
VETO

Bill No: SB 34
Author: Richardson (D)
Enrolled: 9/17/25
Vote: 27

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 8-0, 4/23/25
AYES: Blakespear, Valladares, Dahle, Gonzalez, Hurtado, Menjivar, Padilla,
Pérez

SENATE TRANSPORTATION COMMITTEE: 14-0, 4/28/25
AYES: Cortese, Strickland, Archuleta, Arreguín, Blakespear, Cervantes, Dahle,
Gonzalez, Grayson, Menjivar, Richardson, Seyarto, Umberg, Valladares
NO VOTE RECORDED: Limón

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/23/25
AYES: Caballero, Seyarto, Cabaldon, Grayson, Richardson, Wahab
NO VOTE RECORDED: Dahle

SENATE FLOOR: 35-0, 9/13/25
AYES: Allen, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon,
Caballero, Cervantes, Cortese, Durazo, Gonzalez, Grayson, Grove, Hurtado,
Jones, Laird, Limón, McGuire, McNerney, Menjivar, Niello, Ochoa Bogh,
Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern,
Strickland, Umberg, Wahab, Wiener
NO VOTE RECORDED: Alvarado-Gil, Choi, Dahle, Valladares, Weber Pierson

ASSEMBLY FLOOR: 59-0, 9/11/25 - See last page for vote

SUBJECT: Air pollution: South Coast Air Quality Management District: mobile
sources: Ports of Long Beach and Los Angeles

SOURCE: International Longshore and Warehouse Union Local 13
International Longshore and Warehouse Union Local 63
International Longshore and Warehouse Union Local 94

DIGEST: This bill imposes specified conditions and limits on actions by the South Coast Air Quality Management District (SCAQMD) to impose new or additional emissions reduction requirements on sources of air pollution associated with operation of the Ports of Long Beach and Los Angeles until 2031.

ANALYSIS:

Existing federal law establishes the Federal Clean Air Act (FCAA) to regulate, reduce, and control air pollution nationwide, including national ambient air quality standards for major air pollutants, hazardous air pollutants standards, state attainment plans, stationary source emissions standards and permits, and enforcement provisions. (42 United States Code §7401)

Existing state law:

- 1) Establishes the SCAQMD to be the sole and exclusive local agency within the South Coast Air Basin with the responsibility for comprehensive air pollution control, and to have the duty to represent the citizens of the basin in influencing the decisions of other public and private agencies whose actions might have an adverse impact on air quality in the basin (Health and Safety Code (HSC) § 40400 et seq.)
- 2) Establishes the California Air Resources Board (CARB) as the air pollution control agency in California and requires CARB, among other things, to control emissions from a wide array of mobile sources and coordinate, encourage, and review the efforts of all levels of government as they affect air quality. (Health and Safety Code (HSC) §39500 et seq.)

This bill:

- 1) For SCAQMD actions taken on or after July 1, 2025 to reduce port-related sources of air pollution:
 - a) Requires the action to:
 - i) Recognize the contributions of sources of air pollution outside of the control of the ports.
 - ii) Require the ports to prepare assessments of energy demand and supply, cost estimates, and funding source, workforce, and environmental impacts.

- iii) Use the assessments prepared by the ports to determine the timelines for achieving the action's targets.
 - iv) Create a process by which the ports can request extensions to the timelines developed to achieve the action's targets.
- b) Prohibits the action from:
- i) Imposing a cap on cargo throughput or cruise ship passengers at the ports.
 - ii) Using public funds or grants, whether municipal, county, state, or federal funds or grants, to require, incentivize, encourage, or otherwise promote the use of automated, remotely controlled, or remotely operated equipment, or infrastructure to support automated, remotely controlled, or remotely operated equipment.
- 2) Authorizes actions that result in the procurement and operation of human-operated, zero-emission equipment and infrastructure to support human-operated, zero-emission equipment at the ports.
- 3) Defines "action" as the adoption or amendment of a rule or regulations that imposes new or additional emissions reduction requirements on sources of air pollution associated with an operation at the ports.
- 4) Sunsets January 1, 2031.
- 5) Makes related findings.

