



August 22nd, 2022

To whom it may concern,

As we saw with adoption of expanded & extended Rules governing Oregon's Clean Fuels Program, we have identified problematic draft Rules governing so-called, "Advance Crediting", in Washington's CFS --- WAC 173-424-550 Advance crediting. For example, please note the following with regard to program eligibility, "Advance credits are used to decarbonize the transportation sector pursuant to RCW 70A.535.050(3) through transportation electrification." If we are reading this correctly, this language means that only battery-electric vehicles will be eligible to receive Advance CFS credits to cover vehicle and/or infrastructure costs associated with fleet conversion.

We are also concerned about Rules that may govern the following section of Washington's proposed CFS program, "WAC 173-424-620 Energy economy ratio-adjusted carbon intensity applications." Item #3 under this Section reads as follows, "(3) Applications made under this rule must be for electric vehicles capable of full normal operation using energy from onboard batteries or fuel cells." This wording suggests to us that only battery-electric and hydrogen fuel cell propulsion technologies will be eligible to apply for specific Energy Economy Ratio (EER) scores under Washington's proposed CFS program.

Although we cannot immediately foresee a specific propulsion technology that might enjoy a significantly positive EER score outside of the above-mentioned propulsion technologies, we cannot accurately predict future technological developments. As such, we see no reason to limit propulsion technologies to battery-electric and hydrogen fuel cell propulsion technologies.

On a sidebar note, we note that the tables found at the end of the draft Rule are challenging to use in Word format. With that backdrop in mind, would it be possible for The Department to make these tables available to the public in Excel format?

Throughout the Rulemaking process, the Washington State Department of Ecology (The Department) has maintained that The Department takes a "technology-agnostic" approach toward reducing GHG emissions within Washington's transportation sector. In this regard, we do not believe that the proposed approach with regard both to Advance Crediting, and to applying for new EER Scores, is compatible with The Department's technology-agnostic approach, because The Department is favoring battery-electric and hydrogen fuel cell technologies over other propulsion technologies that reduce GHG emissions in the transportation sector.

Given the above-summarized concerns, we suggest that all propulsion technologies that reduce GHG emissions on a CO_{2e} / MJ basis below the current CFS-compliance level be considered eligible to apply both for Advance Credits, and in the event that new technologies are developed, for their own defensible EER Score. We further request that the Washington State Department of Ecology insert language confirming that such applications will be judged exclusively on the merits of the project's, or the technology's, ability to reduce GHG emissions.

Thank you for considering our request. We look forward to continuing this conversation, and we will welcome your call or e-mail, any time.

Warm regards,

Alex

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