

Rivian Automotive

Rivian is pleased to submit the attached comments as part of this informal comment period on the CFS. Please reach out to me with any questions. Thanks for this opportunity to provide feedback.



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SUBMITTED ELECTRONICALLY AT: <https://ecology.commentinput.com/?id=R57Ysf3Ud>

Re: Comments on WAC 173-424 Clean Fuel Standard Rulemaking

Rivian Automotive, LLC (“Rivian”) appreciates this additional opportunity to provide input on the development of draft rule language amending Washington’s Clean Fuel Standard (“CFS”). Rivian is in generally strong support of the existing CFS. Clean fuels standards are proven to reduce emissions and support EV market growth. We applaud the Department of Ecology (“ECY”) for its hard work establishing and administering Washington’s program to date. Below, we offer recommendations for streamlined and effective REC eligibility criteria that will maximize the impact of the CFS. We also suggest amending the provisions governing the fast-charging infrastructure pathway to establish a *light and medium-duty* pathway, consistent with provisions recently proposed by California and better reflecting the realities of the vehicle market.

About Rivian

Founded in 2009, Rivian is an independent U.S. automaker with its manufacturing operations in Normal, Illinois. We maintain a physical presence in Washington at our Bellevue service center location. With over 16,000 employees across the globe, Rivian’s mission is to Keep the World Adventurous Forever. Rivian’s focus is the design, development, manufacture, and distribution of all-electric adventure vehicles, specifically pickups, sport utility vehicles (“SUVs”), and commercial vans. Key to the success of our mission, these vehicles will displace some of the most polluting conventional vehicles on the road today.

Rivian brought the first modern electric pickup to market in 2021 when we launched the R1T from our manufacturing facility in Normal, Illinois, followed shortly thereafter by the R1S SUV and the EDV commercial van for Amazon. The R1T and R1S provide all-electric options in segments where added utility is a necessity. The R1T has an EPA-certified range of up to 410



miles. The R1S is certified at up to 400 miles. The truck features 11,000lbs of towing capacity, while the R1S is a seven-passenger full-sized SUV. Both are well-equipped for off-roading in a range of climates. Separately, our Class 2b commercial vans eliminate tailpipe emissions from last-mile delivery. Rivian is committed to producing 100,000 vans for our launch customer, Amazon, with more than 15,000 already in service across the U.S. In March 2024, Rivian revealed future products expanding our vehicle lineup. The R2, coming in 2026, is a five-passenger SUV starting at \$45,000. Looking ahead, the R3 and R3X will expand the Rivian brand into a smaller vehicle form.

Beyond our vehicle lineup, Rivian is also building a network of public DC fast chargers across the country, including sites already operating in Washington.

Feedback on the Proposed Rulemaking

Rivian appreciates ECY's continued stakeholder engagement as it develops amendments to the CFS. We are pleased to offer input and feedback on these proposals below.

REC Eligibility

We commend ECY for its ongoing efforts to promote renewable energy development and reduce greenhouse gas emissions. However, we believe certain aspects of the provisions governing REC eligibility for book-and-claim could be refined to enhance their effectiveness and practicality.

Geographic Eligibility

Rivian strongly supports maintaining current eligibility rules covering the entire Western Electricity Coordinating Council ("WECC") footprint. This broader geographic scope aligns with the Oregon Clean Fuels Program¹ and encourages the development of renewable energy projects where they can have the most significant impact on emissions reduction. By maintaining this broader eligibility, ECY can foster a more robust and cost-effective renewable energy market for the western region that can complement in-state resources.

- **Maximized Emissions Reductions:** Including the entire WECC footprint incentivizes renewable energy buildout where it can achieve the greatest avoided emissions impact, whereas geographic restrictions often limit the potential for significant emissions

¹ OAR 340-253-0470 (5)(c).



reductions by confining renewable energy development to less optimal locations that may lead to increased curtailment.

- **Cost-Effectiveness:** Broader geographic eligibility helps mitigate unintended cost pressures that may arise from limiting eligibility to in-state resources. This can lead to a more efficient allocation of resources and lower overall costs.
- **Consistency with Regional Policies:** Aligning with policies like the Oregon Clean Fuels Program promotes regional consistency and cooperation, which can enhance the overall effectiveness of renewable energy initiatives across the Pacific Northwest. Maintaining broader eligibility would also be recognized as a forward-looking state policy that aligns with current regional market integration efforts.