Background

- 1) *The San Pedro Bay Ports complex.* The San Pedro Bay Ports are the busiest in the nation. As such, the Ports are also major economic drivers through direct job creation and by supporting manufacturing and industry related to goods movement activity, generating employment for nearly 3 million Americans nationwide. They handle millions of tons of cargo a year worth hundreds of billions of dollars — 40% of the nation's imports and exports of goods, from produce to electronics to pharmaceuticals.¹

These neighboring ports are also the region's largest single sources of air

¹ 'Herculean effort': These port communities have waited decades for clean air. Why a new plan may fall short. Alejandra Reyes-Velarde, CalMatters. March 20, 2025. <https://calmatters.org/environment/2025/03/port-communities-air-pollution-plan-los-angeles-long-beach/>

pollution. Every day, their equipment, trucks, rail yards and ships emit 23 tons of smog-forming nitrogen oxides, half a ton of fine particles and nearly a ton of sulfur into the air, according to 2023 data from the South Coast district. That amounts to 8,472 tons of nitrogen and 183 tons of fine particles a year.

- 2) *Clean Air Action Plan*. Recognizing the need for a comprehensive, far-reaching strategy to reduce port-related air pollution and related health risks, the Port of Los Angeles and Port of Long Beach developed the San Pedro Bay Ports Clean Air Action Plan (CAAP). Originally adopted in 2006, with updates in 2010 and 2017, the CAAP includes goals of achieving 100% zero emissions operations for cargo handling equipment by 2030, and drayage trucks by 2035. Though laudable, these two categories comprise only about 14% of total port emissions, combined.

Port emissions have declined substantially since 2005 and the ports have met the emission reductions goals established in their 2010 CAAP – which the ports elected not to revise in the 2017 CAAP. These targets therefore do not reflect the additional reductions still needed from port operations to meet air quality standards. Moreover, most of the emissions reductions to date at the Ports have been from CARB regulations, including regulations covering Heavy-Duty Trucks and Busses, Drayage Trucks, Ocean Going Vessel Fuels, Ultra Low Sulfur Diesel, Cargo Handling Equipment, and Ocean Going Vessel At-Berth power.

- 3) *Proposed Rule 2304*. The SCAQMD Governing Board had directed staff to work with the Ports on a Memorandum of Understanding (MOU) until February 4, 2022, and then shift efforts to develop a rule if no agreement was reached. Although the Port of Long Beach’s MOU proposal did include a number of clean air investments, the Ports’ overall proposals did not provide sufficient measures to reduce emissions. The Ports’ proposal also did not allow for enforceability should the agreed-upon actions not be implemented.

The SCAQMD published on February 21, 2025, its first draft of a long-awaited proposed rule (Proposed Rule 2304) that would require the two ports to develop a plan by August 2027 to build charging and fueling stations to switch thousands of pieces of diesel equipment, trucks and vessels to electricity and hydrogen.²

The rule would aim to ensure that the Los Angeles and Long Beach ports can

² Proposed Rule 2304. SCAQMD. <https://www.aqmd.gov/home/rules-compliance/rules/scaqmd-rule-book/proposed-rules/rule-2304>

achieve the clean-air goals they set for themselves back in 2017: converting 100% of their diesel cargo-handling equipment — such as tractors and giant, 60-foot cranes that move containers — to zero emissions by 2030. They also aim for all drayage trucks, which haul the ports’ containers of cargo to warehouses, to run on electricity or hydrogen by 2035.

Proposed Rule 2304 is currently scheduled to go to the South Coast AQMD Board for consideration in August 2025. If approved, the current rule language would require the plan to be submitted two years after rule adoption, with implementation expected to take many years after that.

Comments

- 1) *Purpose of Bill.* According to the author, in part, “SB 34 is necessary to ensure that a collaborative agreement is reached to concurrently protect jobs in local communities, the local, regional, state, and national economies, while continuing to improve air quality in the San Pedro Bay Port Complex area.

“The Ports of Los Angeles and Long Beach are the largest single intermodal commercial gateway in the State of California, the United States, North America, and the Western Hemisphere, creating one job for every four containers moved, supporting over 3,000,000 jobs nationwide, and supporting economic activity that generated \$2.78 billion in state and local taxes, plus an additional \$4.73 billion in federal taxes, in 2022.

“An ISR on the Ports of Los Angeles and Long Beach, which the South Coast Air Quality Management District is currently considering, would negatively impact the region’s economy and disrupt the State of California’s access to essential goods that rely on the Ports of Los Angeles and Long Beach. Nearly 40% of the nation’s imports flow through the Ports of Los Angeles and Long Beach, while 30% of the nation’s exports leave through this same gateway. The over-regulation, related excess costs, and added uncertainties will unequivocally lead to the diversion of cargo, and with it jobs and economic benefits, to less environmentally-conscious ports within the United States, Canada and Mexico. The economic impact of these Port activities on local communities, regional, state, and national economies is enormous.”

