



December 19, 2023

Harrison Ashby
Rulemaking Lead
The Washington Department of Ecology
300 Desmond Dr SE, Lacey, WA 98503

Re: Climate Solutions Comments on the Climate Commitment Act Funds Reporting Draft Rule

Dear Harrison Ashby,

Climate Solutions appreciates the opportunity to provide feedback to the Department of Ecology (“Ecology”) on the Climate Commitment Act funds reporting draft rule, as well as prior to the draft rule in two separate surveys throughout the fall. Climate Solutions is a nonprofit organization working to accelerate clean energy solutions to the climate crisis. The Northwest is a hub of climate action, and Climate Solutions is central to the movement as a catalyst and advocate.

As currently written, the draft Climate Commitment Act (“CCA”) Funds Reporting Rule provides a useful starting point to help guide agencies’ tracking of CCA spending. This rule is critical for ensuring the state meets its spending requirements as laid out in statute – particularly RCW 70A.65.030, which requires that at least 35 percent of funds must directly benefit overburdened communities and at least 10 percent of funds must be supported by formally supported by Tribes – and for demonstrating the impact of CCA investments on reducing emissions and improving conditions in overburdened communities.

Given the significance of this rule, we want to offer recommendations to continue to strengthen the rule and reporting requirements.

I. Ensure that this data is accessible to the public.

- 1. Include annual and cumulative data, visuals, and investment case studies in the annual report and provide frequent and timely updates.***

We recommend that Ecology include the narrative, visual, and analytical elements of [California’s annual report](#) into Washington’s annual report. California’s report comprehensively summarizes annual investments and GHG reductions to provide a snapshot of investments from a given budget year, as well as cumulative investments and GHG reductions to demonstrate investments’ *cumulative* impacts and progress towards state GHG reductions. Their report also includes numerous graphs, graphics, images, and case studies of successful projects to help the legislature and the public connect the data with real people, communities, and solutions.

CARB pairs its annual report with a [Story Map](#) – a resource similar to Ecology’s Story Map for improving air quality in overburdened communities initiative per RCW 70A.65.020 – to provide



a narrative around the data and to present the data in another digestible format. We encourage Ecology to provide a similar resource for CCA funds data.

CARB also offers a [mid-year report](#) to provide an update on investments and their impact. We recommend that Ecology provide similarly frequent updates on spending and impact to continue strengthening transparency, accountability, and accessibility of information. The mid-year report may be most useful after each legislative session and could also be used to highlight new CCA appropriations.

For the year-end annual report, we recommend that Ecology completes this report by early October to provide insights to the Legislature, the Governor's Office, the Environmental Justice (EJ) Council, Tribes, and the public ahead of the following legislative session and the release of the Governor's budget. For the EJ Council in particular, timely release of the year-end report will be critical. Through RCW 70A.65.040, the EJ Council is charged with providing recommendations to the Governor and Legislature on the implementation of the CCA, including on investments. To ensure the EJ Council can evaluate the effectiveness of grant programs and make informed recommendations to the Governor and the legislature, Ecology should publish the annual report in October.

2. Work closely with the Office of Financial Management to develop a centralized hub of information.

We appreciate that the Office of Financial Management (OFM) will create a centralized data portal to “improve public understanding of expenditures from climate commitment accounts” per ESSB 5187 Section 135 (14). In addition to the annual report, we believe this portal will be critical for making data accessible to and usable by the public. As Ecology and OFM work together to translate reported funds data into both the annual report and this data portal, we recommend utilizing CARB's climate investments website as an example. It includes [a map of all investments](#) funded through its cap-and-invest program as well as a [data dashboard](#) for a high-level summary of investments and their impact. This map includes a layer for priority populations, which are those populations that meet California's law's definition of “disadvantaged communities” and low-income communities. [Quebec's data dashboard](#), which tracks investments stemming from their cap-and-invest system's funds, offers another useful example.

At minimum, OFM's resource should share critical elements of Ecology's annual report onto an easily accessible web page that highlights: (1) the amount of spending on projects; (2) the geographies in which those investments have been made; (3) the benefits to overburdened communities; (4) GHG reductions as they compare to Washington's targets in statute; and (5) air quality co-benefits. Visual aids such as maps and graphs would also be beneficial to ensure that data is communicated clearly and in an accessible way for the public.

3. Consider utilizing CARB's methods and calculator tools as a baseline for evaluating GHG emissions reductions from projects.



