Biotechnology Innovation Organization
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August 31, 2022

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

Re: Chapter 173-424 WAC, the Clean Fuels Program Rule

Dear Ms. Assink,

I write on behalf of the Biotechnology Innovation Organization – the world's largest biotechnology related trade group – to provide comment on the Washington State Department of Ecology's (DOE) proposed Clean Fuels Program (CFP) rule (Chapter 173-424 WAC).

BIO strongly supports a 20% reduction in the carbon intensity of transportation fuels in 2034 as outlined in the proposed rule language. We applaud DOE for using its discretion under the law to outline a CFP that best aligns with Washington State's greenhouse gas limits, other state programs, and the state's 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. The Department of Ecology estimates that the CFP will avert just over 4 million metric tons (MMT) of emissions once the carbon intensity trajectory reaches 20%. By 2040, according to state law, the state must reduce its emissions by more than 70 MMT from the 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 2018 to better meet their state's climate mandates as passed by the California Legislature (40% below 1990 levels by 2030). Oregon's CFP requires a 10% reduction in carbon intensity by 2025 and in 2020, Governor Kate 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. British Columbia's standard also requires a 20% reduction by 2030. 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.

We cannot stress enough the importance of RCW 70A.535.060(2) directing DOE to "establish and periodically consult a stakeholder advisory panel, including representatives of forestland and agricultural landowners, for purposes of soliciting input on how to best incentivize and allot credits for the sequestration of greenhouse gases through activities on agricultural and forestlands in a manner that is consistent with the goals and requirements" of the Clean Fuel Program. This provision makes clear the importance of the agriculture and forestry sector in implementing the CFP and meeting the law's emission reduction goals. To that end, DOE should be involving corn, canola, timber, and sugar beet producers in the development and implementation of the CFP. Hopefully, this will ensure that Washington State's CFP considers agricultural carbon reduction practices such as no-till in the calculating the respective carbon intensity scores.

To that end, BIO strongly urges DOE to use updated science related to indirect land use changes for corn, canola, soy, and other plant-based biofuels. A recent analysis by a collaboration of researchers from Environmental Health Engineering, MIT, Tufts, and Harvard concluded that a land use change (direct and indirect) emissions value for corn ethanol of 3.9 g/MJ represents the most credible evolution of the science on the topic. Oregon's Clean Fuels Program uses the Argonne GREET model values of 7.8 g/MJ. These lower values are supported by recent analyses of land use patterns by the Argonne GREET model is the basis for the life cycle analysis in the CFP, so it is consistent to use Argonne GREET for land use change values as well. These lower values are also supported by recent analyses of land use patterns by Purdue University, the U.S. Departments of Energy and Agriculture, University of Illinois, and other institutions. Both values are well below California LUC value of 19.8 g/MJ which have not been updated since 2014.

Argonne updates its model regularly (typically on an annual basis) to incorporate the best science on all variables. Additionally, in the interest of technology neutrality and with the rapid increase in battery-electric vehicles, the land use impacts of mineral extraction for battery production should also be evaluated, along with the land use implications of expanded wind and solar electricity generation.

In closing, BIO appreciates the opportunity to provide comment on DOE's proposed Clean Fuels Program (CFP) rule (Chapter 173-424 WAC) and encourage you to contact me at gharrington@bio.org or (202) 365-6436 if you have any questions.

Sincerely,

Gene Harrington
Director, State Government Affairs, Agriculture & Environment