Harbor Pest Control
San Diego's Ant and Termite Specialists Since 1948

6160 Fairmount Avenue, Suite K
San Diego, CA 92120

Tel 619-584-8155
Fax 619-584-8183

Toll Free 888-295-7378
www.harborpest.com

November 11, 2026

Areio Soltani
Planning, Rule Development and Implementation Division
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: asoltani@aqmd.gov

RE: Proposed Rule 1495 – Commodity Fumigation

Dear Mr. Soltani:

Harbor Fumigation appreciates the opportunity to provide comments on Proposed Rule 1495 ("PR 1495"). Harbor also appreciates the significant time South Coast Air Quality Management District ("South Coast AQMD" or "District") staff has devoted to learning about commodity fumigation operations and engaging directly with affected operators, the Los Angeles County Agricultural Commissioner ("CAC"), and other stakeholders.

Harbor shares the District's objective of protecting nearby communities from potential risks associated with exposure to air contaminants. Commodity fumigation should be conducted in a manner that protects public health, and Harbor is committed to continuing to identify and implement measures that reduce potential off-site impacts.

Our comments are therefore not intended to weaken PR 1495's public-health objective. Rather, we encourage the District to adopt a regulatory structure that focuses on achieving that objective while providing sufficient flexibility for facilities to use the most effective and appropriate means of doing so. In particular, Harbor recommends that PR 1495 supplement its proposed screening-table approach with a site-specific, technology-neutral alternative compliance pathway that allows an operator to demonstrate through a District-approved health risk assessment ("HRA") and enforceable mitigation measures that applicable health-risk criteria are being met.

This approach would retain the proposed tables as a straightforward compliance pathway for facilities that choose to use them, while allowing facilities with different configurations, operating conditions, receptor locations, and mitigation opportunities to undertake a more detailed analysis of actual risk and implement appropriate site-specific measures. Such an approach would be consistent with other South Coast AQMD programs, encourage continued innovation in mitigation practices, protect nearby communities, and avoid unnecessary reductions in commodity treatment capacity and associated economic impacts.

I. The West Long Beach experience demonstrates that collaborative, site-specific mitigation can work.

Harbor believes the recent experience in West Long Beach should be viewed as an important success story and should help inform the final structure of PR 1495.

When monitoring identified concerns regarding methyl bromide concentrations, operators did not wait for adoption of a new rule before taking action. Through engagement with the CAC, CARB, South Coast AQMD, and other agencies, operators implemented additional measures including increased stack heights, coordinated and staggered aeration, and other operational best management practices ("BMPs").

South Coast AQMD's own analysis concludes that the additional measures implemented at the two facilities nearest the West Long Beach monitoring station reduced ambient methyl bromide concentrations by as much as 65 percent. Staff has also reported that, following implementation of these measures, individual hourly readings were well below the applicable acute reference exposure level and annual averages were below the chronic reference exposure level.

Those results matter. They demonstrate that significant reductions in potential community exposure can be achieved through targeted engineering and operational changes without necessarily installing costly add-on capture-and-control technology or substantially reducing commodity throughput.

They also demonstrate the value of collaboration. Regulators and operators identified a potential concern, evaluated actual operating conditions, developed practical mitigation, implemented those measures, and measured the results.

PR 1495 should encourage more of that behavior.

Operators that proactively invest in mitigation and can demonstrate that their measures are effective should receive regulatory recognition for those investments. The rule should not

inadvertently discourage that type of engagement by imposing a generalized operating limit that does not fully account for the benefits of site-specific mitigation.

II. The proposed tables can provide a useful screening pathway, but they should not be the only pathway available to existing facilities.

Harbor understands and appreciates the value of the proposed Tables 1, 2, and 3. A standardized screening methodology can provide a relatively straightforward and lower-cost compliance pathway for many operators, particularly facilities whose physical configuration and operating characteristics closely resemble the assumptions used in South Coast AQMD's modeling.

Harbor is not requesting that the District eliminate those tables.

