

SUPPORT AB 40 – COMMUNITY FIRST COAL REVIEW ACT

Assemblymember Bonta

Co-authors Assemblymembers Bennett, Ortega, and Rogers; Senators Arreguin and Stern

Co-sponsored by Earthjustice and West Oakland Environmental Indicators Project

- AB 40 is needed to **ensure that enormous bulk coal facilities fully disclose impacts and develop mitigation measures** before they are granted lead agency or air district approval.
- A recent CARB-funded study measured the air pollution emitted by passing coal trains and coal terminal operations and found that they **increase local levels of harmful fine particulate matter (PM2.5),¹ which can cause or worsen lung and heart conditions and result in premature death.²**
- Coal dust also contains harmful toxins like **arsenic, lead, and mercury.**³
- AB 40 responds to the **Trump administration’s plan to fund a high-volume coal terminal** in West Oakland⁴ and Big Coal’s intention to build out other large West Coast coal facilities.⁵
- Building new coal infrastructure reinforces the **serious consequences of climate change** that hurt state residents and the economy, including more severe droughts, forest fires, and heatwaves.

FACTS not Myths

 CEQA review was already performed for the Oakland coal project.

 A 2002 environmental impact report (EIR) prepared for the much broader Oakland Army Base Redevelopment Plan **did not consider a coal facility.**⁶ A 2012 Addendum stated the site might be used as a bulk goods terminal, but did not identify any potential commodities and wholly **fails to examine the impacts of storing, handling, or shipping coal.**⁷

 Coal was always acknowledged as a possible commodity for the project.

 In December 2013, the developers stated in their own community newsletter that they **were “publicly on record as having no interest or involvement in the pursuit of coal-related operations at the former Oakland Army Base.”**⁸

 A potential high-volume terminal was disclosed and analyzed previously.

 While the 2012 Addendum noted that a (non-coal) bulk goods terminal might serve one vessel with a maximum capacity of 80,000 deadweight tons each week,⁹ equating to a throughput of approximately 4 million tons annually, **developers now want to build a coal facility triple the size at “12 million tons per year.”**¹⁰

 A recent report shows coal trains in Oakland do not affect air quality.

 Opponents of AB 40 tout **a paid consultant’s report that has not been released for public scrutiny.**¹¹ The limited info they have shared shows the report focused on **1 or 2 individual coal cars** passing through Oakland in a day, while the developers plan **for 300+ coal cars daily.**¹²

 The courts have settled all issues related to the Oakland coal project.

 Federal and state court litigation between the developers and the City of Oakland addressed and enforced **contractual commitments made by the city. The decisions do not address or limit the authority of other agencies with duties to regulate the project.**¹³

 The Oakland coal project has already been fully approved.

 Proponents acknowledge **the project requires more than 76 permits**¹⁴—including permits from the Bay Area Air District and the San Francisco Bay Conservation and Development Commission, **which proponents have yet to even apply for as of August 14, 2026.**

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Supporters

West Oakland Environmental Indicators Project	Coalition for Clean Air	NRDC
Earthjustice	Common Vision	Oil and Gas Action Network
No Coal In Oakland	Communities for a Better Environment	Our City SF
San Francisco Baykeeper	Dayenu: A Jewish Call to Climate Action	Pesticide Action and Agroecology Network
Sierra Club	East Bay Democratic Socialists of America	Physicians for Social Responsibility - Los Angeles
1000 Grandmothers for Future Generations	East Bay Permanent Real Estate Cooperative	Planning and Conservation League
350 Bay Area Action	Elders Climate Action (ECA) Northern California	Reimagine Richmond
350 Humboldt	Elders Climate Action (ECA) Southern California	Resource Renewal Institute
Bay Area-System Change not Climate Change	Environmental Protection Information Center (EPIC)	Richmond Shoreline Alliance
Biofuelwatch	Extinction Rebellion San Francisco Bay Area	San Francisco Bay Physicians for Social Responsibility
California Environmental Voters	Families Advocating for Chemical and Tech Safety	San Francisco Baykeeper
California Green New Deal Coalition	Fossil Free California Votes	San Francisco Policy Action Team / Climate Reality Bay Area
California Nurses for Environmental Health & Justice (CNEHJ)	Friends Committee on Legislation of CA	Santa Cruz Climate Action Network
California Sportfishing Protection Alliance	Green Party of Alameda County	Scientist Rebellion Turtle Island West
Californians for Energy Choice	Greenaction for Health and Environmental Justice	Sierra Club
CEJA Action	Healthy Martinez	Skyline Community Church UCC
Center for Biological Diversity	Immaculate Heart Community	SolidarityINFOService
Center for Environmental Health	Environmental Commission	SPUR
Center on Race, Poverty and the Environment	Labor Rise Climate Jobs Action Group	St. Columba Catholic Church
Clean Water Action		Sunflower Alliance
CleanEarth4Kids.org		The Climate Center
Climate Action California		Wellstone Democratic Renewal Club
Climate Amendment Institute		West Berkeley Alliance for Clean Air and Safe Jobs
Climate Reality Project Bay Area Chapter		

