



March 5, 2024

The Honorable Jasmeet Bains, M.D.  
Assemblymember, 35th District  
1021 O Street, Suite 5730  
Sacramento, California 95814

Support/Sponsor: AB 1122: Mariner Safety

Dear Assemblymember Bains, M.D.:

As representatives of the hardworking men and women of the International Organization of Masters, and Mates & Pilots (MMP), the Inlandboatmen's Union (IBU), and Marine Engineers Beneficial Association (MEBA), we write today to reiterate our support for AB 1122 given the USCG letter to CARB dated February 21, 2024. We believe the letter demonstrates that it is imperative that the legislature act to support and protect the men and women working on the water and ensure that their safety is paramount when complying with the California Air Resources Board's (CARB) Commercial Harbor Craft (CHC) Rule.

As you know from our communications last year, CARB denied that there was a safety issue in response to our efforts to make sure our men and women can get home safely from their 14 – 21-day stints on a vessel. CARB dismissed our safety concerns even though CARB possessed and refused to acknowledge or share a 2021 letter from the USCG expressing those same safety concerns. CARB even failed to reveal the letter to legislators during discussions. Only after the vessel owners conducted a Freedom of Information Act request of the USCG was the letter made public in June of 2023.

Presented with this evidence and your office's direct discussions with the USCG, it became clear to CARB that they had to acknowledge the safety concerns, which they finally did in November of 2023 where CARB suggested an Executive Order (EO) by CARB would address the safety issue they had refused to acknowledge since 2021. As the labor organizations responsible for the lives and livelihoods of the men and women working at sea, we believe CARB's offer of an EO is insufficient. Not only did CARB not discuss the EO option with us, but they have also never contacted the vessel owners or our organizations on how safety should be addressed on vessels.

And even though CARB clearly requested the updated letter from the USCG to demonstrate that CARB has renewed communication efforts after we forced them to acknowledge the safety issues, the USCG letter continues to agree that safety issues remain and the EO is insufficient. To quote the USCG letter:

While the Executive Order does address the potential navigational safety concerns while using a DPF, we do want to iterate that we continue to have concerns about the feasibility and potential stability issues of repowering to Tier 4 engines plus a DPF for some vessels, as well as with the potential safety issues over DPF operating temperatures and fire load of the vessel due to varied hull materials.

As we have emphasized, CARB is not a safety agency, and safety should not be entrusted to them. CARB has demonstrated that they cannot be trusted with mariner safety, given that they suppressed the original USCG letter during the development of the CHC rule and refused to acknowledge or release it, even in discussions with legislators. CARB has also demonstrated that they consider their long-term air quality objectives more important than the immediate risk the CHC rule poses to mariner safety.

Therefore, it is critical that the legislature act to codify safety for the men and women working at sea by passing AB 1122. This legislation will protect both the men and women, the environment, and the port infrastructure. A tug losing power when guiding a ship or tanker can lead to disaster as it runs aground or into piers and breaches its cargo or fuel holds. At sea, rescue operations can take hours, not the minutes common to land-based responses. There is also no place for crews to escape except the sea, which puts our men and women in continued jeopardy from cold water, atmospheric rivers, crashing waves, and currents.

We request that the California Legislature pass and Governor Newsom sign AB 1122 to support the men and women who work in some of the most dangerous jobs in the nation.

Sincerely,



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