Our concern is that a generalized screening model cannot necessarily reflect the actual circumstances of every existing commodity fumigation facility.

The District's modeling incorporates intentionally conservative assumptions. Among other things, staff assumed that 100 percent of fumigant used during treatment would ultimately be emitted through the exhaust stack, notwithstanding degradation, adsorption, fugitive loss, and other mechanisms. Staff then modeled different receptor distances using meteorological information from 26 locations throughout the South Coast region and selected health-protective values for development of the proposed limits.

Those assumptions may be appropriate for development of a screening tool. They become much more consequential, however, when the resulting screening value becomes an enforceable annual limit that may substantially reduce an existing facility's permissible throughput.

Indeed, South Coast AQMD's own modeling appendix notes that the screening levels do not apply to sources operating outside the bounds of the modeled parameters.

That is precisely why a more refined compliance pathway is appropriate.

At Berths 54 and 55, Harbor, along with AG-Fume, currently operates under a combined facility permitted methyl bromide limit of 45,000 pounds per year. Harbor's preliminary review indicates that application of the proposed Table 2 methodology could result in a combined annual facility limit of approximately 7,435 pounds.

That difference is not merely a paper compliance issue. An annual fumigant limit effectively becomes an annual commodity-treatment capacity limit. A reduction of that magnitude could materially affect Harbor's ability to service existing import activity and could have consequences throughout the surrounding supply chain.

The central regulatory question should ultimately be whether a facility's actual operations, following appropriate mitigation, create unacceptable health risk—not simply whether those operations exceed a generalized screening-table value.

III. South Coast AQMD should provide a site-specific HRA pathway consistent with approaches the District already uses in other toxics programs.

Allowing a site-specific HRA pathway under PR 1495 would not represent a special exemption for commodity fumigation.

South Coast AQMD already uses similar regulatory structures.

For example, Rule 1124 governing aerospace assembly and component manufacturing operations allows certain facilities to comply through a fixed annual usage limit, a receptor-distance-based usage table, or an alternative annual permit limit based upon a South Coast AQMD-approved facility-wide HRA. That structure is particularly relevant here because it demonstrates that a receptor-distance screening table and a site-specific HRA do not need to be competing approaches. They can operate together.

Rule 1469 provides another useful precedent. That rule recognizes alternative compliance methods where an operator can demonstrate appropriate emission and risk reductions through an enforceable alternative approach.

PR 1495 should incorporate the same basic principle.

A facility willing to undertake the time and expense associated with a detailed District-approved HRA should be permitted to establish alternative permit limits where it demonstrates compliance with applicable health-risk criteria and implements enforceable mitigation necessary to maintain those levels.

Harbor is already participating in the Rule 1402 process. Harbor has submitted an Air Toxics Inventory based upon its operations and is completing a facility-specific HRA. That process evaluates the actual configuration and operation of the facility and can identify mitigation targeted to the locations and operating conditions that drive risk. Harbor is also evaluating additional changes to stack location and height to further reduce potential impacts.

A site-specific HRA pathway would not be an easier compliance option. It requires additional technical analysis, modeling, expense, and potentially additional enforceable permit conditions.

But where an operator is willing to undertake that analysis, it can provide the District and surrounding community with a more accurate understanding of actual risk than a generalized screening model.

IV. PR 1495 and Rule 1402 should be coordinated to avoid inconsistent or duplicative regulatory outcomes.

Harbor's participation in the Rule 1402 process has also identified an important need for coordination between Rule 1402 and PR 1495.

The two programs can evaluate exposure differently. Under PR 1495, the District may consider the time of day when determining whether a particular off-site location constitutes a receptor. The proposed rule specifically provides that, for facilities conducting aeration exclusively during non-business hours, certain non-residential receptor locations may be assumed not to be receptor locations unless evidence indicates otherwise. This recognizes that a commercial workplace that is unoccupied while fumigant aeration occurs does not present the same exposure circumstance as a residence occupied throughout the day.

