

Nico Wedekind



Harrison Ashby
Department of Ecology, Rulemaking Lead
harrison.ashby@ecy.wa.gov
360-485-2771

Sept. 26, 2023

RE: Rulemaking on Chapter 173-446B WAC—Climate Commitment Act Funds Reporting

Dear Mr. Ashby,

Front and Centered appreciates the opportunity to provide public comment on the proposed rulemaking for Chapter 173-446B WAC, Climate Commitment Act Funds Reporting. Please find below our response to the questions posed by the Department of Ecology:

1. What information should Ecology provide in its annual report?

Per RCW 70A.65.300(2), Ecology, at minimum, must include information pertaining to:

- (1) The recipient of the funding;
- (2) The amount of the funding;
- (3) The purpose of the funding;
- (4) The actual end result or use of the funding;
- (5) Whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions;
- (6) The cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions; and
- (7) A comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

Front and Centered believes that Ecology must go beyond this bare minimum to include overall information about the state's compliance with the 40% goal of CCA revenue going to overburdened communities and vulnerable populations. The report should be centered around data and trackable metrics, including the amount of each expenditure that provides direct and meaningful benefits to vulnerable populations within the boundaries of overburdened communities. However, the report must also be presented in a narrative format explaining the data, to make the report accessible to the general public. While more detail will be provided in response to a later survey question, in brief, with regard to reporting on benefits to vulnerable populations and overburdened communities, the report must include: an explanation of how the expenditure in question

 1501 East Madison Street, Suite 250, Seattle, WA 98122

 206-487-4303

 info@frontandcentered.org

 EIN number 84-3336800

 frontandcentered.org

provides such benefits, the process utilized for identifying overburdened communities and vulnerable populations, the communities and populations identified, and how agencies engaged with communities and populations.

The report should also include, for each project, an explanation of how the spending met or exceeded the principles articulated in RCW 70A.65.030(2). Further, for any project funded by CCA funds that is not (1) directly benefiting overburdened communities or vulnerable populations or (2) formally supported by tribal resolution, the report must include an explanation of why the project was selected over any other proposal that would have met the above two criteria.

Front and Centered also believes that, starting in 2029 at the latest, the report must evaluate the effectiveness of funded programs. Metrics for analysis should include, but are not limited to: the amount of greenhouse gas emission reduction (or increase), the amount by which environmental health disparities were reduced (or increased) for vulnerable populations and overburdened communities, the number of polluting facilities located in overburdened communities, the number of implemented projects, quality of life ratings, and climate resiliency in overburdened communities and vulnerable populations.

In addition to the annual report, RCW 70A.65.300(4) requires that Ecology updates its website with the report information “as appropriate but no less frequently than once per calendar year.” Front and Centered recommends that Ecology update its website at least twice a year, with each agency receiving CCA funds submitting information on or by March 1st and September 1st and Ecology finalizing and publishing a report on or by May 30th and September 30th.

Finally, Front and Centered urges Ecology to utilize a third party evaluator in compiling the report, especially with regard to accounting for program effectiveness. Alternatively, the Office of Financial Management could provide this evaluation.


2. What additional information should be included about spending that is formally supported by a Tribal resolution?

No Response.

3. What additional information should be included about spending that benefits vulnerable populations in overburdened communities?

As noted in the response to question 1, the report must take special care to report clearly and in-depth on spending that benefits vulnerable populations in overburdened communities. At minimum, Ecology should permanently adopt the reporting requirements set forth in the 2023 state Operating Budget (ESSB 5187, 2023) at Sec. 302(13)(b). The report should also detail how each expenditure meets the investment guidelines set forth in RCW 70A.65.230, as well as how overburdened communities and vulnerable populations were identified and consulted in budget development.

 1501 East Madison Street, Suite 250, Seattle, WA 98122

 206-487-4303

 info@frontandcentered.org

 EIN number 84-3336800

 frontandcentered.org

With regard to the identification of vulnerable populations and overburdened communities, the report should include: (1) an explanation of the process used to identify vulnerable populations and overburdened communities; (2) the communities and populations identified; and (3) a detailed description of the geographic locations impacted by the expenditure, including, but not limited to the census tracts and demographics of populations reached.

With regard to effects of the investments on overburdened communities and vulnerable populations, the report should detail, for each expenditure, whether there were additional reductions to environmental burdens or vulnerabilities faced by communities and populations beyond greenhouse gas emission reductions (e.g., co-benefits). The report should also compare how the environmental disparities between overburdened communities and non-overburdened communities changed over time and whether any of those changes can be directly attributed to the effects of expenditures from CCA funds.

4. How should Ecology determine which projects are required to report their GHG emissions reductions?

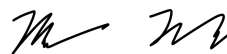
All projects should report their GHG emissions reductions, per RCW 70A.65.300(2):

The report must identify, at a minimum, ... whether the project that received the funding produced any verifiable reduction in greenhouse gas emissions or other long-term impact to emissions, and if so, the quantity of reduced greenhouse gas emissions, the cost per carbon dioxide equivalent metric ton of reduced greenhouse gas emissions, and a comparison to other greenhouse gas emissions reduction projects in order to facilitate the development of cost-benefit ratios for greenhouse gas emissions reduction projects.

5. What should Ecology consider when determining how to evaluate greenhouse gas emissions reductions from projects?

The Ecology report, in addition to the requirements set forth in RCW 70A.65.300(2), should also consider whether and how specific reductions occurred in overburdened communities, along with evaluating for any co-benefits associated with the reductions. The report should also include a discussion of the cumulative health risks facing communities and populations identified, as well as the climate resiliency of each community and population. Finally, the report should compare the rate at which greenhouse gas emissions were reduced in overburdened communities across the state with the rate at which those same emissions were reduced in non-overburdened communities across the state in the same time period.

Sincerely,




Nico Wedekind, Attorney

Front and Centered

nico@frontandcentered.org

 1501 East Madison Street, Suite 250, Seattle, WA 98122

 206-487-4303

 info@frontandcentered.org

 EIN number 84-3336800

 frontandcentered.org