

GUBERNATORIAL PORTS BRIEFING



2017

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EXECUTIVE SUMMARY

PROBLEM

The Port of Newark and Elizabeth is the third largest seaport in the nation and the largest on the East Coast. It is overseen by a largely unaccountable bi-state agency, the Port Authority of New York and New Jersey (PANYNJ), in which the Governors of New Jersey and New York hold much power. *Port-adjacent cities like Newark bear the burdens of pollution, poor working conditions and low wages resulting from the ports, but reap few of the benefits.*

Port pollution is an environmental and health injustice – increasing asthma, heart disease, and cancer rates in port-adjacent communities where a majority of residents are low income and Of Color. A majority of the goods leaving the port (85%) are moved on average by 14,000 diesel drayage truck trips per day along major highways and local roads within the region to nearby warehouses, assembly facilities, and retailers.¹ Unfortunately, port trucks are some of the oldest and dirtiest trucks on the road, spewing harmful diesel pollution and greenhouse gases.

“Drivers are on the job five days a week, from ten to twelve hours a day, earning an average income of \$28,000 per year. Because they are not considered employees, they have no benefits -- no health care, pension, paid vacation, etc. Drivers must pay for the rig and for ‘truck maintenance, tolls, road taxes, licenses, and fuel.’”²

While the Port Authority boasts about its significance as an economic driver in the region, local residents fail to realize the benefits. This is due to low local hiring rates overall at the port and the jobs available to them are mostly low wage (e.g. port trucking and warehousing).

The PANYNJ also has a long standing tradition of patronage, wasteful spending, and lack of public accountability, making it difficult to change the agency’s culture and achieve results for the public good.

SOLUTION

The Coalition for Healthy Ports (CHP) formed almost a decade ago because seaports represent one of the most significant environmental burdens in an already overburdened and vulnerable region. It is a bi-state collaboration of over 40 environmental and social justice, community, labor, and interfaith organizations committed to a *Clean Environment, Healthy Neighborhoods, and Good Jobs*. The Coalition is led by Clean Water Action/Clean Water Fund (chair), GreenFaith, International Brotherhood of Teamsters, Ironbound Community Corporation, and the New Jersey Environmental Justice Alliance.

We believe the best way to achieve a clean and healthy port is through strategic policy reforms and investments at the PANYNJ that will clean the air and improve the conditions of workers and adjacent communities. The strategies detailed in this report include recommendations in four key areas: **(1) Clean Air, (2) Community Benefits (3) Good Jobs and (4) Good Governance**. We call on the next Governor of the State of New Jersey to commit at a minimum to the following high priorities in each of the four key area.

NOTE: These same high priority recommendations are highlighted in **bold** throughout the report.

¹ <http://www.panynj.gov/port/trucking-roadway-network.html>

² Bensman, David. (2009). Port trucking down the low road: a sad story of deregulation. Rutgers University. DEMOS

Coalition for Healthy Ports High Priority Recommendations for Action by Next Governor

Clean Air

- ❖ Adopt diesel emission reduction policies similar to California that affect the entire logistics industry.
- ❖ Support and sign into law policies that create “clean truck exemption” program and dirty container fees.
- ❖ Reinstate the PANYNJ’s pre-2007 engine truck ban at the port.

Community Benefits

- ❖ Re-negotiate the lease between the PANYNJ and City of Newark to provide a more equitable sharing of the revenues from the seaport and the airport.
- ❖ Establish an environmental mitigation fund that implements local community-based projects to reduce port emissions. Implement concrete actions in the first 100 days (e.g., air filters and sound dampening windows in schools, enhanced health clinics, truck re-routing, and residential neighborhood buffer zones).
- ❖ Work with port-adjacent communities to develop a comprehensive warehouse zone and plan for both on/off port. Mandate that all trips between the port and warehouse zone utilize low-emitting engines (e.g. electric).

Jobs

- ❖ Ensure all jobs in and around the port, including work performed by contractors, service providers and tenants, shall earn at least \$15 an hour as well as full benefits for full-time employees.
- ❖ Enact first source hiring program with regard to all port-related jobs that prioritizes workers from the port-adjacent communities.
- ❖ Create a “responsible contractor” policy that requires all entities wishing to provide direct or subcontracted services at port facilities to adhere to the highest standards of wage and workplace protections. Call on the NJ Department of Labor and other agencies with jurisdiction to conduct a full investigation into misclassification, tax evasion and wage theft in the port trucking industry. Take appropriate enforcement action.

Good Governance

- ❖ Reform the Board of Commissioners’ appointment system and hiring processes for high-ranking PANYNJ employees. The Board of Commissioners should have seats reserved for members representing local communities/municipalities. Commissioners and high-level employees should be subject to legislative review and public vetting. Renewal of appointments to these positions should be contingent on performance reviews that include adherence to the Code of Ethics of the Agency.
- ❖ Support and sign into law a substantive legislative reform package that enforces greater agency oversight and transparency to improve port governance.
- ❖ Increase investments for environmental mitigation projects in the Ports Commerce division. Expansion or growth in the marine and airport divisions should be tied to increased environmental or community mitigation investments to offset potential harmful impacts on local communities.
- ❖ Ensure that the PANYNJ creates an official Environmental Justice Stakeholder group that meets regularly with and produces recommendations for consideration directly to the PANYNJ Commissioners and the Governor's Office.

Each section of this report highlights a particular details port-related problem, its impacts and specific solutions recommended by the Coalition for Healthy Ports. We call on the next Governor of the State of New Jersey to be a committed advocate for achieving the goals outlined in this report and to implementing a comprehensive, proactive approach that will bring New Jersey closer to realizing the vision of a clean, healthy and prosperous port region for all residents.

CLEAN AIR

PROBLEM

Seaports are significant contributors to local and regional air pollution due to their heavy reliance on diesel engines to power seaport operations including: ocean-going cargo vessels, harbor-craft (tugboats and other small boats), cranes, cargo handling equipment, locomotives, and drayage trucks. Diesel exhaust is a known cause of lung cancer and it has been linked to asthma, heart disease, premature death, and other serious adverse health effects. According to the NJ Department of Environmental Protection (NJDEP), "Health studies have shown that there is no clear threshold below which adverse effects are not experienced by at least some segments of the population."³

Residents living in communities located in and around the seaport bear the brunt of the air pollution emanating directly from on-port operations, as well as the local and regional goods movement system that serves as an extension of port infrastructure. The health of residents in Newark, Elizabeth, Jersey City and Bayonne are particularly impacted by the emissions from thousands of trucks that traverse local roads and nearby highways daily.

Truck emissions have a high intake fraction (or portion of emissions inhaled by people) compared to typical point (smokestack) sources due to the fact that diesel exhaust is emitted on roadways at ground level in close proximity to where people live, go to school, work and play.

These port-adjacent communities host a myriad of port-related operations from truck-intensive warehousing to the network of highways and feeder roads that serve to move goods to and from the port. Through this system of diesel truck and rail traffic, the health impacts of the seaport operations extend far beyond the seaport fence line.

The NJ Department of Environmental Protection (NJDEP) predicted that cancer risk from on-port activities alone ranged up to 1000 in a million, well above the NJDEP's benchmark of 1 in a million risk.⁴ In this study, diesel emissions were found to contribute to a violation of the 24-hour Particulate Matter 2.5 (PM2.5) National Ambient Air Quality Standard (NAAQS) and exceedance of the annual and 24-hour Significant Impact Level (SIL) in most of the surrounding communities. However, this study underestimated the full impact of the ports because drayage trucks traveling and idling outside of port boundaries were not considered in the calculation of risk.

