



Harrison Ashby
Department of Ecology, Rulemaking Lead
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360-485-2771

December 19, 2023

RE: Draft Rule Language Input on Chapter 173-446B WAC—Climate Commitment Act Funds Reporting

Dear Ms. Ashby,

Front and Centered appreciates the opportunity to provide public comment on the draft rule language for Chapter 173-446B, Climate Commitment Act Funds Reporting.

Front and Centered initially submitted comments in this rulemaking docket on September 26, 2023. Much of what we submit today reflects the comments submitted at that time. While Ecology's draft rules are a good starting point, Front and Centered believes they do not contain sufficient detailing of the effects of program funding on overburdened communities, a key goal stated in the creation and development of the Climate Commitment Act funds.

As Ecology noted in the draft rules, 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.

Metrics could include, but should not be limited to:

- The amount of reduction in environmental health disparities for vulnerable populations and overburdened communities as a result of CCA fund spending;
- The number of projects implemented in the year, disaggregated by projects broadly and projects specifically targeting overburdened communities and vulnerable populations;
- Quality of life ratings across the state;
- Climate resiliency in overburdened communities and vulnerable populations;
- Reductions to environmental burdens or vulnerabilities beyond GHG emission reductions;
- Rate at which GHG emissions were reduced in overburdened communities across the state vs. non-overburdened communities.

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, including whether and how potential populations and communities were consulted in the identification process; (2) a listing of 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, including potential adverse impacts, and whether any of those changes can be directly attributed to the effects of expenditures from CCA funds.

At a 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, a summary of community engagement findings, and an implementation review for each project. The implementation review should include



interviews with the community about the effectiveness of the process and project, an analysis of the benefits of the investment or project, and a determination of whether any unintended harm resulted.

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.

The Ecology report, in addition to the requirements set forth in RCW 70A.65.300(2), should also consider whether and how specific greenhouse gas emission 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.

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.



Thank you for the opportunity to provide comments on the draft rule language. If you have any questions, please contact me at davin@frontandcentered.org or 360-218-2794.

Best,

A handwritten signature in black ink, consisting of two stylized, mirrored shapes that resemble the letter 'D' or 'A' with a horizontal line extending to the right.

Davin Diaz
Policy Coordinator