Rule 1402, however, separately evaluates potential worker receptor locations. Rule 1402 defines receptor locations based on the potential for acute or chronic exposure and expressly provides for calculation of risk at worker receptors. Its Notification Risk Level is triggered when an approved HRA identifies risk at or above specified thresholds at a receptor location.

In addition, facilities subject to AB 2588 and Rule 1402 submit comprehensive toxic air contaminant inventory updates every four years. Those quadrennial updates can lead to additional prioritization, inventory review, an HRA, and ultimately public notification if the applicable Rule 1402 Notification Risk Level is met or exceeded.

As a result, a commodity fumigation operation could comply fully with the operating schedules, receptor treatment, emission limits, and mitigation requirements established specifically for that operation under PR 1495, while still producing a different regulatory result under Rule 1402 based on different receptor assumptions. A facility could therefore potentially be required to undertake public notification under Rule 1402 even though its fumigation operations comply with the more specific requirements South Coast has developed under Rule 1495.

Harbor does not believe that outcome would serve operators, regulators, or the surrounding community well. Two South Coast programs addressing the same fumigation

emissions should not send inconsistent signals about whether the facility is adequately controlling risk.

Harbor therefore encourages the District to expressly coordinate implementation of Rules 1495 and 1402. To the maximum extent permitted, compliance with PR 1495—including any District-approved site-specific HRA, enforceable mitigation measures, and permit limits—should be recognized and credited in subsequent Rule 1402 evaluations of the same commodity-fumigation emissions.

Where PR 1495 has already evaluated receptor exposure based on actual operating schedules and imposed measures necessary to meet applicable health criteria, the District should avoid requiring duplicative mitigation or public notification under Rule 1402 solely because the two programs apply different assumptions to the same receptor.

If requirements under AB 2588 prevent a complete exemption, South Coast should develop clear implementation guidance or another administrative mechanism that harmonizes the programs to the maximum extent permissible. The objective should be one consistent, scientifically supportable assessment of risk rather than parallel programs producing conflicting conclusions about the same regulated operation.

This coordination would also reinforce the value of the site-specific HRA pathway Harbor recommends for PR 1495.

V. PR 1495 should establish a public-health performance objective without locking operators into a limited list of current mitigation measures.

Harbor appreciates that South Coast AQMD has incorporated several of the BMPs already being used by industry into PR 1495. The effectiveness of taller stacks, improved exhaust, staggered aeration, and other measures has been demonstrated through the West Long Beach experience.

However, Harbor is concerned that the current proposal may unintentionally freeze the industry's mitigation strategy as of 2026.

Under the proposed framework, more favorable operating limits are tied to a prescribed combination of measures, including specified stack heights and exhaust performance, staggered aeration, and defined operating windows.

Those may be appropriate BMPs today, but they should not become an exclusive list of acceptable measures for the future.

The West Long Beach experience itself demonstrates why continued flexibility is valuable. Some of the mitigation measures now being incorporated into PR 1495 were developed

through site-specific engagement among operators and regulators in response to actual monitoring data. Similar innovation should remain possible after the rule is adopted.

Over time, operators may identify improved enclosure techniques, alternative stack configurations, better ventilation practices, real-time monitoring-assisted operating procedures, new engineering controls, changes in work practices, or entirely new technologies that provide equal or greater public-health protection at lower cost and with less disruption to commodity treatment.

A rule that recognizes only currently enumerated BMPs could unintentionally discourage experimentation with better approaches because an operator may receive no compliance benefit from developing them.

For that reason, Harbor recommends that PR 1495 expressly allow a facility to propose an alternative mitigation plan supported, where appropriate, by a site-specific HRA. Any alternative measures could be reviewed and approved by South Coast AQMD and incorporated into enforceable permit conditions.

The rule should establish the health-protection outcome that must be achieved while allowing technology and operating practices to improve over time.

VI. The one-enclosure-per-hour restriction should be removed where compliance is already established through an enforceable hourly emission limit.