- 2) *But what about the air?* The South Coast Air Basin has the worst levels of smog in the country and fails to meet multiple air quality standards.³ While emissions have been reduced over the years, the Ports remain the largest source of smog-forming emissions in the region.⁴ According to SCAQMD, the marine terminals and seaports are responsible for 15-20% of total emissions in the air basin.⁵ Without further action, the region will fail to meet state and federal clean air standards. There are numerous consequences for failing to meet clean air standards for the region's residents and economy alike.

The communities near the Ports suffer the highest levels of air toxics risks in the region, with just over double the cancer risk of the regional average. The South Coast region is also home to approximately two-thirds of the state's environmental justice communities which are disproportionately impacted by air pollution, including emissions related to goods movement. Air pollution causes or contributes to asthma and lung damage, respiratory and cardiac diseases, cancer, birth defects, premature death, and other health issues. Not meeting federal air quality standards results in about 1,500 premature deaths per year, and total monetized health impacts from this air pollution are about \$19.4 billion per year in the South Coast Air Basin.

Limiting SCAQMD's authority to regulate port emissions does not reduce their obligation to clean the air in the air basin, it only redirects and concentrates it. If some regulated entities are not responsible for their fair share of emission reductions, others will have to do more to take up the slack.

- 3) *A long time coming.* Although Proposed Rule 2304 was released in February of 2025, SCAQMD and the San Pedro Ports Complex have a long history of collaboration. For decades, the air district has been actively engaged with the Ports, industry, labor, community groups, and other stakeholders to craft health protective regulations that do not disrupt the Ports' vital operations.

Nevertheless—and even in spite of the commendable progress made to reduce emissions from the Ports—SCAQMD recognized that further action was necessary to work towards FCAA compliance and better address the significant remaining pollution at the Ports. The parties were pursuing a MOU-only approach for years (2018-2022) before negotiations ultimately broke down and

³ State of the Air 2024. American Lung Association. <https://www.lung.org/getmedia/dabac59e-963b-4e9b-bf0f-73615b07bfd8/State-of-the-Air-2024.pdf>

⁴ 'Herculean effort': These port communities have waited decades for clean air. Why a new plan may fall short. Reyes-Velarde, Alejandra, 3/20/2025. CalMatters. <https://calmatters.org/environment/2025/03/port-communities-air-pollution-plan-los-angeles-long-beach/>

⁵ SCAQMD position letter to the committee dated 3/26/25

SCAQMD ultimately pivoted to rulemaking for a port ISR.⁶ A particularly notable sticking point was, according to a presentation to the SCAQMD Board in August of 2021, the Ports' insistence that the MOU not be enforceable.

SCAQMD has worked with the Ports for 4 years to attempt to develop an MOU-only approach to meeting the targets laid out in the CAAPs. Negotiations on doing so were ultimately fruitless, with SCAQMD's ability to enforce the MOU being a major sticking point. Once the MOU-only approach was abandoned, SCAQMD started developing a rule. That rule—after incorporating stakeholder feedback—has ultimately taken the open-ended approach of letting the regulated Ports set their own targets, their own timelines, and their own milestones in plans to be approved by SCAQMD.

Each year that goes by without an enforceable plan in place means another year of the Ports' operations proceeding largely as they have been. It also means another year of SCAQMD working to clean the air and achieve FCAA targets with one hand tied behind its back. The regulator has much to lose by being unable to regulate. The regulated Ports have much to gain by drawing out the process.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Appropriations Committee:

- 1) CARB asserts it cannot estimate the costs associated with this bill, but warns they may be significant given what ARB sees as the legal ambiguity of what constitutes "imposing a cap" on cargo throughput at the ports. ARB contends that in the event this bill effectively stalls SCAQMD's indirect source rule (ISR) and the South Coast remains out of attainment for National Ambient Air Quality Standards for ozone and the strategies to reduce nitrogen oxides emissions in the region are further limited, the U.S. Environmental Protection Agency may, upon its review and disapproval of the updated State Implementation Strategy, impose highway sanctions, resulting in the loss of tens of billions of dollars of federal funding for highway projects. Additionally, ARB argues this bill may result in cost pressures on ARB in the millions to tens of millions of dollars to find equivalent emissions reductions from other sources in order to meet the state's climate targets.