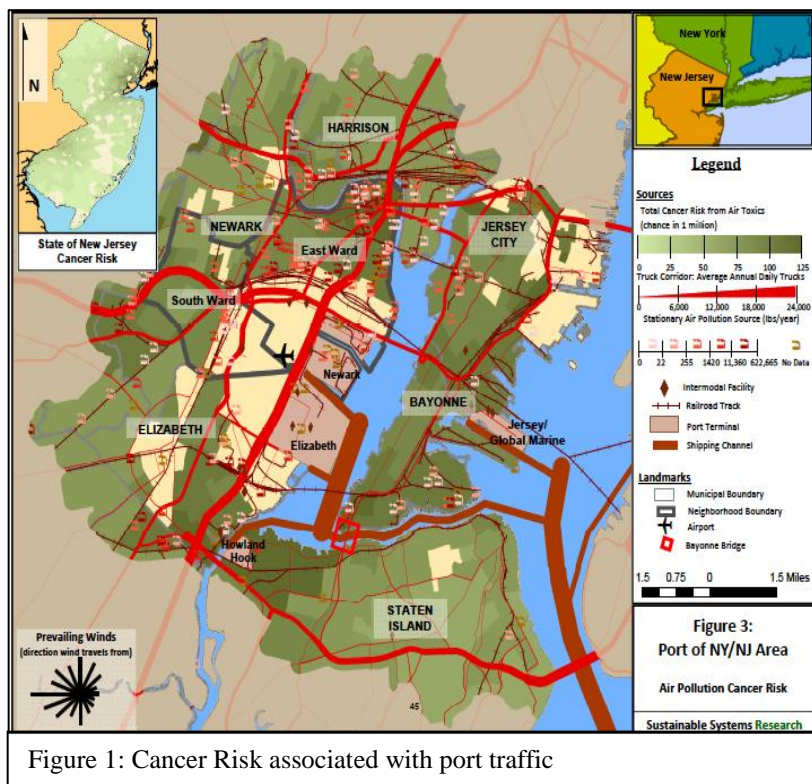


Figure 1: Cancer Risk associated with port traffic

³ <http://www.nj.gov/dep/stopthesoot/port%20modeling%20phase%202%20FINAL%206-24-11.pdf>

⁴ Ibid

IMPACTS

Air pollution emanating from port-related activities, has the greatest impact in communities that are already disproportionately burdened by pollution and vulnerable (i.e. lack access to health care, greater health burdens, etc). Close to one million people living in Newark, Elizabeth, Jersey City, and Bayonne suffer from the most harmful effects of diesel air pollution from port operations and trucks. Figure 1 shows the cancer risk associated with local truck traffic in the region surrounding the New Jersey seaports. Residents like Melissa Miles and her young family in Figure 2 face economic, social and health related impacts from port-related diesel exposure.

SOLUTIONS

The following recommendations are focused on reducing diesel emissions and corresponding human health and environmental impacts of Port-related diesel sources. While there are many air pollutants emitted from port operations (NO_x, SO_x, PM, GHG, etc.) that must be reduced, the focus of the mitigation strategies presented here target diesel sources because of their harmful impacts at the local level.

All solutions in **bold** are high priority recommendations of the Coalition for Healthy Ports.

Develop Comprehensive Plans to Mitigate Port-Related Air Pollution

- ❖ Demonstrate leadership on the issue of air pollution from freight operations by establishing a partnership between relevant New Jersey and New York agencies to develop a bi-state plan for tackling emissions from the freight sector.

This plan should include bi-state regulatory proposals, incentives and a robust public participation process. Such a comprehensive plan should include (1) quantification of the emissions from freight operations in the bi-state area, localized health risks, and the economic benefits associated with reducing diesel pollution; (2) establish emissions reduction and health risk goals; and (3) identify the strategies and funding necessary to meet those goals. This comprehensive emissions freight plan can serve as the state's roadmap for reducing emissions and health risks from goods movement operations.⁵ California already has this type of freight plan in place to meet new climate and clean air goals, create incentives and funding for truck fleet turnovers with an eye towards creating a zero emission passenger and container movement system by 2035.⁶

A MOTHER'S VIEW OF PORT POLLUTION



In the Newark neighborhood known as the Ironbound, things look tidy on the surface. The Ironbound is often talked about as being one of the most vibrant and diverse neighborhoods in the city. But it has a dirty secret - air pollution. It is a port-adjacent community where asthma, bronchitis, severe allergies and other chronic diesel-related illnesses plague residents. Parents fear for their children's health. Melissa Miles is a mother of two young boys residing in the Ironbound community. She recounts what it's like to live with the impacts of diesel.

"I never wanted my 4 year old son to be a statistic. When he first began to wheeze, I attributed it to a cold. But then his pediatrician prescribed asthma medication. Even then, I refused to believe. No one in my family or in his father's family has asthma. I thought this was a one-time occurrence. But then it happened again and again. By our third emergency room visit, reality began to sink in. Then his cousin who lives around the corner on South Street began to have severe respiratory issues. South Street is a major truck thoroughfare to and from the port. Our air quality is impacted everyday by living so close to the ports. When I thought things couldn't get any worse, my two year old began to have difficulty breathing too. Now my family has three children with respiratory issues all living within one block of each other in the Ironbound. Our children deserve clean air and I know that cleaning up the ports and modernizing the trucks will help make that a reality."

Figure 2: Ironbound Resident and Diesel Induced Asthma

⁵ https://www.arb.ca.gov/planning/gmerp/plan/final_plan.pdf

⁶ http://www.casustainablefreight.org/files/managed/Document/289/CSFAP_FINAL_07272016.pdf

- ❖ Work with the New Jersey Department of Environmental Protection (NJDEP) to require large area sources like the seaports to submit air emissions reduction plans for compliance with the State Implementation Plan (SIP). Additionally, the NJDEP can update their assessment of air emissions and environmental health risk associated with freight activities both on and off port properties.

Adopt State Policies to Reduce Freight-related Diesel Emissions

California used state law and powers given to states under the federal Clean Air Act to adopt a suite of regulations to reduce diesel exhaust, including from port-serving trucks, ships, harbor craft, and cargo handling equipment. Many of these regulations modernize older fleets of diesel vehicles and equipment and/or require the use of emissions control technologies. These successful programs are models for the State of New Jersey to consider how best to protect its residents from air pollution created by PANYNJ operations. Moreover, these initiatives show that states are empowered to reduce freight-generated emissions.

- ❖ **New Jersey should promptly review California’s freight related emissions reductions programs and pass diesel emission reduction policies similar to California that affect the entire logistics industry:**
 - [TRUCK AND BUS REGULATION](#) to reduce emissions of diesel particulate matter, oxides of nitrogen and other criteria pollutants, from in-use heavy-duty diesel-fueled vehicles.⁷
 - [AT-BERTH REGULATION](#) to establish airborne toxic control measures for auxiliary diesel engines operated on ocean-going vessels at-berth.⁸
 - [TRANSPORT REFRIGERATION UNIT AIRBORNE TOXIC CONTROL MEASURE](#) to establish airborne toxic control measures for in-use diesel-fueled transport refrigeration units (TRU) and TRU generator sets, and facilities where TRUs operate.⁹
 - [CARGO HANDLING EQUIPMENT REGULATION](#) for mobile cargo handling equipment at ports and intermodal rail yards.¹⁰
 - [COMMERCIAL HARBOR CRAFT REGULATION](#) to establish airborne toxic control measures for commercial harbor craft.¹¹
- ❖ Implement a state environmental impact assessment law (Mini-NEPA) modeled after the New York State Environmental Quality Review Act (SEQRA). Such legislation would improve government decision-making by increasing transparency, information, and dialogue about the environmental and public health impacts of government actions.
- ❖ Enact an Executive Order on Environmental Justice and Cumulative Impacts as a prelude to legislation that will ensure the use of a cumulative impacts screening tool and environmental justice review for environmental permitting and development projects in disproportionately impacted areas of the state including the port region.

Move Towards Zero Emissions at PANYNJ

The PANYNJ should adopt proactive policies within its purview to more aggressively mitigate diesel emissions from their operations. As a bi-state agency, the Governor of New Jersey has the ability to advise the PANYNJ to consider policies that benefit the residents of the state. The following are specific PANYNJ policies that can be promoted by our next Governor:

- ❖ **Reinstate the pre-2007 engine truck ban at the port (initially approved by PANYNJ in 2009), and transition the drayage fleet to 2010 and newer engines.** The structure of the ban will be redesigned to ensure that the drivers are not paying for the new trucks.

