



December 13, 2024

Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

RE: Clean Fuel Standard Rulemaking Comments

Dear Department of Ecology Staff,

Electrify America appreciates the opportunity to provide feedback on the Department of Ecology's (Ecology) Clean Fuel Standard (CFS) informal rulemaking process. Electrify America is the nation's largest open network of DC fast chargers for electric vehicles (EVs), with over 4,250 fast chargers across more than 950 locations in North America, including over 215 chargers across more than 53 locations open to the public in Washington. Electrify America is committed to building a future where EV charging is approachable, accessible, and powered by a network drivers can depend on.

The CFS plays a vital role in promoting EV charging infrastructure and advancing Washington's transportation electrification goals. We commend Ecology staff for their efforts to update the program to meet the market demands of today and ensure its future longevity.

The verification process should reflect the distinct differences between EV charging stations and other fuel pathways.

Electrify America understands Ecology's need to validate and verify that fuel pathway holders are operating in line with CFS regulations. We support efforts to ensure accurate and transparent data sharing and have implemented robust data verification procedures internally to ensure accuracy of reported data. However, we have concerns that the language in §WAC 173-424-820(3)(a)(ii) and in §WAC 173-424-830(2)(c)(B) pertaining to EV charging and site visits does not address the EV charging use case.

Electrify America supports the principle behind the proposed amendments to the EV fuel pathway verification process requirements, but we have some concern that the proposed language does not accomplish the underlying goal. Verification checks for EV charging, and electricity derived fuels, should be a separate process.

We look forward to working with Ecology on implementing this provision, and request that future rulemaking language provide the following clarifications:

- Clarify that the site visitation language only applies to fuel production facilities, and not EV chargers.
- Clarify that where "records are stored" does not mean the physical location (e.g., a data center), but can encompass company headquarters or another facility with access to appropriate data.
- Clarify that for verifying EV charging data, verifiers have discretion to conduct remote "desktop reviews" of files and data, as well as remote staff interviews, rather than needing to physically conduct the review at a company's headquarters or other specified location. As charging records consist of electronic files, there is no equipment or process to physically inspect at the headquarters location as there may be with, e.g., a biofuels facility.

This verification approaches recommended will better accommodate the operational realities of the charging station model while still effectively verifying the fuel dispensed at the charger level, and will certainly be more cost-effective. Electrify America has been an active stakeholder in California's Low Carbon Fuel Standard rulemaking, and adjustments have been made in CARB's Resolution,¹ which directs the Executive Officer to propose adjustments to verification requirements for electricity fueling before the next Scoping Plan Update. California recognized the importance of monitoring verification requirements for electric vehicle charging, and we urge Washington to adopt a similar framework in future formal rulemaking language.

Electrify America remains committed to partnering with Ecology to advance Washington's clean transportation and climate priorities. We look forward to working with Ecology to implement this critical program, including clarifying the items identified in these comments.

Sincerely,
/s/

Elisia Hoffman
State and Public Policy Affairs Lead, Government Affairs
Electrify America, LLC

¹ CARB Resolution 24-14, Public Hearing to Consider Proposed Low Carbon Fuel Standard Amendments, November 8, 2024, <https://ww2.arb.ca.gov/sites/default/files/barcu/board/books/2024/11070824/24-14prores.pdf>