



May 18, 2026

California Air Resources Board
1001 I Street
Sacramento, California 95814
Via Electronic submittal

RE: 2026 SIP Revisions for the California Extreme Ozone Nonattainment Areas

Members of the California Air Resources Board,

On behalf of the undersigned, we submit these comments regarding the California Air Resources Board’s (CARB) 2026 State Implementation Plan (SIP) Revisions for the California Extreme Ozone Nonattainment Areas proposed by CARB staff. While we shared concerns in 2022 on the original SIP, we are even more concerned now to see CARB considering brushing off recent federal attacks that cut to the core of the state’s current ozone abatement strategy by assuming without analysis that technology will fill remaining gaps using the black box of section 182(e)(5) of the federal Clean Air Act. The proposed plan amendments bet Valley residents’ health on a black box gambit that is unjustified and unlikely to succeed. After decades of failures, CARB must live up to its mandate to protect the air of San Joaquin Valley residents by working with the San Joaquin Valley Air District on better regulations and enforcement.

The San Joaquin Valley (Valley) is one of only two¹ regions in the nation in extreme nonattainment for the 70 parts per billion (ppb) ozone standard. San Joaquin Valley residents breathe some of the nation’s dirtiest air, with three Valley cities ranking among the top five most polluted in the nation.² Overburdened communities continuously endure higher air pollution exposure rates on top of experiencing social vulnerabilities such as lack of access to affordable health care, education, and housing. This combination of environmental injustice and other economic and social vulnerabilities is exacerbated by the San Joaquin Valley’s continued failure to meet federal clean air standards, making it more challenging for our overburdened and

¹ Soon to be three regions in extreme nonattainment. US EPA has not acted on the request to reclassify Riverside County (Coachella Valley) to an extreme area, which is part of the 2002 South Coast AQMP.

² American Lung Association, State of the Air 2026 Report: Most Polluted Cities, available at <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>.

under-resourced healthcare system and other safety net partners to deal with the ongoing and new public health crises.

Ozone chronically inflames delicate airway tissue, leaving residents more vulnerable to airborne infectious diseases such as COVID-19 and flu. Short-term exposure to ozone is associated with increased incidence and severity of respiratory diseases, worsening of asthma and Chronic Obstructive Pulmonary Disorder (COPD) symptoms, decreased lung function, and increased risk of premature death, as well as increases in emergency department visits and hospital admissions³. Long-term chronic exposure to ozone is associated with development of COPD, development of new cases of asthma in children, persistent airway inflammation through adolescence, increased allergic response, and increased risk of respiratory mortality and death due to cardiovascular disease.⁴ Air pollution takes a serious toll on our health and economy, with health costs including early deaths, medical expenses, and lost productivity such as missed school and work days from related illnesses. Ozone also contributes to environmental degradation in California, worsening air quality and impairing views in the nearby Sierra Nevada, harming plants and wildlife in local ecosystems, and significantly reducing Valley agricultural yields. CARB must ensure progress towards clean air is achieved in both the near- and long-term, particularly in disproportionately impacted environmental justice communities.

Although the 2037 attainment deadline for the 70 parts per billion (ppb) 8-hour ozone standard may be distant, the Valley's long standing air pollution issues makes attainment a significant challenge, as exemplified by the Valley's repeated failures to meet nearly all existing ozone and fine particulate matter (PM2.5) National Ambient Air Quality Standards (NAAQS). This long history of failure underscores the need to enact new measures to achieve significant reductions in nitrogen oxides (NOx) and reactive organic gasses (ROG) in the Valley immediately. We strongly urge CARB to reevaluate its overall air pollution reduction strategy in the Valley and to develop a plan that will ensure the state meets near-term attainment with all existing ozone and PM2.5 standards, including attainment of the 70 ppb standard.

In the SIP revisions proposed by staff, CARB notes that illegal federal revocation of many of the state's mobile source emissions waivers will cause significant shortfalls in the existing SIP creditable emissions reductions for the attainment demonstration, which still awaits approval by the U.S. Environmental Protection Agency (EPA). Given this shortfall in reductions of ozone pollution, this plan violates the Clean Air Act and all but guarantees that the Valley won't reach timely attainment. We are in full agreement with this analysis.

