

Bay Area Air District

Policy on Electronic Submission of Public Comments on Regulations and Plans

This policy governs public comments submitted electronically to the Bay Area Air District regarding rulemaking and air quality plans. It does not address public comments submitted on paper or orally.

1) Policy Background

Recent developments have raised concerns regarding the process for members of the public to submit electronic comments to the Air District on proposed rules and air quality plans. These concerns include the use of artificial intelligence to generate fraudulent comment emails that are not from real members of the public, heightened concerns about the need to protect personally identifiable information (PII) that is automatically included in emailed comments, and the potential for emailed comments to get filtered by spam filters and not reach the intended Air District staff recipient.

This Policy addresses these concerns by providing a consistent and secure process for stakeholders to submit public comments electronically that will 1) ensure that comments are received and reviewed by Air District staff; 2) protect commenters' PII; 3) provide commenters an automatic confirmation of receipt of comments; and 4) provide greater confidence that comments received are from real members of the public.

2) Policy on Electronic Submittal of Public Comments

Air District staff will make available a public comment portal on the Air District's website (www.baaqmd.gov) for the purpose of electronic submission of public comments. Any member of the public wishing to submit a comment electronically regarding a regulation or plan that is being developed by Air District staff and/or has been proposed for consideration by the Board of Directors must submit the comment through the public comment portal (or other similar portal established for the submission of public comments). The Air District will not consider or respond to electronic comments submitted by email or any other means outside of the public comment portal process.

Members of the public may also submit comments by non-electronic methods, including by mailing or delivering a written comment letter to

Air District staff during the specified comment period and by providing oral or written comments at a Board of Directors meeting.

For purposes of this Policy, a "regulation" includes any proposed new Air District rule or regulation, and any proposed amendment to any such rule or regulation. A "plan" includes any proposed air quality plan or related required planning document, including Clean Air Plans, AB 617 Community Emissions Reduction Plans, and other similar planning documents.

3) Policy Implementation

Air District staff will develop and maintain the public comment portal to:

- Provide commenters with an immediate confirmation of receipt of their comment;
- Maintain comments in a database that separates out the commenter's PII from the substance of their comment and maintains the PII in a secure location; and
- Make the non-PII portion of all comments publicly available on a searchable website.

The Air District will no longer maintain its rule development general email box. That email box will be configured to send an auto-response to any email received providing instructions on how to use the portal and stating that this email box is not accepting comments. Air District staff will not review or retain any emails sent to the email box.

Email boxes for the Clerk of the Boards, rule development staff, general comments (comments@baaqmd.gov) and other similar boxes will be configured to send an auto-response to any email received stating that the Air District does not accept comments on regulations and plans by email and providing instructions on how to submit comments through the portal. Planning staff will be directed to send a substantively similar response to any emails they receive with comments on any regulation or plan subject to this Policy. Any emailed comments on regulations or plans subject to this Policy will not be considered or retained by Air District staff, and they will not be forwarded to the Board of Directors.

Revision History

Date	Description
7/1/2026	Initial Adoption