

Den Wichar

Dear Ms. Rachel Assink, Allow me opportunity to comment on proposed rule language for Clean Fuels Program, Chapter 173-424 WAC and work to date in developing this rule. Transportation is responsible for nearly half of Washington's greenhouse gas emissions. Clean Fuels Program is critical to statewide strategy to reduce climate pollution from this sector and has potential to help transition to cleaner, more just transportation system. For that, I urge you to strengthen the rule in these ways:

- 1) Uphold existing requirements for tribal consultation. All processes in rulemaking and all actions resulting from Clean Fuels Program must respect tribal sovereignty and treaty rights. This rule must explicitly incorporate Ecology's existing obligation to proactively and meaningfully consult with federally recognized tribes, with sufficient time and information made available for that.
- 2) Ensure alignment with HEAL Act requirements and evaluate and track reduction of environmental health disparities. Clean Fuels Program has potential to deliver air quality improvements, especially to people living near and along roadways and transportation hubs. There are unique air quality impacts and risks associated with different fuel types that require more thorough analysis and evaluation. It is critical that the program does not inadvertently incentivize increased emissions of pollutants harmful to human health and environment. This rule must include requirements for Ecology to track and remedy air pollution impacts, including through compliance with HEAL Act's Environmental Justice Assessment requirements detailed in RCW 70A.02.060 and collection of sufficient information to satisfy requirements of RCW 70A.535.140. Ecology should require adequate information and build explicit process to review the air quality program impacts.
- 3) Update iLUC values to reflect best available science. Draft rule proposes to use California's protocol to calculate indirect land use change (iLUC) values for crop-based biofuels made from sugarcane, corn, sorghum, soybean, canola, and palm feedstocks. While this moves in the right direction and improves earlier drafts of the rule, these values likely need significant upward corrections in light of emerging science, and Ecology should adjust the rule to reflect more rigorous and accurate accounting of iLUC values for crop-based biofuels at outset of the program. Ecology should then use the process proposed by WAC 173-424-600(2) to conduct ongoing review of iLUC impacts with feedback from stakeholders, experts, and regulators in order to continue to correct values as science advances.
- 4) Ensure strong and transparent accounting of environmental attributes. Tracking environmental attributes of biomethane and hydrogen is of emerging importance across multiple clean energy policies in Washington. Tracking systems established under Clean Fuel Standard should be coordinated and consistent with other state policies governing how environmental attributes for these fuels are calculated and verified. This includes retaining the proposed rule's requirements for using independent tracking systems for hydrogen and pipeline-delivered biomethane and adding requirements for continued review and revision of these tracking systems to ensure their sufficiency and their alignment with other regulatory requirements across state agencies.

Thank you. Your work is important. Sincerely, Den Wichar
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