⁷ <https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm>

⁸ <https://www.arb.ca.gov/ports/shorepower/shorepower.htm>

⁹ <https://www.arb.ca.gov/diesel/tru/tru.htm#mozTocId507635>

¹⁰ <https://www.arb.ca.gov/ports/cargo/documents/chefactsheet0516.pdf>; <https://www.arb.ca.gov/ports/cargo/cargo.htm>

¹¹ <https://www.arb.ca.gov/ports/marinevess/harborcraft/documents/chcfactsheet0516.pdf>;
<https://www.arb.ca.gov/ports/marinevess/harborcraft.htm>

❖ **Support and sign legislation into law that will create a “clean truck exemption” program.**

This program would fund port-related environmental mitigation and specifically incentivize the turnover of the drayage truck fleet. Clean trucks meeting the standard for entry (trucks with post-2007 engines) would be exempt from the fee and truck companies with older, dirtier trucks would pay a fee into a fund used to subsidize fleet modernization.¹²

❖ Implement a “concession agreement” that sets standards for operations, working conditions and environmental and community protections.

PANYNJ uses their authorized budget as well as federal, state and other funds to implement aggressive clean air strategies. Mitigation funds should be increased and prioritized to maximize the reduction of diesel emissions and related health and community harms.

❖ Raise marine tariffs on shippers to help fund emissions capture and control systems for ships (see Figure 3), locomotives, etc.

❖ Apply Volkswagen settlement funds in a manner that prioritizes the most aggressive air mitigation strategies from drayage trucks and ships, which are the two largest sources of air pollution.

❖ Prioritize federal mitigation funds from sources such as the USEPA DERA, USDOT TIGER and CMAQ funds for reducing diesel emissions from mobile sources at seaports, including truck replacement, zero emissions technologies for cargo handling equipment (CHE), and emissions capture and control systems for ships.

❖ Require larger investments by the PANYNJ in technology and capital spending to modernize and cleanup port operations. PANYNJ's Port Commerce Division receives the smallest relative percentage of the agency's capital budget (less than 4%).

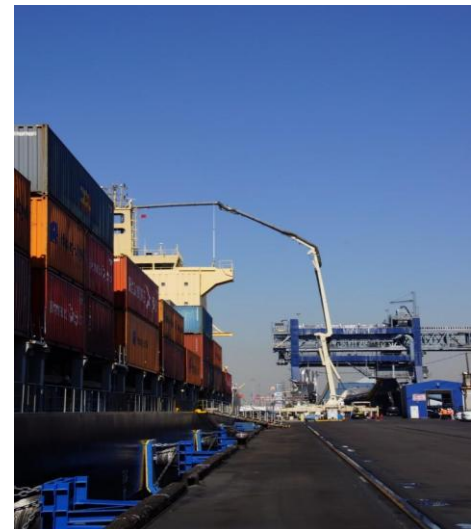


Figure 3: AMECS mobile dock-side smoke stack emission control system for ships.

The PANYNJ can also implement specific operational policies and procedures that can improve efficiency and reduce diesel emissions in and around their facilities.

❖ Implement an appointment system for container pick-up and drop-off at the port.

❖ Implement an aggressive anti-idling and enforcement program both on and off port property for drayage service areas including chassis yards, empty container storage yards, intermodal rail facilities, etc.

❖ Install ample plug-in capacity for all refrigerated cargo both at the port and off-site port-related warehouses.

❖ Implement a “Virtual Container Yard” system to eliminate empty container trips.¹³

¹² Support passage of S2507 / A4120 or a similar bill, which establishes "Clean Trucks Tariff Fund" that helps incentivize and equitably pay for the replacement of older heavy-duty diesel trucks at the port.

¹³ Investigating the Feasibility of Establishing a Virtual Container Yard to Optimize Empty Container Movement in the NY-NJ Region <http://www.utrc2.org/sites/default/files/pubs/Investigating-Feasibility-of-Establishing-Virtual-Container-Yard.pdf>

Coalition for Healthy Ports Summary of “Clean Air” Recommendations

Text in **bold** indicates that it is a high priority recommendation of the Coalition.

CLEAN AIR

Develop Comprehensive Plans to Mitigate Port-Related Air Pollution

- ❖ Develop a bi-state plan for tackling emissions from the freight sector.
- ❖ Submit seaport air emissions reduction plans for compliance with the State Implementation Plan.

Adopt State Policies to Reduce Freight-related Diesel Emissions

- ❖ **Pass diesel emission reduction policies similar to California that affect the entire logistics industry.**
- ❖ Implement a state environmental impact assessment law (Mini-NEPA).
- ❖ Enact an Executive Order on Environmental Justice and Cumulative Impacts.

Move Towards Zero Emissions at PANYNJ

- ❖ **Reinstate the pre-2007 engine truck ban at the port.**
- ❖ **Pass legislation that will create a “clean truck exemption” program and dirty container fees.**
- ❖ Implement a “concession agreement” that sets standards for operations, working conditions and environmental and community protections.
- ❖ Raise marine tariffs on shippers to help fund emissions capture and control systems for ships and locomotives.
- ❖ Apply Volkswagen settlement funds in a manner that prioritizes the most aggressive air mitigation.
- ❖ Prioritize federal mitigation funds from sources such as the USEPA DERA, USDOT TIGER and CMAQ funds for reducing diesel emissions from mobile sources at seaports
- ❖ Increase investment in technology and capital spending to modernize and clean-up port operations.
- ❖ Implement an appointment system for container pick-up and drop-off at the port.
- ❖ Implement an aggressive anti-idling and enforcement program.
- ❖ Install ample plug-in capacity for all refrigerated cargo.
- ❖ Implement a “Virtual Container Yard” system to eliminate empty container trips.

COMMUNITY BENEFITS

PROBLEM

The PANYNJ is setting new records for profitability. In 2015, port activity generated \$21.2 billion in personal income, nearly \$53.5 billion in business income and almost \$7.1 billion in federal, state and local tax revenues.¹⁴ The Port Authority recorded a \$95 million profit from the Port Commerce division.¹⁵ Unfortunately, port-adjacent communities like Newark, Elizabeth, Jersey City and Bayonne receive little financial benefit and very few good paying jobs while suffering the greatest impact from port-related traffic and pollution. New Jersey's port-adjacent communities have unique financial relationships with PANYNJ. Some municipalities like Newark hold title to lands leased to the Port Authority for seaport and airport activities while other municipalities like Elizabeth no longer have port land holdings. While taxes or payments in lieu of taxes are paid by the PANYNJ to municipalities that host port operations, there is a failure to sufficiently compensate port-impacted municipalities for the fair market value of port-occupied real estate. Few, if any, offsets exist to mitigate the environmental pollution and other related burdens (i.e. wear and tear on local roads, etc.) of hosting freight industries near densely populated, overburdened and vulnerable population centers.

IMPACTS

The economic and environmental impacts of port activities in communities vary based on the level of activity and economic arrangement between the PANYNJ and the individual municipality. The related community mitigation and benefits owed to each impacted municipality should reflect these differences in characteristics. The following details each municipality's financial arrangement with the PANYNJ.

Newark - "In the agency's [PANYNJ] lease with Newark, there's a 'true-up' provision, which allows the city to increase the authority's rent if revenues from the port increase. The city recently determined that it's owed at least \$12 million on an annual basis, and is currently negotiating for that money."¹⁶ The PANYNJ has a long-term lease for the airport and seaport that expires in 2065. As part of this agreement, the amount of rent paid to the City of Newark may be increased based upon an increase in the gross revenues received by the Port Authority from Newark Airport and Port Newark.¹⁷

Jersey City - Global Terminal was acquired by PANYNJ in 2010. Jersey City receives \$2.2 million in annual Payment in Lieu of Taxes (PILOT) payments, but claims it should receive at least an additional \$1.7 million. Jersey City has sued the Port Authority for \$400 million to address the lack of sufficient PILOT payments.¹⁸

Bayonne - PANYNJ acquired approximately 227 acres from Bayonne Local Redevelopment Authority for \$235,000,000 in 2010. The PANYNJ pays Bayonne \$1.5 M in annual PILOT fees.¹⁹

Elizabeth - PANYNJ purchased 2,100 acres, the Marine Terminal, in 1951. "Elizabeth Mayor Chris Bollwage said his city might also consider legal action, as the Authority uses hundreds of acres of land for port terminals and Newark Liberty International Airport. The Port Authority pays \$63,000 in PILOT fees for the land, which would be worth \$500 million in revenue if it were taxed at the city's standard rate for property."²⁰

¹⁴ <http://corpinfo.panynj.gov/documents/2015/>

¹⁵ <http://corpinfo.panynj.gov/documents/2015/>

¹⁶ "After a Voice Investigation, Newark Is Looking to Make the Port Authority Pay," <http://www.villagevoice.com/news/after-a-voice-investigation-newark-is-looking-to-make-the-port-authority-pay-8850119>

