



19 October 2022

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

**Re: Updates to Chapter 173-423 WAC, the Clean Vehicles Program**

Dear Adam Saul,

Climate Solutions thanks you for the opportunity to submit comments regarding updating Chapter 173-423, the Clean Vehicles Program. Climate Solutions is a clean energy nonprofit organization working to accelerate clean energy solutions to the climate crisis. The Northwest has emerged as a hub of climate action, and Climate Solutions is at the center of the movement as a catalyst, advocate, and campaign hub. We are very supportive of this rulemaking, which includes adoption of California's Advanced Clean Cars II (ACC II), Heavy-Duty Engine and Vehicle Omnibus Regulation, and a large entity fleet reporting requirement. This letter expresses our strong support for these regulations, as well as suggestions to ensure these rules and related policies will best position Washington to achieve its statutory greenhouse gas reduction requirements<sup>1</sup>; reduce local air pollution; expand access to clean, zero-emission vehicles, particularly in overburdened communities; and provide data to better shape future policies and investments.

### **Advanced Clean Cars II ("ACC II")**

Climate Solutions strongly supports the adoption of this regulation. We want to emphasize its importance, without which we would likely fall short of achieving our state's statutory greenhouse gas emission limits. According to the State Energy Strategy, the most cost-effective pathway to achieving our state's greenhouse gas emissions requirements includes 100% electric light-duty vehicle sales by 2035. Further, "the faster this transition occurs, the less costly it will be to meet the state's greenhouse gas emissions limits."<sup>2</sup>

Though the Department of Ecology ("Department" or "Ecology") is adopting these regulations by reference, it does have flexibility regarding credit options for zero-emission vehicle ("ZEV") sales. *We support the approach in the proposed rule: offering ZEV credits for model years 2023, 2024, and 2025 under Advanced Clean Cars I.* Allowing "early action credits" for these earlier model years encourages more immediate ZEV sales in Washington, which will help Washington achieve its greenhouse gas emission reduction limits and reduce local air pollution. These credits will also encourage automakers to provide more vehicle models for sale in-state, sooner.

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<sup>1</sup> [RCW 70A.45.020](#)

<sup>2</sup> Washington State Department of Commerce, "Washington 2021 State Energy Strategy." December 2020.  
<https://www.commerce.wa.gov/wp-content/uploads/2020/12/Washington-2021-State-Energy-Strategy-December-2020.pdf>.

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ACC II includes a program to incentivize automakers to improve access to ZEVs in communities that are disproportionately impacted by pollution. Automakers can generate environmental justice (“EJ”) credits by providing ZEVs and plug-in hybrid electric vehicles (“PHEVs”) at a discount for use in community-based clean mobility programs, by selling ZEVs and PHEVs that were previously being leased to a dealership participating in a financial assistance program, and by selling new ZEVs and PHEVs below a certain MSRP threshold. Broadening access to these vehicles is extremely important and the program should ensure that EJ credits are providing direct benefits to vulnerable populations in overburdened communities. *We encourage Ecology to consult with stakeholders and environmental justice communities to determine what should qualify as a community-based clean mobility program and financial assistance programs in Washington. We also ask that Ecology work to ensure definitions and practices are consistent across the agency as it implements this rule alongside others such as the Climate Commitment Act and the Clean Fuels Program.*

### **Heavy-Duty Engine and Vehicle Omnibus Regulation**

*We strongly support Ecology’s decision to include this regulation in the current rulemaking, as expressed in previous comments. This regulation is critical for reducing not only climate pollution, but local air pollution as well. Many medium- and heavy-duty vehicles use diesel due to its energy density. However, diesel causes harmful air pollution and is responsible for 70% of the cancer risk from airborne pollutants in Washington.<sup>3</sup> Communities who live near roadways and ports are particularly harmed, and the health disparities by race and income are clear.<sup>4</sup>*

California’s Heavy-Duty Engine and Vehicle Omnibus regulation excludes public transit vehicles because California has a separate regulation, the Innovative Clean Transit rule<sup>5</sup>, that requires an increasing percentage of new transit bus purchases are zero-emission, and that internal combustion engine bus purchases are low-NOx. This regulation not only improves public health and reduces air pollution, particularly in transit-dependent communities, but research shows that transit electrification is a critical part of achieving our climate goals in the Pacific Northwest, with 98% of buses needing to be electrified by 2050.<sup>6</sup> We understand that Ecology does not believe it can include transit under Washington’s regulation since it is excluded in California’s. *Therefore, we strongly suggest that the Department open a rulemaking to adopt California’s Innovative Clean Transit regulation.* Like Advanced Clean Cars I and II and the Heavy-Duty Engine and Vehicle Omnibus Regulation, the Innovative Clean Transit regulation is part of California’s motor vehicle emission standards that the statute<sup>7</sup> directing this rulemaking requires Washington to adopt.

