



October 19, 2022

Adam Saul
Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

SUBMITTED ELECTRONICALLY AT: <https://aq.ecology.commentinput.com/?id=NGd7e>

Re: Proposed Amendments to Chapter 173-423 WAC, the Clean Vehicles Program

Rivian Automotive, LLC, (“Rivian”) appreciates the opportunity to comment on the Department of Ecology’s (“ECY’s”) proposed amendments to Chapter 173-423 WAC, the Clean Vehicles Program, including adoption of the Advanced Clean Cars II (“ACCII”) standards, the Low NOx Heavy-Duty Omnibus (“HDO”) rules, and an “early credit” system for ZEV sales taking place in Model Years (“MYs”) 2023 and 2024. Rivian strongly supports ECY’s proposed actions consistent with the Motor Vehicle Emission Standards law and as part of Washington’s comprehensive strategy for addressing climate change and improving air quality. Washington continues to demonstrate impressive leadership in these areas, not least by establishing an aspirational target to achieve 100 percent sales of zero-emission vehicles (“ZEVs”) by 2030—outpacing the requirements even of ACCII. State action on certain complementary policies would only enhance Washington’s efforts.

Keep the World Adventurous Forever

Founded in 2009, Rivian is an independent U.S. company with more than 14,000 employees worldwide. It is Rivian’s mission to Keep the World Adventurous Forever. Our focus is the design, development, manufacture, and distribution of all-electric adventure vehicles, specifically pickups, sport utility vehicles, and commercial vans. Key to the success of our mission, these vehicles will displace some of the most polluting passenger vehicles and trucks on the road today.

Rivian brought the first electric truck to market last year when we launched the R1T pickup from our manufacturing facility in Normal, Illinois, followed shortly thereafter by the R1S SUV and a commercial fleet electric delivery van for Amazon. All our current vehicles are considered medium duty for regulatory purposes and satisfy ZEV requirements under the ACCII rules. The R1T and R1S provide all-electric options in segments where added utility is a necessity. The R1T has an EPA-labeled 314-mile range and 11,000lbs of towing capacity, while the R1S is a seven-passenger full-sized SUV; both are well-equipped to displace the less capable, yet similar, conventionally powered vehicles. Rivian also offers fleet-focused charging solutions and is building a network of DC fast and Level 2 chargers across the country, including at sites on public lands. We maintain a physical presence in Washington at our Bellevue service center location.

Rivian Strongly Supports Washington's Adoption of the Most Stringent Vehicle Emissions Regulations

Rivian's mission to Keep the World Adventurous Forever is made manifest in its commitment to the environment and addressing climate change. We strongly support programs of ambitious emissions regulation and ZEV sales requirements as core to our values and vision for the world. Implementation of the full suite of standards proposed for Chapter 173-423 WAC will drive critical reductions in greenhouse gas ("GHG") emissions and air pollution in Washington, while rapidly growing the state's ZEV market. ACCII will fully transition Washington's passenger vehicle market to 100 percent new ZEV sales by 2035. Rivian's vehicles meet the requirements of the ACCII standards and are proof that these regulations are achievable.

Because of lead-time requirements, **it is critical that Washington act this calendar year to adopt ACCII to ensure implementation beginning in Model Year ("MY") 2026.** This is important because the state's existing ZEV requirements will likely become unenforceable when California formally moves into the ACCII program effective with MY2026. At that time, ACCII will supersede California's previous ZEV requirements. Under Section 177 of the Clean Air Act, states must follow identical rules to California or revert to federal standards. Therefore, without timely action Washington could face a year or more without clean cars regulations, jeopardizing the state's progress and the growth of its EV market. We urge ECY to finalize the proposed rules this year.

