

Statement of Congressman Gary G. Miller
Subcommittee on Highways and Transit
“Assessing the Implementation and Impacts of the Clean Trucks Program at the Port of
Los Angeles and the Port of Long Beach”
May 5, 2010

Thank you Chairman DeFazio and Ranking Member Duncan for holding today’s hearing to discuss the very important issues surrounding the Clean Trucks Program at the Port of Los Angeles and the Port of Long Beach. My constituents, as members of the Clean Truck Coalition, came to me last fall with their concerns with efforts to change federal transportation law that would have a negative effect on interstate commerce and the goods movement industry. This group met with Chairman Oberstar and I appreciate the time and effort the Chairman took to discuss and understand their concerns with the Clean Trucks Program.

Since the implementation of the Clean Truck Program in late 2008, more than 8,000 high-polluting, cargo trucks have been removed from the San Pedro Bay harbor complex, reducing diesel truck emissions by 70 percent in just the first year of the program. By the end of 2010, local industry leaders expect, each dirty truck will have been replaced by a new, low-emission truck, and local officials predict that they will reach their goal of reducing diesel truck emissions by 80 percent – two years ahead of schedule. It is also important to note that local motor carriers have invested more than a half-billion dollars in new, clean trucks to help the ports achieve their environmental goals.

As you will hear today, some supporters of the Clean Trucks Program have argued that a specific employment and ownership structure for those trucks that serve the Port of Los Angeles is necessary to ensure compliance with current and new air quality guidelines. However, I believe that compliance with air quality standards should be determined on a truck by truck basis without regard to the employee or ownership status of the driver of that truck.

The air quality achievements at the Ports are taking place under current law and without banning independent drivers and it is abundantly clear that ports already have the necessary authority needed to implement clean truck programs. In fact, the American Association of Port Authorities (AAPA) recently passed a policy position that states that AAPA does not believe there is a need at this time to amend the Federal Aviation Administration Authorization Act because of the success of current clean truck programs that have been implemented without a change in the law.

I do not believe that an individual port authority should discriminate against certain types of businesses based on the assumption that their ownership or employee structure would affect their compliance with air quality standards. If there are separate and ulterior concerns about labor conditions, wages, or mistreatment of certain drivers, I believe those issues should be addressed within the confines of federal and state labor regulations. The federal government should not attempt to resolve local labor concerns by outsourcing its authority to protect our nation’s environment.

The Clean Truck Coalition and the American Trucking Association have not objected to following and complying with the regulations of the Clean Air Act and the California Air Resources Board. However, they have serious concerns about the local and national impacts of allowing an individual port authority to impose additional restrictions beyond their authority under federal law. I, too, have the same concerns and believe that the goods movement,

international trade, and interstate commerce industries associated with the ports need to have a consistent set of regulations to follow in order to be successful in complying with the various contracts and deadlines associated with the industry.

Deregulation was an important part of transportation history that allowed the transportation marketplace to grow and provide jobs for the local communities that surround these facilities. Deregulation got the federal government out of the business of picking winners and losers in the transportation industries. I believe that any effort to disrupt the important progress we have made over the last few decades would result in the loss of thousands of American jobs as international shippers and retailers would be forced to find alternative ways to transport their goods to and within the United States.

Again, thank you Chairman DeFazio and Ranking Member Duncan for holding this important hearing so that Congress may continue to review this program, its successes, and the on-going challenges to it. It is my hope that our Committee will take the time to fully understand both sides of this issue and the devastating impact that changing federal pre-emption laws would have on interstate commerce and the jobs and businesses that rely on this important part of our economy.

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