



November 30, 2021

**VIA EMAIL**

Chair Ben Benoit and Members of the Governing Board  
South Coast Air Quality Management District  
21865 Copley Drive  
Diamond Bar, CA 91765  
Email: [cob@aqmd.gov](mailto:cob@aqmd.gov)

**Re: The South Coast Air Quality Management District Must Start Rule Development for an Indirect Source Rule at the Ports**

Dear Chair Benoit and Members of the Governing Board:

The undersigned coalition of environmental justice and environmental organizations write to express our deep frustration with the lack of progress being made to curb emissions from the San Pedro Bay Ports (Ports). The Ports are failing to live up to the moment, and we need the South Coast Air Quality Management District (Air District) to step in to advance public health, especially for the most vulnerable communities in our region. In the 2016 Air Quality Management Plan (AQMP), the Governing Board promised the public that it would have a measure adopted by 2018 to provide emissions reductions from marine ports between 2019 and 2031.<sup>1</sup> Currently, that promise has not been fulfilled, and we ask this agency to heed the advice of the LA Times Editorial Board, which noted “The foot dragging has gone on far too long, and it is time for regulators to step in to protect public health.”<sup>2</sup> Our health cannot withstand continued and unproductive negotiations that appear to be going nowhere fast.

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<sup>1</sup> Air District, 2016 AQMP, at 4-25.

<sup>2</sup> Los Angeles Times, *Editorial: Supply chain issues affect almost everything, but surge in port pollution threatens our lungs*, (Nov. 22, 2021), available at <https://www.latimes.com/opinion/story/2021-11-22/supply-chain-issues-port-pollution>.

## **I. The Health Impacts from Port Operations Are Staggering.**

Even before the supply chain issues our region faced, Port pollution exacted a large toll particularly on communities near our freight hubs. According to Air District's own reports, the Ports' relative contribution to the region's overall emissions continues to climb year after year.<sup>3</sup> These problems have only been amplified by the current supply chain issues. According to estimates from the California Air Resources Board (CARB), as of October 2021, containership congestion at the Ports has resulted in an increase of 20 tons per day (tpd) of nitrogen oxides (NOx) and 0.5 tpd of particulate matter (PM) in the South Coast Air Basin relative to pre-pandemic baseline levels. To put things into context, the increased emissions are the equivalent of adding 5.8 million passenger cars in the South Coast and the increased PM is like adding almost 100,000 Class 8 diesel trucks onto the road.<sup>4</sup> The Ports need a stronger showing from air regulatory agencies to solve the pollution crisis caused by these operations.

## **II. The Air Districts Negotiations with the Ports Appear to Be Going Nowhere Fast.**

The Ports are not strangers to negotiating agreements. They negotiate agreements with their tenants all the time. When these agencies want to come to an agreement, they figure out a way. The failure to meet the moment and come to an agreement with your agency shows that they believe they are strong, and that your negotiating position is weak. Although the public is only privy to very little in the negotiations, our assessment is that the Air District has made little progress during these past three years.

The Air District has even given the Ports one last shot at coming to an agreement. Despite years of failed discussions on a Memorandum of Understanding (MOU)<sup>5</sup>, on August 6, 2021 the Board voted to allow more time to explore voluntary measures that the Ports might take to address emissions. As Air District staff warned before this vote, “[a]bsent additional forcing mechanism[s], it is not clear that [the] ports will adopt the specific measures needed to meet air quality needs.”<sup>6</sup> Instead of heeding this warning, the Board directed staff to work on pursuing an MOU for another six months—stalling efforts to develop an internal framework for an ISR until after four months had passed.<sup>7</sup> We are now at the four-month mark and still, the Ports do not have a signed MOU. The Air District must immediately shift towards rulemaking, and adopt a rule on an expedited timeframe. We cannot reward bad behavior by allowing the Ports to delay a rulemaking process given they have already impeded progress on implementing the 2016 AQMP.

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<sup>3</sup> SCAQMD Marine Ports Committee Meeting (September 26, 2021)- Staff Presentation Slide 2.

<sup>4</sup> Emissions Impacts of Ships Anchored at Ports of Los Angeles and Long Beach, (November 9, 2021) California Air Resources Board. Available at: [https://ww2.arb.ca.gov/sites/default/files/2021-11/SPBP\\_Congestion\\_Anchorage\\_Emissions\\_Final.pdf](https://ww2.arb.ca.gov/sites/default/files/2021-11/SPBP_Congestion_Anchorage_Emissions_Final.pdf)

<sup>5</sup> SCAQMD Governing Board Packet (August 6, 2021) - Staff Presentation Slide 11.

<sup>6</sup> *Id.*

<sup>7</sup> SCAQMD Governing Board Meeting Minutes, August 6, 2021, available at <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-sept3-001.pdf?sfvrsn=6>

We recognize that other agencies need to do more to clean up deadly port pollution. We are working with the Environmental Protection Agency and the California Air Resources Board to push them to do more. But, your agency has the authority to adopt indirect source rules that can save lives. We are not asking your agency to do anything more than the law allows. We are simply asking you to have the courage to fulfill the promises you made to breathers in the last air plan and move quickly to adopt a marine port indirect source rule.

Sincerely,

Adrian Martinez  
Fernando Gaytan  
**Earthjustice**

Drew Wood  
**California Kids IAQ**

Jesse N. Marquez  
**Coalition For A Safe Environment**

Ricardo Pulido  
**Community Dreams**

Taylor Thomas  
**East Yard Communities for Environmental Justice**

Magali Sanchez-Hall, MPH  
**EMERGE**

Yasmine Agelidis  
**Los Angeles County Electric Truck & Bus Coalition**

Joe R. Gatlin  
**NAACP – San Pedro-Wilmington Branch # 1069**

Mandeera Wijetunga  
**Pacific Environment**

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**People's Collective for Environmental Justice**

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Theral Golden  
**West Long Beach Association**

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