Citizen Suit Action/Clean Air Act: Medical Advocates for Healthy Air Notice of Intent to Sue U.S. Environmental Protection Agency Regarding San Joaquin Valley Non-Attainment



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

01/08/2026

Medical Advocates for Healthy Air and two other organizations sent a November 3rd Clean Air Act Notice of Intent to Sue ("Notice") to the United States Environmental Protection Agency's ("EPA") for an alleged failure to fulfill a mandatory duty.

The Notice alleges that EPA has failed to take final action on California State Implementation Plan ("SIP") Revisions for the San Joaquin Valley.

The other organizations joining the Notice include:

- Committee for a Better Arvin
- Sierra Club

(Collectively, "Medical Advocates").

Section 110 of the Clean Air Act requires that states assume primary responsibility for assuring attainment and maintenance of the National Ambient Air Quality Standards ("NAAQS") once the federal agency has established them. Each state is therefore required to formulate, subject to EPA approval, an SIP designed to achieve each NAAQS.

The SIPs will contain the measures and actions the state proposes to undertake to attain each NAAQS. These measures or actions must be enforceable through state regulations.

The states are generally free to make their own choices as to how they will attain the NAAQS through their SIPs. Further, the SIPs are in theory dynamic documents which the state can choose to change as it continues to determine the appropriate means of attaining or maintaining the various NAAQS. The SIP and subsequent revisions must be reviewed and approved by EPA to determine if the relevant criteria in Section 110 are met.

The Medical Advocates Notice asserts that the San Joaquin Valley has been an area with some of the worst air quality in the United States,' and it has repeatedly failed to meet air quality standards. EPA is

stated to have found that the air quality control region has failed to attain several National Ambient Air Quality Standards by their respective deadlines.

Actions that EPA is alleged to have failed to undertake include:

- Contingency Measures Plan.
- Smog Check Contingency Measure.
- Architectural Coatings Contingency Measure.
- Rule 3172.
- Rule 3173.

Medical Advocates states that following a 60-day period, the organization will file suit in U.S. District Court to compel EPA to perform its nondiscretionary duty under the Clean Air Act.

A copy of Notice can be found here.