

Louise Kulzer

Comments on WAC 173-446A

Thank you for the opportunity to comment on these important rules for implementing Washington's Climate Commitment Act (CCA).

I believe it is important that terms be defined correctly and that equations be workable. In that spirit, I urge Ecology to attend to the following matters:

1. In the WAC173-446A hearing I learned that the term "emissions intensity" as used in the WAC173-446A is purposely different than the same term used in the California carbon laws, where carbon intensity is defined as emission per unit production. Since these two definitions are indeed different, Ecology should call its emission's intensity term by a different name.

2. I was also told in the question period before the hearing that the terms "emissions intensity" and "carbon intensity" were the same. However, in the CCA, RCW 70A.65, Section 110(3)(b)(i) states that "carbon intensity" means the amount of carbon dioxide equivalent emissions from a facility in metric tons divided by the facility specific measure of production... over the same period." That is not the same as what Ecology wishes "emissions intensity" to mean in WAC 173-446A. Should not the same term mean the same thing in both the Rule and the Law? Again, I urge Ecology to use a different term for "emissions intensity" if they do not mean it to be emissions per unit production. Perhaps just use the word "emissions?"

3. Having the trade exposure equation apply to a NAICS category as a whole seems unfair, as regional or individual industries do not share the same import or export characteristics. I fail to see how this protects Washington industries who may be more likely to import/export with pacific rim countries than other industries in the same NAICS code located in other parts of the country. Even if Washington links with other markets, wouldn't it be best if the industries participating in those markets were judged as trade exposed or not based on their individual import/export characteristics?