

October 3, 2024

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

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

Department of Ecology Staff,

The Electric Vehicle Charging Association (EVCA) appreciates the opportunity to once again 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.

EVCA commends Ecology staff for taking into account several of the recommendations made during the last comment period in June. In light of the department's proposed amendments, EVCA would like to offer additional suggestions aimed at aligning CFS more closely with California's Low Carbon Fuel Standard (LCFS). Such alignment would not only simplify program implementation, but would afford the industry critical economies of scale as we collectively pursue rapid transportation sector decarbonization.

**Remove Site Visit Requirements for EV Charging Stations in WAC 173-424-820 and Instead Pursue Desktop Reviews of EV Charging Data to Satisfy Third-Party Verification Requirements**

EVCA understands and appreciates the intent of third-party verification requirements to maintain the integrity of the CFS. As noted in our previous comments, however, unlike liquid fuels, which are refined in large quantities at a limited number of facilities, EV charging networks are inherently widespread and diffuse. Requiring site visits to test hundreds or thousands of EV chargers annually would be an onerous endeavor that would impose substantial costs on EV charging providers. Moreover, unlike large liquid fuel facilities, EV charging stations do not feature data management systems on-site, and as

such, third-party verifiers cannot access cumulative fuel reporting data by visiting the charging site itself. Such verifiers would, however, be able to assess the data integrity of quarterly fuel transaction reports by performing a desktop review of EV charging providers' charging data management systems remotely. This approach can provide material time and cost savings while providing third-party verifiers with the information needed to carry out a comprehensive assessment of an entity's compliance with CFS reporting requirements.

We appreciate Ecology's work in developing a new framework for less intensive verification requirements, and should third-party verification of electricity pathways move forward, we ask that this allowance be extended to EV charging. Less intensive verification requirements would be in line with the existing rules under development in California's LCFS.

### **Ensure Robust Third-Party Verification Compliance through a Public Registry of Approved Verification Bodies**

To support implementation of the CFS program's new third-party verification requirements, we recommend Ecology maintain a public registry of qualified verification bodies, to include up-to-date contact information for reference by responsible entities.

Prior experience from similar CFS programs in other jurisdictions has shown both the lack of sufficient verification service providers, and the inability to locate or contact such providers, can make compliance with third-party verification requirements considerably more difficult.

To help address these concerns in California, the California Air Resources Board (CARB) maintains a list of approved verification bodies with regularly updated points of contact. Maintaining a similar registry of approved verifiers in Washington would not only help responsible entities meet their obligations, but it would allow Ecology the opportunity to monitor the availability of providers and ensure there are a sufficient number of approved verification bodies to meet market demand. This is especially relevant in light of the proposed rules prohibiting the use of a single verification service provider for more than six consecutive years.

### **Align the Light-Duty FCI Pathway Application Deadline with LCFS**

While recognizing there is a need for additional investment in MHD charging infrastructure, we respectfully urge Ecology to retain the existing FCI pathway application deadline of December 31, 2029 and consider aligning the FCI deadlines with those proposed by CARB for the LCFS program. Those amendments would maintain eligibility

for light- and medium-duty FCI sites through December 31, 2030, and heavy-duty FCI sites through December 31, 2035.

The newly proposed 2026 deadline for LD FCI applications will likely limit crediting opportunities to those few projects already under active development, prematurely hindering efforts to facilitate mass consumer adoption of passenger EVs.

Such limitations are especially concerning given FCI credit generation opportunities decline as charging stations achieve higher levels of utilization. While Ecology is rightfully intent on accelerating the deployment of MHD infrastructure, a daunting gap remains for light-duty passenger vehicles, and LD crediting opportunities should not be prematurely limited to applications filed in just the next two years. By retaining the current deadlines, Ecology can gather more data on LD FSE deployment and utilization and FCI credit generation trends, ensuring informed decision-making for future regulations.

### **Further Refine New FCI Pathways to Allow Light- and Medium-Duty Applications**

We appreciate Ecology's extensive work to create distinct crediting schemes between LD and HD FCI, with new crediting formulas and technical standards that recognize the differences between the charging needs of different vehicle classes. To further refine upon these distinctions, EVCA would encourage Ecology to consider shifting medium-duty vehicle charging into the LD FCI pathway, rather than under the HD pathway, as is the case under California's LCFS.

Unlike larger, heavy-duty trucks, medium-duty vehicles serve a wide range of use cases and are often fueled alongside light-duty passenger vehicles and trucks. Limiting the LD FCI pathway to exclude sites tailored to serve both light- and medium-duty vehicles may place unintended restrictions on prospective applicants and could present implementation challenges when verifying compliance. This is especially the case given many of the most popular consumer-oriented EV truck models exceed the 8,500 lb gross vehicle weight rating that divides light-duty and medium-duty vehicles.

### **Maintain a 50kW Minimum Nameplate Power Rating for all FCI Pathways**

Additionally, EVCA would encourage Ecology to consider maintaining the 50kW minimum nameplate power rating for FCI applications, as there are a significant number of MHD use cases where a 50kW minimum would allow for the flexibility needed to deploy a variety of chargers that meet site-wide capacity and site users' specific needs.

This includes fleets, whose diverse business needs require a range of charging models. A minimum nameplate rating of 50kW would allow charging providers to serve fleets that may employ long-dwell or overnight charging, while also installing charging equipment at a higher nameplate rating to cater to fleets that need faster charging for en route

operations. This would further Ecology's intent to establish a "floor" that recognizes the diversity of charging needs in the MHD sector, and aligns with CARB's proposed update to LCFS, which maintains the 50kW minimum nameplate power rating for all FCI Pathways.

### **Eligibility of Private MHD ZEV Infrastructure for FCI**

We appreciate Ecology's proposal to allow shared-private MHD FCI sites to qualify for CFS crediting. Nevertheless, given how MHD fleets often operate within private models, it is crucial to allow private, non-shared 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.

### **Conclusion**

The Electric Vehicle Charging Association would like to once again thank the Department of Ecology for thoroughly considering stakeholder feedback as part of the most recent update to the Clean Fuel Standard, and we appreciate Ecology's willingness to adopt several of the recommendations made in June.

As the State works to facilitate unprecedented levels of ZEV adoption, it is critical that the CFS program continues to provide market stability and growth opportunities for electric transportation fuels. We hope these comments may help provide the department with additional context on how complementary regulation, policy, and technological advancement can best support the State's accelerated adoption of low-carbon fuels.

Sincerely,

**Reed Addis**

Governmental Affairs

Electric Vehicle Charging Association