



December 29, 2023

Director Laura Watson
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

RE: 2024 Agency Request Legislation Related to Carbon Market Linkage

Dear Director Watson,

Friends of Toppenish Creek (FOTC) is a 501 C (3) group from the Yakima Valley with a mission to address adverse impacts of factory farms. We submit these comments regarding linkage of the WA Cap and Invest program with similar programs in California and Quebec. **FOTC recommends waiting to explore linkages until there are more facts on the table.**

Although there are many components to Cap and Invest, FOTC focuses on the impacts of methane and nitrous oxide emissions from management of manure on concentrated animal feeding operations (CAFOs).

Keeping large numbers of animals in small areas and storing feces and urine in lagoons (wet manure management) produces large amounts of methane, a greenhouse gas.^{1, 2, 3} Dry manure management and pasture-based strategies effectively reduce greenhouse gas emissions and increase environmental benefits.^{4, 5}

¹ U.S. Environmental Protection Agency. Practices to Reduce Methane Emissions from Livestock Manure Management. <https://www.epa.gov/agstar/practices-reduce-methane-emissions-livestock-manure-management>

² Good Practice Guidance and Uncertainty Management in National Greenhouse Gas Inventories. CH₄ and N₂O Emissions from Livestock Manure. https://www.ipcc-nggip.iges.or.jp/public/gp/bgp/4_2_CH4_and_N2O_Livestock_Manure.pdf

³ Environmental Defense Fund. 2018. Report: Changing Manure Management Would Significantly Reduce Dairy Methane Emissions. <https://www.edf.org/media/report-changing-manure-management-would-significantly-reduce-dairy-methane-emissions>

⁴ California Department of Food & Agriculture. Alternative Manure Management Program. <https://www.cdffa.ca.gov/oefi/AMMP/>

⁵ National Sustainable Agriculture Coalition. 2020. A Climate Friendly Approach to Managing Manure. <https://sustainableagriculture.net/blog/a-climate-friendly-approach-to-managing-manure/>

According to the WA State Dept. of Ecology's (Ecology's) most recent Greenhouse Gas Inventory for Washington State, (wet) manure management contributes 1.5 million metric tons of CO₂ equivalents (MMTCO₂e) per year to Washington's total emissions of 102.1 MMTCO₂e annual emissions.⁶

Linkage with California and Quebec could, in our opinion, commit Washington to ongoing efforts to perpetuate wet manure management and divert state efforts away from other more environmentally protective methods of treating animal manure. At this time California is engaged in debates regarding manure management policy and we do not know how these discussions will play out.^{7,8,9} California has serious problems with methane emissions from animal agriculture. Parts of California have the worst air quality in the nation.^{10,11}

FOTC is very concerned that Washington policy makers only look at short term economic benefits for those who buy and sell commodities, while ignoring long term impacts on the air, water, soil, and people. We say this because Ecology's *Cap-and-Invest Linkage Criteria: Preliminary Analysis Report*¹² and *Clean Fuel Standard Cost Benefit Analysis Report*¹³ and *Summary of market modeling and analysis of the proposed Cap-and-Invest Program*¹⁴ only address economics and fail to analyze what happens to Planet Earth using various methods of farming and energy production.

Governor Inslee's proposed 2024/2025 Operating Budget allocates an outsized proportion of funding from the Climate Commitment Account to the Dept. of Commerce for Energy and Innovation and fails to adequately fund programs to protect the environment. Please see this table of proposed funding.

⁶ Washington State Greenhouse Gas Emissions Inventory 1990–2019. 2022. <https://apps.ecology.wa.gov/publications/documents/2202054.pdf>

⁷ Public Justice. 2022. Factory Farm Gas Petition. 2021. <https://food.publicjustice.net/wp-content/uploads/sites/3/2021/10/Factory-Farm-Gas-Petition-FINAL.pdf>

⁸ Earth Justice. 2023. California's Proposed Low Carbon Fuel Standard is a Climate Policy Failure. <https://earthjustice.org/press/2023/californias-proposed-low-carbon-fuel-standard-is-a-climate-policy-failure>

⁹ Natural Resources Defense Council. 2023. CARB Must Reform LCFS Program to Meet Climate Goals. <https://www.nrdc.org/bio/kiki-velez/carb-must-reform-lcfs-program-meet-climate-goals-0>

¹⁰ American Lung Association. 2023. State of the Air. Report Card California. <https://www.lung.org/research/sota/city-rankings/states/california>

¹¹ AirNow.gov. <https://www.airnow.gov/national-maps/>

¹² Available at <https://apps.ecology.wa.gov/publications/documents/2314005.pdf>

¹³ Available at <https://ecology.wa.gov/getattachment/22790fe6-fc3a-414d-b3ba-036af0975258/20220512CfsCba.pdf>

¹⁴ Available at <https://apps.ecology.wa.gov/publications/SummaryPages/2202038.html>

