



June 7, 2024

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

**RE: Open Informal Comment Period for Washington State Department of Ecology
planned Rulemaking Clean Fuels Program (Washington Administrative Code
Chapter 173-424)**

Department of Ecology Staff,

The Electric Vehicle Charging Association (EVCA) appreciates the opportunity to provide comprehensive input on the proposed amendments to the Washington Clean Fuel Standard (CFS). EVCA is a not-for-profit trade organization of 22 leading EV charging industry member companies and two zero-emission autonomous fleet operators. The association was established in 2015 to comprehensively represent the entire EV charging value chain and provide a collective industry voice for decision-makers in California. We support efforts to enhance the CFS program to meet Washington's ambitious decarbonization and zero-emission vehicle (ZEV) adoption goals. This letter includes a variety of recommendations for the CFS to effectively support the growth of clean energy and EV infrastructure.

Third-Party Verification Program

We urge the Department of Ecology to remove or delay implementing a third-party verification program for electricity fuel pathway applications and data reports. The Washington State Department of Agriculture (WSDA) has statutory authority over weights and measures regulation in Washington and is currently updating these regulations for EV chargers. Washington statute WAC 16-662-100 grants the WSDA authority to adopt standards related to publicly available electric vehicle supply equipment in the state. Under this statute, the WSDA has adopted national standards from the National Institute of Standards and Technology (NIST) Handbook 44. This handbook regulates the specifications, tolerances, and technical requirements for weighing and measuring equipment. By deferring to the WSDA's expertise, Ecology can ensure that electricity dispensed via public EV chargers is accurately verified, thus avoiding redundant and potentially conflicting regulations within the CFS program.

Further, the Department of Ecology should maintain Part 4, Section 8(c)(viii) of the Clean Fuels Program (CFP) Rule, which exempts EV charging from certain reporting requirements necessary to generate credits. Washington faces a significant EV charging deployment gap. According to a Rocky Mountain Institute study, the state will need approximately 1.3 million charging ports by 2030, increasing to 3 million by 2035. Currently, there are only about 6,000 charging ports in public and private settings across all charger types. To meet the state's transportation electrification goals, including 100 percent new light-duty ZEVs by 2035, it is crucial to avoid unnecessary roadblocks to EV charging deployment. Detailed CFP monitoring plans and third-party credit verification increase costs and could deter participation. We urge the Department of Ecology to maintain existing rules as they relate to monitoring plans and verification for EV charging.

Should third-party verification move forward, we recommend considering "desktop" verification reviews for electric fuel supply equipment (FSE) participating in the CFS. Unlike liquid fuels, which are refined in large quantities at a limited number of facilities, EV charging networks are widespread and diffuse. Requiring site visits to test hundreds or thousands of EV chargers is an onerous endeavor that could impose substantial costs on EV charging providers.

Additionally, the availability of testing equipment capable of measuring direct current (DC) energy from DC fast chargers through NIST-traceable standards is still relatively nascent. We encourage the Department of Ecology to monitor the availability of necessary testing equipment for DC fast chargers in Washington before establishing stringent third-party verification requirements that could unduly delay the deployment of EV charging infrastructure. An administratively simple way to verify meter accuracy without placing undue burden on the program via field testing would be to verify whether participating charger makes/models have National Type Evaluation Program (NTEP) certification.

Distinct Crediting Schemes for Light-Duty and Medium- and Heavy-Duty Charging Infrastructure

We recommend the introduction of distinct crediting schemes for Light-Duty (LD) and Medium- and Heavy-Duty (MHD) fast charging infrastructure (FCI). The current rules do not adequately address the differences between LD and MHD charging needs. Aligning with California's proposed updates to its Low Carbon Fuel Standard (LCFS), we suggest the following enhancements for the Washington CFS:

1. **Raise the Maximum Nameplate Power Rating for MHD Fuel Supply Equipment (FSE):** The current 350 kW cap is insufficient for many MHD ZEV applications. We recommend increasing this cap to better accommodate the higher capacity needs of MHD ZEVs.
2. **Increase the Total Nameplate Power Rating for MHD FSE Sites:** The existing 1,500 kW cap does not reflect the requirements of MHD charging depots, which often need more chargers and higher power chargers. For example, California's proposed rule allows up to ten MHD chargers per site, significantly exceeding the current Washington cap.
3. **Eligibility of Private MHD ZEV Infrastructure for FCI:** Given that MHD fleets often operate within private models, it is crucial to allow private MHD infrastructure to qualify for FCI credits. This approach aligns with CARB's proposed rules, which do not restrict MHD FCI based on public or private site status.

- 4. Fit-for-Purpose MHD Formula for FCI:** Developing a distinct formula for MHD infrastructure will ensure that the unique needs of MHD charging are met. California's proposed rule provides a useful reference, illustrating how different results for LD and MHD charging can be achieved under tailored FCI criteria.

These changes will facilitate the rapid deployment of MHD ZEV infrastructure necessary to meet Washington's ambitious decarbonization targets.

Preserve Existing FCI Provisions for Light-Duty EV Charging Infrastructure

We recommend retaining the existing FCI provisions for light-duty EV charging infrastructure to preserve flexibility for EV charging providers. FCI credit generation opportunities decline as charging stations achieve higher levels of utilization and are currently limited to a five-year period after Ecology approves a charging station's FCI application. Prematurely limiting the available pool of potential FCI credits could hinder efforts to build ahead of market demand to meet Washington's near-term ZEV goals. By retaining the current provisions, Ecology can gather more data on FSE utilization and FCI credit generation trends, ensuring informed decision-making for future regulations.

Detailed Instructions for Using Renewable Energy Certificates (RECs) in the CFS

We encourage the development of specific instructions for utilizing Renewable Energy Certificates (RECs) within the CFS program.

We request that Ecology provide detailed instructions for documenting REC retirements in WREGIS, including subaccount creation, naming conventions, retirement reasons, additional notes, and the process for uploading retirement reports into the Washington Fuels Reporting System.

Evaluate Availability of Eligible Renewables Projects for RECs

Before adopting new book-and-claim requirements for electric fuels, we urge the Department of Ecology to evaluate the availability of eligible renewable projects. Preserving flexibility in REC usage can spur the development of zero-carbon electric fuels and support further decarbonization of the power sector. By allowing the use of RECs from a broader pool of renewable energy projects tied to the regional grid, Ecology can align with state policy goals and promote the growth of low-carbon fuels.

Monitor CFS Market Trends and Consider Additional Regulatory Tools

We encourage the Department of Ecology to continue monitoring CFS market trends and consider adopting additional regulatory tools if necessary. California's LCFS program, which has overperformed due to unanticipated growth in low-carbon fuels, provides valuable lessons. CARB's recent adjustments, including a near-term "step-down" in the carbon intensity (CI) target and a more ambitious 2030 CI target, aim to correct program overperformance and support the growth of low-carbon fuels. Washington can leverage these insights to ensure its CFS program remains effective and robust, catalyzing long-term investment in low-carbon fuels needed to meet state ZEV goals.

Conclusion

The Electric Vehicle Charging Association commends the Department of Ecology's leadership in accelerating Washington's adoption of low-carbon fuels. As the state prepares for unprecedented levels of ZEV adoption, driven by complementary regulations, state policy, and technological advancements, it is crucial that the CFS provides market stability and growth opportunities for electric transportation fuels. We look forward to working with the Department of Ecology and other stakeholders as the rulemaking progresses.

Thank you for considering our comments.

Sincerely,

Reed Addis
Governmental Affairs
Electric Vehicle Charging Association