



**VIA ELECTRONIC MAIL**

November 19, 2024

Vanessa Delgado, Chair &  
Members of the Governing Board  
South Coast Air Quality Management District  
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**Re: Port Indirect Source Rule**

Dear Chair Delgado and Members of the Governing Board:

We write to express our extreme disappointment with the stalled Port Indirect Source Rule process. Since 2012, the South Coast AQMD has committed to adopting a port regulation. Most recently, your Letter of Intent to the California Air Resources Board and the U.S. Environmental Protection Agency asserted a commitment to “bring [an] indirect source rule on container terminals at marine ports ...by 1<sup>st</sup> quarter 2025.” Unfortunately, the agency has strayed from its commitment to protecting communities by abandoning this timeline and potentially any rule altogether. It has again demonstrated a willingness to appease port officials and freight lobbyists who aim to derail efforts to pass a life-saving port regulation by shifting the focus to inadequate infrastructure planning rather than holding polluters accountable. It is time to stop playing the delay game and put a strong regulatory proposal before the Governing Board—one that genuinely aims to protect communities and establish urgently needed emission reduction targets at the San Pedro Bay Ports (Ports).

Over the last two decades, there has been a significant greenwashing campaign by the Ports, industry lobbyists, and their allies. They have worked hard to erase the history of community

struggles against port pollution. These groups claim that policies like the Clean Air Action Plan were adopted out of goodwill, failing to acknowledge that these plans were only developed because port operations have caused immense suffering, including deaths, for communities living close to these activities. The Ports and the industry did not take these actions out of kindness; rather, they were compelled by the anger and grief of family members, friends, and neighbors who for generations have suffered and died prematurely due to harmful diesel pollution. Now, they use these actions, prompted by the affected communities' struggles, to persuade one of the most powerful air regulatory agencies in the world to grant them clemency.

We cannot deny that some progress has been made. But, the facts and the science still show that the Ports remain the largest fixed source of pollution in the region. And this engine of commerce continues to pollute some of the most overburdened communities in California and the country. People are getting sick and dying, and they will continue to do so as long as the freight industry is allowed to delay this rule for several years to come.

These delay tactics are even more painful at this moment, as millions of taxpayer dollars are flowing to help the Ports clean up their act. Many of us actively supported the Ports and the AQMD in your combined efforts to obtain hundreds of millions in federal funding for emission reductions. In fact, some of the largest grants, like the \$412 million Clean Ports Program, the largest grant to any port in the nation, were the direct result of community efforts to ask our federal legislators to provide relief. We have done our part to help secure these funds, and we are no longer willing to entertain industry complaints regarding the costs associated with necessary regulatory mandates.

We also remind you that many of the same industry lobbyists bending your ears right now made similar doomsday predictions and halfhearted excuses to undermine the Warehouse ISR. Many of their ridiculous claims are eerily familiar and have been proven to be wrong time and time again. They claimed the warehouse industry would leave the region. They were wrong. They claimed the rule would not reduce emissions. Wrong again. They claimed the rule was unlawful. Wrong again, as a federal judge pointed out in a lengthy opinion. They even said there were no technologies available to comply with the rule. Wrong yet again.

We are deeply concerned that far too many negotiations over the Port ISR have been happening in private meetings between agency staff, the Mayors of Los Angeles and Long Beach, and high-ranking port officials. This is too important a decision to be brokered in the shadows. History teaches us that backroom deals rarely result in the kind of meaningful action that we really need to protect people's lives. We urge you to stop these private meetings and make this a public and transparent regulatory process that truly reflects the thinking of ALL stakeholders, especially the communities most harmed by deadly port pollution.

We recognize the critical need for infrastructure that supports a transition to zero emissions operations at the nation's busiest port complex— something we have pushed for as part of a comprehensive rule. But it is equally essential for our leaders, including this Board, to recognize that time is running out and that zero-emission technologies must be deployed more aggressively to address the region's public health, climate, and air pollution challenges and that mere planning will not suffice. The stakes are just too high to continue delaying meaningful action.

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The Ports have had nearly a decade to develop and deploy infrastructure plans— and they have largely fallen short. Instead of focusing on implementing the solutions they were funded to carry out, they are now turning to air regulators to call for still more planning. It is plain to see that this is nothing more than another delay tactic— stalling the needed shift from planning to action. During this time, the Ports have increased their volumes year after year, reached all-time records of cargo movement, and have been awarded nearly a billion dollars in public funding meant to drive more aggressive zero-emission strategies, but have kept emission reductions largely flat.

To conclude, we recognize it will take real courage and leadership from your agency to stand up to the powerful industries and their allies. For their part, lobbyists and some Port officials are formidable salespeople, with years of experience selling the lie that an underregulated industry will magically make the filthy air safe to breathe through voluntary programs and the kindness of their hearts. We urge you to avoid falling for their sales pitch and stick to the facts. After two decades of “voluntary” efforts and hundreds of millions of incentive funding, the air around the Ports is still so polluted, it is deadly. Please remember who you are fighting for and what you are responsible for. We are counting on you to stay the course and introduce a strong regulation to reduce port pollution.

Sincerely,

Fernando Gaytan, Senior Attorney, **Earthjustice**

Andrea Vidaurre, Co-Founder/ Policy Analyst & Advocate, **People’s Collective for Environmental Justice**

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Honorable Rex Richardson, Mayor of Long Beach

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