The current draft requires facilities using the BMP pathways to "[n]ot begin Aeration of more than one (1) fumigation enclosure in any consecutive 60-minute time period." This condition applies in addition to the numerical emission limits established by the rule.

Harbor understands the purpose of staggering aeration. Staggering was an important part of the successful mitigation implemented in West Long Beach, particularly where simultaneous emissions from neighboring operations contributed to ambient concentrations.

However, once PR 1495 establishes an enforceable hourly methyl bromide emission limit, a separate restriction based solely on the number of enclosures beginning aeration appears unnecessary.

The relevant environmental consideration should be the aggregate amount of methyl bromide emitted during the applicable one-hour averaging period—not the number of individual enclosures contributing to that aggregate amount.

For example, if the applicable hourly limit is maintained, initiation of aeration from two smaller enclosures should not necessarily be treated differently from initiation of one

larger enclosure that results in the same or greater total hourly emissions. The numerical emission limit already regulates the parameter directly related to the modeled acute exposure.

Harbor appreciates recent discussions with District staff indicating that staff understands this concern. We encourage South Coast to revise the rule accordingly.

For methyl bromide operations subject to an hourly emission limit, Harbor recommends allowing operators to begin aeration of more than one enclosure during a 60-minute period provided that the aggregate emissions from all aeration activity remain within the applicable hourly emission limit and all other applicable operating and permit conditions are satisfied.

This approach would maintain the health-protective hourly limit while avoiding an additional operational restriction that could unnecessarily constrain throughput without producing a corresponding reduction in modeled risk.

VII. Capture-and-control equipment should not be presumed to be a readily available, economically feasible, or preferred compliance solution.

Harbor is particularly concerned with the assumption that capture-and-control equipment provides a straightforward alternative for a facility that cannot operate within the proposed table limits.

South Coast AQMD has identified examples of methyl bromide control systems and has presented generalized estimates of capital and operating costs. Harbor does not dispute that individual systems have demonstrated methyl bromide removal efficiencies under certain configurations.

However, the existence of a technology and its successful operation under one set of conditions does not demonstrate that it can be readily transferred to a high-throughput port fumigation operation.

Commodity fumigation facilities vary substantially in enclosure size, airflow requirements, commodity volume, seasonal peak demand, number of simultaneous treatments, aeration schedules, available footprint, ducting requirements, fan capacity, and the need to move perishable commodities through the treatment process within narrow time windows.

Before capture-and-control equipment is treated as the regulatory backstop for a facility unable to comply with a screening-table limit, the District should demonstrate that the proposed technology can reliably achieve the required performance at a comparable commercial scale, throughput, airflow rate, duty cycle, and facility configuration.

The District's preliminary staff report discusses substantially lower generalized cost ranges for certain control systems. However, during more recent discussions with District staff, Harbor understands that a control system capable of accommodating operations at the scale and throughput relevant to Harbor could involve approximately $4 million in capital costs and approximately $1 million in annual operating costs.

Harbor encourages the District to confirm those facility-scale estimates and reconcile them with the substantially lower generalized estimates contained in the staff report.

If the facility-specific costs are of this magnitude, they cannot reasonably be characterized as a modest compliance expense. Capital costs approaching $4 million combined with approximately $1 million in annual operating expenses could be prohibitive for a commodity fumigation business and could fundamentally affect the economic viability of continued operations at the affected location.

Those costs also reinforce why the District's socioeconomic analysis must consider more than the engineering cost of a generic control system. It should evaluate whether the affected business can economically absorb the investment, whether those costs can realistically be passed through to customers, whether cargo and treatment activity may shift elsewhere, and whether the control requirement could result in lost jobs or reduced treatment capacity.

In addition, the District's estimate for a Permanent Total Enclosure appears to draw from experience under Rule 1405 governing ethylene oxide medical sterilization. Commodity fumigation facilities can differ significantly from medical sterilization operations in physical configuration, existing enclosure design, throughput, commodity movement, operating margins, and treatment schedules. The technical and economic assumptions used for one industry should therefore not automatically be assumed to apply to another.

