



**VIA ELECTRONIC MAIL**

July 30, 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. 24- Stand with Community and Commit to Protecting Public Health with a Strong Ports ISR**

Dear Chair Delgado and Members of the Governing Board:

We write to express deep frustration with yet another effort to derail urgently needed rulemaking at the South Coast Air Quality Management District (Air District). Communities bearing the brunt of the region's worst air pollution continue to be let down. In 2025 alone, two of the most impactful NOx-reduction rules—zero-emission standards for furnaces and water heaters, and the Ports Indirect Source Rule (ISR)—have faced unnecessary and harmful delays.

Now, the Governing Board is being presented with a false "choice". Instead of voting on Proposed Rule 2304 this October as planned, you are being asked to choose between a balanced, stakeholder-informed first step toward emission reductions at the ports or a non-binding agreement that sidesteps accountability. The proposed alternative dismisses public health demands for enforceable emission targets and instead allows polluting industries to shift the burden back onto the Air District to fix the very problems these industries cause.

We urge you to reject this attempt to divert and distract. Stay the course, finalize PR 2304, and reaffirm your commitment to a strong, enforceable ISR for commercial marine ports.

### **After Decades of Harm and Years of Delay, the Ports ISR Must Move Forward**

For the past three years, Air District staff have been developing a rule concept, with the most recent draft focused on supporting zero-emissions infrastructure. Throughout this extensive process, our organizations have remained deeply engaged—participating in working group meetings, community workshops, and committee meetings to emphasize the urgent need for a strong, enforceable rule that addresses the disproportionate harm port-related pollution inflicts on nearby communities. The ports remain the **largest fixed source of smog-forming NOx emissions** in the region. We cannot afford to maintain the status quo or miss this opportunity to finally establish clear emission reduction targets and set meaningful accountability for those drawing this pollution into communities.

In 2021, the Board directed staff to develop an ISR if a Memorandum of Understanding (MOU) with the ports could not be reached. Four years later, despite that clear directive, the rule has yet to move forward. Initially slated for public hearing in 2023, the rulemaking timeline has been repeatedly pushed back—stalling progress, eroding trust, and allowing misinformation to take root while frontline communities continue to suffer the consequences.

During this delay, the Ports of Los Angeles and Long Beach have remained the **largest fixed source of NOx pollution** in the South Coast Air Basin. This pollution drives asthma, heart disease, and has been linked to elevated cancer rates—particularly in low-income communities of color. These are not abstract harms: the region is paying the price in emergency room visits, lost workdays, and missed school, with public health<sup>1</sup> and economic costs that far outweigh the speculative claims about job loss used to oppose regulation. Every delay shifts the burden of pollution onto families already overburdened by environmental and economic injuries.

California law not only authorizes the Air District to pursue an ISR, but also requires it to adopt rules, including indirect source controls, to implement plans to improve air quality in areas with high localized pollution or where new sources significantly affect air quality.<sup>2</sup> The law also makes SCAQMD the “sole and exclusive local agency within the South Coast Air Basin with the responsibility for comprehensive air pollution control,” and mandates it to represent residents in

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<sup>1</sup> As an example, emission reduction from converting to Zero-Emission Commercial Harbor Craft alone is estimated to result in nearly \$5.25 billion in avoided adverse health outcomes statewide according to the California Air Resources Board. Locally, public health benefits of meeting air quality standards by 2031 are estimated to be \$173 billion. See, South Coast Air Quality Management District PR 2304 Presentation (June 14, 2022), slides 19 and 15, respectively. Available at: [Proposed Rule 2304 Indirect Source Rule for Commercial Marine Ports Working Group Meeting #2](#).

<sup>2</sup> California Health & Safety Code §40440(b)(3).

influencing decisions of agencies whose actions could harm air quality—that includes the ports. Impacted communities are counting on this agency to do its job.

Last summer, Chair Delgado reaffirmed the District’s commitment to adopt an ISR for the ports by the first quarter of 2025. That promise must now be fulfilled before the year closes. The District is falling further behind on meeting its air quality mandates, and finalizing this rule is one of the most impactful regulatory actions it can take. A strong, enforceable ISR remains the best available measure for reducing emissions from port-related activities and holding the responsible entities accountable.

By contrast, what is now being advanced as a “cooperative agreement” offers no enforceable standards, no firm emission reduction commitments, and no accountability, and blocks any rulemaking for a decade. Choosing that path over rulemaking would represent a clear retreat from the agency’s mission and obligations and a betrayal of the communities who need clean air the most.

