



October 19, 2022

VIA EMAIL

Adam Saul
Department of Ecology
Air Quality Program
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RE: RHA Comments on Department of Ecology Chapter 173-423 WAC, Clean Vehicles Program

Dear Adam:

Thank you for the opportunity to provide comments on Ecology's rule making on the Advanced Clean Cars II (ACCII) rulemaking.

RHA is a non-profit trade association based in Portland, Oregon that advocates for and promotes the use of renewable energy to produce hydrogen and other carbon neutral fuels. Our scope is the Pacific Northwest and we advocate in both Olympia and Salem. RHA's membership includes hydrogen production and fuel cell equipment manufacturers, light, medium and heavy duty vehicle manufacturers, electric and natural gas utilities, fueling station developers, independent power producers, renewable hydrogen project developers and other members with an interest in the renewable and electrolytic hydrogen (hydrogen produced using electrolysis) sector.

RHA supports the adoption of these rules and believes that they are critical for reducing air pollution and meeting Washington's robust transportation greenhouse gas (GHG) emission reduction goals. In addition, we appreciate Washington's early action to adopt these rules, timely aligning the Washington rule making process with California's adoption timeline. In particular, we appreciate and strongly support Ecology's making Early Action ZEV Credits available to automakers as this could accelerate the timing of ZEV model options for sale in the state.

As the first state to develop these rules, California has very intentionally focused on the need to facilitate the deployment of all types of zero emission vehicle technologies and the infrastructure to support them, in particular both battery electric (BEV) and hydrogen fuel cell electric passenger vehicles (FCEV). RHA strongly urges Ecology to adopt this technology neutral approach when implementing the ACCII rules. RHA understands that it is Ecology's plan to adopt the California ACCII rule as is which is required under the federal Clean Air Act. However, we and our members know that adoption does not always mean that implementation will result in balanced, supportive and facilitated advancement for all available qualifying technologies.

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Ensuring that Washingtonians have equal access to and parity incentives for both BEVs and FCEVs and their related infrastructure ensures that they can acquire the vehicle that works best for their particular circumstances – whether that is minimal driving in an urban setting with ample charging availability or long distance driving in rural areas where extreme temperatures, terrain and towing needs make FCEVs the better choice.


Consumer choice is a very important tenet of our society and government policy should not be used to lock consumers into a technology that does not meet their needs, nor deny them equitable access to that technology if it does meet their needs. Further, in light of recent challenges that have come to light with BEV charging infrastructure such as an alarming lack of maintenance of public charging stations that render them inoperable due to network connectivity issues, broken plugs, unresponsive screens and payment system failures, as well as safety concerns around needing to charge late at night at remote public chargers, among other issues, consumers need to have options. In fact, the frequency of “no charge events” is apparently enough of a problem that the USDOE Vehicle Technologies Office has just issued a Request for Information to gather data on the extent and causes of this issue.

Over the past four legislative sessions, Washington has passed and enacted several laws that enable the deployment of FCEVs and development of the needed fueling infrastructure, including tax incentives and millions in appropriations of state funds for the buildout of the state’s first two hydrogen fueling stations due to come online within the next 18 months. Washington is also leading the effort to apply for a portion of the \$7 billion made available for regional hydrogen hubs under the Bipartisan Infrastructure Law. Washington, to its immense credit, is second in the nation after California with its policy commitment to building out a hydrogen ecosystem in the state. These efforts will be further advanced with the recently passed tax credits for hydrogen production in the Inflation Reduction Act, creating an enormous amount of momentum and focus on building out the hydrogen economy in Washington which will likely happen faster and at significantly lower cost now as a result. Hydrogen can make a significant dent in the GHG emissions of the biggest contributor - the transportation sector.

RHA is looking forward to and appreciates Ecology’s lead on the ACCII rulemaking and on Washington’s transition to a zero emission transportation future that includes the policy, financial incentives and support for wide spread deployment of fuel cell electric vehicles in all classes and the fueling infrastructure necessary to support that deployment. By doing so, you ensure Washington is on the path to meet its transportation GHG reduction targets and improve the state’s air quality.

Thank you again for the opportunity to provide our feedback on this very important work.

Sincerely,



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Executive Director

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