

August 9, 2021

Laura Watson, Director
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

Dear Ms. Watson:

Our undersigned organizations strongly support the Department of Ecology's intent to conduct rulemaking to revise Chapter 173-423 WAC, Low Emission Vehicles. We are pleased that the Department's rulemaking will include light- and medium-duty zero-emission vehicles as well as the Advanced Clean Truck regulation and appreciate the Department's expeditious process to not miss an additional model year. As this rulemaking proceeds, we look forward to supporting you in adopting these rules by the end of 2021.

We come together with a shared commitment to an equitable and pollution-free transportation future. To achieve that future, we envision a suite of policies that address the disproportionate health impacts that some of our communities experience, meet long-overdue clean air commitments, reduce greenhouse gas emissions to help avoid catastrophic climate change, and create and maintain high-road careers across Washington accessible to all. To that end, we urge the Department to take the following actions:

1. File a CR-101 announcing plans to write rules requiring fleet operators to report on business operations concurrently with the Advanced Clean Trucks rulemaking.
2. Initiate a rulemaking to adopt the Heavy Duty Omnibus Rule as soon as California completes the regulation.

Centering Equity through a Fleet Reporting Requirement

To better inform future policies that accelerate the transition to zero-emission fleets and ensure that this transition does not disproportionately burden drivers, a fleet reporting requirement to collect information on trucking operations and industry practices is necessary. We request that the Department make a public commitment to pursue a fleet reporting requirement by issuing a CR-101 concurrently with the Advanced Clean Trucks rulemaking.

The fleet reporting requirement in California's Advanced Clean Truck Rule is fundamental in supporting a just transition as we shift towards a clean transportation future. The requirement would apply to any privately owned fleet or entity that dispatches a significant number of medium and heavy-duty vehicles, and would collect fleet characteristic and operational data (ideally annually), such as information on the number of vehicles they control (own or dispatch), the type and age of the vehicles, and where the vehicles are domiciled and operate. The information collected would help the Department and other decision-makers accelerate electrification for high-suitability segments, including drayage, first- and last-mile delivery, private buses and shuttles, refuse, and public fleets.

Operation information is also critical for shedding light on exploitative labor practices, such as misclassifying drivers as independent contractors. Misclassification is rampant in the trucking industry, particularly in the drayage segment. These trucks are among the oldest and dirtiest vehicles on the road and are excellent for zero-emission technology given their short-haul, idling, and stop-and-go operations. Due to misclassification, many drivers lack financial resources to upgrade their equipment to reduce diesel pollution or buy a zero-emission truck. The Department will need information from the fleet reporting requirement to direct funding and regulations towards entities that control fleets to make sure they comply with emissions reductions and electrification goals rather than shifting the responsibility to drivers who often do not have the resources to comply.

Additional information on fleet operations will also help support future, targeted policy that can address health disparities. Research shows that a pathway to a near-100% electrified transportation future in 2050 would save communities of color in Seattle and the surrounding areas up to \$138 million annually by that year.¹ As soon as 2025, these health benefits could amount to \$8 million as a result of fewer asthma attacks, hospital admits, lost work days, and more.

Information on trucking operations and industry practices will be critical for shaping our collective work to accelerate the transition to pollution-free vehicles in a way that is fair for drivers, promotes high-road labor standards, and maximizes health benefits in overburdened communities to address disparities.

Moving Forward with the Heavy-Duty Omnibus Rule

Another vital, complementary policy is California's Heavy-Duty Omnibus rule. The Heavy-Duty Omnibus rule provides critical near-term relief from diesel pollution, improving air quality and health for workers and communities. Washington's Black, Brown and Indigenous communities experience an air pollution disparity of 12%.² The cumulative impact of living near freeways, warehouses, and port operations means youth in the Duwamish Valley (where the majority of residents are people of color and are more likely to live in poverty compared to the county average) are 1.7 times more likely to be hospitalized for asthma than the King County average and residents of the area suffer from a higher mortality rate from lung cancer.³

While rapidly electrifying our trucking fleets is a climate imperative and will improve air quality for generations to come, reducing pollution from combustion engines will provide immediate benefits. We urge the department to initiate rulemaking as soon as the California regulations are complete and we look forward to supporting you in that process as well.

¹ Climate Solutions. *The Big Issue: Transforming Our Transportation*. September 2020, https://www.climatesolutions.org/sites/default/files/2020-12/Transpo%20Decarb%20Sept%2010_web%20upload%20v6.pdf

² Tessum, Christopher W., et al. "PM2.5 Polluters Disproportionately and Systemically Affect People of Color in the United States." *Science Advances*, vol. 7, no. 18, 2021, doi:10.1126/sciadv.abf4491.

³ Gould L, Cummings BJ. Duwamish Valley Cumulative Health Impacts Analysis. Seattle, WA: Just Health Action and Duwamish River Cleanup Coalition/Technical Advisory Group. March 2013.

Conclusion

Adopting the full suite of clean air regulations offers Washington State the unique opportunity to simultaneously improve air quality, lower transportation costs, protect workers, and help reduce greenhouse gas emissions. We urge the Department to not stop with the light- and medium-duty zero emission vehicles and the Advanced Clean Truck regulation.

To make the State's commitment to a pollution-free and equitable future immediately clear, we call on you to issue the CR-101 to initiate rulemaking on the fleet reporting requirements and adopt the Heavy-Duty Omnibus Rule as soon as possible. These two additional pieces are critical in ensuring a fair and rapid transition to pollution-free vehicles, targeting the benefits of zero-emission transportation in overburdened communities, and delivering immediate air quality improvements in those communities as we pursue our pollution-free future.

We look forward to working with the Department to adopt the full suite of California clean air regulations. Longer-term, we are excited to partner in building off this success to identify, develop and implement complementary measures that increase zero-emission fleet purchases, accelerate the transition of port operations to zero-emission, and provide funding and charging infrastructure to support zero-emission vehicle deployment that benefits priority communities.

Thank you for your leadership in improving air quality and addressing the climate crisis.

Sincerely,

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