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Community Activists Resurrect Container Fee Bill Last Minute Blow By Assembly Democrats Reversed

By Paul Rosenberg, *Senior Editor*

Left to its own devices, the Democratic leadership of the State Assembly was prepared to let Long Beach State Senator Alan Lowenthal's container fee bill SB 760 die a quiet death, thus blocking a key component in funding the long term struggle to clean up deadly port air. **But those who are dying for lack of it—including five mothers who volunteer with the Long Beach Alliance for Children with Asthma (LBACA)—would not let it happen.**

The bill—charging \$10 for air quality mitigation, \$10 for port security and \$10 for clean goods movement infrastructure—is dead, but its provisions (slightly altered) have been put into another bill that's on the Assembly floor and expected to pass both houses by the end of the legislative session, which could last until Thursday, Aug. 31.

Everything seemed to be going smoothly until Thursday, Aug. 17, the day that Assembly bills are removed from what's called the "suspense calendar" and released for a floor vote—a process controlled by the Speaker of the Assembly, Fabian Nunez.

"We were assured he was in support of this bill until Thursday," said Annette Kondo, spokesperson for the Coalition for Clean Air (CCA), shortly after, it was held back along with several other Lowenthal bills. Repeated phone calls to Nunez's office on Aug. 17 and 18 were not returned, and Joshua Tooker, Lowenthal's aide on port affairs, was at a loss about what would happen.

But activists, spearheaded by the CCA, were not about to give up. First there were phone calls and emails, then on the following Tuesday, Aug. 22, a delegation of community activists put their daily lives on hold to make the rounds in Sacramento.

“We took five moms up there, all Spanish-speaking. Four out of five have children with asthma,” said Cynthia Romo, Asthma Outreach Coordinator with LBACA.

The mothers, Laura Rodriguez, Martha Cota, Oty Nungaray, Adriana Hernandez and Maria Trujillo are volunteers who have “given their testimonials at public hearings and community meetings,” Romo explained. Mostly they meet with Assembly staff members.

“They would express their personal experience. It’s difficult to raise a child with asthma... The big idea is that these kids are going to carry their problems into adulthood,” she said.

They were joined by a larger group of about 20 people the Bay Area’s Ditching Dirty Diesel Collaborative. Even though the Port of Oakland was not included in the bill, they see it as an important first step.

Before the lobbying day, the assumption in Sacramento was that the bill was dead. On Monday, Aug. 21, Geoff Long, Chief Consultant for the Assembly Appropriations Committee was noticeably impatient. When told that advocates were taken by surprise that SB 760 was killed, he said, “That’s ridiculous! A similar bill [by then Senator Betty Karnette] was held two years.”

But a lot has changed in two years. Estimates for the mortality and morbidity costs of air pollution have increased six fold to almost \$20 billion annually, while two separate studies in the past nine months indicate virtually no business loss from fees as low as those in Lowenthal’s bill. The ports of LA and Long Beach are refining their joint air quality plan, which needs funding and did not exist two years ago. And, of course, the governor is facing re-election, so a possible September veto for his friends at the Chamber of Commerce would carry a price in November, just two months later.

None of these changed circumstances seemed to register before the mothers showed up. The day afterwards, however, Assemblywoman Judy Chu, Chair of the Appropriations Committee, called *Random Lengths* to announce that the legislation would be resurrected.

“We are going to do a ‘gut and amend’

with the content [of SB 760] in SB 927. I just signed off," Chu said, in an after-hours call.

"We've rethought the issue. Initially we thought the bill was premature," she said, pointing to the bond on the November ballot. But, Chu continued, " Upon further discussion with members we concluded it was well worth the effort to try to get this finished."

She stressed the fact that, "The bond would be one time," while container fees would provide an ongoing source of revenue, but also agreed that the governor would be less likely to veto it now, so close to an election, than he might be sometime in the future.

While Chu's explanation makes sense in context, Rafael Pizarro, Senior Campaign and Outreach Associate *for* CCA, had no doubt it happened "because of the effort that the community activists made on Tuesday." What they did was create the context for the container fee's resurrection. It is expected to pass both houses by Aug. 31. Then, all eyes turn to the Governor.

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back to home