

Joseph Hiss

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Dear Mr. Joshua Grice WA Dept. of Ecology, As a long-time resident of Olympia, retired biologist from the USFWS, and part-time volunteer environmental educator, I thank you for the opportunity to comment on this rule on the state's Cap-&Invest Program. This part of the Climate Commitment Act is the strongest carbon pricing program in the country, and I am proud about its potential to reduce carbon and invest in low-income neighborhoods. In passing this legislation, the state has integrated environmental justice, tribal sovereignty, and the right approach to environmental effects into the structure of the law. I hope Ecology will continue to faithfully implement its directives. The program should give Ecology clear authority to act and clarify the responsibilities of other covered entities. Therefore, I urge Ecology to strengthen it in the following ways:

A. Offsets: Be very careful to make these meaningful in the real world, and not empty "window-dressing." Other writers may have more detailed information that should be reviewed.

B. Overburdened communities

1. Articulate Ecology's responsibility that the cap-and-invest program avoid negative impacts to overburdened communities and describe how information will be gathered and used to fulfill that responsibility.
2. Clarify Ecology's role in evaluating impacts of all Emission-Intensive Trade-Exposed facilities on overburdened communities, regardless of when each facility becomes a covered entity.
3. Require an explicit process to review impacts to overburdened communities, to inform Ecology's reporting to the legislature as required by RCW 70A.65.060(5). The rule must be meaningful and thorough. This process should be separate from the "Improving Air Quality in Overburdened Communities" initiative, by addressing the full range of overburdened communities as defined by the law.

C. Tribal Sovereignty:

1. Mention Ecology's existing obligation to proactively consult with federally recognized tribes.

D. Information for review and accountability:

1. Require all covered entities to provide information about: a) impacts to overburdened communities and to tribal lands and treaty rights; b) the chemicals and pollutants they process and/or manage; and c) if there are any violations under any permits they hold.
2. Establish reporting requirements for consumer-owned utilities on "no-cost allowances" and engage with the UTC on its regulation of them.
3. Best available technology: Require EITEs applying for an upward adjustment of no-cost allowances to submit any unexpected environmental impacts of the fuels, processes, and equipment used. If the facility is creating excessive environmental impacts, upward adjustments must be denied.
4. Require Ecology to publicly share data being used to establish baseline information, subtotal baselines, and allocations.

E. Environmental Justice Council:

1. Include explicit language on how Ecology will engage with the Environmental Justice Council in the development, implementation, and evaluation of the full program.
2. Track information about the environmental and health impacts of all covered entities to inform Council review. I look forward to Ecology's ongoing work to strengthen this rule as part of our work to meet climate goals in an equitable way.

Thank you, Joseph Hiss 225 17th Ave SE Olympia, WA 98501