

Earlier this month, EPA announced its [proposed disapproval](#) of San Joaquin Valley's State Implementation Plan (SIP) submittal to address fine particulate matter (PM2.5) pollution. Among EPA's reasons for proposing disapproval of the plan: The strategies to reduce building heating emissions—from things like water heaters and space heaters—were inadequate because they failed to consider zero-emission standards. In underscoring the inadequacy of the submittal's analysis, EPA relied on a [Pritzker brief](#) that Heather Dadashi, Cara Horowitz, and I authored earlier this year (see 87 Fed. Reg. 60511!) discussing the ways in which local air districts can take action to end harmful air pollution from building appliances.

As we [explained](#) in our brief, under the federal Clean Air Act, states are required to submit SIPs detailing strategies to come into attainment with federal air quality standards for pollutants like ozone and PM2.5. In California, CARB and the state's 35 local air districts share authority to adopt and enforce control strategies to achieve these standards. When they are out of attainment with federal standards, California air districts have to take action to come into attainment "as expeditiously as possible" under the Clean Air Act, and they have broad authority to limit stationary source pollution in order to do so.

Where an area is in serious nonattainment of federal standards, as the San Joaquin Valley is, the Clean Air Act requires the implementation of best available control measures (BACM) within 4 years of receiving the "serious nonattainment" designation. The SIP has to detail control measures and demonstrate that they are BACM. This was one of the issues at the heart of EPA's proposed disapproval. While the SIP submittal maintained that air district standards already on the books—none of which were zero-emission standards—satisfied BACM demonstration requirements, EPA disagreed. Instead, EPA said, the proliferation of "local control measures to reduce pollution from building heating by restricting or limiting the use of natural gas-fired heaters support their general availability as technologically feasible measures." Local gas bans and an ongoing process to set zero-NOx appliance emission standards in the Bay Area Air Quality Management District all played into EPA's analysis. The upshot: When determining what BACM is, the SIP submittal should have considered additional control measures, including the feasibility of zero-emission standards.

EPA's position is heartening. As our Pritzker brief details, California's household appliances emit nearly 5 times as much NOx as power plants daily. Reducing appliance emissions is a critical step on the path to healthy air. Pursuing the deepest appliance emission cuts is particularly crucial in the San Joaquin Valley, which has some of the nation's worst air pollution. PM2.5 pollution, to which NOx emissions contribute, causes asthma and increases susceptibility to heart and lung disease and to Covid-19. It also worsens quality of life, a fact I was reminded of as I drove through the Valley two weeks ago, struggling to see through

the haze. And it's low-income communities of color who are most overburdened by this pollution in the Valley.

In fact, the pollution is so severe and persistent that this year the California Legislature passed a [bill](#), AB 2550, that would have required the California Air Resources Board (CARB), the state's air regulator, to conduct outreach to under-resourced communities and coordinate with community-based organizations in the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) to identify gaps in the SIP and the SJVUAPCD's attainment plan, to hold a public hearing and solicit public comment about specific aspects of the plan—like the need for additional monitoring and enforcement capacity—and to develop a program for coming into attainment.

While the Governor ultimately vetoed AB 2550, citing existing CARB authority to take action, this latest move by EPA underscores the need for air regulators to do more. Local air districts can and should use their power to push for zero-emission appliances.