

15 November 2021

Washington State Department of Ecology
via web submission, <https://aq.ecology.commentinput.com/?id=9m3jh>

Re: WSR 21-20-137, draft rules for reporting emissions of greenhouse gases

To the staff of the Department of Ecology:

I have reviewed the proposed rules regarding greenhouse gas (GHG) reporting and noticed a point of ambiguity that could benefit from clarification in the final rule.

Proposed WAC 173-441-085(4)(a) states, "A person required to conduct third-party verification under subsection (1)(b) through (d) of this section may choose to obtain less intensive verification services for the remaining two years in the three-year period... ." This leaves open the interpretation that a person required to conduct third-party verification under subsection (1)(a) may *not* obtain less intensive verification services. Subsection (1)(a) requires third-party verification when "[t]he reporter emits 25,000 metric tons CO₂e or more... ." So WAC 173-441-085(4)(a) appears to be stating that (lemma 1): *any party emitting 25,000 metric tons CO₂e or more may not obtain less intensive verification services.*

But, all or nearly all reporters meeting the subsection (1)(a) criterion of emitting 25,000 metric tons CO₂e will also satisfy subsection (1)(b), "[t]he reporter has a mandatory...compliance obligation under chapter 316, Laws of 2021." By WAC 173-441-085(4)(a) any person satisfying Subsection (1)(b) may choose less intensive verification. So (lemma 2): *all or nearly all parties emitting 25,000 metric tons CO₂e or more may obtain less intensive verification services.*

I recommend that language be adjusted to remove this dilemma and clarify the conditions under which reporters may or may not obtain less intensive verification services.

Respectfully submitted,



Roel Hammerschlag
Principal
tel. 360-339-6038
roel@hammerschlag.llc