Climate Commitment Account*

Commerce – Local Government	\$43,353,000
Commerce – Economic Development	\$8,780,000
Commerce Energy & Innovation	\$341,484,000
WA Dept. of Health	\$90,880,000
WA Dept. of Ecology	\$15,443,000
WA State Conservation Commission	\$30,200,000
WA Dept. of Fish & Wildlife	\$3,398,000
WA Dept. of Natural Resources	\$11,820,000
WA State Dept. of Agriculture	\$4,331,000
Energy Site Evaluation Council	\$7,402,000
University of Washington	\$3,413,000
Washington State University	\$8,321,000

* From the Governor’s proposed 2024/2025 proposed Operating Budget. Available at <https://ofm.wa.gov/sites/default/files/public/budget/statebudget/24supp/OperatingZ-0567.3.pdf>

FOTC worries that Washington policy makers have a predetermined goal in mind to institutionalize wet manure management in our state using Cap and Invest. Here is one of the reasons why we worry:

Table 8 from WAC 173-424-900¹⁵ provides a calculation of carbon intensity (CI) for various fuels in grams of carbon dioxide equivalent per megajoule of energy (gCO₂e/MJ).

CI for Biomethane Compressed Natural Gas (CNG) from Landfill or Digester Gas equals 70

CI for Biomethane Compressed Natural Gas (CNG) from Municipal Wastewater Sludge, Food Waste, Green Waste, or Other Organic Waste equals 45

CI for Biomethane Liquified Natural Gas (LNG) from Landfill or Digester Gas equals 85

CI for Biomethane Liquified Natural Gas (LNG) from Municipal Wastewater Sludge, Food Waste, Green Waste, or Other Organic Waste equals 60

CI for Biomethane L-CNG from Landfill or Digester Gas equals 90

CI for Biomethane L-CNG from Municipal Wastewater Sludge, Food Waste, Green Waste, or Other Organic Waste equals 65

CI for Biomethane CNG, LNG, L-CNG from dairy or swine manure equals -150 (minus 150)

¹⁵ Available at <https://app.leg.wa.gov/WAC/default.aspx?cite=173-424-900>

Please tell us if we misinterpret the WAC. Please explain how management of human waste appears to differ so greatly from management of animal waste in terms of carbon intensity.

Or is WAC 173-424 part of an effort by policy makers to promote and support anaerobic digestion of dairy manure in Washington State, by emulating costly policies from California¹⁶?

We know that the WA State Dept. of Commerce has already allocated half a million dollars to help build a multi-million dollar manure methane plant in Sunnyside, Washington.¹⁷ And the public was left out of planning discussions, while the project proponent, Pacific Ag, has a seat on Ecology's Agriculture and Forestry Carbon Capture & Sequestration Advisory Panel.¹⁸

We know that FOTC cannot participate in meetings of Ecology's Ag and Water Quality Advisory Committee, but the WA Dairy Federation has a seat at the table and actively advises Ecology on policy making.¹⁹ We know that there is no comparable advisory committee for the environmental community.

We know that the WA State Environmental Justice Advisory Committee has not been adequately briefed on plans to explore linkage with California and Quebec Cap and Invest programs.²⁰ We know that Ecology's Environmental Justice staff does not visit the Lower Yakima Valley.

FOTC sincerely believes that concentrated animal feeding operations (CAFOs) harm the environment. We are happy to share proof if Ecology and other agencies are willing to listen.

FOTC urges Ecology to delay exploration of linkages with California and Quebec Cap and Invest programs until our leaders hear all the facts.

¹⁶ "between 2011 and 2022, the LCFS channeled more than \$5.8 billion towards factory farm gas and crop-based biofuels" Natural Resources Defense Council. <https://www.nrdc.org/bio/kiki-velez/carb-must-reform-lcfs-program-meet-climate-goals-0>

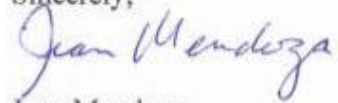
¹⁷ WA State Dept. of Commerce. Rural Clean Energy Innovation. <https://www.commerce.wa.gov/growing-the-economy/energy/clean-energy-fund/rural-clean-energy/>

¹⁸ WA State Dept. of Ecology. Agriculture and Forestry Carbon Capture & Sequestration Advisory Panel. https://www.ezview.wa.gov/site/alias_1962/37752/agri_forestry_carbon_capt_sequest_adv_panel.aspx

¹⁹ WA State Dept. of Ecology. Agriculture & Water Quality Advisory Committee. <https://ecology.wa.gov/about-us/accountability-transparency/partnerships-committees/agriculture-and-water-quality-advisory-committee>

²⁰ Washington Environmental Justice Council. <https://waportal.org/partners/environmental-justice-council>

Sincerely,

A handwritten signature in cursive script that reads "Jean Mendoza". The signature is written in dark ink on a light-colored background.

Jean Mendoza

Executive Director, Friends of Toppenish Creek
3142 Signal Peak Road
White Swan, WA 98952