



BOARD OF SUPERVISORS

NIKKI FORTUNATO BAS
SUPERVISOR, FIFTH DISTRICT
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September 9, 2026

The Honorable Gavin Newsom
Governor, State of California
State Capitol, Suite 1173
Sacramento, CA 95814

RE: Request for Signature on AB 40 (Bonta): CEQA: environmental impact reports: coal handling, storage, and export - SUPPORT

Dear Governor Newsom:

On behalf of Alameda County District 5, I respectfully urge you to sign AB 40 (Bonta). This legislation is essential for safeguarding public health in West Oakland, West Berkeley, Emeryville, and other communities along rail corridors that already bear some of the worst cumulative pollution burdens in California.

AB 40 requires a full Environmental Impact Report (EIR) under CEQA before any lead agency issues a discretionary approval for a coal handling, storage, or export terminal with a design capacity exceeding 5 million short tons per year. It also ensures that outdated or incomplete EIRs cannot be used for new or expanded coal projects, requiring updated analysis when the type or volume of coal changes or when design capacity increases. These provisions apply to any discretionary approvals made after June 4, 2026.

This clarity and rigor in environmental review is urgently needed: The proposed Oakland Bulk Oversized Terminal (OBOT), which has a documented design capacity of approximately 9 to 10 million short tons of coal annually, would fall within AB 40's threshold for a large-volume bulk coal facility. OBOT's prior environmental report is more than a decade old and does not reflect the current planned processing volume or the significant science published since its completion. AB 40's environmental review and mitigation requirements, including evaluation of potential PM2.5 and PM10 fugitive dust emissions during construction and operation, and sufficient mitigation to prevent a

significant increase in ambient PM_{2.5} and PM₁₀ concentrations beyond a facility's boundaries, would provide meaningful additional environmental review of potential public health impacts before discretionary approvals are issued for projects like this one, in a region where residents are already experiencing substantial respiratory, cardiovascular, socioeconomic, and environmental health disparities.

The communities I represent already face disproportionate health harms from particulate pollution. West Oakland residents experience markedly elevated rates of respiratory illness: the asthma emergency department visit and hospitalization rate for children under 18 in West Oakland is 1.9 times the Alameda County rate, and the asthma hospitalization rate for children ages 5 to 14 is 3.6 times the county rate. From 2015 to 2024, West Oakland's chronic lower respiratory disease mortality rate was 1.5 times the Alameda County rate and 2.5 times the rate in Oakland's Northwest Hills, the Oakland region with the lowest rate. West Oakland also experiences elevated cardiovascular and cancer mortality, at 1.2 times the county rate for heart disease, 1.3 times for cerebrovascular disease (stroke), and 1.2 times for cancer, as well as higher rates of low birthweight and preterm birth compared with both Oakland and Alameda County overall. These disparities reflect longstanding structural inequities and proximity to multiple pollution sources including the Port of Oakland, freight rail, and freeways.

Coal transport would worsen these inequities. Research in the City of Richmond shows coal trains increase ambient PM_{2.5} levels compared with non-coal trains, and PM_{2.5} is associated with emergency room visits, asthma exacerbations, lung disease, heart attacks, adverse birth outcomes, and premature death.¹ Coal storage creates risks of fugitive dust, leaching, fires, and exposure to toxic heavy metals such as lead, arsenic, cadmium, and mercury. OBOT is projected to move multiple mile-long trains per day, yet no mitigation plan or community benefits agreement currently exists that would protect public health.

By requiring agencies to evaluate and mitigate PM_{2.5} and PM₁₀ emissions during construction and operation, AB 40 provides necessary protections for families living next to rail lines and industrial corridors. It strengthens public accountability, ensures transparency through CEQA's public comment process, and aligns with Alameda County's Vision 2036 goals of a Thriving & Resilient Population, Safe & Livable Communities, and a Healthy Environment.

¹ Ostro, B., Spada, N. & Kuiper, H. The impact of coal trains on PM_{2.5} in the San Francisco Bay area. *Air Qual Atmos Health* 16, 1173–1183 (2023). <https://doi.org/10.1007/s11869-023-01333-0>

District 5 includes many of the residents who would be most affected by increased particulate pollution, including low-income communities, communities of color, and thousands of residents subject to new Medi-Cal work requirements who may already face barriers accessing preventive care. Increased pollution will strain safety-net systems and deepen existing inequities.

For these reasons, I respectfully urge you to sign AB 40 (Bonta) into law. If you have any questions, please contact my office at dist5@acgov.org or 510-272-6695.

Sincerely,

A handwritten signature in black ink that reads "Nikki 7 Bas". The signature is written in a cursive, flowing style.

Nikki Fortunato Bas
Supervisor, District 5
Alameda County Board of Supervisors