

# Earthjustice

Thanks so much. Good afternoon, everyone. I'm Amanda Goodin. I'm an attorney with Earthjustice and I'd like to thank the Department of Ecology for the opportunity to participate in the advance development of this rule. Today like to offer thoughts on three key elements of this rule.

First, we need emissions reductions and major new projects need to analyze how they can contribute to these reductions, not just maintain status quo. Second, we need science based standards to calculate these emissions. And third, we need mitigation that achieves real emissions reductions and equitable outcomes.

So, first, the overarching goal here needs to be emission reductions. We need dramatic emissions reductions and we need them soon. State law tells us this, and more importantly science tells us this. We need to be sure that every new project does its part help Washington achieve these emissions reductions. And that means that analyzing mitigation to net zero emissions is just not enough. Every project needs to analyze mitigation that gets to well below zero and incorporates the reductions we need to see over time. In the context of our urgent need for emissions reductions, a project with net zero emissions has a significant adverse environmental impact. The SEPA Rule is meant to guide analysis that will inform decision makers exercising their substantive SEPA authority. And that includes the authority to say no to projects that cause harm that's not fully mitigated. The major fossil fuel and industrial projects we're talking about that will be covered by the GAP Rule--these are projects that, once they're built, are with us for a long time, for decades into the future. And we're at a critical point, when we need emissions reductions soon. We need them in that same time frame. So we have to get this right. We have to be analyzing reductions in the analysis of these projects, because preserving the status quo--maintaining our current level of emissions--is a significant, unreasonable, environmental impact.

Second, we need science based methods to calculate a project's emissions. Major projects, like the projects covered by the GAP Rule will have major upstream and downstream emissions. And there's lots of information, lots of science out there that tells us how to calculate those emissions. Unfortunately, we've seen a lot of analyses recently that do not incorporate the best science. A few examples, we've seen recent analysis for recent projects that have included wildly unrealistic estimates for leakage associated with gas extraction. We've seen unrealistic estimates for the global warming potential of methane and unrealistic estimates for leakage from ships. Another area where we've seen a lot of problems is in claims in market displacement. We've seen claims that new projects will displace other fossil fuels that are supported by completely speculative analysis. This is an area that is rife with uncertainty allow a hope and a prayer of reductions elsewhere to justify massive new carbon emissions. We need to be sure that we're using the very best science in these analyses and we need to be sure that as the science evolves, the standards evolve too. Ecology should be consulting with experts, like SEI (?), on this rulemaking to be sure that we're requiring the very best and the most current science in every environmental analysis.

Third, we need mitigation that achieves real emission reductions and equitable outcomes. And we reductions, I've already touched on that, not just the status quo. Maintaining the status quo is a significant adverse environmental impact, but we also need to ensure those reductions are real. Mitigation needs to meet rigorous standards. We need to know that the reductions are additional,

not reductions that would occur anyway, and we need to be able to quantify and verify them. There's a significant body of research on the best ways to do this and Ecology needs to rely on the best science and the best research, so that proposals for mitigation, in these environmental analyses, incorporate those requirements.

It's also critical that the mitigation analysis incorporate a strong equity lens. Huge projects, like the projects that the GAP Rule would cover can have devastating impacts on nearby communities. Many of these communities are already vulnerable and overburdened. These can include impacts from air pollutants like particulates and toxics that have known health effects. They can include adverse effects to important community resources like fishing areas. We need to require a strong environmental justice analysis of any mitigation proposal. And this rule needs to set strong standards for what that analysis looks like. We know we need to reduce our greenhouse gas emissions and we need to be sure that we're increasing environmental equity at the same time.

Thank you for the chance to participate in the advance development of this rule. We have the chance here to set the gold standard for how this analysis should be done and we look forward to working with you to make that happen.