South Coast should evaluate those differences directly.

Importantly, however, Harbor's concern does not disappear if capture-and-control technologies improve in future years or ultimately prove technically feasible at larger scale.

Even if the District demonstrates that a particular technology can reliably achieve the required control efficiency at Harbor's scale, technical feasibility alone should not make installation of that technology mandatory where a less costly and less disruptive combination of measures can achieve the same public-health objective.

If a facility can demonstrate through an approved site-specific HRA that stack modifications, enclosure improvements, operational changes, scheduling, monitoring, or other mitigation measures maintain health risks below applicable criteria, an operator

should be permitted to use those measures rather than being required to install substantially more expensive control equipment that provides little or no additional public-health benefit.

PR 1495 should therefore remain technology-neutral and outcome-focused.

VIII. The rulemaking record should provide fumigant-specific justification for requirements extending beyond methyl bromide.

Harbor recognizes South Coast AQMD's authority and responsibility to address toxic air contaminant emissions from stationary sources. However, the circumstances giving rise to PR 1495 have focused on methyl bromide.

The rulemaking was initiated following elevated methyl bromide measurements in West Long Beach, and the mitigation experience upon which much of the proposal is based likewise concerns methyl bromide. South Coast's updated MOU with the Los Angeles County Agricultural Commissioner also specifically addresses permitting responsibilities for agricultural commodity fumigation facilities using methyl bromide.

PR 1495, however, would also establish requirements for sulfuryl fluoride, phosphine, and potentially other toxic fumigants.

Those fumigants have different chemical properties, toxicological characteristics, treatment practices, emissions profiles, and available mitigation technologies.

Harbor therefore encourages South Coast to provide a clear, fumigant-specific record demonstrating the need for new requirements applicable to each additional fumigant, the exposure information supporting those requirements, the regulatory gap the District intends to address, and the technical and economic feasibility of the proposed mitigation.

This approach would be more scientifically grounded than automatically extending methyl bromide-derived assumptions and mitigation strategies to different chemistries and risk profiles.

IX. Commodity fumigation provides an important agricultural biosecurity function that should be considered in evaluating regulatory impacts.

Commodity fumigation is not simply another industrial process. It is part of the system that prevents destructive invasive pests from becoming established in California and elsewhere in the United States.

California agriculture generates tens of billions of dollars in annual farm receipts, and grapes alone represent one of the state's largest agricultural commodities. California also produces a substantial share of the nation's fruits, nuts, and vegetables.

The economic importance of these industries underscores the importance of preventing new pests and diseases from becoming established.

The European grapevine moth, *Lobesia botrana*, provides a particularly relevant example. It was first detected in California in 2009 and was not fully eradicated until 2016. USDA identifies it as a significant pest whose preferred host is grapes and notes that wine and table grapes are susceptible. Federal and state agencies continue to monitor for the pest and maintain quarantine safeguards intended to prevent its reintroduction.

Grapes are only one example.

California's citrus industry continues to confront the Asian citrus psyllid and Huanglongbing ("HLB"), one of the most destructive citrus diseases in the world. California and federal agencies have likewise spent decades controlling or eradicating other invasive agricultural pests, including historically destructive cotton pests.

These examples illustrate why effective quarantine-treatment capacity itself produces significant public benefits.

PR 1495 should protect nearby communities from unacceptable fumigant exposures while avoiding unnecessary reductions in the ability to perform treatments that protect domestic agriculture from invasive pests.

X. The socioeconomic analysis should evaluate lost throughput, local employment, and cargo diversion—not simply equipment costs.

Harbor is concerned that South Coast AQMD's preliminary estimate of industry compliance costs does not capture the most significant potential economic impact of PR 1495.

Equipment costs tell only part of the story.

If an existing facility cannot meet an applicable screening-table limit and a viable alternative compliance pathway is unavailable, the practical result may be a substantial reduction in the amount of fumigant the facility can use—and therefore the amount of commodity it can treat.

