeting will be December 1<sup>st</sup>, and he asked CAAAC members not to make travel arrangements until the EPA can provide the group with instructions for hotel reservations. It was also noted that when hotel information is provided to the group, the EPA will also be asking for agenda topic ideas.

Ms. Kindberg mentioned that if there are any other comments CAAAC members would like in the addendum to the report, they should send them by e-mail to herself or Sarah Froman at the EPA by close of business on September 14<sup>th</sup>.

Mr. Hoekzema asked when the next membership term nominations would be circulated. Mr. DeMocker replied that the membership packets are being developed and will soon be sent out.

Mr. DeMocker adjourned the meeting.

## Attachment A

### CAAAC Meeting Attendance List

<b>CAAAC Members</b>		
<b>Name</b>	<b>Affiliation</b>	<b>Attendance?</b>
Dr. Mark Bohan	Printing Industries of America	N
Michael Buser	Oklahoma State University	N
John Busterud	Pacific Gas and Electric Co.	Y
Susan Collet	Toyota Motor Engineering & Manufacturing North America Inc.	Y
Jim DeMocker	U.S. Environmental Protection Agency	Y
Pamela Faggert	Dominion Resources Services Inc.	Y
Howard Feldman	American Petroleum Institute	Y
Margaret Gordon	West Oakland Environmental Indicators Project	N
Daniel Greenbaum	Health Effects Institute	N
Robert Hilton	Robert Hilton Energy	Y
Andrew Hoekzema	Capital Area Council of Governments	Y
Anthony Jacobs	International Brotherhood of Boilermakers	N
Gary Jones	Printing Industries of America	Y
Robert Kaufmann	Koch Companies Public Sector, LLC	N
Dr. Lee Kindberg	MAERSK, Inc.	Y
Cassady Kristensen	Rio Tinto Kennecott	N
Nancy Kruger	National Association of Clean Air Agencies	Y
Janet McCabe	U.S. Environmental Protection Agency	N
Gillian Mittelstaedt	Tribal Healthy Homes Network	Y
Robert Morehouse	Air Permitting Forum	Y
Brian Mormino	Cummins, Inc.	Y
Donald Neal, Jr.	Southern California Edison	Y
Daniel Nickey	University of Northern Iowa	Y
Peter Pagano	The Boeing Co.	Y
Vickie Patton	Environmental Defense Fund	N
Dr. Wanda Phipatanakul	Boston Children's Hospital	Y
Myra Reece	SC DHEC	Y
Shelley Schneider	Nebraska Department of Environmental Quality	N
Dr. Nickey Sheats	Thomas Edison State College	Y
Adrian Shelley, III	Air Alliance Houston	N
Julie Simpson	Nez Perce Tribe	N
Geraldine Smith	Public Service Enterprise Group Inc.	N
Patricia Strabbing	Chrysler Group, LLC	N
Mary Uhl	Western States Air Resources Council	Y
John Walke	Natural Resources Defense Council	Y

<b>CAAAC Members</b>		
<b>Name</b>	<b>Affiliation</b>	<b>Attendance?</b>
Jason Walker	Northwestern Band of the Shoshone Nation	Y
Ann Weeks	Clean Air Task Force	Y
Dr. Jalonne White-Newsome	The Kresge Foundation	N
Joy Wiecks	Fond du Lac Band	Y