¹⁷ The PANYNJ paid \$200 million in up front lease payments to Newark in 2002-2007; The long-term lease agreement that dates to 1947 between the City of Newark and the Port Authority was amended in 2002 and included a provision which provided that the amount of rent paid to the City of Newark may be increased based upon an increase in the gross revenues received by Port Authority from Newark Airport and Port Newark, and also included a five (5) year "look back" and "true-up" intended to ensure fairness and the maximization of revenues to the City of Newark (City of Newark Executive Order on Port Oversight Committee, 2015 <http://www.ci.newark.nj.us/wp-content/uploads/2016/05/ExecOrd.pdf>)

¹⁸ <http://www.cityofjerseycity.com/uploadedFiles/Homepage/Port%20Authority%20Discussion%20Document%20vF%204-14.pdf>

¹⁹ http://www.nj.com/hudson/index.ssf/2013/05/port_authority_to_pay_bayonne_1.html

²⁰ <http://www.wsj.com/articles/SB10001424052702303914304579194350926516792>

It is not just the relationship between the PANYNJ and the port-adjacent communities that needs to change. Other significant issues include:

- Lack of employment opportunities (% hired and quality of jobs) for local residents at the port
- Health impacts from port-related pollution
- Traffic congestion, vibrations and noise generated by port-related activities
- Depression of economic development in port-adjacent neighborhoods

SOLUTIONS

The PANYNJ should have a long-term capital plan for investing in port-adjacent communities to offset the negative economic and environmental impacts of hosting this infrastructure. Local community organizations and residents should have a meaningful role in planning and monitoring these investments.

Community Benefits Agreements (CBA) should be created between the PANYNJ and port-adjacent neighborhoods. The following CBA terms are focused on Newark, but which can be applied to any port-adjacent community in New Jersey. Also Figure 4 features a groundbreaking CBA that was negotiated in Los Angeles between the ports and local communities. This agreement in LA included a Port Community Mitigation Trust Fund with more than \$12 million. A CBA would include:

Economic and Policy Priorities

- ❖ **Re-negotiate the lease with Newark to provide a more equitable sharing of the revenues from the seaport and the airport.**
- ❖ Maximize business opportunities for port-adjacent companies at PANYNJ facilities.
- ❖ Work closely with and implement recommendations of the City of Newark Port Authority Oversight Advisory Committee.

Land Use and Planning

- ❖ **Work with port-adjacent communities to develop a comprehensive warehouse zone and plan for both on/off port**, including mitigation of traffic and idling and the creation of buffer zone(s) between port and port-related operations (e.g. ship loading facilities, container storage, facilities for loading containers onto commercial vehicles, and secondary structures) and nearby residential communities. **Mandate that all trips between the port and warehouse zone utilize low-emitting engines (e.g., electric).**
- ❖ Require new port-related construction (on and off the port) to include payment of fees into an “inclusionary zoning” program to fund affordable housing.



Figure 4: Port Community Mitigation Trust Fund from the Ports of Los Angeles and San Pedro Bay

- ❖ Develop a comprehensive truck traffic routing plan with local municipalities to identify where routes should be moved away from residential neighborhoods and schools.
- ❖ Invest in idling emissions capture technology at truck stops or other local areas where drayage trucks congregate.

Quality of Life and Environment

- ❖ **Establish an environmental mitigation fund that implements local community-based projects to reduce or minimize the emissions and impacts of air pollution on impacted communities** (see Figure 4).²¹ Implement concrete actions in the first 100 days (e.g., air filters and sound dampening windows in schools, enhanced health clinics, truck re-routing, and residential neighborhood buffer zones).
- ❖ Create buffers to restrict the spread of dust/particulate contamination, odors, noise, and other impacts of port and port-related operations. In some cases, these buffer zones could fund physical interventions in the form of greenspace (i.e. trees, bushes, vertical walls or barriers with vegetation, etc.) or the expansion of park and recreational corridors.
- ❖ Install and maintain air filtration systems in areas with sensitive receptors (schools, senior housing, public housing, health clinics, recreation and community centers, etc.) impacted by port emissions.
- ❖ Install sound-dampening windows in schools and residences in proximity to port facilities or truck routes serving port trucking.
- ❖ Fund hospitals, schools, community clinics, medical training facilities, and other health care providers to address health impacts related to particulate and other pollution emanating from Port operations.
- ❖ Fund independent emissions monitoring for real-time monitoring of emissions inside and at the perimeter of ports as well as during construction.
- ❖ Develop evacuation and emergency preparedness plans for all port and port-related facilities.

²¹ CAL. CODE REGS tit.13, § 2025(2016)

Coalition for Healthy Ports Summary of “Community Benefits” Recommendations

Text in **bold** indicates that it is a high priority recommendation of the Coalition.

COMMUNITY BENEFITS

Economic and Policy Priorities

- ❖ **Re-negotiate the lease between the PANYNJ and City of Newark to provide a more equitable sharing of the revenues from the seaport and the airport.**
- ❖ Maximize business opportunities for port-adjacent companies at PANYNJ facilities.
- ❖ Work closely with and implement recommendations of the City of Newark Port Authority Oversight Advisory Committee.

Land Use and Planning

- ❖ **Work with port-adjacent communities to develop a comprehensive warehouse zone and plan for both on/off port. Mandate that all trips between the port and warehouse zone utilize low-emitting engines (e.g. electric).**
- ❖ Require port construction (on and off port) to include payment into an “inclusionary zoning” program to fund affordable housing.
- ❖ Route truck traffic away from residential neighborhoods and schools.
- ❖ Invest in Idling Emissions capture technology at truck stops or other local areas where drayage trucks congregate.

Quality of Life and Environmental Benefits

- ❖ **Establish an environmental mitigation fund that implements local community-based projects to reduce port emissions. Implement concrete actions in the first 100 days (e.g., air filters and sound dampening windows in schools, enhanced health clinics, truck re-routing, and residential neighborhood buffer zones).**
- ❖ Create buffers to restrict the spread of dust/particulate contamination, odors, noise, and other impacts of port-related operations.
- ❖ Install and maintain air filtration systems in areas with sensitive receptors impacted by port emissions.
- ❖ Install sound-dampening windows in schools and residences in proximity to port facilities or truck routes serving port trucking.
- ❖ Fund hospitals, schools, community clinics, medical training facilities, and other health care providers to address health impacts related to pollution emanating from Port operations.
- ❖ Fund independent emissions monitoring inside and/or at the perimeter of ports as well as during construction.
- ❖ Develop evacuation and emergency preparedness plans for all port and port-related facilities.

GOOD JOBS

PROBLEM

The PANYNJ boasts about the significant employment benefits resulting from port commerce at the third largest seaport complex in the nation. Specifically they cite: 4,500 workers employed directly by the seaports and another 143,000 employed by the larger ports industry in New Jersey.²² Despite this, a relatively small number of Newark residents directly benefit from the economic opportunities at the seaports. Only 6 percent of the more than 3,200 longshore workers at the Port live in Newark and less than 12 percent of the Port's 2,300 total warehouse and maintenance workers have Newark addresses. "Newark has only half the per-capita representation of local residents working at the port, according to a 2013 study"²³. Other port-adjacent communities like Los Angeles or Long Beach see an average of 15% or more of the direct workforce resides in the host communities.

In addition to a lack of representative employment in the port sectors, some of the most accessible port-related jobs like truck driving, airport workers and warehouse work, are among the least regulated, unhealthy, unsafe and lowest paid work in the sector. The PANYNJ has largely absolved itself of any responsibilities regarding the enforcement of appropriate workforce policies, standards, and procedures for those doing business at the ports even though there is precedent for ports taking an active role in improving the quality, representation and compensation of employment in their industry.

The employment opportunities derived from the PANYNJ's airport and seaport-related industries presents one of the biggest opportunities for contributing positively to local economic and social well-being in cities that most need these opportunities. The Ports of Newark and Elizabeth boast record container volumes with annual throughput value of goods exceeding \$200 billion. According to Forbes Magazine, "*Almost 80% of all the cargo imported into the Port of New York/New Jersey is marketed to consumers within 100 miles of the port, making it a critical element of the regional economy.*"²⁴

While the PANYNJ ports represent one of the nation's most valuable goods movement hubs, in the middle of the world's largest and wealthiest consumer markets - the ports sit in the most economically depressed and underemployed cities in the region. This extreme contradiction demonstrates that the wealth generated by the movement of people and goods under the purview of the PANYNJ must be better distributed to produce real benefits for all residents of New Jersey.