References

- ¹ See generally Bart Ostro et al., *Assessment of Coal and Petroleum Coke Pollution; Air Quality, Health, and Environmental Justice* (Apr. 2023), <https://ucdavis.app.box.com/s/sh55sgeix0r39k07zfsailtcamux8qpw>; Bart Ostro et al., *The impact of coal trains on PM_{2.5} in the San Francisco Bay area*, 16 Air Quality, Atmosphere & Health 1173 (2023), <https://pmc.ncbi.nlm.nih.gov/articles/PMC10015136/>.
- ² See, e.g., U.S. Environmental Protection Agency, *Health and Environmental Effects of Particulate Matter (PM)*, <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm> (last updated May 5, 2026).
- ³ Samuel S. Baker, Jr. & Ralph L. Roberson, *Mercury and Other Trace Metals in Coal* iii-iv (1997), <https://www.epri.com/research/products/tr-106950>.
- ⁴ U.S. Department of Energy, *Energy Department to Use Defense Production Act Funding to Expand Coal Capacity at 13 Plants and Build Export Infrastructure* (June 4, 2026), <https://www.energy.gov/articles/energy-department-use-defense-production-act-funding-expand-coal-capacity-13-plants-and>.
- ⁵ National Coal Council, *Outlook and Opportunities for U.S. Coal Exports* 6 (July 21, 2026), https://www.nationalcoalcouncil.energy.gov/ncc/sites/default/files/studies/2026/NCC_Coal%20Exports%20Report.pdf.
- ⁶ See generally City of Oakland, *Environmental Impact Report for Oakland Army Base Redevelopment Plan*, draft (Apr. 2002) and final EIR (July 2002), <https://www.oaklandca.gov/Planning-Building/General-Plan-Neighborhood-Plans/Neighborhood-and-Citywide-Plans/Gateway-Industrial-District-Oakland-Army-Base/Gateway-Industrial-District-CEQA-Documents>.
- ⁷ City of Oakland, *2012 Oakland Army Base Project Initial Study / Addendum 4-9, 19-20, 30, Figure 2-5a, 44* (May 2012) [hereinafter 2012 Addendum], <https://www.oaklandca.gov/files/assets/city/v1/planning-amp-building/documents/sp/neighborhood-plans/gid/addendum-1-to-the-2002-oab-eir-5-31-12.pdf>.
- ⁸ Oakland Global Trade & Logistics Center and California Capital & Investment Group, *Oakland Global News: Monthly Updates on the Oakland Global Trade & Logistics Center Project* (Dec. 2013).
- ⁹ 2012 Addendum at 30.
- ¹⁰ Opposition PowerPoint entitled *AB 40: Response to Proponent Arguments* 3 (undated).
- ¹¹ *Id.* at 11.
- ¹² *Id.* at 3, 11.
- ¹³ *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, 321 F.Supp.3d 986 (N.D. Cal. 2018), *aff'd*, 960 F.3d 603 (9th Cir. 2020); Statement of Decision, *Oakland Bulk & Oversized Terminal, LLC v. City of Oakland*, Case Nos. RG18930929, RG20062473 (Alameda Cnty. Super. Ct. Nov. 22, 2023), *aff'd*, 112 Cal.App.5th 519 (Cal. Ct. App. 2025), *review denied* (Sept. 17, 2025).
- ¹⁴ Appellant's Appendix: File 5 of 6, Volume 8, pp. 1970-2257, *Oakland Bulk and Oversized Terminal LLC et al. v. City of Oakland*, Case No. A169585, at AA2202-03 (Cal. Ct. App. Aug. 27, 2024).