However, CARB staff's proposed solution is: nothing. Instead of making up for the shortfalls in emissions reductions—reductions needed not just to follow federal law but also to abate some of the nation's worst air quality, associated health problems, and severe environmental

³ American Lung Association, State of the Air 2026 Report: Health Impact of Air Pollution, available at <https://www.lung.org/research/sota/health-risks>.

⁴ *Id.*

injustices—our state should do nothing but file paperwork showing that our more aggressive mobile source rules weren't really needed to achieve the required emissions reductions anyway. While we were skeptical of the original plan, this negligence is substantially more alarming.

Instead of seeking additional real world reductions in pollution, the CARB staff proposal relies entirely on the “black box” in section 182(e)(5) of the Clean Air Act, which allows the EPA Administrator to approve SIPs relying on emission reductions which “anticipate the development of new control technologies or improvement of existing control technologies.” Such reliance may be allowed in some limited scenarios but is ill-fitting here because, as a rule, technology development tends to *follow* regulation, not the other way around. The proposed SIP revision makes no case for why it anticipates *any* developments or improvements which would reduce *any* NOx or ROG emissions from mobile, stationary, or area sources. In fact, the state's proposal provides no specifics on what technologies it will rely on to make up for the current emission reduction shortfall. EPA has historically interpreted section 182(e)(5) to require a state to identify the measures for which additional time is needed, to show the measures cannot be fully adopted by the plan's submission deadline, to include commitment by the agencies involved, and to contain a schedule for development and adoption of the measures. See 57 Fed. Reg. 13498, 13524 (Apr. 16, 1992). Section 182(e)(5) also requires a state to submit an enforceable commitment to develop and adopt contingency measures to be implemented if the new technology measures do not achieve the planned reductions. 42 U.S.C. § 7511a(e)(5)(B). The proposed SIP revision makes no effort to comply with any of these requirements necessary for lawful reliance on the black box.

By contrast, technological advances have recently been losing momentum. In the last two quarters (Q4 2025 and Q1 2026), the zero emission vehicle market share for new vehicles dropped in California and nationally.⁵ At the same time, EPA is proceeding with rulemakings to delay existing criteria pollutant standards for light and medium-duty vehicles⁶ and has announced plans to significantly weaken the Heavy Duty NOx rule.⁷ This SIP revision fails to account for the additional pollution that will result from these upcoming federal vehicle rollbacks.

⁵ *California New Car Dealers Association Releases Q1 2026 Auto Outlook*, California New Car Dealers Association (April 21, 2026), <https://www.cncda.org/news/california-new-car-dealers-association-releases-q1-2026-auto-outlook/>; *California New Car Dealers Association Releases Q4 2025 Auto Outlook*, California New Car Dealers Association (Jan. 21, 2026), <https://www.cncda.org/news/california-new-car-dealers-association-releases-q4-2025-auto-outlook/>; *Electric vehicle sales fell as hybrid vehicle sales continued to rise in 2025*, U.S. Energy Info. Admin. (Feb. 9, 2026), <https://www.eia.gov/todayinenergy/detail.php?id=67144>.

⁶ David Shepardson, *US EPA Planning to Delay Enforcing Biden Vehicle Pollution Rule*, Reuters (Dec. 11, 2025), <https://www.reuters.com/sustainability/climate-energy/us-epa-considering-two-year-delay-enforcing-biden-vehicle-pollution-rule-2025-12-11/>.

⁷ See, e.g., *EPA Won't Delay 2027 NOx Rule, but Plans “Major Changes”*, Commercial Carrier Journal (Nov. 17, 2025), <https://www.ccdigital.com/regulations/emissions/article/15771994/epa-rejects-trucking-industry-plea-will-keep-2027-nox-rule-timeline>.

While NOx emissions reductions from mobile sources *may* still occur, Valley residents cannot pin their hopes that new technology will emerge to save the day. Instead, California should seek additional real-world reductions in the near term from sources fully under its jurisdiction and in coordination with local air districts, including stationary and area sources.