For a commodity fumigator, lost throughput can be far more economically significant than the price of a fan or stack modification.

The consequences also extend beyond the fumigation company.

Port commodity movements support longshore workers, stevedores, truck drivers, warehouse employees, cold-storage operations, mechanics, equipment operators, skilled trades, logistics providers, and numerous other businesses. Many of these are local, well-paying union and maritime jobs.

Commodity fumigation is one link in that system. If treatment capacity is significantly constrained, the impacts can extend to the workers and businesses that unload, handle, store, transport, and distribute the affected commodities.

Cargo is also mobile. If treatment becomes impractical or substantially more expensive at Southern California ports, shippers may have incentives, where feasible, to treat products at origin, alter shipping patterns, or shift activity to other gateways. If cargo moves, the associated jobs and economic activity may move with it.

Fresh produce presents additional concerns because vessel schedules, perishability, inspection requirements, cold-chain management, and delivery commitments can make delays particularly costly. Reduced fumigation capacity could contribute to increased storage and transportation costs, spoilage, cargo diversion, and ultimately increased costs or reduced availability of fresh fruits and vegetables.

Harbor therefore respectfully requests that South Coast's socioeconomic analysis evaluate not only equipment costs, but also potential lost fumigation throughput and operator revenue; impacts on longshore, stevedoring, trucking, warehousing, cold-storage, and other local employment; displacement of cargo or treatment activity to other ports or jurisdictions; impacts on importers, exporters, and agricultural customers; increased logistics costs; effects on the price and availability of fresh fruits and vegetables; and potential consequences of reducing quarantine-treatment capacity necessary to protect domestic agriculture.

The more recent facility-scale estimates for capture-and-control technology discussed above further underscore the importance of this analysis. If compliance could involve millions of dollars in initial capital expense and approximately $1 million annually in ongoing operating costs, the District should evaluate the full economic consequences before relying on such equipment as a practical alternative to reduced throughput.

XI. South Coast should coordinate with USDA APHIS regarding the practical interaction between PR 1495 and federal quarantine-treatment requirements.

Many commodity fumigations are performed because federal authorities require treatment as a condition of entry or because an actionable pest is detected.

South Coast's own staff report recognizes that USDA APHIS establishes treatment schedules and procedures for commodities and that federal inspectors are involved in ensuring treatment requirements are satisfied.

For that reason, Harbor encourages the District to consult directly with USDA APHIS as PR 1495 is finalized.

That consultation should evaluate whether strict operating windows, annual throughput limitations, required control equipment, restrictions on the number of enclosures that may begin aeration, or other PR 1495 provisions could interfere with quarantine-treatment schedules, commodity release requirements, inspection practices, perishability constraints, or other federal treatment obligations.

The objective should be to ensure that South Coast's air-quality requirements and the federal plant-protection system work together effectively.

XII. The public-information requirement should be centralized and simplified.

Harbor supports reasonable transparency regarding completed commodity fumigation activities.

However, PR 1495 would require individual fumigation operators to establish and maintain their own publicly accessible websites containing information about completed fumigation events.

Harbor believes a centralized system would serve both the public and regulated operators more effectively.

The District has referenced DPR's SprayDays program as an analogous public-information model. But SprayDays itself demonstrates the advantage of centralization: DPR maintains the public platform rather than requiring every individual pesticide applicator to design and maintain a separate website.

South Coast AQMD already collects substantial amounts of facility information through centralized District systems and makes appropriate information available through District-operated public resources. PR 1495 requires relatively straightforward information concerning completed fumigation activities and does not necessitate a separate web platform for each operator.

Harbor therefore recommends that the operator's obligation be to submit the information required by PR 1495 to South Coast AQMD within 72 hours after completion of a fumigation using a standardized electronic form, spreadsheet, or other District-approved format.

South Coast could then make that information publicly available through a single PR 1495 webpage, database, or periodically updated spreadsheet.