IMPACTS

The impacts of PANYNJ port operations on various employment sectors vary by the unique characteristics and economic conditions that apply to each sector. The following is a brief description of some of the most egregious impacts on: warehouse workers, drayage truck drivers, and airport workers.

²² New Jersey, the industry annually supports \$14.5 billion in personal income, \$20 billion in business income, and \$1.6 billion in state and local taxes, New York Shipping Association, The Economic Impact of the New York-New Jersey Port Industry, 2014, http://nysanet.org/wp-content/uploads/NYSA_Economic_Impact_2014V2

²³ <http://www.villagevoice.com/news/after-a-voice-investigation-newark-is-looking-to-make-the-port-authority-pay-8850119>

²⁴ <http://www.forbes.com/sites/gcaptain/2011/10/25/the-port-of-new-york-and-new-jersey-a-critical-hub-of-global-commerce/#1e22286f6fee>
<https://www.bbh.com/en-us/insights/history-in-the-making--the-port-of-new-york-and-new-jersey-s-past--present-and-future/18900>

Warehouse Workers

Intermodal Warehouse Distribution Centers (IWDC'S) have been a fact of life in many parts of the U.S for over a decade. Unlike many other ports in the nation, the majority (85%) of goods that come through the PANYNJ are bought and sold in the immediate region.²⁵ This has resulted in the growth and expansion of warehouses throughout the State of New Jersey. Warehouse and distribution centers are important parts of the logistics chain as goods shipped through local ports are hauled via drayage trucks to local or regional warehouses for processing, sorting and distribution.

These facilities generally require large tracts of land and intensive labor forces to quickly process goods. Increasingly, port-adjacent cities are seeing an increase in the development of warehouses closer to port where they attract large concentrations of polluting diesel trucks. These facilities pose serious environmental, social, and labor problems. The industry practice in warehousing is to staff through temporary employment agencies, which charge people fees for placement, pay minimum wages with few labor protections or benefits. Many of these workers remain "temporary" workers despite working for years in the same facility and never rising above minimum wage or receiving employment benefits.²⁶ These workers are often subject to unsafe working conditions with workers alleging mistreatment, gender discrimination, and wage theft.

Port Truck (Drayage) Drivers

Port trucking is based on an independent contractor (IC) system of employment.²⁷ The majority of goods moved from the ports in our region are consumed within 100 miles of the port and 85% of these goods are moved via drayage truck from seaports to warehouses to retailers and consumers. It is estimated that over 9,000 port truck drivers transport more than 14,000 containers every day. Drayage (container) trucking is an essential component of the global supply chain. "Drivers are on the job five days a week, from ten to twelve hours a day, earning an average income of \$28,000 per year. Because they are not considered employees, they have no benefits -- no health care, pension, paid vacation, etc.

Drivers must pay for the rig and for "truck maintenance, tolls, road taxes, licenses, and fuel."²⁸ According to a 2009 Rutgers study, drivers reported working, on average more than 14 hours per day.²⁹ This low road employment model, means that drivers make so little money that they can afford only the oldest and dirtiest trucks. According to the PANYNJ, 65% of all drayage trucks have pre-2007 model engines, which emit significantly more diesel pollution than newer engines. In addition to local impacts, these diesel emissions directly impact drivers that are exposed daily in the confined of their truck, in traffic, and while idling in long queue lines at the port.

The IC misclassification also leads to numerous labor law violations. Investigations by the U.S. Department of Labor, New Jersey Department of Labor, as well as numerous private lawsuits, also suggest that drivers may be misclassified as "independent contractors". The low wages that the misclassification system forces on drivers also makes it impossible for drivers to buy or maintain trucks that comply with current pollution standards. Finally, New Jersey law requires employers to make contributions towards worker's compensation, unemployment benefits and other employment taxes. Port truck drivers do not enjoy any of these employment protections due to their misclassification. While the PANYNJ relies heavily on port truck drivers (i.e. 85% of goods transported by these drivers off port), the industry wide misclassification undergirds the economic exploitation of low wage drivers and the severe localized health impacts from mobile diesel emissions tied to port trucking.

Airport Workers

²⁵ http://www.nj.com/news/index.ssf/page/invisible_workforce_temp_workers_face_abuse_in_nj.html

²⁶ <http://www.forworkingfamilies.org/sites/pwf/files/documents/OABEastandCentralGateway.pdf>

²⁷ http://gothamist.com/2016/09/21/new_jerseys_port_authority_employee.php

http://www.nj.com/essex/index.ssf/2016/07/newark_mayor_wants_port_authority_hiring_policy_at.html

<http://pix11.com/2016/05/02/mayor-baraka-newark-residents-rally-against-job-discrimination-at-port-newark-elizabeth/>

²⁸ Bensman, David. (2009). Port trucking down the low road: a sad story of deregulation. Rutgers University. DEMOS

²⁹ <http://www.nelp.org/content/uploads/2015/03/PovertyPollutionandMisclassification.pdf>

In addition to seaport-related employment, the PANYNJ also oversees employment across all three airports in the region (LaGuardia, JFK, Newark International Liberty). Local labor unions representing thousands of service workers in the airports are demanding that the PANYNJ pay a living wage to these workers, or \$15/hour rather than the state minimum wage. New York airport workers will see a raise in wages due to a state law to increase the statewide minimum wage (above PANYNJ's minimum of \$10.10/hr). Meanwhile, Newark airport workers have not yet won an increase in wages. In addition to pay increases, workers are seeking greater job security and more regular schedules, among other improvements in their working conditions.³⁰

SOLUTIONS

"Good jobs" requires a living wage, healthy and safe working conditions, the right to collectively bargain and the right to basic provision of employment benefits. Port industry workers currently bear the brunt of a very lucrative goods movement industry. It's time that the wealth generated by this industry is shared with the workers that are critical to the successful and efficient operation of the industry and the entire regional economy. The following Coalition recommendations move the agenda of "Good Jobs" forward:

Fair Compensation

- ❖ **Ensure all jobs in and around the port, including work performed by contractors, service providers and tenants, shall earn at least \$15 an hour, indexed for inflation, as well as full benefits for full-time employees³¹ as well as access to paid sick days³²**

Increased Employment Opportunities

- ❖ **Enact first source hiring program with regard to all port-related jobs that prioritizes workers from the port-adjacent communities.**
- ❖ Work with local organizations and city officials PANYNJ shall be required to fund job training for port-related jobs, and pre-apprenticeship programs.
- ❖ Coordinate with port-adjacent cities, community groups and other relevant business advocacy and assistance organizations to initiate a PANYNJ program to increase participation in the planning, construction, operation and maintenance of PANYNJ-related projects by local small businesses and minority-owned business enterprises and women-owned business enterprises (MBE/WBE).³³
- ❖ Establish education, training and employment centers in port-adjacent neighborhoods to provide skills for port-related jobs and improve the overall health of the communities.
- ❖ Require all port and port-related employers, including warehouse operators to hire full-time employees (as opposed to misclassified contingent workers), pay a living wage, and comply with all local labor regulations including "ban the box" and paid sick days.

Contracting and Employment Practices

- ❖ **Create a "responsible contractor" policy that requires all entities wishing to provide direct or subcontracted services at port facilities to adhere to the highest standards of wage and workplace protections. Call on the NJ Department of Labor and other agencies with jurisdiction to conduct a full investigation into misclassification, tax evasion and wage theft in the port trucking industry. Take appropriate enforcement action.**
 - ❖ Institute more rigorous screening of prospective bidders to ensure that federal contracts are not awarded to employers that are significant or repeat violators of workplace, tax or other laws.

