



we wearSM efficiency

February 2, 2012

The Honorable John L. Mica
Chairman
Committee on Transportation and Infrastructure
House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Mica:

On behalf of the American Apparel & Footwear Association – the national trade association of the apparel and footwear industries – I am writing to encourage you to oppose the Amendment 93, Applicability to Port Facilities being offered to H.R. 7.

Before we even get into the legality of the amendment, it is important to point out that the initiative is completely unnecessary to improve air quality at America's ports. Individual clean truck programs around the country have already proven extremely effective in reducing emissions by providing positive incentives to drivers and companies to update their trucks. Shifting from an incentive program to overbearing regulations imposed by local governments will not provide better environmental results.

The results we will see, should this amendment pass, are burdensome regulations that overwhelm small independent truckers and force them out of business. The small businesses that operate within the ports to move much of our nation's cargo provide a backbone for trade within the United States. Hurting them would have negative effects on the entire country.

Furthermore, granting power to local governments or authorities to mandate requirements for motor carriers is preempted by the pre-existing rules codified in federal law by the Federal Motor Carrier Safety Administration. It would create a patchwork of laws across the supply chain and make American commerce less efficient and more costly to operate. One simply has to look at the decision made by the U.S. Court of Appeals for the 9th Circuit that ruled against efforts by the Port of Los Angeles to eliminate the rights of independent drivers, to understand the illegality of this action. The current federal laws have been successful in regulating activities at America's ports, and any initiative to interfere with the current rulings is likely to be consumed in litigation before it could even hope to make any kind of impact on the air.

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Once again, on behalf of the \$340 billion Apparel and Footwear industry in the United States and the four million Americans it employs, we urge you to oppose the Applicability to Port Facilities amendment to H.R. 7. Thank you for this opportunity to voice our concerns. Please feel free to contact myself or my staff at mdavignon@wewear.org for any additional information.

Sincerely,

A handwritten signature in black ink that reads "Kevin M. Burke". The signature is written in a cursive style with a large, prominent "K" and "B".

Kevin Burke
President & CEO
American Apparel & Footwear Association