To their credit, CARB staff propose maintaining plans to require state and local governments to gradually build clean fleets, develop clean space and water heater standards with an emphasis on equity and community engagement (in 2030), and develop Advanced Clean Equipment Regulation (in 2031). However, those provisions were all in the original 2022 SIP and have either been maintained or lessened in ambition due to federal actions. They are hardly helping make up for the shortfall caused by their own weakening. Similarly, CARB's Drive Forward: Heavy Duty Trucks plan would be implemented some time in the 2030s with a set of options similarly vague as planned in the 2022 SIP. We support many of these ideas and would like to see them enacted, but they are not sufficient.

Rather than relying on the black box to achieve the needed near- and long-term reductions, CARB must work creatively on mobile source emissions and dive into the hard work of limiting NOx and ROG emissions from stationary and area sources through strong new regulations and additional enforcement. Moreover, while CARB staff have proposed relying on the ill-suited black box in this SIP revision in hopes that some ambiguous future technology will save us, that shortcut does not apply at all in the PM2.5 context, meaning that CARB must engage in more exacting emission reduction work regardless.

We stand ready to work with you to identify the measures needed to make up for the new shortfalls with regard to SIP planning. As some initial suggestions, CARB should quickly enact the following measures or enforceable commitments to adopt such measures:

- **Stationary and Area Sources:** CARB and the Air Districts should, through new regulations and improved enforcement, reduce emissions from stationary and area sources in non-attainment areas, with priority for environmental justice neighborhoods.
- **Indirect Sources:** We support the adoption of a strong, SIP-enforceable Indirect Source Review rule (ISR) focused on maximizing the emission reductions in disadvantaged communities disproportionately affected by pollution associated with warehouses, distribution centers, and any other facility, installation, or combination thereof, which attracts or generates mobile source activity.
- **On-Road Heavy-Duty Vehicle Useful Life Regulation:** Trucks that have met the end of their useful life are among the worst polluters in the region, and CARB must act quickly to start taking them off the roads.
- **Passenger Vehicles:** We support the development and implementation of new measures to reduce emissions from personal passenger vehicles through enhanced

transportation choices that encourage walking, biking, ridesharing, and use of public transportation, including in rural Valley communities.

- **Pesticides:** Pesticides are a significant source of ROG. CARB should exercise its authority to regulate smog-forming emissions from Toxic Air Contaminant (TAC) pesticides, and establish limits on these pesticide emissions as a tool to reduce ozone pollution, while providing strong co-benefits.
- **Additional Building and Appliance Emission Standards:** CARB must work with other state agencies and stakeholders to develop a comprehensive plan to achieve equitable building decarbonization by 2040 that ensures low-income residents, renters, and other vulnerable communities can benefit from this important opportunity.
- **Soil NOx from fertilized fields:** While we appreciate CARB's commitment to study soil NOx, this is potentially a major, unregulated source of NOx, and CARB should commit the state and Air Districts to regulating and mitigating it in this SIP revision.
- **Off-road Agricultural Equipment:** Ag equipment remains one of the largest sources of NOx pollution in the San Joaquin Valley and is almost entirely unregulated. While the existing incentive-based strategy has achieved some emission reductions, it is time to finally implement backstop regulations to fully phase-out the oldest and most polluting equipment.

In the wake of recent federal attacks, in order to meet the 70 ppb ozone standard, as well as all existing ozone and PM2.5 standards, CARB must adopt and enforce strong near- and long-term measures while addressing community concerns and cleaning up the largest and oldest sources. CARB cannot rely wholly on the black box to make up for the major shortfalls in emissions reductions caused by federal actions. Valley residents' health and quality of life are too valuable and we have been waiting for relief too long. Instead, CARB and the Valley Air District must deploy creative new approaches to achieve real-world reductions from mobile source pollution and make cuts to stationary source and area source pollution in one of the nation's worst air basins. Now more than ever, California must live up to its reputation as a leader on the environment. We want to be partners and serve as resources in such ambitious, just, and necessary efforts.

Thank you for your attention to these critical issues. Please take swift action to restore clean air to the San Joaquin Valley, protect our treasured ecosystems and natural landscapes, and provide overdue relief to environmental justice communities.

Sincerely,

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