³⁰ <https://www.nytimes.com/2016/12/15/nyregion/new-union-contract-for-new-york-city-area-airports-does-not-cover-wages.html>

³¹ <http://www.ci.seatac.wa.us/Modules/ShowDocument.aspx?documentid=8233>

³² <http://www.forbes.com/sites/gcaptain/2011/10/25/the-port-of-new-york-and-new-jersey-a-critical-hub-of-global-commerce/#494f39cf6fee>

³³ <http://www.forworkingfamilies.org/sites/pwf/files/document>

- ❖ Establish a preference in the contractor selection process for employers that provide good jobs, by prioritizing firms that provide living wages, health benefits, and paid sick days.
- ❖ Expand and improve the national contractor misconduct database (2008 National Defense Authorization Act).
- ❖ Strengthen monitoring and enforcement of contractors' compliance with workplace standards.³⁴
- ❖ Enact legislation that permits labor peace agreements in projects in which public entities have proprietary interests.³⁵ This type of legislation would be applied to PANYNJ contracts.³⁶

³⁴ <http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1429&context=bjell>

³⁵ <https://legiscan.com/NJ/text/A1416/id/518438>

³⁶ A labor peace agreement is an arrangement between a union and an employer under which one or both sides agree to waive certain rights under federal law with regard to union organizing and related activity. US Chamber of Commerce, https://www.uschamber.com/sites/default/files/documents/files/labor_peace_agreements_2013_09_12.pdf

Coalition for Healthy Ports Summary of “Good Jobs” Recommendations

Text in **bold** indicates that it is a high priority recommendation of the Coalition.

GOOD JOBS

Fair Compensation

- ❖ **Ensure all jobs in and around the port, including work performed by contractors, service providers and tenants, shall earn at least \$15 an hour as well as full benefits for full-time employees.**

Employment Opportunities

- ❖ **Enact first source hiring program with regard to all port-related jobs that prioritizes workers from the port-adjacent communities.**
- ❖ Require PANYNJ to fund job training for port-related jobs, and pre-apprenticeship programs.
- ❖ Initiate a PANYNJ program to increase participation in the planning, construction, operation and maintenance of PANYNJ related projects by local small businesses and minority-owned business enterprises and women-owned business enterprises.
- ❖ Establish education, training and employment centers to provide skills for port-related jobs and improve health of communities.
- ❖ Require all port and port-related employers, including warehouse operators to hire full-time employees (as opposed to misclassified contingent workers), pay a living wage, and comply with all local labor regulations including “ban the box” and paid sick days.

Contracting and Employment Practices

- ❖ **Create a “responsible contractor” policy that requires all entities wishing to provide direct or subcontracted services at port facilities to adhere to the highest standards of wage and workplace protections. Call on the NJ Department of Labor and other agencies with jurisdiction to conduct a full investigation into misclassification, tax evasion and wage theft in the port trucking industry. Take appropriate enforcement action.**
- ❖ Institute more rigorous screening of prospective bidders to ensure that federal contracts are not awarded to employers that are significant or repeat violators of workplace, tax or other laws.
- ❖ Establish a preference in the contractor selection process for employers that provide good jobs, by prioritizing firms that provide living wages, health benefits, and paid sick days.
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- ❖ Strengthen monitoring and enforcement of contractors' compliance with workplace standards.
- ❖ Enact legislation that permits labor peace agreements in projects in which public entities have proprietary interests. This type of legislation would be applied to PANYNJ contracts.

GOOD GOVERNANCE

PROBLEM

The PANYNJ is a bi-state agency vested with a tremendous amount of political and economic power. This entity controls six tunnels and bridges between the two states, six airports, the PATH train, the World Trade Center site, two bus terminals, marine ports and additional real estate holdings. The agency has a \$7.8 billion dollar annual budget controlled by a 12-member Board of Commissioners. Six of the commissioners are appointed by the Governor of New York and six are appointed by the Governor of New Jersey and the Governors retain the right to veto the actions of any Commissioner they appoint. As part of a power sharing agreement, the Governor of New Jersey chooses the Chairman of the Board and the Deputy Executive Director, while the Governor of New York selects the Vice Chairman and Executive Director. This structure has come under increased scrutiny over the years, particularly for the lack of public accountability, transparency and accounts of patronage and corruption. Most recently, the illegal closure of the George Washington Bridge raised increased concerns about the accountability and governance of the PANYNJ. The problems of governance extend from the leadership at the top of the agency to decisions about capital expenditures and budget allocations in the region.

While the PANYNJ controls billions in public revenue, primarily from the collection of tolls and fees, budgeting decisions are not subject to a public vetting process via the legislature or public hearings.³⁷ Decisions about how revenue is allocated across the PANYNJ's large land holdings and operations are the subject of intense political debate across both states. These decisions have significant impacts on residents in both states who have little recourse in terms of their ability to influence these decisions.

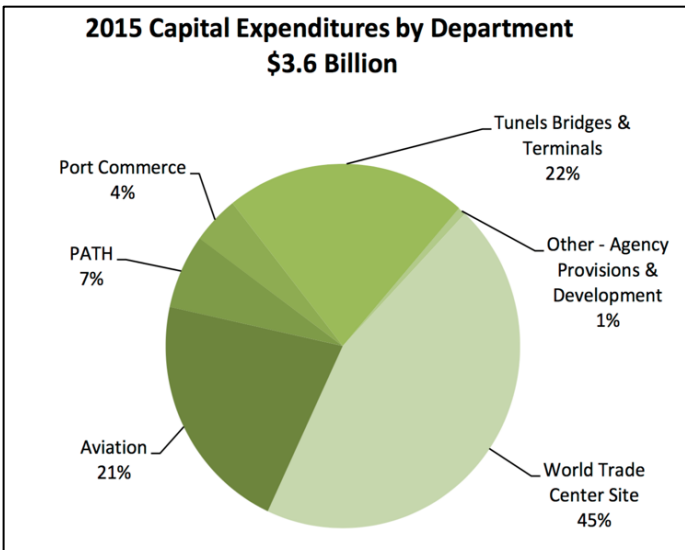


Figure 5: PANYNJ 2015 Capital Expenditures

In 2015, 96% of the revenue came from tollpayers, but less than 22% went back into fixing tunnels and bridges as a portion of the 22% went to terminal upgrades. At that time, the Port Division received only 4% of total, or just shy of \$155 million.

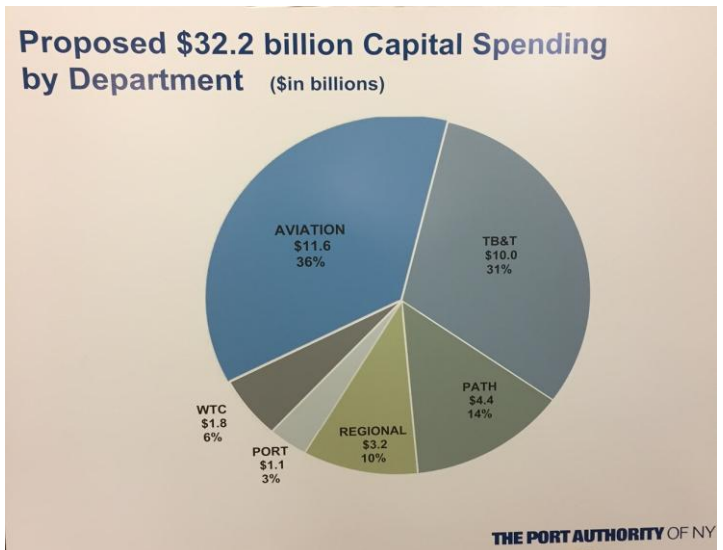


Figure 6: PANYNJ 2017-26 Capital Expenditures

With the completion of the World Trade Center complex, the PANYNJ's revenue from office leases will rise significantly and the capital budget can be reallocated to other priorities. All other sections of the Port Authority is projected to receive a larger portion of the pie while the Port Division is actually projected to receive more funds (\$1.1 billion) over the next 10 years, it actually reflects a smaller percentage (3%) of the pie overall.

⁴⁰http://www.nj.com/traffic/index.ssf/2016/03/the_port_authoritys_16b_spending_spree_includes_these_6_projects.html#incart_river_mobileshort_home

This lack of public accountability or provision of public participation processes means that investments in areas critical to port-impacted communities, such as fair wages, community benefits or environmental mitigation are not prioritized by the agency. This problem plays out in the form of investment imbalances in the PANYNJ's operations. For example, the maritime ports consistently get the smallest share of the PANYNJ's budget allocation, only 4% of the overall expenditures.³⁸ While most of the PANYNJ's revenue comes from tolls, only 22% of the capital expenditures went to tunnels, bridges and terminals (Figure 5). The 2017-26 capital budget is projected to be much larger, but the port division will actually receive a smaller percentage of the pie (or 3%). See Figure 6 above.

