



PACIFIC ENVIRONMENT

wlba WEST LONG BEACH ASSOCIATION



SAN PEDRO & PENINSULA HOMEOWNERS COALITION



November 30, 2023

VIA EMAIL

Chair Vanessa Delgado and Members of the Governing Board
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765
Email: Cob@aqmd.gov

Re: Agenda Item No. 13 - SCAQMD Must Stand Up to Industry Special Interests and Not Delay Further in Adopting Strong Indirect Source Rules for Railyards and Ports

Dear Chair Delgado and Members of the Governing Board:

The undersigned coalition of environmental justice, health, and environmental organizations write to express our appreciation to the staff for listening to community concerns and abandoning the proposed Memorandum of Understanding (MOU) for railyard indirect sources (PR 2306). This marks the second time in the last two years that industry interests have sought to negotiate voluntary agreements, but the end result did not pan out. While we are pleased with the South Coast Air Quality Management District's (Air District) renewed commitment to finalize Indirect Source Rules to address the devastating impact of railyard and port air pollution on frontline communities throughout the region, we remain concerned about the extended deadlines to accomplish these regulations.

We need this Board to provide political leadership on these issues, authorize necessary resources, and advise staff that robust regulatory programs are the only viable option to fight deadly freight pollution by June of 2024.

I. The Ongoing Health Impacts of Freight Pollution from Railyards and Ports Require the Utmost Urgency

We have known for some time that the same type of diesel-powered equipment used for freight movement at ports and railyards is responsible for about half of the air pollution in the South Coast Air Basin.¹ The particulate matter and ozone that these emissions contribute to are known to lead to increased emergency room visits and hospitalizations stemming from heart attacks, aggravated asthma,

¹ South Coast Air Quality Management District, WSCC ISR Community Workshop Presentation (April 11, 2023), slide 7; available at https://www.aqmd.gov/docs/default-source/planning/fbmsm-docs/pres_isr_community-workshop_final_April11-12.pdf?sfvrsn=4.

decreased lung function, restricted airways, and even premature death.² Despite touting early progress, emissions reduction for the San Pedro Bay Ports has remained relatively flat over the last decade. The ports continue to be the region's largest fixed source of this type of air pollution. Railyards also continue to exact a significant toll on our communities, with California having among the dirtiest locomotive fleets in the country operating near vulnerable communities. Given the health imperative for both rules, the District should prioritize developing and adopting the most vigorous possible regulation.

II. Implementation of the Warehouse ISR Demonstrates the Significant Benefits of Mandatory Rules

We are already seeing the significant benefits of mandatory rules to reduce facility-wide emissions. In 2021, this Board passed the landmark Rule 2305—the Warehouse ISR. This rule is already paying huge dividends in the form of health benefits and is catalyzing actions by warehouse owners and operators to deploy zero-emissions strategies and build out charging infrastructure that will bring benefits to the region for decades to come. For example, the 2023 Custom WAIRE Plan Applications already being submitted show warehousing and distribution centers in the region investing in large-scale EV charging infrastructure to accommodate zero-emissions truck fleets.³ Collectively, this project would be one of the country's largest and most ambitious truck charging projects—demonstrating the promise of the Warehouse ISR at work.

Similarly, Agenda Item No.5 on the December 1, 2023, Governing Board proposes the Air District's solicitation of applications for additional zero-emissions infrastructure projects to support zero-emissions medium and heavy-duty vehicles and equipment in the South Coast Air Basin. The grants would be funded in part by the fees collected under the Warehouse ISR—again, demonstrating the potential of an ISR in operation.

Finally, compliance reporting—even in the rule's infancy—shows the deployment of electric yard trucks, solar panels, and other clean technologies. The rule is doing what environmental justice and environmental groups said it would do—catalyze the cleanup of this heavily polluting industry.

By not finalizing Port and Railyard ISRs, these types of benefits will just be further off. As the months and years slide without the Railroad and Port ISRs, the Air District is missing the opportunity to build on the landmark warehouse ISR rule's early success. The Air District would be in a much better position today had it already passed these important rules as initially planned. At a minimum, the Board should be clear that it expects these rules to come to the Board with **no more delays**. The health of our communities is too important to delay these important life-saving rules.

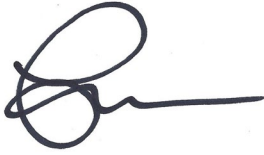
We urge you to direct staff to commit to finalizing both rules within the first half of 2024 so that communities living adjacent to these facilities can finally see relief from the air pollution they have endured for decades.

² SCAQMD PR2304 Working Group #2 presentation, slide 8; see also the United States Environmental Protection Agency, *Particulate matter (PM) Basics*, webpage; available at <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics> (last visited November 29, 2023).

³ Custom WAIRE Plan Applications Available for Public Review- 2023 Custom WAIRE Plan Applications- SCAQMD Website; <https://www.aqmd.gov/home/rules-compliance/compliance/waire-program/custom-waire-plans> (last visited November 29, 2023.)

Chair Delgado and Members of the Governing Board
November 30, 2023

Sincerely,



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Earthjustice

/s/ Ana Gonzalez
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/s/Dawny'all Heydari
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/s/ Theral Golden
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cc. Wayne Nastri, Executive Officer (Email: [wnastri@aqmd.gov](mailto:w nastri@aqmd.gov)); Ian MacMillan, Assistant Deputy Executive Officer (Email: imacmillan@aqmd.gov); Dr. Sarah Rees, Deputy Executive Officer (Email: srees@aqmd.gov); Hon. Karen Bass (Email: karen.bass@lacity.org); Hon. Rex Richardson (Email: rex.richardson@longbeach.gov); Hon. Robert Rivas (Email: assemblymember.rrivas@assembly.ca.gov)