



VIA ELECTRONIC MAIL

August 27, 2025

Chair Delgado and Members of the Governing Board
South Coast Air Quality Management District
2865 Copley Drive
Diamond Bar, CA
Email: COB@aqmd.gov

Re: Comments on Inadequate Proposal from San Pedro Bay Ports

Dear Chair Delgado and Members of the Governing Board:

We write regarding the private negotiations the South Coast Air Quality Management District (Air District) is currently having with the Ports of Los Angeles and Long Beach (Ports). The undersigned community, environmental, and health organizations remain alarmed about the deeply flawed “cooperative” agreement that the agencies are using to strike a deal. It is our understanding that the agencies are working from the proposal that the Ports submitted to the Air District in July. While the July proposal from the Ports includes many words, the document largely repackages existing plans and obligations that the Ports already plan to do. Simply stated, even if the agreement is never signed, the Ports plan to do the vast majority of the agreement’s terms. In exchange for this document committing to very few new or specific commitments, it asks that the Air District grant amnesty to the Ports from regulation for a decade. While our organizations have been crystal clear that the better policy is to adopt a regulation with enforceable commitments, we feel compelled to comment on this deeply problematic proposal put forward by the Ports.

Including Amnesty from Regulation for a Decade Is Bad Policy

The most egregious provision of this draft agreement is a poison pill that would prevent the Air District from regulating for a decade. Beyond the public health consequences of providing a free

pass to the largest fixed sources of pollution in the region, this creates a slippery slope where other large polluters will seek this same deal. This approach also makes no sense. Even if the Air District decides an agreement is the path forward like they have done for airports, these other MOUs have not included this provision for the Air District to sign away its police powers. Any agreement that limits the Air District's regulatory authority to regulate should be rejected.

The Proposal Lets Down some of the Most Overburdened Communities in the State, Including AB 617 Communities

Communities most burdened by the region's worst air pollution continue to be let down as the years pass and the Air District continually gives in to port and industry stall tactics, delaying tangible action to regulate pollution. While we have seen a sharp decline in port emissions when compared to a twenty-year baseline, the Ports remain the largest fixed source of nitrogen oxides (NOx) in the region—a primary precursor to smog and a driver of respiratory illnesses and premature deaths. Progress on emission reductions has largely leveled out due to the reliance on voluntary measures. These facts make clear that incremental progress through voluntary measures is no substitute for the urgent need for enforceable commitments to further reduce emissions and protect public health today.

The Proposed Cooperative Agreement is Inadequate

The draft "Cooperative Agreement" the Ports have proposed is structurally incapable of delivering the reductions our region needs. It largely repackages measures that are already underway or previously committed to, without adding new, enforceable emissions caps that would accelerate progress on further reducing emissions on a specific timetable. Even when there is a commitment strategy, it is so vague as to be absurd.¹ While this letter will not go through every bald commitment of strategy, we will provide examples.

For example, the agreement commits to "Update per call incentive amount to encourage calls by vessels that meet highest ESI score, vessels with Tier III engines, and/or use cleaner marine fuels."² However, the agreement provides no further details on the proposed increase in incentives or any type of assurances that updates to this program will result in cleaner ships calling at the Ports. This vague language provides the Ports leeway to add a nominal amount, or even worse, reduce the incentive amounts. Allowing unfettered discretion to the Ports is problematic precisely because of the admissions they make in the document. The Port of Los

¹ As illustrated on the table in Appendix A, the current draft agreement derives from the existing Clean Air Action Plan 2017 Update and other ongoing requirements the ports have committed to.

² *Draft Cooperative Agreement between SCAQMD and the Ports of Los Angeles and Long Beach* (July 18, 2025), p. 18.

Angeles notes it has spent \$6 million over eight years for this program. That is a paltry amount given the immense harm ships impose on public health.

The Clean Truck proposal also includes nothing more than what the Ports have already committed to. CAAP Plus Measure No. 2 would not even require the Ports to develop a plan to show how it will meet the self-imposed 2035 goal for 100% zero-emission trucks. For years, the undersigned organizations have asked that the Ports develop interim targets to demonstrate progress towards this 2035 goal and to increase the Clean Truck Fund Rate. The current draft agreement contains no commitment to explore any of these recommendations and is devoid of any explanation of how the low \$10/TEU fee will raise sufficient funds to support the 2035 100% ZE Truck goals.

On emission reductions, the draft “Cooperative Agreement” drags the Air District back to 2021, when negotiations with the Ports collapsed. It expressly disclaims any obligation to adopt backstops, stating the Ports “shall have no obligation(s)...to implement any substitute measures” to cover shortfalls if CAAP-Plus underperforms.³ In other words, the Ports refuse enforceable emission-reduction targets or automatic contingency measures if projections are missed. This is indefensible given the Ports’ regular practice of quantifying emission reductions for infrastructure projects and incentive applications. The same rigor can and should be applied to CAAP-Plus, with binding targets and automatic backstop measures to ensure that impacted communities get needed relief.