Choosing the MOU path would also undermine the Air District’s core regulatory authority. It directly contradicts SCAQMD’s own position on SB 34 (Richardson), which the District rightly opposed for threatening its ability to regulate pollution and protect public health. The ports’ latest proposal would block rulemaking for up to a decade—a clear attempt to sidestep accountability and a threat to the Air District’s ability to comply with state and federal law. **We urge you not to take the bait.**

### **Voluntary Agreements have Consistently Failed to Deliver the Type of Emission Reductions Needed**

Like previous iterations, the latest proposed “cooperative agreement” includes no binding emission targets, no enforcement mechanisms, and no accountability for the ports. You are being asked, as air regulators, to consider abandoning your legal obligation to adopt best available control measures in exchange for a framework that will not optimize results.

You would be hard pressed to find evidence establishing that an MOU has ever outperformed an enforceable rule in reducing emissions from indirect sources like the ports. By contrast, the Air District’s own experience proves that rules work. The Warehouse ISR has already begun generating measurable benefits like companies deploying zero-emission infrastructure and transitioning fleets earlier than expected. Recent reports on the WAIRE program show that in many cases, participants over comply with requirements—proving that when there are clear requirements and consequences, the private sector responds.

Voluntary agreements with no emission guarantees simply enable polluting industries to do the bare minimum, with no consequences for failure. We urge the Board to reject calls to go down

the path of expediency and instead adopt a strong, enforceable rule that delivers real, measurable public health benefits and holds polluters accountable.

### **As Port Activity Surges, Emissions Protections Stagnate**

Recent claims of declining port activity as reasons to forego regulations are misleading. Temporary slowdowns at the ports are largely tied to federal trade policy, not environmental regulation. In reality, port volumes are rebounding, with the Port of Los Angeles reporting its busiest June in history<sup>3</sup>, and Long Beach is seeing nearly a year of sustained growth.<sup>4</sup>

Despite this surge, emission reductions continue to stall. Increased throughput without corresponding mitigation only worsens air pollution. The real crisis is not economic, it's the decades-long failure to develop a comprehensive plan for setting and keeping to the emission reduction targets needed to get to attainment.

### **What is Needed: A Real Rule That Sets Clear Targets to Reduce Emissions and Holds Parties Accountable**

Over 80 percent of NOx emissions in the South Coast originate from mobile sources, with nearly half of those emissions tied to goods movement activities.<sup>5</sup> A voluntary agreement that absolves the ports and their customers of responsibility for reducing emissions and shifts the burden to the Air District to make up any shortfall, falls short of what this moment demands. It offers no clear path to attainment.

In contrast, a strong ISR could provide:

- **Clear and enforceable emission reduction targets;**
- **Accountability mechanisms and penalties for non-compliance;**
- **Robust community engagement** throughout development and implementation.

The health of millions of residents of the South Coast Air Basin depends on strong action. A voluntary agreement with no guarantee of emission reductions will simply not deliver.

We urge the Board to direct staff to complete rulemaking on PR 2304 and bring it forward by November. The District must also stay committed to advancing the next phase of the ISR—one

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<sup>3</sup> Port Of Los Angeles, July 2025 Cargo News Briefing with Guet Bobby Djavaheeri, (July 24, 2025); available at: [Tariff 'Whipsaw Effect' Boosts June Cargo to New Record at Port of Los Angeles | News | Port of Los Angeles.](#)

<sup>4</sup> Port Of Long Beach, *Port of Long Beach has Strongest April on Record*, (May 15, 2025); [Port of Long Beach Has Strongest April on Record - Port of Long Beach.](#)

<sup>5</sup> South Coast Air Quality Management District, South Coast AQMD Governing Board Adopts Rail Yards Indirect Source Rule. <https://www.aqmd.gov/home/research/pubs-docs-reports/newsletters/oct-nov-dec-2024/rail-isr#:~:text=More%20than%2080%20percent%20of%20meeting%20federal%20air%20quality%20standards.>

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that sets firm emission targets once infrastructure is secured and enforces accountability to protect the communities most burdened by port pollution.

## **Conclusion**

We need clean air—not broken promises. Finalizing PR 2304 this fall is essential. As staff refine the rule, we urge you to ensure it delivers real outcomes by linking infrastructure planning to emission reductions, applying targets across all port operations, and engaging communities throughout the process. We stand ready to support the District in adopting a strong ISR that protects public health and delivers on its mission.

Sincerely,

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