



**VIA ELECTRONIC MAIL**

October 1, 2025

Chair Vanessa Delgado and Members of the Governing Board  
 South Coast Air Quality Management District  
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 Clerk of the Board, [cob@aqmd.gov](mailto:cob@aqmd.gov)

**Re: Agenda Item No. 30- Concerns with Draft Cooperative Agreement Between AQMD and Ports of Los Angeles and Long Beach**

Dear Chair Delgado and Members of the Governing Board:

The undersigned environmental justice, environmental, public health, and community organizations write to express deep alarm at the South Coast Air Quality Management District's (Air District) current course, which appears poised to abandon meaningful emission-reduction commitments for the next five years. Currently, the proposal is to sign an agreement for infrastructure planning, which includes a commitment from the Air District to not pursue regulations to clean the air for five years. This is the wrong place to start, especially since the only substantive item covered in the draft is exclusively on infrastructure and nothing else.

By giving away the thing the ports want – amnesty from regulation for five years on the front end – the Air District will be forsaking its commitment to the communities currently suffering from toxic port pollution, functionally asking them to hold their breath for five years. This deal is not fully baked, and the Governing Board should instruct staff to fully negotiate, conclude negotiations, and finalize the draft terms before presenting them to the Board for its consideration. It's worth noting that the Air District holds an important legal obligation to adopt and implement all feasible measures to come into compliance with state ambient air quality

standards.<sup>1</sup> The Air District should not rule out the prospect of the original ISR concept for PR 2304. The Board should be allowed to make the appropriate comparison to determine which path offers a better outcome for the air basin.

While we will have comments on the broader agreement during and before the community meeting on October 15, 2025, we ask the Air District Governing Board not to relinquish its commitment to the community. There are things the ports can and should do in the next five years to clean up deadly port pollution. Even though this agency has decided to pursue a voluntary approach for these entities, this does not mean the Governing Board should accept any agreement that comes to the agency.

Importantly, the ports themselves inserted the concept of including CAAP Plus measures in their July draft agreement. While these measures were woefully insufficient, the ports appeared poised to provide more commitments than just infrastructure planning. We do not understand why this agency is unwilling to negotiate for measures to clean up pollution in the next five years when it has a duty to protect communities like the Wilmington/Carson/Long Beach AB 617 community.

We recognize the ports and potentially South Coast AQMD staff may argue that they will negotiate these measures down the road, so it is fine to preemptively surrender your regulatory rights. But, this is irresponsible and may be an improper bargaining away of SCAQMD's police powers.

In addition, the Ports will have zero incentive to actually commit to more serious ways of reducing pollution and providing relief in the near term. The contractual mechanisms in the current agreement provide insufficient leverage to get the ports to make actual, meaningful commitments on the CAAP Plus Measures.

### ***I. An Incomplete Agreement is Bad for the Public.***

We want to be clear: staff is presenting an agreement that is only partially complete, surrenders rulemaking authority, drafted to focus narrowly on infrastructure planning, and the District is rushing this flawed agreement forward without sufficient community input. While a single community meeting is being scheduled and written comments are technically being accepted through the end of the month. These gestures cannot credibly be designed to actually ensure the private agreement is improved.

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<sup>1</sup> 17 CCR § 70600(b)(5)(A).

## ***II. The Agreement Should Not Create Amnesty from Implementing MOB-01.***

The 2022 AQMP could not have been clearer: meeting federal ozone standards requires deep, basin-wide NO<sub>x</sub> reductions through a comprehensive control strategy.<sup>2</sup> MOB-01 was designed to achieve this by addressing the full range of port-related sources—ocean-going vessels, locomotives, harbor craft, cargo handling equipment, and off-road heavy-duty vehicles—through an enforceable indirect source rule supported by incentives.<sup>3</sup> The current version of the agreement would have the Air District not pursue any part of the broadly worded MOB-01 for a period of five years.

Ignoring emission reductions for five years is a gamble the region cannot afford to take. By last count, the region still needs to reduce NO<sub>x</sub> emissions—the key pollutant in ozone—by 67 percent over baseline levels by 2037, and about 83 percent below current levels just to meet the decade-old 2015 federal standard.<sup>3</sup> In addition, the five-year period will coincide with the attainment date for the 2008 8-hour ozone standard. The District cannot tie its hands if it expects to meet its obligations.

## ***III. This Agreement Prematurely Surrenders Rulemaking Authority and Abandons Impacted Communities.***

The Revised Draft Cooperative Agreement leaves crucial elements undefined—including what constitutes “charging infrastructure,” “port sources,” and even “zero emissions.” It also defers the core actions needed to address port-related emissions to some unspecified future negotiation. An agreement with this many empty placeholders cannot credibly be described as meeting the objectives of MOB-01.

Worse still, the accompanying resolution directs staff not to pursue any rulemaking to fulfill AQMP Control Measure MOB-01 for five years. By relinquishing its rulemaking authority before terms are even defined, the District strips itself of all leverage to secure enforceable measures from the Ports before the infrastructure planning is fully complete. This approach not only undermines the AQMP’s commitments but also jeopardizes the attainment of federal standards and the health of the communities that continue to bear the heaviest pollution burdens.

## ***IV. Demand a Complete Strategy for the Reduction of Emissions at the Ports before you are asked to vote.***

We urge you not to accept an agreement that forecloses the prospect of reducing emissions for another five years. The cost of such a decision is clear—the loss of enforceable measures that

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<sup>2</sup> South Coast Air Quality Management District, *South Coast AQMD Finalizes Most Ambitious Strategy to Cut Pollution: Comprehensive Zero-Emission Plan to Reduce Emissions Almost 70% by 2037.* Press Release, December 2, 2022; <https://www.aqmd.gov/docs/default-source/news-archive/2022/aqmp-adopted-dec2-2022.pdf>

<sup>3</sup> SCAQMD, 2022 AQMP, p. 4-25.

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could catalyze a transition to zero-emissions technologies, set measurable reduction targets, and establish milestones with accountability and course-correction if measures fall short.

We urge you to reject this draft agreement and to keep rulemaking on the table as the central mechanism for achieving the AQMP's objectives.

Sincerely,

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*[Additional Signatories on Next Page]*

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