The critical function that the PANYNJ serves in the region and its large fiduciary responsibility to residents in both New York and New Jersey would require a high degree of adherence to an ethical code of conduct. Subsequent to the Bridgegate scandal, legislators in both states attempted to pass reforms that would better align the oversight and transparency of the agency with public expectations. Unfortunately, these attempts were thwarted by gubernatorial vetoes.

Beyond accountability of public employees and the leadership of the agency, the day-to-day practices of the PANYNJ do not reflect best practices with respect to open records and public information. Requests for agency records by the media, local organizations, government representatives, or members of the general public are frequently denied. Often the public must resort to Freedom of Information Act (FOIA) requests to gain access to records that should be in the public domain and pertain to issues, investments and decisions that are made with public funds. Even when FOIAs are filed, the agency often does not comply with requests under FOIA. These issues of poor governance are a result of weak systems of public accountability and transparency that can be a priority of the next Governor of New Jersey.

SOLUTIONS

Good governance and structural reforms at the Port Authority are essential requirements for the proper functioning of the seaports under the agency's control. Decisions about how to prioritize capital expenditures related to clean air mitigation, labor standards and improved community relations cannot be achieved without leadership from our next Governor. The following are Coalition recommendations pertaining to improving governance at the PANYNJ:

Structural Reforms

- ❖ **Reform the Board of Commissioners' appointment system and hiring processes for high-ranking PANYNJ employees.** The Board of Commissioners should have seats reserved for members representing local communities/municipalities. Commissioners and high-level employees should be subject to legislative review and public vetting. Renewal of appointments to these positions should be contingent on performance reviews that include adherence to the Code of Ethics of the Agency.
- ❖ **Support and sign into law substantive legislative reform package that enforces greater oversight and transparency to improve port governance.**
- ❖ Uphold and enforce the standards set by the PANYNJ Code of Ethics, requiring that "the conduct of the Commissioners and employees of the Port Authority hold the respect and confidence of the peoples of the States of New York and New Jersey."³⁹ The PANYNJ should be directed to complete a comprehensive assessment of adherence to the ethical code by employees and produce recommendations for improving public accountability and ethical compliance by all employees.

³⁸ http://www.panynj.gov/corporate-information/pdf/2015_PROPOSED_BUDGET_BOOK.pdf

³⁹ <http://www.panynj.gov/pdf/SpecialPanelReporttotheGovernors.pdf>

Oversight of Budget Allocations

- ❖ **Increase investments for environmental mitigation projects in the Ports Commerce division. Expansion or growth in the marine and airport divisions should be tied to increased environmental or community mitigation investments to offset potential harmful impacts on local communities.**
- ❖ Identify criteria for appropriate use of Port Authority funds consistent with its organizational mission and also with equity and fairness standards that extend consideration to environmental justice issues. According to the 2014 Special Panel Report to the Governors, a “Mission Statement for the Future” was developed, which says it is to “Meet the critical transportation infrastructure needs of the bi-state region’s people, businesses, and visitors by providing the highest quality and most efficient transportation and port facilities and services to move people and goods within the region, provide access to the nation and the world and promote the region’s economic development.”⁴⁰ Decisions about prioritizing large pools of public funds should be done to maximize both economic and environmental well-being for all of the region's residents.
- ❖ The poorest and most vulnerable residents that host the region's transportation and goods movement infrastructure should not have to bear an unfair burden in the form of degraded health and environmental quality. Consideration should be given to prioritizing investments that will benefit the most burdened local communities through environmental mitigations and economic opportunities.

Public Processes and Records

- ❖ **Ensure that the PANYNJ creates an official *Environmental Justice Stakeholder group* that meets regularly with and produces recommendations for consideration directly to the PANYNJ Commissioners and the Governor's Office.** The stakeholder group should be comprised primarily of impacted community representatives, city officials and other environmental justice stakeholders.
- ❖ Improve PANYNJ community relations and meaningful involvement of local communities through improved public processes such as: changing the structure of the Board of Commissioners meetings to allow for greater public comment and involvement; hiring community liaisons to work directly with local communities and PANYNJ leadership; ensuring channels for learning about and weighing in on agency decisions well in advance of approval by the Board; reviewing all public processes for cultural appropriateness and language access.
- ❖ Partner with a third party, such as an academic institution, to report and verify data on the implementation of the port’s clean air programs and to conduct regular, independent monitoring of air quality and all environmental measures taken at the seaports.
- ❖ Create a culture of compliance with requests for agency documents, data and research, particularly when such requests provide insight into agency decisions that impact the public. Comply fully with FOIA requests promptly.
- ❖ Conduct research and studies relevant to impacted communities with the full participation, knowledge and involvement of the communities.

⁴⁰ <http://www.panynj.gov/pdf/SpecialPanelReporttotheGovernors.pdf>

Coalition for Healthy Ports Summary of “Good Governance” Recommendations

Text in **bold** indicates that it is a high priority recommendation of the Coalition.

GOOD GOVERNANCE

Structural Reforms

- ❖ **Reform the Board of Commissioners’ appointment system and hiring processes for high-ranking PANYNJ employees.** The Board of Commissioners should have seats reserved for members representing local communities/municipalities. Commissioners and high-level employees should be subject to legislative review and public vetting. Renewal of appointments to these positions should be contingent on performance reviews that include adherence to the Code of Ethics of the Agency.
- ❖ **Support and sign substantive legislative reform package that enforces greater agency oversight and transparency to improve port governance.**
- ❖ Uphold and enforce the standards set by PANYNJ Code of Ethics. The PANYNJ should be directed to complete a comprehensive assessment of adherence to the ethical code by employees and produce recommendations for improving public accountability and ethical compliance by all employees.

Oversight of Budget Allocations

- ❖ **Increase investments for environmental mitigation projects in the Ports Commerce division. Expansion or growth in the marine and airport divisions should be tied to increased environmental or community mitigation investments to offset potential harmful impacts on local communities.**
- ❖ Identify criteria for appropriate use of Port Authority funds consistent with its organizational mission and also with equity and fairness standards that maximize economic and environmental well-being for all of the region’s residents.
- ❖ Prioritize investments that benefit port host communities through environmental mitigations and economic opportunities.

Public Processes and Records

- ❖ **Ensure that the PANYNJ creates an official Environmental Justice Stakeholder group that meets regularly with and produces recommendations for consideration directly to the PANYNJ Commissioners and the Governor’s Office.**
- ❖ PANYNJ should improve community relations and meaningful involvement of local communities via improved public processes
- ❖ Partner with a third party to report and verify data on the implementation of port’s clean air programs and to conduct regular, independent monitoring of air quality and all environmental measures taken at the seaports.
- ❖ Create a culture of compliance with requests for agency documents, data and research, particularly when such requests provide insight into agency decisions that impact the public.
- ❖ Conduct research and studies relevant to impacted communities with the full participation, knowledge and involvement of the communities.

Coalition for Health Ports - Summary of All Recommendations

(Text in **bold** indicates that it is a high priority recommendation of the Coalition)

CLEAN AIR

Develop Comprehensive Plans to Mitigate Port-Related Air Pollution

- ❖ Develop a bi-state plan for tackling emissions from the freight sector.
- ❖ Submit seaport air emissions reduction plans for compliance with the State Implementation Plan.

Adopt State Policies to Reduce Freight-related Diesel Emissions

- ❖ **Pass diesel emission reduction policies similar to California that affect the entire logistics industry.**
- ❖ Implement a state environmental impact assessment law (Mini-NEPA).
- ❖ Enact an Executive Order on Environmental Justice and Cumulative Impacts.

Move Towards Zero Emissions at PANYNJ

- ❖ **Reinstate the pre-2007 engine truck ban at the port.**
- ❖ **Pass legislation that will create a “clean truck exemption” program and dirty container fees.**
- ❖ Implement a “concession agreement” that sets standards for operations, working conditions and environmental and community protections.
- ❖ Raise marine tariffs on shippers to help fund emissions capture and control systems for ships and locomotives.
- ❖ Apply Volkswagen settlement funds in a manner that prioritizes the most aggressive air mitigation.
- ❖ Prioritize federal mitigation funds from sources such as the USEPA DERA, USDOT TIGER and CMAQ funds for reducing diesel emissions from mobile sources at seaports
- ❖ Increase investment in technology and capital spending to modernize and clean-up port operations.
- ❖ Implement an appointment system for container pick-up and drop-off at the port.
- ❖ Implement an aggressive anti-idling and enforcement program.
- ❖ Install ample plug-in capacity for all refrigerated cargo.
- ❖ Implement a “Virtual Container Yard” system to eliminate empty container trips.

