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ASSOCIATION

VIA ELECTRONIC MAIL

May 23, 2025

Chair Vanessa Delgado and Members of the Governing Board
South Coast Air Quality Management District
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Email: vdelgado@aqmd.gov
Clerk of the Board, clerkofboard@aqmd.gov

Re: Urgent Call to Finalize PR 2304 and commit to a Ports Indirect Source Rule with clear emission reduction targets

Dear Chair Delgado and Members of the Governing Board:

We strongly urge the South Coast Air Quality Management District (Air District) to stay the course and finalize PR 2304- the Ports Indirect Source Rule (ISR) this year. The importance of this rule cannot be overstated. The 2022 Air Quality Management Plan (AQMP) acknowledges that achieving air quality standards requires a 67% reduction in NOx emissions, and the ports remain among the primary contributors to NOx emissions in the region.

Last summer, Chair Delgado reaffirmed the District's commitment to an ISR for commercial marine ports by the first quarter of this year. This commitment has become even more urgent as the District continues to fall short of addressing its regional air quality goals and its obligation to protect the public from the health risks posed by port emissions. Fortunately, implementing an ISR for the ports still represents the best available control measure. There is still time to meet the

District's commitment, but it requires a strong, enforceable rule that establishes a genuine framework for emission reductions and holds the ports and related industry accountable.

Strengthen PR 2304

While PR 2304 emphasizes planning for zero-emissions infrastructure, we believe it also offers a valuable opportunity for the Air District to establish a Ports ISR. The current draft language can be improved to better address the region's needs in the following ways:

- **Set Clear, Enforceable Emission Reduction Targets:** It is essential to include specific, enforceable emission reduction targets within PR 2304 to ensure accountability and measurable progress toward achieving zero-emission port operations. There is no valid reason to exclude references to these targets, even at this early stage in implementation. This approach would mirror the Railyard ISR the Board unanimously approved last year
- **Align Infrastructure Planning with Emission Reduction Goals:** Infrastructure planning should be driven by and aligned with these emission reduction targets. This approach would prioritize investments that maximize expected emission reductions and start to chart a path towards achieving full zero-emission operations by 2040.
- **Comprehensive and Facility-Wide Zero Emissions Planning Targets:** The default planning targets should be comprehensive and apply to a broad scope of technologies, not just limited to the categories currently specified in the draft rule. This approach would offer multiple pathways towards converting to zero-emissions operations.
- **Prioritize Community Participation and Transparency:** It is crucial to prioritize community involvement and transparency throughout the plan evaluation and implementation process. Plans and any modifications should be publicly available with opportunities for community input.

By strengthening the rule and incorporating a stronger tie to emission reduction strategies, PR 2304 has a better chance of motivating stronger outcomes for air quality and public health.

Resist the Misinformation Campaign

We acknowledge that some groups opposed to this rule will try to delay or derail these efforts through misinformation and endless negotiations and relitigating matters long resolved—similar to their tactics against the Warehouse ISR. What we saw then, we are seeing now.

Opponents claimed that the Warehouse ISR would cause job loss and drive away businesses, yet we've seen continued growth in warehousing in the South Coast AQMD region. They also

argued that the ISR was unlawful and outside of the District's authority, but a federal court upheld the rule and affirmed the District's ISR authority.¹

Moreover, critics doubted the Warehouse ISR's effectiveness in reducing emissions, however, the rule has more than doubled the reduction of Nitrogen Oxides and Diesel Particulate Matter. This demonstrates that a well-crafted ISR, grounded in emission reduction strategies and prioritizing zero emissions infrastructure, can deliver significant results for the region.

