

Arthur Ungar

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

- 1) Uphold existing requirements for tribal consultation: All processes in the rulemaking and all actions resulting from the 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 this purpose.
- 2) Ensure alignment with HEAL Act requirements and evaluate and track reduction of environmental health disparities: The Clean Fuels Program has the potential to deliver air quality improvements, especially to people living near and along roadways and transportation hubs. At the same time, 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 the HEAL Act's Environmental Justice Assessment requirements detailed in RCW 70A.02.060 and the collection of sufficient information to satisfy the requirements of RCW 70A.535.140. Ecology should require adequate information and build in an explicit process to review the air quality impacts of the program. Update iLUC values to reflect best available science: The draft rule proposes to use California's protocol to calculate the indirect land use change (iLUC) values for crop-based biofuels made from sugarcane, corn, sorghum, soybean, canola, and palm feedstocks. While this is a step in the right direction and an improvement from 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 a more rigorous and accurate accounting of iLUC values for crop-based biofuels at the outset of the program. Ecology should then use the process proposed by WAC 173-424-600(2) to conduct an ongoing review of iLUC impacts with feedback from stakeholders, experts, and regulators in order to continue to correct the values as the science advances. Ensure strong and transparent accounting of environmental attributes: Tracking the environmental attributes of biomethane and hydrogen is an area of emerging importance across multiple clean energy policies in Washington. The tracking systems established under the 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 the use of 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 for your consideration. Sincerely, Arthur Ungar
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