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**PORT OF LOS ANGELES RESPONDS TO FEDERAL MARITIME  
COMMISSION ACTION AIMED AT DELAYING CLEAN TRUCKS  
PROGRAM FEE COLLECTION**

**SAN PEDRO, Calif. – Dec. 18, 2008** – The Port of Los Angeles and the Port of Long Beach (Ports) were informed late Wednesday that the Federal Maritime Commission (FMC) has purported to delay the effectiveness of Agreement No. 201199 (the PortCheck Agreement), which was filed with the FMC on November 3, 2008. The agreement between the ports and their marine terminal operator tenants is for the administration of the Clean Truck Fee collection under the ports' Clean Trucks Program.

“This ruling by just two of three FMC commissioners -- made again behind closed doors -- is a misuse of the FMC's administrative process to stop the implementation of our Clean Trucks Program,” said Port of Los Angeles Executive Director Geraldine Knatz, Ph.D. “The FMC is attempting to take the decision regarding their legal challenges away from the courts by administratively imposing what is, in effect, its own injunction to stop our Clean Trucks Program. Despite providing extensive information to the FMC -- and requesting that they provide a specific analysis of their concerns about our program -- our efforts have not been reciprocated constructively by the FMC, which seems to prefer litigation to communication.”

In all three situations where the FMC has acted to delay implementation of environmental reforms in the ports, it has waited until the very last minute of the 45-day review period, and has asked for information that could have just as well been requested at any time before or during the review period. Presently, only three commissioners are on the five-person board.

“With these stalling tactics, the FMC continues to undermine a program that's critical to reducing port truck pollution by 80 percent while ensuring the highest level of safety and security in port cargo terminals accessed by thousands of trucks on a daily basis,” Knatz adds. “The FMC's actions are financially hampering our ability to help truck operators upgrade to new trucks and reach our clean air goals in a region that falls short of the Federal government's acceptable emissions standards.”

Two pending cases filed by the FMC against the ports, attack the Clean Trucks Program in a U.S. Federal District Court action filed on October 31, 2008 and in an FMC investigation proceeding filed on September 24, 2008.

The PortCheck Agreement was filed under a provision of the FMC's rules which permits agreements to take effect immediately. However, on November 14, 2008 FMC staff advised the ports of their opinion that the PortCheck Agreement should be reclassified as subject to a 45-day review rather than exempt from such review. This decision was challenged in a petition filed by the marine terminal operators on November 26, 2008, which made the case that the PortCheck Agreement complied with all of the requirements for filings that become immediately effective upon filing.

By requesting additional information, and thereby throwing the effectiveness of the PortCheck Agreement into more than six weeks of uncertainty, the FMC is attempting to hamper the collection of a \$35 per TEU fee that is essential to the funding of the Clean Trucks Program. This is the third time the Commission has used its Shipping Act authority to delay implementation of key portions of the Clean Trucks Program through requests for additional information about the Clean Trucks Program, despite extensive information previously provided by the Ports.

The Clean Trucks Program is a comprehensive environmental, safety and security initiative. The Clean Trucks Program immediately bans trucks built before 1989, the first year of diesel pollution control; and by 2012, bars any truck that doesn't meet the cleanest 2007 emission standards. When fully implemented in 2012, the Clean Trucks Program will remove over 16,000 diesel trucks from the roads and reduce harmful emissions by 80 percent.

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