



February 3, 2022

Members of the Governing Board
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

RE: Opposition to the proposed Memoranda of Understanding (MOU) between the San Pedro Bay Ports and the South Coast Air Quality Management District (SCAQMD)

Dear Board Members,

Coalition for Clean Air (CCA) stands with community, health, environmental and environmental justice advocates and continues to oppose the proposed MOU with the San Pedro Bay Ports.¹ Further, we oppose extending the deadline to develop an agreement between the San Pedro Bay Ports and SCAQMD. We urge SCAQMD to stay the course with their commitment to create a ports Indirect Source Review (ISR) rule that will yield significant local and regional emission reductions. We also urge SCAQMD to consider how to achieve immediate to short-term emission reductions between now and the future implementation of a ports ISR.

SCAQMD's sole purpose is to improve the air quality of the Southern California Air Basin. Yet, we remain far from attainment of the ozone state and National Ambient Air Quality Standard (NAAQS). Further, because of congestion at the ports, the South Coast Air Basin has backslid on the progress made with particulate matter. At a time with ever nearing deadlines to meet attainment of NAAQSs, SCAQMD must do everything in its power to reduce air pollution. After almost four years of negotiations, little progress has been made towards developing a viable MOU (yet alone one that will substantially reduce emissions.) SCAQMD staff have been diligent in their efforts; however, it is the Governing Board that must now fulfill its commitment to adopt a port ISR given the absence of an acceptable negotiated agreement.

We oppose the proposed MOU for the following reasons:

- **The proposed MOU will not result in sufficient emission reductions and would stall progress towards meeting air quality standards.**

According to the most recent available SCAQMD data, the MOUs would only result in a 1.5 tons per day (tpd) reduction in NO_x by 2023 and a 2.4 tpd reduction by 2031. This is far short of the 20 tpd "fair share" reductions from the ports needed to meet air quality standards. There is also no information as to whether the MOUs will result in meaningful reductions of toxic air contaminants (such as diesel particulate matter) and volatile organic compounds (VOCs.) Moreover, passing a weak MOU would stall future air

¹ Due to the lack of an actual proposal from the Port of Los Angeles (POLA), this letter focuses on the proposal from POLB. Our concerns, however, are also applicable to POLA.

quality progress as the proposed MOU would prevent SCAQMD from implementing port-related rules in the future.

- **The ports' voluntary actions have and will continue to be insufficient to improve air quality.**

While both San Pedro Bay Ports tout significant emission reductions stemming from the San Pedro Bay Clean Air Action Plan (CAAP), it is important to note that much of these reductions stem from California Air Resources Board (CARB) regulations. Meanwhile, the Ports' recent efforts, such as the long-delayed Clean Truck Rate, have been lackluster. The Ports have also lagged in the deployment of commercially-available near-zero emissions technologies, as indicated by the SCAQMD staff presentation. This inaction will continue under the proposed MOU: POLB's proposal to front \$100 million for clean trucks will only turn over a relative handful of the over 18,000 trucks registered to work at the ports. Also concerning is POLB proposing to remove enforceability provisions and air quality targets in its most recent edits to the MOU proposal.

- **The proposed MOU fails to go beyond the goals and commitments made under the CAAP.**

Multiple SCAQMD Board Members have expressed a desire to see the MOU proposals "go beyond the CAAP" and the San Pedro Bay Ports' existing goals. Yet, SCAQMD staff note that neither offers from the Ports include all 2017 CAAP measures. In other words, the proposed MOU would be weaker than the Ports' own commitments under the CAAP. Further, POLA's seeks to limit the MOU to only quantifying implementation of the 2017 CAAP. Rather than going beyond the CAAP, the proposed MOU would set the Ports' existing goals as the regulatory ceiling.

- **The Proposed MOU has not been subject to the public rulemaking process, nor has it undergone an Environmental Impact Report (EIR.)**

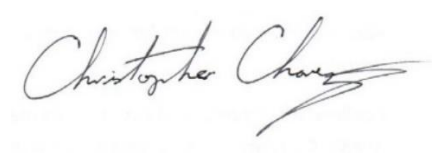
Rather than going through the normal public rulemaking process, the MOU language is the product of private negotiations between POLB and SCAQMD. The only opportunities for public participation under the current MOU process have been through public comments at committee and Governing Board meetings, as well as one community meeting held January 20, 2022. Additionally, as a discretionary action, the MOU must go through the EIR process given its significant environmental and community impacts.

- **POLB's proposed MOU is one-sided and disadvantages SCAQMD.**

In addition to language preventing SCAQMD from implementing further regulations, the most recently proposed MOU from POLB re-inserts "claw back" language that is disadvantageous to SCAQMD. Under the proposed MOU, SCAQMD would have to pay back POLB millions of dollars for leaving the MOU early. Meanwhile, the only thing SCAQMD were to gain if POLB left the MOU early would be permission to consider exercising its state-given authority to implement future rules and regulations.

It is unfortunate for the millions of people living and working in the South Coast Air Basin that years have passed without progress towards an acceptable ports MOU or ISR. The Ports remain the greatest air quality challenge facing Southern California. Addressing port pollution is also a key SCAQMD commitment of the Wilmington, Carson and West Long Beach AB 617 Community Emission Reduction Plan (CERP.) The time for action is long overdue – we urge SCAQMD adopt an enforceable and State Implementation Plan (SIP)-creditable ports ISR.

Sincerely,

A handwritten signature in black ink that reads "Christopher Chavez". The signature is written in a cursive style with a long, sweeping underline.

Christopher Chavez
Deputy Policy Director