

Wildlife Forever Fund

Joshua Grice

Washington State Department of Ecology – Air Quality Program

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Dear Mr. Grice,

Thank you for the opportunity to comment on WAC-173-446, Climate Commitment Act (CCA) Program Rule. We appreciate the hard work the Department of Ecology has been doing to implement the CCA.

As funders of Washington State environmental preservation and conservation efforts for decades, and as inhabitants of Washington for even more years, we care deeply about the trajectory towards a shared clean and healthy future, for local and regional people and all other species.

"Sustainability" may be interpreted as giving to the future from the past, or perhaps not taking from the future for today, and this rulemaking process here today is our opportunity to see that we in our State, can accomplish this goal.

In that vein, we humbly request that the CCA rule implementation consider the following precepts to fully enact our responsibility to the future, planning for 7 generations to come:

Environmental Justice Council

Allow adequate time for the Governor's newly formed Equity and Justice Council (EJC) to construct the draft program rules to define how Ecology will engage with and support the EJC in the development, implementation, and evaluation of the full program.

Examples would be:

Collect air-quality monitoring program data, especially data related to remediating and protecting emissions-intensive, trade-exposed (EITE)-adjacent, overburdened communities;

Facilitate linkage with other pollution reduction programs, as well as the predicted or possible downstream consequences of those decisions;

Ensure the cap-and-invest program avoids negative impacts to overburdened communities and describe and publicize how information will be gathered and used to fulfill that responsibility.

Honoring Tribal Sovereignty

Incorporate Ecology's existing obligation to proactively engage and consult with federally recognized tribes. In particular, it is critical that offset protocols are guided by feedback from Tribal Nations, designed to facilitate participation of tribal nations, and support tribal sovereignty.

Pollution Allowances

Strict pollution allowances should be administered to ensure overall declining greenhouse gas (GHG) emissions under the cap, the appropriate amount of revenue generation from auction activity, and the overall health and integrity of the cap and invest program.

Oversight and review of the allocation of allowances for Emission Intensive Trade-Exposed polluters should be strengthened and clarified to provide guidance and establish reporting requirements for consumer-owned utilities on the use of the value of no-cost allowances. The Utilities and Transportation Commission should report and be responsible for adhering to the new rule, for its regulation of investor-owned utilities' use of the value of no cost allowances.

Offsets

Offsets and allowances, even if declining, still allow polluters to continue polluting. The program rule should establish a process to evaluate the impact of offsets for those communities who do not directly benefit from the offset activity and how pollution impacts can be mitigated and reduced for all areas and residents of our State.

Criteria should be set for the selection of offset protocols, including clearly defining risks and benefits, and how the definition of adverse impacts relates to the rule definition of "environmental harm".

Questions to ask: Is there leakage in the offset protocol system? Are credits being falsely issued? Are they being overestimated? Are incentives being created that do not reflect climate and other pollution-reduction benefits?

Adequate Forestry Protocol

The proposed forestry standard, as we understand, are the California's ARB Urban Forest Protocols from 2011, and should be replaced with the strong protocol of Forest Stewardship Council (FSC) certification, which should be required for all State forests and forestry, and when possible, on privately owned and harvested forests, as well.

Additionally, any forestry offset protocol implemented under the Climate Commitment Act should provide mechanisms to enable landowners who would otherwise face barriers to participation in carbon offsets, to aggregate their offset offerings—particularly Tribal Nations and small forest landowners—in order to maximize benefits to local communities, tribes, and land owners of all sizes.

Thank you for considering our requests,

Anne Kroeker and Richard Leeds
Co-presidents Wildlife Forever Fund