



United States Department of Justice

United States Attorney's Office Central District of California

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VIA E-MAIL

Hon. Vanessa Delgado, Chair
South Coast Air Quality Management District
21865 Copley Dr.
Diamond Bar, CA 91765
Email: ClerkOfBoard@aqmd.gov

Re: Proposed Amended Rules 1111 and 1121

Dear Chair Delgado and Governing Board Members:

The United States government is committed to the removal of illegitimate impediments to the use of domestic energy resources, including natural gas. Indeed, "Americans must be permitted to heat their homes, fuel their cars, and have peace of mind — free from policies that make energy more expensive and inevitably degrade quality of life." Exec. Order No. 14,260, *Protecting American Energy from State Overreach* (Apr. 8, 2025).

As you are surely aware from the public comments on Proposed Amended Rules (PAR) 1111 and 1121, both are preempted by federal law, namely, the Energy Policy and Conservation Act (EPCA), 42 U.S.C. § 6201. As the Ninth Circuit Court of Appeals explained, "[b]y enacting EPCA, Congress ensured that States and localities could not prevent consumers from using covered products in their homes, kitchens, and businesses." *Cal. Rest. Ass'n v. City of Berkeley*, 89 F.4th 1094, 1098 (9th Cir. 2024). The water heaters and furnaces that PAR 1111 and 1121 seek to eradicate are covered by the EPCA. 42 U.S.C. § 6292(a)(4), (5).

To protect the interests of the American people, the Attorney General has been directed to take all appropriate action to stop the enforcement of state and local laws and regulations that burden the use of domestic energy resources, including those like PAR 1111 and 1121 that are preempted by federal law. Please be advised that if PAR 1111 and 1121 pass, my Office is prepared to take all steps necessary to enforce federal law, including filing a civil action seeking any and all available relief, including injunctive relief, monetary damages, and penalties.

Respectfully,

BILAL A. ESSAYLI
United States Attorney