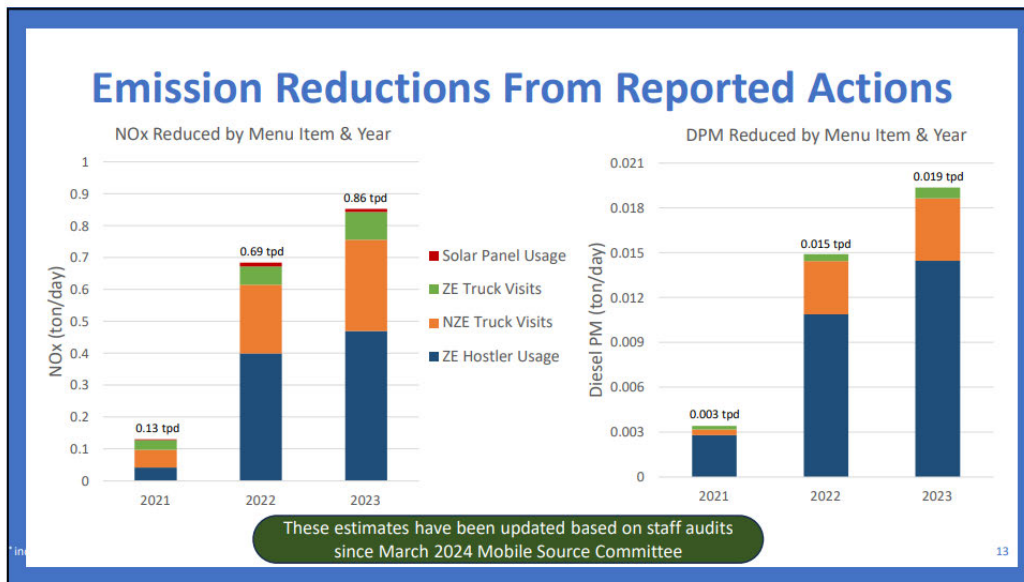


Figure: Staff Report at the October 18, 2024, Mobile Source Committee Meeting.²

This history should shed light on the importance of resisting ongoing efforts to roll back the Air District's authority and thwart its mission. That resistance starts with dispelling myths surrounding what this agency's rules are intended to do and what they do not. PR 2304 **does not impose limits on cargo throughput**; it has never been about restricting operations at the ports. It also does not advocate for one specific technology over another. In fact, the original concept for PR 2304, like other ISR rules, contemplated several pathways for reducing overall emissions associated with facilities. These pathways focus on eliminating polluting sources and gradually transitioning to zero-emission operations. There is nothing radical about this concept, nor anything unusual about a public health agency setting targets to reduce emissions along with commitments to sensible plans for converting to zero-emissions technology.

¹Anthony Victoria, *Federal court upholds Southern California's warehouse pollution rule*, KVCN (December 23, 2023) <https://www.kvcnnews.org/2023-12-20/federal-court-upholds-southern-californias-warehouse-pollution-rule>.

² SCAQMD Staff Presentation, Mobile Source Committee, October 18, 2024, Agenda Item #2, Slide 13; https://www.aqmd.gov/docs/default-source/Agendas/Mobile-Source/msc-agenda-101824.pdf?sfvrsn=6b24b061_18.

We Must Prepare Now for the next surge at the Ports

The recent focus at the ports has been the alarming drop in container volume over the last month. This steep decline is concerning for those who depend on port work to support their families. However, this decrease is not due to environmental regulations, efforts to transition to zero-emissions operations, nor plans for zero-emission infrastructure. Instead, it is entirely driven by the economic uncertainties stemming from tariff policies set by Washington.

Even with recent discussions and the announcement of a temporary pause on some of the highest tariffs imposed on Chinese imports, the impact on port operations will be significant. Ports must now prepare for the expected surge in traffic as tariffs are lifted temporarily, prompting retailers to ramp up imports during the limited 90-day pause.³ This situation echoes 2020 at the height of the COVID-19 pandemic, when uncertainty characterized the first half of the year, leading to a “cargo famine” followed by a “shipping frenzy” in the latter part of the year.⁴ This surge resulted in some of the worst air quality outcomes due, in part, to round-the-clock port operations.

While the ports have undoubtedly learned lessons and improved container operations to address supply chain bottlenecks following disruptions like the one we are currently experiencing, these actions do little to mitigate the emissions impact of the increased activity likely to occur. Were it not for the persistent resistance from the ports and industry to the Ports ISR’s development, we could have already had zero-emission infrastructure planned and underway to handle today’s port surges while minimizing pollution.

We must act now to protect ourselves from the next surge and the one that will follow. There will always be a crisis used to justify delay or inaction, but the real crisis is the decades-long failure to address what we already know: port pollution requires bold, enforceable action—not more excuses.

Conclusion

We urge you to stay the course and complete PR 2304 this summer. Between now and August, we urge you to encourage staff to look for ways of strengthening the rule by tying infrastructure planning to outcomes that will maximize emission reductions at the ports; ensure that targets are set for the whole of port operations, not just default subsets already committed to by the Ports; and, encourage community engagement throughout the plan development and evaluation

³ Peter Aivis & Danielle Kaye, ‘We’re Starting to Move Everything’: Trump’s China Deal Frees Up Shipping, Int’l N.Y. Times, May 14, 2025, at Bus.

⁴ Donna Littlejohn, Virus in 2020 Kept Ports of L.A., Long Beach Pivoting to Keep Pace with the Unexpected, L.A. Daily News (Mar. 17, 2021), <https://www.dailynews.com/2021/03/17/virus-in-2020-kept-ports-of-la-long-beach-pivoting-to-keep-pace-with-the-unexpected/>.

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process. We look forward to continue working with you and the Air District staff to ensure a strong ISR to protect communities.

Sincerely,

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