



June 21, 2022

Via Electronic Filing

Joanna Ekrem
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: Department of Ecology's Proposed Rulemaking for Chapter 173-423 WAC, Clean Vehicles Program

Dear Joanna Ekrem,

The NW Energy Coalition (NWECC) appreciates the opportunity to participate in the Clean Vehicles Program (Program) rulemaking and to provide comments on the draft rule in advance of the CR-102. We appreciate the Department of Ecology's work to expand Washington's Clean Vehicles Program and bring stakeholders along while navigating the complexities of the Program. NWECC's comments outline our support for the proposed regulations included in the CR-101 and our recommendations, as detailed below.

I. Advanced Clean Cars II

NWECC supports adoption of California's Advanced Clean Cars II (ACCII). With Washington's 2021 zero emission vehicle (ZEV) sales at 7.7 percent, automakers are well-positioned to comply with ACCII.¹ We also understand Ecology is proposing additional credit options to facilitate a smooth transition to more stringent ZEV requirements. Of the credit options considered by the Department of Ecology (Ecology), providing early action credits for ZEV sales for MY 2023 and MY 2024 is the most appropriate option to meet Ecology's policy goals outlined in the April 19, 2022 stakeholder meeting.² We agree with policy goals identified by Ecology, particularly the goals to: (1) provide an incentive for ZEV delivery to Washington before model year 2025; (2) maximize the number of ZEVs deployed in Washington; and, (3) maximize reductions in criteria pollutants. In order to meet these policy goals, we encourage Ecology to move forward with Option 4 (early action credits only) while monitoring for any changes to California's final ACCII rule.

¹ Revised ZEV Credit Options, Department of Ecology (April 2022), available at <https://ecology.wa.gov/DOE/files/1d/1db9e00c-b2ac-428c-8a72-be91f9b6c3d2.pdf>

² Presentation for the April 19, 2022 stakeholder meeting, Department of Ecology, available at <https://ecology.wa.gov/DOE/files/92/92fd21f9-7e4e-4d31-8011-50d239306551.pdf>

II. Heavy-Duty Engine and Vehicle Omnibus Regulation

As stated in joint comments signed by NWEAC, we support adoption of the Heavy-Duty Engine and Vehicle Omnibus Regulation (Heavy-Duty Omnibus Rule).³ Ecology is currently proposing to adopt the Heavy-Duty Omnibus Rule but exempt transit vehicles. It is our understanding that California developed a similar exemption because they are relying on the Innovative Clean Transit regulation to help transition transit fleets to cleaner and zero emission vehicles.⁴ If the transit vehicle exemption is maintained, we encourage Ecology to consider adopting the Innovative Clean Transit regulation in a future rulemaking.

III. Large Entity Reporting Requirement

NWEAC strongly supports the adoption of a large entity reporting requirement (fleet reporting requirement) as well as the recommendations outlined in comments from Earthjustice, Duwamish River Community Coalition, and Natural Resources Defense Council submitted April 8, 2022.⁵ We expand on the recommendations to strengthen Ecology's current proposal in joint comments submitted June 9, 2022.⁶⁷ Summarizing these recommendations, we urge Ecology to: (1) require all drayage truck dispatchers to report; (2) incorporate a requirement to provide annual updates; and, (3) include additional information requirements under WAC 173-423-083(3). As Ecology considers these recommendations, it would be beneficial to continue engaging with stakeholders.

IV. Conclusion

NWEAC appreciates Ecology's work to strengthen Washington's Clean Vehicles Program and we look forward to providing feedback on the CR-102.

³ Joint comments to the Department of Ecology (April 7, 2022), available at https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did1008/pid_202698/assets/merged/mq4xgi4l_document.pdf?v=5QAY7DJEW

⁴ Innovative Clean Transit, California Air Resources Board, available at <https://ww2.arb.ca.gov/our-work/programs/innovative-clean-transit/>

⁵ Comments submitted by Earthjustice, Duwamish River Community Coalition, and Natural Resources Defense Council (April 8, 2022), available at https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did1008/pid_202698/assets/merged/nj0ri3i_document.pdf?v=PZVJSB2K9

⁶ Draft Rule Language, Department of Ecology (June 14, 2022), available at <https://ecology.wa.gov/DOE/files/90/90bf1883-63e7-47ce-99ce-70239b62d0f2.pdf>

⁷ Joint comments submitted to the Department of Ecology (June 9, 2022), available at https://scs-public.s3-us-gov-west-1.amazonaws.com/env_production/oid100/did1008/pid_202698/assets/merged/hz0vifz_document.pdf?v=GZBUK Y8MA

Thank you for your consideration of the NW Energy Coalition's comments.

Respectfully submitted,

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