Currently, the draft rule provides flexibility in the methodology for tracking emissions reductions, including an option to adopt CARB's approach. A clear benefit of CARB's approach is that the agency provides a template specific to every single program to calculate emissions reductions, which allows for granularity while also easing the administrative burden on agencies. As Ecology develops these tools, it will be critical to work closely with agencies, stakeholders, and experts to ensure that inputs and calculations are accurate for each project type.

It is worth highlighting that CARB's methodology utilizes a predictive model at the *outset* of a project to calculate GHG and other co-benefit impacts. We recommend that regardless of methodology, Ecology should use a predictive model to capture the estimated impacts on GHG emissions and air quality, as well as track *actual* outputs and outcomes at the end of project cycles to ensure accuracy.

II. Work closely with the Environmental Justice Council and develop guidance for agencies on tracking investments in and benefits to overburdened communities.

As noted above, this rule will be a critical tool for tracking whether the state directs a minimum of 35% of investments to overburdened communities and 10% to projects that directly benefit and are formally supported by tribes. However, as drafted, the rule does not offer any guidance on how to track meaningful benefits in overburdened communities. We encourage Ecology to work closely with the Environmental Justice Council (EJ Council) and the Healthy Environment for All (HEAL) Inter-Agency Workgroup to incorporate into the tracking process the various efforts these two entities have taken to create consistent methodologies and processes for identifying overburdened.

To this end, we appreciate that the draft rule requires recipients in Section 173-446B-010 (4)(c) to "describe the process(es) and/or method(s) (including data sources and/or mapping tools) by which overburdened communities and vulnerable populations were" and the geographic boundaries of those communities, as these requirements provide transparency around how recipients tracked benefits to overburdened communities. We also appreciate that the draft rule requires reporting on if and how vulnerable populations were involved in determining and measuring the benefits per Section 173-446B-010 (4)(h).

III. Require recipients of CCA funds to track and report on co-benefits in addition to greenhouse gas reductions of CCA-funded investments.

1. Track the impact of investments on air quality.

In addition to tracking greenhouse gas emissions reductions, Ecology should track and include in its annual report the air quality and related health impacts of investments. Per public meetings held by Ecology to receive input on the draft rule, it is Ecology's *intent* that funding recipients identify air quality benefits in describing the benefits provided to vulnerable populations. We believe this intent should be explicitly stated and should be included for all CCA-funded programs and projects.



A central aim of the CCA statute is to invest in overburdened communities and reduce health disparities in these communities, with an emphasis on improving air quality. Tracking the impact of investments on local air quality and the resulting benefits for and impacts to community health thus should be central to tracking the impact of the CCA and its investments. CARB, for example, measures both greenhouse gas reductions and reductions in pollutants via its [greenhouse gas reduction calculator tool](#) for programs funded through its cap-and-trade program, such as for its Clean Mobility Program.

2. Require all recipients to provide any available data related to the quantity and quality of jobs, apprenticeships, and/or internships created.

In the draft rule, Ecology references RCW 70A.65.250 which require recipients who receive funding from Climate Investment Account appropriations provide any available data related to “the quantity and quality of jobs, apprenticeships, and/or internships created, if any, as a result of the expenditure(s) funded by the appropriation.” We recommend expanding this requirement in the rule to apply to *all* CCA-funded programs from all accounts, not just those funded through the Climate Investment Account. The number and quality of jobs that emerge from CCA investments are critical data for highlighting the impact of these funds for economic development and opportunity in the state, and the Legislature and public would benefit from understanding the full scope of benefits, not just those limited to one account.

3. Develop methods for tracking the benefits associated with natural climate solutions and track the climate resilience benefits of all programs.

Finally, we ask you to consider tracking the benefits associated with natural climate solutions projects and programs. Currently, the statute does not require climate resilience projects to report whether funding produced any verifiable reduction in greenhouse gas emissions. This means that Ecology will not track the hundreds of millions of dollars invested through the Natural Climate Solutions Account, which could lead to a gap in understanding of the benefits these projects bring for carbon sequestration, climate resilience, water quality, public health, and more. Thus, we urge you to identify approaches for tracking and measuring the impact of climate resilience projects. In fact, it would be useful to capture the climate resilience benefits of *all* CCA-funded projects and programs. Ecology should consider referring to the climate resilience strategy for potential metrics.

Thank you again for the opportunity to provide comments on this critical rule. We look forward to working with Ecology as the rule continues to evolve.

Sincerely,



Altinay Karasapan
Washington Regulatory Policy Manager
Climate Solutions

A handwritten signature in black ink that reads "Kelly Hall". The signature is written in a cursive style with a large, looped "K" and a long, sweeping "H".

Kelly Hall
Washington Policy Director
Climate Solutions