COMMUNITY BENEFITS

Economic and Policy Priorities

- ❖ **Re-negotiate the lease between the PANYNJ and City of Newark to provide a more equitable sharing of the revenues from the seaport and the airport.**
- ❖ Maximize business opportunities for port-adjacent companies at PANYNJ facilities.
- ❖ Work closely with and implement recommendations of the City of Newark Port Authority Oversight Advisory Committee.

Land Use and Planning

- ❖ **Work with port-adjacent communities to develop a comprehensive warehouse zone and plan for both on/off port. Mandate that all trips between the port and warehouse zone utilize low-emitting engines (e.g. electric).**
- ❖ Require port construction (on and off port) to include payment into an “inclusionary zoning” program to fund affordable housing.
- ❖ Route truck traffic away from residential neighborhoods and schools.
- ❖ Invest in Idling Emissions capture technology at truck stops or other local areas where drayage trucks congregate.

Quality of Life and Environmental Benefits

- ❖ **Establish an environmental mitigation fund that implements local community-based projects to reduce port emissions. Implement concrete actions in the first 100 days (e.g., air filters and sound dampening windows in schools, enhanced health clinics, truck re-routing, and residential neighborhood buffer zones).**
- ❖ Create buffers to restrict the spread of dust/particulate contamination, odors, noise, and other impacts of port-related operations.
- ❖ Install and maintain air filtration systems in areas with sensitive receptors impacted by port emissions.
- ❖ Install sound-dampening windows in schools and residences in proximity to port facilities or truck routes serving port trucking.
- ❖ Fund hospitals, schools, community clinics, medical training facilities, and other health care providers to address health impacts related to pollution emanating from Port operations.
- ❖ Fund independent emissions monitoring inside and/or at the perimeter of ports as well as during construction.
- ❖ Develop evacuation and emergency preparedness plans for all port and port-related facilities.

GOOD JOBS

Fair Compensation

- ❖ **Ensure all jobs in and around the port, including work performed by contractors, service providers and tenants, shall earn at least \$15 an hour as well as full benefits for full-time employees.**

Employment Opportunities

- ❖ **Enact first source hiring program with regard to all port-related jobs that prioritizes workers from the port-adjacent communities.**
- ❖ Require PANYNJ to fund job training for port-related jobs, and pre-apprenticeship programs.
- ❖ Initiate a PANYNJ program to increase participation in the planning, construction, operation and maintenance of PANYNJ related projects by local small businesses and minority-owned business enterprises and women-owned business enterprises.
- ❖ Establish education, training and employment centers to provide skills for port-related jobs and improve health of communities.
- ❖ Require all port and port-related employers, including warehouse operators to hire full-time employees (as opposed to misclassified contingent workers), pay a living wage, and comply with all local labor regulations including “ban the box” and paid sick days.

Contracting and Employment Practices

- ❖ **Create a “responsible contractor” policy that requires all entities wishing to provide direct or subcontracted services at port facilities to adhere to the highest standards of wage and workplace protections. Call on the NJ Department of Labor and other agencies with jurisdiction to conduct a full investigation into misclassification, tax evasion and wage theft in the port trucking industry. Take appropriate enforcement action.**
- ❖ Institute more rigorous screening of prospective bidders to ensure that federal contracts are not awarded to employers that are significant or repeat violators of workplace, tax or other laws.
- ❖ Establish a preference in the contractor selection process for employers that provide good jobs, by prioritizing firms that provide living wages, health benefits, and paid sick days.
- ❖ Expand and improve the national contractor misconduct database (2008 National Defense Authorization Act).
- ❖ Strengthen monitoring and enforcement of contractors' compliance with workplace standards.
- ❖ Enact legislation that permits labor peace agreements in projects in which public entities have proprietary interests. This type of legislation would be applied to PANYNJ contracts.

GOOD GOVERNANCE

Structural Reforms

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- ❖ Uphold and enforce the standards set by PANYNJ Code of Ethics. The PANYNJ should be directed to complete a comprehensive assessment of adherence to the ethical code by employees and produce recommendations for improving public accountability and ethical compliance by all employees.

Oversight of Budget Allocations

- ❖ **Increase investments for environmental mitigation projects in the Ports Commerce division. Expansion or growth in the marine and airport divisions should be tied to increased environmental or community mitigation investments to offset potential harmful impacts on local communities.**
- ❖ Identify criteria for appropriate use of Port Authority funds consistent with its organizational mission and also with equity and fairness standards that maximize economic and environmental well-being for all of the region's residents.
- ❖ Prioritize investments that benefit port host communities through environmental mitigations and economic opportunities

Public Processes and Records

- ❖ **Ensure that the PANYNJ creates an official Environmental Justice Stakeholder group that meets regularly with and produces recommendations for consideration directly to the PANYNJ Commissioners and the Governor's Office.**
- ❖ PANYNJ should improve community relations and meaningful involvement of local communities via improved public processes
- ❖ Partner with a third party to report and verify data on the implementation of port's clean air programs and to conduct regular, independent monitoring of air quality and all environmental measures taken at the seaports.
- ❖ Create a culture of compliance with requests for agency documents, data and research, particularly when such requests provide insight into agency decisions that impact the public.
- ❖ Conduct research and studies relevant to impacted communities with the full participation, knowledge and involvement of the communities.

PARTNERS



Coalition for Healthy Ports (CHP) is a bi-state alliance of environmental activists, truck drivers, faith leaders, labor unions and community advocates fighting for environmental and economic justice at the ports of New York and New Jersey. www.coalitionforhealthyports.org



Clean Water Action*, founded in 1974, is a one million-member organization (150,000 in NJ) of diverse people and groups joined together to protect our environment, health, economic well-being and community quality of life. Our goals include clean, safe and affordable water; prevention of health threatening pollution; creation of environmentally safe jobs and businesses; and empowerment of people to make democracy work. <http://cleanwateraction.org/nj>



GreenFaith* is a non-profit organization whose mission is to inspire, educate and mobilize people of diverse religious backgrounds for environmental leadership. Our work is based on beliefs shared by the world's great religions - we believe that protecting the earth is a religious value, and that environmental stewardship is a moral responsibility. <http://www.greenfaith.org>



Ironbound Community Corporation* (ICC) is a community based non-profit organization founded in 1969 to serve the residents of Newark. ICC's mission is to engage and empower individuals, families and groups in realizing their aspirations and, together, work to create a just, vibrant and sustainable community. <http://ironboundcc.org>



New Jersey Environmental Justice Alliance* (NJEJA) is an alliance of New Jersey-based organizations and individuals committed to eliminating environmental injustices in low income and communities of color. Together we support and work with communities on local, state, and national policy development, targeted campaigns and organizing, education, advocacy, training and technical assistance focused on critical environmental justice issues. <http://njeja.org/>



International Brotherhood of Teamsters - Port Division* (IBT), founded in 1903, has a mission is to organize and educate workers towards a higher standard of living. There are currently 1.4 million members under 21 Industrial Divisions that include virtually every occupation imaginable, both professional and non-professional, private sector and public sector. <http://teamster.org/>



Eastern Environmental Law Center (EELC) is a non-profit public interest environmental law firm, located in Newark, New Jersey, working on behalf of environmental and conservation organizations to protect communities, open space, wildlife, and the natural heritage and public health of the eastern United States. <http://www.easternenvironmental.org>



Service Employees International Union – 32BJ (SEIU) strives to build and grow a diverse, effective, politically independent and democratic organization of more than 163,000 workers to change our lives for the better, improve our communities, and build a more just society for present and future generations. We strive to be strategic, organized, inclusive, honest, respectful, optimistic and confident. <http://www.seiu32bj.org>

*Represented on CHP Steering Committee

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Note: This briefing book will be shared with all New Jersey gubernatorial candidates at the same time and via the same means.