This approach would preserve the transparency contemplated by PR 1495 while providing community members with one reliable location to obtain information, ensuring consistent terminology and formatting, simplifying District oversight, reducing unnecessary website-development and maintenance costs, and preventing technical website issues unrelated to air quality from becoming compliance violations.

XIII. The rule should clearly identify the regulated owner or operator and the entity responsible for compliance.

Commodity fumigation activities at port and warehouse locations can involve several parties, including certified fumigators, property owners, terminal operators, warehouse operators, commodity owners, shipping companies, and other contractors.

PR 1495 should therefore clearly identify which party constitutes the "owner or operator" responsible for each regulatory obligation.

The final rule should eliminate ambiguity regarding who is responsible for obtaining and modifying permits, submitting advance notifications, maintaining records, submitting public information, operating and maintaining control or aeration equipment, and responding to alleged violations.

Clear assignment of responsibility will improve compliance and avoid disputes among entities that participate in different portions of the commodity-movement process.

XIV. Changes in surrounding land use should not unexpectedly strand existing operations.

The proposed rule ties allowable emissions in part to distance from the nearest receptor and contemplates permit modifications when receptor conditions change.

Harbor understands the need to account for actual exposure.

However, an existing operator has limited ability to control future development on neighboring property. A new residence, business, or other receptor could potentially alter the applicable limit after a facility has invested substantial resources in its operation and mitigation measures.

The final rule should provide a reasonable transition process where a new receptor changes the regulatory status of an existing facility.

A site-specific HRA is particularly appropriate in this circumstance. Rather than automatically requiring a substantial throughput reduction or major new control system because neighboring land use changed, the operator should first have the opportunity to evaluate actual risk and propose additional mitigation where necessary.

Conclusion

Harbor supports South Coast AQMD's objective of ensuring that commodity fumigation does not create unacceptable health risks for surrounding communities.

The experience in West Long Beach demonstrates that regulators and operators can successfully work together to identify potential impacts, implement practical site-specific mitigation, measure results, and achieve meaningful reductions in communities.

PR 1495 should build upon that success.

Harbor respectfully recommends that South Coast AQMD retain the proposed screening-table pathways for operators that wish to use them, while adding a site-specific, technology-neutral alternative compliance pathway under which a facility may demonstrate compliance with applicable health-risk criteria through a District-approved HRA and enforceable mitigation plan.

That pathway should recognize existing and future BMPs and mitigation measures rather than limiting operators to technologies and operating practices identified today.

Harbor further recommends that South Coast harmonize PR 1495 with Rule 1402 to avoid inconsistent or duplicative risk determinations; remove the separate one-enclosure-per-hour restriction for methyl bromide operations where aggregate emissions remain within the applicable hourly limit; confirm and fully evaluate the potentially prohibitive facility-scale costs of capture-and-control technology; require a facility-specific demonstration of technical and economic feasibility before relying on such technology as the alternative to reduced throughput; provide fumigant-specific justification for requirements extending beyond methyl bromide; fully evaluate lost throughput, local jobs, cargo diversion, produce costs, and agricultural biosecurity in its socioeconomic analysis; coordinate with USDA APHIS regarding federal quarantine-treatment requirements; centralize the proposed public reporting system; clarify regulatory responsibility among affected entities; and provide reasonable flexibility where surrounding receptor conditions change.

These recommendations do not reduce the level of protection afforded to nearby communities. They provide additional ways to achieve that protection using more accurate information about individual facilities and the mitigation measures that are most effective for each location.

Harbor believes a performance-based approach will better protect public health, encourage continued investment and innovation in effective mitigation, preserve essential quarantine-treatment capacity, and avoid unnecessary impacts on port workers, trade, consumers, and California agriculture.

Thank you for your consideration. Harbor appreciates South Coast AQMD staff's continued engagement and looks forward to working collaboratively with the District, the Los Angeles County Agricultural Commissioner, USDA APHIS, community stakeholders, and other interested parties as PR 1495 is refined.

Sincerely,



Greg Augustine
Owner
Harbor Fumigation