



King County

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Katie Wolt

Rulemaking Lead

Department of Ecology

Air Quality Program

P.O. Box 47600

Olympia, WA 98504-7600

Re: Draft Rule Language for Chapter 173-446A WAC, Criteria for Emissions-Intensive, Trade-Exposed Industries

Dear Ms. Wolt:

Thank you for the opportunity to comment on the Rule Language for Chapter 173-446A WAC, Criteria for Emissions-Intensive, Trade-Exposed Industries (EITE).

Confronting climate change and accelerating the transition to a clean energy economy are top priorities for King County. In King County's Strategic Climate Action Plan (SCAP), a five-year blueprint for County climate action, we have set ambitious targets to reduce emissions by half by 2030, lead with climate justice, and prepare for the impacts of climate change. This requires the cooperation of King County cities, partners, communities, and residents. As part of King County's commitment to action on climate change and equity and social justice (ESJ), the SCAP includes a [Sustainable & Resilient Frontline Communities \(SRFC\) section](#) focused on climate equity and community-driven policy.

Due to King County's commitment to prioritizing those most impacted by climate change, I strongly urge that Ecology consider impacts to overburdened communities and recommendations by the state's Environmental Justice Council, when determining whether to approve an EITE petition.

Specifically, I offer the following recommendations to Ecology when drafting the final rule to minimize impacts to overburdened communities when evaluating EITEs:

1. **Make explicit how guidance from overburdened communities, and the Environmental Justice Council, is incorporated into EITE location decision-making:** The Climate Commitment Act specified that "[A]ny covered party that is a

manufacturing business that can demonstrate to the department that it meets the objective criteria adopted by rule is also eligible for treatment as emissions-intensive, trade-exposed and is eligible for allocation of no cost allowances as described in this section. In developing the objective criteria under this subsection, the department must consider the locations of facilities potentially identified as emissions-intensive, trade-exposed manufacturing businesses relative to overburdened communities.” According to the Climate Commitment Act, The Environmental Justice Council has oversight authority over the EITE designation; therefore, the rule should be explicit about how the Environmental Justice Council and other engagement with overburdened communities will inform the EITE designation and management of this part of the law.

2. **Utilize rigorous public health data when evaluating EITEs:** If EITEs located in overburdened communities are granted no-cost allowances, then these communities may not benefit from improved air quality associated with emission reductions. Thus, it is critical that Ecology use the most rigorous data and up-to-date health index and qualitative data possible when evaluating locations of EITEs.

King County appreciates the opportunity to provide comments on the final rule for criteria for EITE industries, and we look forward to continued partnership on the implementation of the Climate Commitment Act.

Sincerely,



Dow Constantine
King County Executive