As a vehicle manufacturer, **we also want to stress the value of the early action credits proposed** under the state's existing ZEV regulation (Advanced Clean Cars I, or "ACCI"). ECY proposes regulatory language to allow automakers to earn credits for ZEV sales beginning in MY 2023—a provision Rivian originally called for when Washington first promulgated the ACCI standards in 2021. Rivian continues to strongly support this action. Since the GHG and air pollution benefits of EVs are cumulative, states should make every attempt to increase EV sales under ZEV standards as quickly as possible. Since they incentivize accelerated EV sales ahead of official compliance obligations, early credit provisions are one key tool for achieving a state's emissions reductions goals on an expedited timeline. In addition to jumpstarting a new wave of growth in Washington's EV market, early ZEV credits can also drive accelerated EV infrastructure investment and utilization—a critical part of a healthy and robust EV ecosystem. ECY should finalize its proposed early credit system in this rulemaking.

While we strongly support adoption of the full package of proposed standards, we also believe that the scale of the climate challenge will require more than these regulations alone. As such, we urge Washington's policymakers to view the proposed rules as the cornerstones of a comprehensive policy approach that will maximize the impact of the state's entire decarbonization agenda. A full suite of coordinated policies and investments is needed to support both vehicle buyers and manufacturers alike to accelerate their transitions to EVs. In addition to the proposed emissions rules, Rivian strongly recommends that Washington take additional steps including establishing durable and effective EV purchase incentives.

To Further Accelerate Transportation Electrification in Washington, the State Should Consider Complementary Actions to the Vehicle Emissions Rules

While not the subject of this proposal, Washington should consider complementary actions to strengthen its approach to reducing emissions from the transportation sector and help deliver on the goals of the regulations currently under consideration. Specifically, a streamlined light-duty (“LD”) and MHD rebate program would directly support the purchase of new ZEVs manufactured pursuant to ACCII.

Establish Durable and Effective EV Purchase Incentive Programs

Simple and reliable purchase incentives are key to supporting the EV transition in both the LD and MHD sectors. We are not aware of a large-scale MHD ZEV purchase incentive program in Washington and, unfortunately, the existing LD ZEV tax exemption limits eligibility only to new vehicles with a Manufacturer’s Suggested Retail Price (“MSRP”) of \$45,000 or less and used vehicles not exceeding \$30,000 in sales price.¹ Highly capable EVs like Rivian’s R1T do come at a price premium. Our truck features a large battery pack designed to deliver the range customers expect across a variety of demanding applications such as towing and off-road driving. At 135kWh, the battery pack is more than twice the size of those found in typical passenger car offerings such as the Chevrolet Bolt, and 35 percent larger than even SUV-style products like the Tesla Model X. This represents significant added cost. Crucially, electric pickups and SUVs compete directly with some of the most polluting passenger cars on the road today and offer disproportionate climate benefits. If a state decides to impose MSRP caps, Rivian advocates for a tiered approach and establishing a dedicated category for medium-duty vehicles like the R1T with an MSRP cap at least double that used for compact or sedan cars.

Rivian recommends that Washington reform its LD ZEV tax exemption program and implement a MHD ZEV incentive. In our experience, the most effective incentives are simple to understand, available at the point of sale, and broadly accessible to all buyers and for the full cross-section of vehicles drivers want and need. Leading examples include Illinois’ LD ZEV rebate and Massachusetts’ MOR-EV Trucks Program targeting MHD fleets.

Conclusion

Rivian applauds Washington’s drive to reduce emissions and improve the environment. Our products are proof that now is the time to adopt the ACCII regulations alongside the other emissions standards proposed. We also applaud ECY for proposing early action credits for ZEVs sold in MYs 2023 and 2024, a key incentive for accelerated ZEV deployment. Washington should also take steps to implement important complementary policies—including robust and broadly available ZEV rebates—to maximize the impact of the state’s efforts to electrify transportation.

Please contact me with any questions. Rivian looks forward to continued partnership with ECY and all stakeholders to accelerate transportation electrification in Washington.

¹ <https://dor.wa.gov/about/news-releases/2019/new-sales-and-use-tax-exemptions-green-vehicles-begin-aug-1>

Sincerely,

A handwritten signature in blue ink that reads "Tom Van Heeke". The signature is written in a cursive style and is positioned to the left of a vertical line that extends downwards from the top of the signature area.

Tom Van Heeke

Senior Policy Advisor

Rivian Automotive, LLC

tvanheeke@rivian.com | 641-888-0035