



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

Citizen Suit Action/Clean Air Act: Sierra Club Notice of Intent to Sue U.S. EPA for Failure to Make Attainment Determination for PM2.5 NAAQS

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Little Manila Rising, Medical Advocates for Healthy Air, and Sierra Club (collectively "Sierra Club") sent a September 24th document to the United States Environmental Protection Agency ("EPA") styled:

Clean Air Act Notice of Intent to Sue for Failure to Make an Attainment Determination for the 2012 annual PM2.5 National Ambient Air Quality Standard ("NOI").

Sierra Club states that the organizations intend to sue EPA for its alleged failure to fulfill its mandatory duty to make an attainment determination on whether the San Joaquin Valley ("Valley") attained, or failed to attain, the 2012 annual PM2.5 National Ambient Air Quality Standard ("NAAQS").

EPA is stated to have strengthened the long-term annual average NAAQS for PM2.5 in 2012. The attainment date for the 2012 annual standard for the San Joaquin Valley is stated to have been December 31, 2025. Further, recent design value data show that the Valley has a design value of 14.7.

EPA is alleged to have failed to make a mandatory attainment determination for the 2012 annual PM2.5 standard by June 30, 2026. EPA is stated to have, in 2021, found that the Valley could not practicably attain the 2012 annual PM2.5 standard by the moderate area attainment date of December 31, 2021, reclassified the Valley as a serious area, and set December 31, 2025 as the applicable attainment date. See 86 Fed. Reg. 67343, 67347 (Nov. 26, 2021).

Sierra Club states that following the 60-day period the organizations will file suit in the United States District Court to compel EPA to perform its nondiscretionary duty under the Clean Air Act.

A copy of the NOI can be found [here](#).