⁶ Update on Facility-Based Mobile Source Measure Development for Marine Ports. SCAQMD Board Meeting, February 4, 2022. www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2022/2022-Feb4-017.pdf

- 2) By imposing additional duties on SCAQMD and the ports, this bill imposes a state-mandated local program. If the Commission on State Mandates determines this bill's requirements to be a reimbursable state mandate, the state may need to reimburse these costs – which may exceed \$150,000 – to local governments (General Fund).

SUPPORT: (Verified 9/11/25)

International Longshore & Warehouse Union Local 13 (co-source)
International Longshore & Warehouse Union Local 63 (co-source)
International Longshore & Warehouse Union Local 94 (co-source)
California Trucking Association
Garden Grove Chamber of Commerce
Harbor Association of Industry and Commerce
South Bay Association of Chambers of Commerce
Supply Chain Federation

OPPOSITION: (Verified 9/11/25)

American Lung Association
California Air Pollution Control Officers Association
California Environmental Voters
California Environmental Voters (formerly CLCV)
Center for Biological Diversity
Clean Air Task Force
Cleaneearth4kids.org
Climate Action Campaign
Communities for a Better Environment
Earthjustice
Move LA
Natural Resources Defense Council
Pacific Environment
Pacific Maritime Association
People's Collective for Environmental Justice
Regional Asthma Management & Prevention
Regional Asthma Management and Prevention
San Francisco Bay Physicians for Social Responsibility
Sierra Club California
South Coast Air Quality Management District
Union of Concerned Scientists

GOVERNOR'S VETO MESSAGE:

This bill would impose new requirements on the South Coast Air Quality Management District (SCAQMD) for any adoption or amendment of a rule or regulation passed after July 1, 2025 that imposes new or additional emissions reduction requirements on sources of air pollution associated with port operations. The bill also would prohibit any port-related action that imposes a cap on cargo throughput or cruise ship passengers, or uses public funds to require or incentivize the use of automated or remotely operated equipment or supporting infrastructure. All these prohibitions and requirements would remain in effect until January 1, 2031.

California's ports are critical to the stability of our national and global supply chains and are relied upon by most Americans to meet their everyday needs. Today, our ports handle about 40 percent of the nation's containerized imports and 30 percent of our nation's exports, making them vital points in the flow of goods and commerce. At the same time, ports are also one of the most significant sources of local air pollution due to their reliance on fossil fuels. Over the past several years, our ports have made tremendous progress in building zero-emission infrastructure to reduce harmful air and climate pollution that benefits not just the ports, but also the surrounding communities.

With the current federal Administration directly undermining our state and local air and climate pollution reduction strategies, it is imperative that we maintain the tools we have and encourage cooperative action at all levels to avoid the worst health and climate impacts. To that end, I am encouraged by the productive discussions between the SCAQMD and the Ports of Los Angeles and Long Beach to identify and advance prudent air quality improvement measures and the SCAQMD's recent unanimous direction to staff to further their efforts to reach a Cooperative Agreement. This locally driven and collaborative approach toward reducing air and climate pollution is the type of consensus that should be supported and encouraged. This bill interferes with this approach, the progress made, and the ongoing good faith efforts made by the SCAQMD and the Ports of Los Angeles and Long Beach.

For this reason, I cannot sign this bill.

ASSEMBLY FLOOR: 59-0, 9/11/25

AYES: Aguiar-Curry, Ahrens, Alanis, Alvarez, Ávila Farías, Bains, Bauer-Kahan, Berman, Bonta, Bryan, Calderon, Caloza, Carrillo, Chen, Davies, DeMaio, Dixon, Ellis, Flora, Fong, Gabriel, Gallagher, Gipson, Jeff Gonzalez, Mark González, Hadwick, Harabedian, Hoover, Jackson, Johnson, Lackey, Lowenthal, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patterson, Quirk-Silva, Ramos, Ransom, Michelle Rodriguez, Blanca Rubio, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

NO VOTE RECORDED: Addis, Arambula, Bennett, Boerner, Castillo, Connolly, Elhawary, Garcia, Haney, Hart, Irwin, Kalra, Krell, Lee, Macedo, Patel, Pellerin, Petrie-Norris, Celeste Rodriguez, Rogers, Sanchez

Prepared by: Heather Walters / E.Q. / (916) 651-4108
10/14/25 16:29:15

**** END ****