Recommendation if Adopting the Definition of “Pacific Northwest” in the Clean Energy Transformation Act

If ECY decides to restrict REC eligibility to a smaller footprint than the entire WECC and adopt the Clean Energy Transformation Act (“CETA”) definition of the Pacific Northwest,² we recommend the following adjustments to simplify geographic boundaries and promote clarity. The below adjustments align with previous comments made by the Washington Department of Commerce.³

- **Simplified Boundaries:** Define the Pacific Northwest based on state lines, including the entire states of Washington, Oregon, Idaho, and Montana, rather than complex sub-regional boundaries. This would simplify compliance and reduce administrative burdens for both program participants and regulators.
- **Clear Criteria for Low-Impact Hydro:**⁴ Ensure that low-impact hydroelectric facilities, such as those in irrigation pipes, canals, and municipal water systems, are subject to the same eligibility requirements as other renewable resources. These facilities provide valuable baseload power resources without resulting in new water diversions or

² RCW 19.285.030 (12).

³ Washington State Department of Commerce, *Geographic Eligibility of Renewable Resources under the Washington Renewable Portfolio Standard*, August 6, 2018, available at www.commerce.wa.gov/energy-blog/geographic-eligibility-of-renewable-resources-under-the-washington-renewable-portfolio-standard/.

⁴ As currently defined by RCW 19.285.030, the geographic eligibility of hydroelectric facilities in pipes and canals is restricted to facilities in Washington.



impoundments. Placing low-impact hydroelectric facilities on equal footing with other renewable resources will ensure consistency and fairness in the REC eligibility criteria.

Vintage Requirements

Rivian acknowledges the importance of ensuring that RECs represent additional renewable energy contributions. However, strict new-build requirements are likely not necessary to achieve this goal.

- Many renewable energy policies, including compliance with the California and Oregon book-and-claim requirements, permit RECs from facilities placed into service several years prior, providing flexibility without compromising credibility.⁵
- The voluntary renewable energy market, which underpins credible marketing claims for corporate and institutional customers, typically requires a maximum 21-month REC vintage window for a given year's claims. This model balances flexibility with integrity.
- All RECs, including unbundled ones, support renewable energy development by contributing to a project's financial viability. There is strong evidence that demand for clean resources, either driven by procurement mandates or voluntary action, leads to resource additions without formal additionality requirements.⁶

Restricting REC eligibility to those generated by facilities placed into service after 2023 would have many unintended consequences. While this aims to ensure additionality, it presents several practical challenges regarding project timelines and existing agreements.

- Credit generators would have needed to sign Power Purchase Agreements (“PPAs”) well before the passage of HB1091 to secure RECs from post-2023 projects.

⁵ The California Low Carbon Fuel Standard does not apply a placed-in-service requirement and the Oregon Clean Fuels Program maintains eligibility for generators placed into service starting January 1, 2016.

⁶ Jeffrey Reed, Brian Tarroja, Diane Moss, and Jack Brouwer, UC Irvine Clean Energy Institute, *Environmental Attribute Credits: Analysis of Program Design Features and Impacts*, September 15, 2023, available at www.apep.uci.edu/PDF_White_Papers/Environmental_Attribute_Credits_Analysis_of_Program_Design_Features_and_Impacts_091523.pdf.



- New agreements signed today would not yield RECs until at least 2025 or 2026, excluding many new projects from participating in the program. This would represent a missed opportunity to accelerate the transportation electrification industry in Washington.
- This requirement favors entities with pre-existing contracts (post-2023), potentially locking out new market entrants for a couple of years.

ECY should instead maintain a vintage requirement without a corresponding new construction requirement. This adjustment would help alleviate some additionality concerns while facilitating continuous renewable energy growth while maintaining the program's integrity.

Green-E Certification

Rivian understands the intent behind considering third-party certifications like Green-e to ensure REC credibility. However, we believe this may not be the most efficient path forward.

- Green-e certification may increase costs for developers without necessarily providing additional benefits beyond existing or proposed program requirements.
- California does not allow Green-e RECs to be eligible under the LCFS due to overlaps with other programs, suggesting that direct program requirements may be more effective.⁷

Rather than mandating Green-e certification, ECY could implement its own vintage and deliverability requirements, which would achieve the same goals without imposing unnecessary costs.