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<sup>3</sup> Washington Department of Ecology. <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Diesel-emissions/Health-impacts>.

<sup>4</sup> Mary Angelique G. Demetillo et al, “Space-Based Observational Constraints on NO<sub>2</sub> Air Pollution Inequality From Diesel Traffic in Major US Cities.” <https://agupubs.onlinelibrary.wiley.com/doi/10.1029/2021GL094333>.

<sup>5</sup> California Air Resources Board, “Innovative Clean Transit.” <https://ww2.arb.ca.gov/our-work/programs/innovative-clean-transit>.

<sup>6</sup> Climate Solutions, “Transforming Transportation.” December 2021. <https://www.climatesolutions.org/sites/default/files/2021-12/White%20paper%20final.pdf>.

<sup>7</sup> [RCW 70A.30.010](#)



*Per the same statutory direction, we also ask that the Department initiate a rulemaking to adopt California's forthcoming Advanced Clean Fleets regulation<sup>8</sup> as soon as possible. These regulations are also critical for achieving our greenhouse gas emission limits and reducing air pollution, especially in those communities that have been most burdened by disparate health impacts. Analysis by the International Council on Clean Transportation shows that while the Advanced Clean Truck rule, which Washington has already adopted, helps reduce greenhouse gas emissions from medium- and heavy-duty vehicles in Washington, this regulation by itself does is not enough: emissions from this sector alone exceed our total emissions limits in 2050. However, the addition of the Advanced Clean Fleets rule and the Heavy-Duty Engine and Omnibus Regulations (in this rulemaking) reduces this sector's emissions by two-thirds, potentially bringing us under our carbon limits.<sup>9</sup> The Advanced Clean Fleets rule will also lead to further reductions in NOx and PM 2.5 emissions.*

### **Fleet Reporting Requirement**

We would like to thank the Department for including some of the suggestions included in a letter submitted to the Department on June 9, 2022, to which Climate Solutions was signatory. We support the fleet reporting requirement, particularly given its potential to shed light on fleet make-up, usage, and labor practices. These data will be helpful for crafting future policy and we would like to ensure that these data are published in a timely manner. It is also important that Ecology and the public track changes and trends over time; therefore, *we suggest requiring annual updates to the fleet reporting requirement in a future rulemaking.*

The June 9, 2022 letter also commented on the importance of gathering more information on vehicles used for port drayage. One avenue to do so would be through a drayage truck registry. In order to adopt the Advanced Clean Fleets regulation, Washington will need a functioning drayage truck registry. *We therefore ask that Ecology begin work on creating such a registry.* A portion of the work necessary under the Fleet Reporting Requirement can also support creation of a registry.

### **Conclusion**

We want to express our gratitude to the Department of Ecology for its hard work on this rulemaking and for incorporating stakeholder feedback. Advanced Clean Cars II, the Heavy-Duty Engine and Vehicle Omnibus regulation, and the fleet reporting requirement are all critical parts of a holistic effort to reduce both climate and air pollution from the transportation sector. We appreciate your considering our comments and we look forward to working with you on future, related rulemakings. Please let us know if you have any questions.

Sincerely,

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<sup>8</sup> California Air Resources Board, "Advanced Clean Fleets." <https://ww2.arb.ca.gov/our-work/programs/advanced-clean-fleets>.

<sup>9</sup> The International Council on Clean Transportation. "Benefits of adopting California's Heavy-Duty vehicle Omnibus Standards and a 100% sales requirement in Washington." September 2022. <https://theicct.org/wp-content/uploads/2022/09/HDV-fact-sheet-WA-092122.pdf>.



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Leah Missik  
Washington Transportation Policy Manager

A handwritten signature in black ink, appearing to read "Kelly Hall". The signature is cursive and elegant.

Kelly Hall  
Washington Director

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