



February 2, 2024

The Honorable Michael Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Administrator Regan,

The undersigned organizations are writing to you on behalf of the American maritime and port industry regarding the Clean Ports Program. We collectively represent ports, terminal operators, and environmental advocates. The \$3 billion Clean Ports Program funding opportunity represents an unprecedented opportunity to spur a wave of emissions mitigation measures at American maritime ports. Our organizations advocated for Congress to include this funding in the Inflation Reduction Act (IRA), and we have advised EPA every step of the way on how to effectively implement this funding.

However, we are deeply troubled by EPA's indication that "dry ports" will be made eligible for this funding opportunity, with seemingly no justification or interpretation in law or regulation. EPA has indicated that it will use Federal Highway Administration (FHWA) databases and definitions of "intermodal connectors" to define eligible applicants. If EPA means to use FHWA's National Highway System (NHS), as referenced [here](#), the definition provided clearly demonstrates the case against allowing truck and rail intermodal connectors to be eligible for this funding. The NHS definitions of intermodal connectors clearly differentiate "ports" from "truck/rail" intermodal connectors. The fact that EPA, rightly, does not consider other NHS categories to be ports, including commercial aviation airports, pipelines, or public transit, demonstrates that the decision to include truck/rail intermodal connectors is arbitrary. The NHS definition does not consider truck/rail intermodal connectors to be ports; therefore, these facilities should not be eligible for Clean Ports Program funding.

The NHS system reports that, as of 2022, there were 497 truck/rail intermodal connectors in the United States, while there were 638 port terminals. If EPA makes truck/rail intermodal

connectors eligible, it will increase the number of eligible applicants by 78%. This would spread the limited Clean Ports Program funding so thin that this once-in-a-generation opportunity to protect near-port communities will be severely blunted.

Further, as outlined in the American Association of Port Authorities' (AAPA) [November comments](#), there is nearly \$30 billion in funding already available for truck/rail intermodal connectors through both the Bipartisan Infrastructure Law (BIL) and IRA. There is no case to be made that these facilities need an additional source of funding that was clearly intended by Congress to fund critically needed projects at our nation's maritime ports.

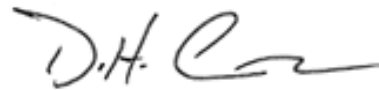
As EPA seeks to protect near-port communities from emissions associated with international shipping, it should not make the decision to allow nearly five hundred truck/rail intermodal connectors to divert funding from the public maritime port authorities that are aggressively seeking to adopt zero emission technologies.

Thank you in advance for considering our concerns surrounding the eligibility of the Clean Ports program. Our organizations, and the entire port industry, are excited and eager about this funding opportunity. We want to make sure every possible dollar from the Clean Ports Program is invested in critical port emissions mitigation projects, and it is for that reason that we urge the EPA to change course, uphold Congress' intention, and reserve funding for maritime ports only. We are grateful for the EPA's hard work in setting up this program and for giving us the opportunity to weigh in on the Clean Ports Program design.

Sincerely,



Cary S. Davis  
President & CEO  
American Association of Port Authorities



David H. Cummins  
President & CEO  
Blue Sky Maritime Coalition



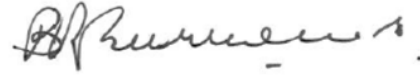
Robert Murray  
President  
National Association of Waterfront  
Employers



David Bolduc  
President  
Green Marine

A handwritten signature in black ink, reading "Kathy J Metcalf". The signature is written in a cursive style with a large initial "K".

Kathy J Metcalf  
President  
Chamber of Shipping of America

A handwritten signature in black ink, reading "Bruce R. Burrows". The signature is written in a cursive style with a large initial "B".

Bruce R. Burrows  
President & CEO  
Chamber of Marine Commerce