Rivian urges ECY to consider these recommendations to refine the REC eligibility criteria under the CFS. By broadening the eligibility window, adopting a flexible approach to additionality, simplifying geographic boundaries, and ensuring equal treatment for low-impact hydroelectric

⁷ Green-e, *Interactions Between the LCFS and VRE Programs in California (Updated)*, April 1, 2020, available at www.green-e.org/news/062019.



facilities, ECY can create a more inclusive and effective framework that accelerates renewable energy development and emissions reductions.

Provisions Governing the Fast-Charging Infrastructure (“FCI”) Pathway

- **Rivian applauds ECY’s proposal to align the FCI pathway’s connector requirements with recent industry developments.** As of early 2024, virtually all major automakers in the North American market—including Rivian—have announced plans to adopt the J3400 charging standard.⁸ Additionally, Rivian and other automakers have begun providing adapters to drivers to enable use of J3400 plugs by vehicles with Combined Charging Standard (“CCS”) inlets. Accordingly, Rivian has advocated for ECY to revise its FCI eligibility criteria and avoid technology-specific prescriptions governing connectors at FCI sites. We appreciate the latest proposals to eliminate connector requirements.
- **ECY should revise its FCI proposal to establish a *light- and medium-duty* (“LMD”) FCI pathway alongside a heavy-duty pathway.** As currently proposed, it appears that ECY proposes to establish an FCI pathway for sites serving explicitly “light-duty vehicles.”⁹ Rivian supports the intent of establishing a dedicated FCI pathway for sites serving predominantly passenger vehicles versus those serving larger and heavier commercial traffic. But we find that a combined LMD pathway is more appropriate for several reasons.
 - A pathway definition explicitly tied to “light-duty” EVs could inadvertently exclude charging sites that cater to medium-duty passenger vehicles (“MDPVs”), a category that includes several popular EV models. We do not believe this is ECY’s intent and moreover could create implementation challenges if written into the regulation.
 - Charging behaviors and needs are more similar than they are different across

⁸ Rivian, *Why is Rivian Adopting the North American Charging Standard?*, available at www.rivian.com/support/article/Why-is-Rivian-adopting-the-North-American-Charging-Standard; Keith Barry, *Consumer Reports*, “Automakers Move to a Common Plug Standard to Allow Their EVs to Use Tesla Superchargers,” February 29, 2024, available at www.consumerreports.org/cars/hybrids-evs/tesla-superchargers-open-to-other-evs-what-to-know-a9262067544/; SAE International, *SAE International Releases Technical Information Report for Standard to Expand Access to EV Charging* (press release), December 19, 2023, available at [www.sae.org/news/press-room/2023/12/sae-j3400-tir-press-release#:~:text=\(Dec.,EV\)%20drivers%20across%20North%20America](http://www.sae.org/news/press-room/2023/12/sae-j3400-tir-press-release#:~:text=(Dec.,EV)%20drivers%20across%20North%20America).

⁹ Washington Department of Ecology, *CFS Rulemaking Updates*, September 12, 2024, slide 14.



the light and medium-duty classes. FCI powered to meet the needs of the general driving public could adequately serve a Class 2b van or pickup, for example, and charging sites in our own network already often include pull-through stalls sized for EVs that are towing.

- Establishing a LMD pathway would harmonize Washington's rules with those recently proposed by the California Air Resources Board.
- **ECY should reconsider the proposed sunset date of December 31, 2026, for LMD FCI applications.**
 - FCI installations require fairly significant lead-time to go from conception to operation. As proposed, applicants would have just two years to develop and implement LMD FCI investment plans under the CFS' amended rules before ECY would close off this pathway. We believe this risks chilling investment.
 - Washington should endeavor to harmonize its program rules with those of other major programs, such as California's LCFS, whenever possible. CARB currently proposes to retain an LMD FCI pathway through 2030.
 - The future of federal funding for charging network development is highly uncertain. A predictable LMD FCI pathway in the state, available to applicants until the end of the decade at least, will act as a meaningful hedge against the risk of on-again-off-again federal incentives and could support sustained investment and growth in Washington regardless of potential changes at the federal level.

Conclusion

Rivian appreciates this opportunity to continue engaging with ECY as it prepares to amend the CFS. We strongly support the state's program and welcome the opportunity to strengthen it further.

Please contact me with any questions about this feedback. We look forward to continued discussion with you and all stakeholders as we enter the rulemaking process.

Sincerely,

Tom Van Heeke

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