

Union of Concerned Scientists

Comments additionally attached as PDF file

RE: Comments on the Proposed Clean Vehicles Program Rule

Dear Adam Saul,

On behalf of our over 500,000 supporters – 11,000 of whom live and work in Washington state – the Union of Concerned Scientists (UCS) would like to thank the Department of Ecology for its continued work to adopt the Advanced Clean Cars II (ACCII) standard, Heavy-Duty Omnibus Rule, and Fleet Reporting Requirement. These clean vehicle rules are among the most important air and climate pollution regulations to be considered by the state.

Advanced Clean Cars II (ACCII)

Adoption of the ACCII standard is an important step towards cleaner air and lower climate-changing emissions in Washington. Transportation, including light-duty vehicles, is the largest source of greenhouse gas emissions in the state. Moreover, the American Lung Association State of the Air Report Card gave failing grades for almost every Washington county where data was collected on fine particle pollution. Reducing or eliminating tailpipe emissions is crucial to reduce harmful exposure to air pollution. To ensure Washington is on track to protect public health and meet its climate emission targets, transitioning to zero-emission vehicles (ZEVs) as quickly as possible is vital. Washington's 2021 State Energy Strategy agrees stating "for passenger cars to be fully zero-emissions by mid-century, nearly all new car sales will need to be EVs by 2035. The faster this transition occurs, the less costly it will be to meet the state's greenhouse gas emissions limits".

Ecology should also take actions in addition to the ACCII regulations to ensure that the clean air benefits of ZEVs reach the communities most impacted by air pollution. To that end, Ecology should design community-based clean mobility and financial assistance programs in consultation with stakeholders and environmental justice communities to make ACCII environmental justice provisions fully operable in Washington. Stakeholder input from communities that would benefit from but face more barriers to reliable and convenient clean mobility should be carefully considered particularly when creating definitions for low-income consumers and low-income communities.

Heavy-Duty Omnibus Rule

We strongly support Ecology's adoption of the Heavy-Duty Omnibus (HDO) Rule. Diesel emissions from trucks have significant negative impacts on Washingtonians' health. Studies have shown air pollution increases the risk of asthma, heart attacks, cancers, premature death and more. The emissions reductions brought by the HDO will be particularly beneficial for the state's historically disproportionately impacted communities. In tandem with the Advanced Clean Trucks rule – which Washington adopted in 2021 – the HDO rule will result in up to 288 avoided premature deaths and 242 avoided hospitalizations statewide as well as provide total statewide health benefits of approximately \$3.4 billion. The HDO is a vital complement to the ACT rule that will curtail pollution from new diesel vehicles that will continue to be sold.

While we support its adoption, we are concerned that the proposed HDO rule will exempt transit vehicles. California's exemption of transit from its rule reflects its reliance on the Innovative Clean

Transit regulation to address the transition of transit fleets to cleaner and zero emission vehicles. Although some of the state's largest transit agencies are targeting 100 percent zero-emissions fleets by 2035, Washington does not currently have an analogous statewide program. Accordingly, we recommend Ecology adopt the Innovative Clean Transit regulation in the next Clean Vehicles Program rulemaking to ensure the HDO rule is maximizing emission reductions in the communities not served by the more ambitious transit agencies.

Fleet Reporting Requirement

We appreciate Ecology's foresight in adopting a reasonable threshold for fleet reporting. Ecology is tasked with adopting air quality regulations whose benefits exceed their costs under the Regulatory Fairness Act (Chapter 19.85 RCW). A reporting threshold of five trucks will include both small and large fleets, allowing for detailed analyses of the diverse and varying emissions from different types of trucks and vehicle fleets as Ecology considers future rules to curb pollution from trucks.

We also appreciate the inclusion of several stakeholder recommendations in the proposed requirement that were made during the informal comment period. We support the proposed fleet reporting requirement and have several recommendations regarding how Ecology can further strengthen the effectiveness of the rule:

1. Simplify the reporting process by developing comprehensive materials that guide reporting entities through the process and maximize the utility of the data collected by publishing and collating the data in a transparent and timely manner.
2. Require annual updates to the fleet reporting requirement in a future rulemaking.
3. Establish a drayage truck registration requirement, similar to the Advanced Clean Fleets proposed drayage truck requirements and make changes necessary to meet the specific needs of Washington's drayage truck drivers.
4. Lastly, we strongly encourage Ecology to consider adding information requirements to the proposed rule that indicate the primary use of the truck. We recommend this be done by requiring the submission of primary and secondary NAICS and/or SIC codes. This will allow staff to clearly identify fleet operations that have an outsized impact within the state. Given that certain industries have significant impacts on particular communities and varying forms of equipment, industry classification information will allow Ecology to better understand and address community-level pollution issues. If Ecology is unable to add this to the proposed rule, we recommend consideration in a future rulemaking.

Conclusion

We appreciate Ecology's efforts to adopt strong vehicle emission standards through the expansion of the Clean Vehicles Program. These regulations are feasible, economical, and an important means of achieving necessary reductions in air pollution and GHG emissions in Washington. We look forward to engaging in future rulemakings.

Sincerely,

David Reichmuth, Ph.D.
Senior Engineer
Clean Transportation Program
Union of Concerned Scientists

Sam Wilson

Senior Vehicle Analyst
Clean Transportation Program
Union of Concerned Scientists

October 19, 2022

Via Electronic Filing

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

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¹ 2018 Greenhouse gas inventory. 2018. Department of Ecology. Online at <https://ecology.wa.gov/Air-Climate/Climate-change/Tracking-greenhouse-gases/GHG-inventories/2018-GHG-inventory>

² American Lung Association. 2022. State of the Air. Online at <https://www.lung.org/research/sota>

³ <https://www.commerce.wa.gov/wp-content/uploads/2020/12/Washington-2021-State-Energy-Strategy-December-2020.pdf>

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⁴ Report developed by M.J. Bradley & Associates for the Natural Resources Defense Council and the Union of Concerned Scientists. 2021. Online at https://www.mjbradley.com/sites/default/files/WA_Clean_Trucks_Report.pdf

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