



June 28, 2024

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

Re: Climate Solutions' Comments on Proposed New Rule Chapter 173-446B WAC, Climate Commitment Act Funds Reporting.

Dear Harrison Ashby,

Climate Solutions appreciates the opportunity to provide feedback to the Department of Ecology (“Ecology”) throughout the development of the proposed new rule regarding Climate Commitment Act Funds Reporting. 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.

Overall, we have appreciated Ecology’s clear efforts to engage stakeholders and solicit feedback on the rule, including user-friendly formats such as surveys during the scoping period. 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 (and a goal of 40 percent) of funds directly benefit overburdened communities and at least 10 percent of funds be formally supported by Tribal resolution – and for demonstrating the impact of CCA investments on reducing greenhouse gas emissions, air pollution, and improving air quality reducing health disparities in overburdened communities.

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

I. Ensure that data is clear and accessible to the public.

- 1. Include cumulative and annual data, visual elements such as graphs and maps, and narrative elements such as case studies in the annual report and data dashboard.***

We were very glad to see that Ecology added WAC 173-446B-010 (9) since the draft rule, which states that the Department will “make reports to the legislature available to the public on its website. Data contained in Ecology’s reports to the legislature will be made available through an online data dashboard.” Publicly available and accessible data is a critical tool for accountability around CCA investments, and we appreciate the inclusion of this language. Per our previous comments, we recommend that Ecology include the narrative, visual, and analytical elements of [California’s annual report](#) into Washington’s annual report.



The California Air Resources Board (“CARB”) 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’ aggregated impacts and the state’s progress towards its climate mandates. 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.

For the data dashboard, CARB’s climate investments website also serves as a useful 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, is another useful reference.

2. Offer frequent and timely reporting.

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 aim to publish the annual report by October or share a draft with the EJ Council if that timeframe is not workable.

CARB also issues a short [mid-year report](#) with high level information 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.

II. As feasible, track additional co-benefits of air quality and jobs creation associated with CCA investments.

1. Track the impact of investments on air quality.



As we noted in our previous comments, we strongly recommend for Ecology to track and include in its annual report the air quality impacts of CCA investments that are already required to track their greenhouse gas emissions impact. We recognize that this leads to additional costs and responsibility on Ecology and funding recipients. However, per public meetings held by Ecology during the draft rule public comment period, 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 per RCW 70a.65.020 and the creation of the air quality and health disparities improvement account created in RCW 70a.65.280. Tracking the impact of investments on local air quality and the resulting benefits for and community health thus should be central to tracking the impact of the CCA and its investments.

Furthermore, WAC 173-446B-060 indicates that Ecology is likely to rely on CARB's calculator methodology to measure greenhouse gas reductions. As demonstrated by programs like California's Clean Mobility Program, CARB measures both greenhouse gas reductions and criteria pollutant reduction through its greenhouse gas reduction calculator tool. If Ecology adopts the same methodology, this will ease much of the burden on both recipients and Ecology in tracking air quality impacts, as it would already be integrated into the calculator.

2. Require all recipients to provide 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 requires recipients who receive funding from Climate Investment Account appropriations to provide 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, 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.

III. Provide guidance to recipients on defining and tracking "meaningful benefits" to vulnerable populations in overburdened communities.

We appreciate the degree of detail that Ecology is requesting from recipients on projects that benefit vulnerable populations per WAC 173-446B-010 (7)(a), including requiring that recipients submit the methods by which vulnerable populations and overburdened communities were identified – whether through data, mapping tools, or community consultation – and the geographic boundaries of the identified communities and characteristics of the vulnerable



populations identified. This guidance will support agencies in determining whether projects directly benefit overburdened communities.

However, the definition of “meaningful benefits” to vulnerable populations in overburdened communities continues to lack statutory clarity. Although WAC 173-446B-020 (3) provides a broad definition, the Department should work with the Environmental Justice Council and community partners to develop clear guidance. For example, Ecology could adopt a list of environmental and community health indicators that agencies must meet if their project is intended to meaningfully benefit vulnerable populations.

We want to thank Ecology for the numerous opportunities to provide public comment. The Department is clearly working to integrate feedback, and we appreciate the changes we have seen throughout the rulemaking. We look forward to supporting Ecology as it implements this rule and endeavors to establish accurate, clear, and accessible reporting for CCA investments.

Altinay Karasapan
Washington Regulatory Policy Manager
Climate Solutions