



20 June 2022

**Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600**

Re: Rule Update of Chapter 173-423 WAC, Clean Vehicles Program

Dear Joanna Ekrem,

Climate Solutions thanks you for the opportunity to submit comments regarding updating Chapter 173-423, the Clean Vehicles Program. Climate Solutions is a clean energy nonprofit organization working to accelerate clean energy solutions to the climate crisis. The Northwest has emerged as a hub of climate action, and Climate Solutions is at the center of the movement as a catalyst, advocate, and campaign hub. We are very supportive of this rulemaking, including adoption of California's Heavy-Duty Engine and Vehicle Omnibus Regulation, Advanced Clean Cars II, and a fleet reporting requirement. This letter expresses our strong support for the adoption of these regulations, as well as contains suggestions to ensure these rules will best position Washington to achieve its statutory greenhouse gas reduction requirements¹; reduce local air pollution; expand access to clean, zero emission vehicles, particularly in communities that have been overburdened by pollution; and provide data to better shape future policies and investments.

Advanced Clean Cars II

Though the Department of Ecology ("Department" or "Ecology") is adopting these regulations by reference, it does have a degree of flexibility with regard to credit options for zero emission vehicle (ZEV) sales. *We support the approach being offered by Ecology as described during the June 14, 2022 stakeholder meeting as "Option 4": allowing automakers to generate credits for ZEV sales in Washington for model years 2023 and 2024 under Advanced Clean Cars I.* Washington has adopted Advanced Clean Cars I, but our regulation begins with model year 2025. Allowing "early action credits" for these earlier model years both encourages more immediate-term ZEV sales in Washington and ensures that the regulation aligns with the stringency of California's, where automakers have had the ability to earn credits for earlier model years that can be used under Advanced Clean Cars II through model year 2030. The Department's calculations show that allowing early action credits will allow for compliance with Advanced Clean Cars II.

We prefer early action credits to proportional credits or a combination involving proportional credits because early action credits correspond with actual vehicle sales in Washington. Actual ZEV sales in-state will help Washington achieve its greenhouse gas emission reduction limits and reduce local air pollution, as well as encourage automakers to provide more vehicle models for sale in-state, sooner. Early action credits are also

¹ [RCW 70A.45.020](#)

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more aligned with California’s approach: Washington will be providing Advanced Clean Cars I credits that California is already offering there under their current program.

We understand that the California Air Resources Board is considering early compliance credits for model years 2024 and 2025 under Advanced Clean Cars II, through which automakers can earn credits through overcompliance—ZEV sales above the minimum requirement. If California adopts this approach, we will want to ensure that there will not be double crediting in model year 2024 should Washington be offering early action credits.

Ecology also has the option to not offer any credits for model year 2023 and 2024 ZEV sales. However, this does not encourage earlier action—especially when other states are providing credits for sales of these model years. *Therefore, we concur with Ecology and support the current draft rule language that allows early action credits for ZEV sales in model years 2023 and 2024.*

Heavy-Duty Engine and Vehicle Omnibus Regulation

We strongly support Ecology’s decision to include this regulation in the current rulemaking, as expressed in our joint letter submitted on April 7, 2022. This regulation is critical for reducing not only climate pollution, but local air pollution as well. Many medium- and heavy-duty vehicles use diesel due to its energy density. However, diesel causes harmful air pollution. In fact, diesel exhaust is responsible for 70% of the cancer risk from airborne pollutants in Washington.² Communities who live near roadways and ports are particularly harmed, and the health disparities by race and income are clear.³

California’s Heavy-Duty Engine and Vehicle Omnibus regulation excludes public transit vehicles because California has a separate regulation, the Innovative Clean Transit rule⁴, that requires an increasing percentage of new transit bus purchases are zero emissions, and that internal combustion engine bus purchases are low-NOx. This regulation not only improves public health and reduces air pollution, particularly in transit-dependent communities, but research shows that transit electrification is a critical part of achieving our climate goals in the Pacific Northwest, with 98% of buses needing to be electrified by 2050.⁵ We understand that Ecology does not believe it can include transit under Washington’s regulation since it is excluded in California’s. *Therefore, we strongly suggest that the Department open a rulemaking to adopt California’s Innovative Clean Transit regulation.* Like Advanced Clean Cars I and II and the Heavy-Duty Engine and Vehicle Omnibus Regulation, the Innovative Clean Transit regulation is part of California’s motor vehicle emission standards that the statute⁶ directing this rulemaking requires Washington to adopt.

² Washington Department of Ecology. <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Diesel-emissions/Health-impacts>.

³ Mary Angelique G. Demetillo et al, “Space-Based Observational Constraints on NO₂ Air Pollution Inequality From Diesel Traffic in Major US Cities.” <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2021GL094333>.

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

⁵ Climate Solutions, “Transforming Transportation.” December 2021. <https://www.climatesolutions.org/sites/default/files/2021-12/White%20paper%20final.pdf>.

⁶ [RCW 70A.30.010](#)



Per the same statutory direction, we also ask that the Department initiate a rulemaking to adopt California's Advanced Clean Fleets regulation⁷ as soon as it is finalized. These regulations are also critical for achieving our greenhouse gas emission limits and reducing air pollution, especially in those communities that have been most burdened by disparate health impacts.

Fleet Reporting Requirement

Climate Solutions was signatory to a letter submitted to the Department on June 9, 2022, that provides more detailed comments on our support for and suggestions regarding the fleet reporting requirement. To summarize, we support the adoption of a fleet reporting requirement. However, to strengthen the quality and amount of information gathered by this requirement, which can then be used to better inform future policies and investments, we ask that Ecology require annual updates, rather than just a one-time requirement. We also suggest that Ecology gather more information, as detailed in the June 9, 2022 letter, including: fuel type, vehicle model year, which overburdened communities vehicles travel through, and public locations where trucks park for more than two hours per day. We support Ecology's proposal to require fleets with five or more vehicles to report and recommend that Ecology also require drayage truck dispatchers to report, given the high impact this sector has on local air pollution and how these data could be used to support a just transition to an electrified freight sector for workers.

Thank you to the Department of Ecology for its hard work on this rulemaking. Advanced Clean Cars II, the Heavy-Duty Engine and Vehicle Omnibus regulation, and the fleet reporting requirement are all critical parts of a holistic effort to reduce both climate and air pollution from the transportation sector. We appreciate your considering our comments and we look forward to working with you on future, related rulemakings. Please let us know if you have any questions.

Sincerely,

Leah Missik
Washington Transportation Policy Manager

Kelly Hall
Washington Director

⁷ California Air Resources Board, "Advanced Clean Fleets." <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.