At first glance, the CAAP-Plus infrastructure plans might seem laudable to some, but in context, state law already requires this kind of coordination and project-level planning to address air pollution. As the Harbors & Navigation Code makes clear, “The port...shall consult with the South Coast Air Quality Management District on projects that reduce pollution associated with the movement of cargo”⁴—and in doing so, identify project lists (e.g., CAAP measures), funding sources, and timelines for implementation. Simply put, what the Ports offer is not new.

By comparison, CAAP Plus Measure 6 primarily schedules zero-emission infrastructure plans rather than adding enforceable duties, and the draft Cooperative Agreement further states that the Ports will not commit to implementing any substitute measures if reductions fall short. In essence, the Ports are committing to several components that are arguably already required when developing projects addressing air pollution. To ensure infrastructure planning is meaningful, it should be pegged to clear, projected emission-reduction targets that maximize reductions to meet the region’s needs.

³ *Draft Cooperative Agreement between SCAQMD and the Ports of Los Angeles and Long Beach* (July 18, 2025), p. 7.

⁴ Cal. Harb. & Nav. Code §§ 1750(c), 1769(c) (requiring consultation with South Coast AQMD and identification of projects, funding sources, and timelines).

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Because the draft Cooperative Agreement offers very little that is new, does not go far enough, and largely repackages duties the Ports already owe, the “cooperative” approach being pushed by some will only serve to set us back without delivering meaningful gains. Impacted communities deserve better.

Setbacks in rulemaking have serious consequences

These setbacks will have dire consequences for the region and the state. Without a binding and enforceable indirect source rule, there will be no framework to set clear, enforceable targets and metrics for reducing port-related emissions, no infrastructure mandates to support the transition to zero-emission operations, and no accountability to ensure timely progress—even as the Olympic Games and other major events approach. We urge you to return to the original Port ISR concept and work with the Air District staff and other stakeholders to complete a comprehensive rule. This rule should incorporate the measures the Ports have already acknowledged are feasible and use projected reductions from such measures to set enforceable targets, as a start. The rule must hold all parties accountable through transparent public reporting, enforceable deadlines, and consequences for non-compliance.

Frontline communities must be at the center of any solution to port-derived air pollution, as co-designers of this framework. Success should be measured not by commercial throughput protected but by the number of lives saved, public health resources preserved, and lifespans extended as pollution levels decline.

Conclusion

This is a pivotal moment in our politics, as environmental justice and environmental protections are largely being abandoned at the national level. The people of this region cannot wait another decade for clean air while political expediency shields the largest polluters from accountability for their deadly emissions. The Ports of Los Angeles and Long Beach, this Air District, and our city leaders must act now to adopt an enforceable Port ISR that delivers measurable public health gains—not empty promises on paper. We need you to act with the urgency this moment demands.

Sincerely,

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[Additional Signatories on Next Page]

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Appendix A

CAAP Plus Measure	Prior Port Commitment
Measure No. 1 Clean Ship Program Enhancements (Clean Ship incentives, Additional shore power, enhanced vessel speed reduction, green shipping corridor)	POLA ESI Incentive program (since 2012); POLB Green Ship Incentive Program; CARB At-Berth Rule Compliance (since 2023); Green Shipping Corridor (Since 2023); CAAP Vessel Speed Reduction Program (Since 2001)
Measure No. 2 ZE Drayage Equipment and Infrastructure Funding (Clean Truck Fund Spending Plan; Incentives; grant “stacking”)	San Pedro Bay Ports Clean Truck Fund (since 2022);
Measure No. 3 ZE Equipment and Infrastructure funding (Zero-Emissions Equipment and Infrastructure Funding)	2017 CAAP Update- transition terminal equipment to 100% Zero Emissions by 2030 through reporting on procurement schedules, grant funding, and feasibility assessments; CAAP Technology Advancement Program.
Measure No. 4 ZE Locomotive Demonstration Program (to facilitate operators in seeking grant funding for zero emissions locomotives for operation at ports)	2017 CAAP- set goal of accommodating 35% cargo by rail with commitment to work with operators to demonstrate zero-emissions technology.
Measure No. 5 ZE Equipment and Infrastructure Workforce Development	Existing Joint Port of Los Angeles and Port of Long Beach Goods Movement Training Facility Project with \$110 million in state funding. Completion by 2030; POLB Education & Workforce Programs-Green Port Policy (since 2005).