

31 August 2022

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

Re: Carbon intensity trajectory in Chapter 173-424 WAC, the Clean Fuel Standard

Dear Rachel Assink,

Thank you for the opportunity to submit joint comments on rules pertaining to the Clean Fuel Standard (Chapter 173-424 WAC) on behalf of 34 non-profit organizations, businesses, and community groups as well as 25 local elected officials. As a broad coalition, we supported the passage of the Clean Fuel Standard and now want to ensure the program is strong and effective as the legislature intended.

We strongly support a 20% reduction in the carbon intensity of transportation fuels in 2034 as outlined in the proposed rule language. We applaud the Department for using its discretion under the law to outline a Clean Fuel Program that best aligns with our state's greenhouse gas limits, other state programs, and our imperative to reduce air pollution and support local, clean jobs and the green economy.

Washington State is statutorily committed to a 45% reduction in greenhouse gasses below 1990 levels by 2030, a 70% reduction by 2040, and a 95% reduction and net zero emissions by 2050.¹ The Department of Ecology estimates that the Clean Fuel Standard will avert just over 4 million metric tons (MMT) of emissions once the carbon intensity trajectory reaches 20%.² By 2040, according to state law, we must reduce our emissions by more than 70 MMT from our most recent inventory year, necessitating a strong policy response.

All three West Coast states and provinces that have adopted a Clean Fuel Standard, apart from Washington, require a 20% reduction in carbon intensity by 2030. California's current program requires a 20% reduction in carbon intensity by 2030; this standard was updated in 2018³ to better meet their state's climate mandates as passed by the California Legislature (40% below

¹ RCW 70A.45.020

² Department of Ecology. "Clean Fuel Standard. Accessed October 28, 2021. <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Clean-Fuel-Standard#:~:text=How%20the%20Clean%20Fuel%20Standard,in%20low%20carbon%20fuel%20production>.

³ California Air Resources Board. "Low Carbon Fuel Standard". Accessed October 28, 2021. <https://ww2.arb.ca.gov/sites/default/files/2020-09/basics-notes.pdf>

1990 levels by 2030).⁴ Oregon’s Clean Fuels Program requires a 10% reduction in carbon intensity by 2025 and in 2020, Governor Brown issued an Executive Order to expand the program; Oregon’s Department of Environmental Quality is considering a standard of 20% below 2015 levels by 2030 and 37% below 2015 levels by 2035.⁵ British Columbia’s standard also requires a 20% reduction by 2030.⁶ Washington should get as close to alignment with the rest of the West Coast as possible by setting a carbon intensity reduction of 20% in 2034.

Washington’s law states, “the department shall seek to adopt rules that are harmonized with the regulatory standards...of other states that...[h]ave adopted low carbon fuel standards or similar greenhouse gas emissions requirements applicable specifically to transportation fuels.” The proposed rule trajectory of a 20% reduction in carbon intensity in 2034 harmonizes with other Clean Fuel Programs as closely as possible under the letter of the law.

The Clean Fuel Standard will work alongside other climate policies to help achieve the statutory reduction in emissions the legislature and executive committed to, but the hard numbers make it clear that rules must be as ambitious as legally possible in order for the state to achieve its emissions limits. Furthermore, reducing emissions sooner matters for Washingtonians today, as criteria pollution reductions that will occur alongside greenhouse gas emission reductions will benefit the health of Washingtonians, particularly those who live near sources of transportation pollution, which disproportionately burden BIPOC communities and low-income communities. The Clean Fuel Standard has the potential to significantly improve air quality and help transition to a cleaner, more just transportation system.

An increase in clean fuels use under the Clean Fuel Standard will also lead to significant reinvestments in our state, spurring local economies and supporting job growth. The economic analysis contracted by the Department shows that the more ambitious carbon intensity trajectory leads to greater net job growth in Washington State.⁷ Though exact impacts are difficult to discern through a study, we can deduce from others’ experience that this program will lead to increased opportunities for the build-out of electric vehicle infrastructure and in biofuel refining, for example.

Achieving a 20% reduction in the carbon intensity of transportation fuels in 2034 under the Clean Fuel Standard is the legal trajectory that is best aligned with our state climate targets, other Clean Fuel Programs, and with reducing air pollution and its negative health impacts. We strongly support the Department in selecting this trajectory in this rulemaking.

⁴ Berkeley Law. “California Climate Policy Fact Sheet: Emission Reduction Policy”. Accessed October 28, 2021. <https://www.law.berkeley.edu/wp-content/uploads/2019/12/Fact-Sheet-Emission-Reduction-Policy.pdf>

⁵ Oregon Department of Environmental Quality. “Proposed Targets.” <https://www.oregon.gov/deq/rulemaking/Documents/cfp2022m3Targets.pdf>.

⁶ Government of British Columbia. “BC-LCFS Requirements”. Accessed October 28, 2021. <https://www2.gov.bc.ca/gov/content/industry/electricity-alternative-energy/transportation-energies/renewable-low-carbon-fuels/requirements>

⁷ BRG. “Clean Fuel Standard Cost Benefit Analysis Report.” May 12, 2022.

Thank you for your work on this important rulemaking.

Advanced Biofuels Canada
Alder Fuels
AMPLY Power
Audubon Washington
Biotechnology Innovation Organization
ChargePoint
Chevron Renewable Energy Group
Clean Energy
Clean Fuels Alliance America
Clean & Prosperous Washington
Climate Solutions
Coalition for Renewable Natural Gas
Coltura
Crimson Renewables/SeQuential
Cyan Strategies
Fuse Washington
Generate Capital, PBC
Gevo
Low Carbon Fuels Coalition
Methow Valley Citizens Council
Neste
NW Energy Coalition
Port of Seattle
Republic Services
Sierra Club Washington State Chapter
The Nature Conservancy in Washington
Union of Concerned Scientists
WA Build Back Black Alliance
Washington Environmental Council
Washington Physicians for Social Responsibility
World Energy
21 Acres Center for Local Food and Sustainable Living
3Degrees
350 Seattle

Local Elected Officials

Jan Schuette, Arlington Mayor Pro-Tem
Leslie Schneider, Bainbridge Island City Councilmember
Kristiana de Leon, Black Diamond Councilmember
Sarah Moore, Burien Councilmember
Mary Lou Pauly, Mayor, City of Issaquah
Barbara de Michele, City of Issaquah Councilmember
Heidi Eisenhour, Jefferson County Commissioner

Brenda Fincher, Kent City Councilmember
Dow Constantine, King County Executive
Claudia Balducci, Chair, King County Council
Rod Dembowski, King County Councilmember
Jeanne Kohl-Welles, King County Councilmember
Penny Sweet, Mayor, City of Kirkland
Jay Arnold, Deputy Mayor, City of Kirkland
Craig Reynolds, Mercer Island Councilmember
Jani Hitchen, Pierce County Councilmember
Ryan N. Mello, Pierce County Councilmember
Joe Bushnell, Tacoma City Councilmember
Olgy Diaz, Tacoma City Councilmember
Sarah Rumbaugh, Tacoma City Councilmember
Kristina Walker, Tacoma City Councilmember
Ty Stober, Mayor Pro Tem, City of Vancouver
Eric LaBrant, Port of Vancouver USA Commissioner
Pam Stuart, Sammamish City Councilmember
Chris Roberts, Shoreline City Councilmember