

September 5, 2025

Brandon Wood
Manager, Energy Supply***Via Electronic Filing***Washington Department of Ecology
300 Desmond Drive, SE
Lacey, WA 98503***Re: Cap-and-Invest Program Rule Updates and Linkage Rulemaking Comments***

Georgia-Pacific Corporation (“GP”) appreciates the opportunity to file these comments on the Washington Department of Ecology’s (“Ecology”) July 28, 2025 draft rules in the Cap-and-Invest Program Rule Updates and Linkage Rulemaking (“Linkage Rules”).

In comments filed on May 16, 2025 on the April 24, 2025 version of the draft Linkage Rules, GP raised concerns about how Ecology was interpreting the Climate Commitment Act (“CCA”) with respect to emissions associated with electricity imports. Specifically, GP noted that Ecology appeared to interpret the CCA to create a combined compliance obligation with respect to electricity imports from specified and unspecified sources. That is, even though the CCA establishes a coverage threshold for specified imports of 25,000 metric tons (“MT”) of carbon dioxide equivalent (“CO₂e”),¹ the Linkage Rules would cover emissions from specified imports below this threshold if the electricity importer also imported any amount of unspecified electricity. GP argued that this interpretation was inconsistent with the CCA as well as California’s treatment of electricity imports, the primary jurisdiction with which Washington seeks to link its program.

In the July 28, 2025 version of the Linkage Rules, Ecology made no changes to the rule governing coverage of electricity imports and has provided no explanation or justification for its interpretation in response to GP’s comments, which were supported by both Clatskanie People’s Utility District and the Alliance of Western Energy Consumers. Notably, the rules themselves on this issue are ambiguous – GP’s understanding of Ecology’s interpretation comes not from the rule language but from interpretive statements Ecology made in supporting documentation.²

Accordingly, GP reaffirms its position in these comments that the threshold for coverage of emissions from specified and unspecified electricity imports must be separately applied to each source category, and that coverage under one category does not automatically result in coverage under the other. An electricity importer importing specified electricity only incurs a compliance obligation for the associated emissions if they exceed 25,000 MT/CO₂e, regardless

¹ RCW 70A.65.080(1)(c)(i)(A).

² Linkage Rules, Summary Table at 2-3 (Apr. 24, 2025); Ecology Daily Digest Bulletin, CCA Market Notice: Unspecified electricity imports and opt-in registration (May 2, 2025).

of how much unspecified electricity it imports. GP proposes the following amendments to WAC 173-446-030(1)(c):

(1) Beginning with the first compliance period (emissions years 2023 through 2026) and for all subsequent compliance periods covered entities are: ...

(c) A first jurisdictional deliverer that imports electricity into Washington, and whose cumulative annual total of covered emissions associated with this imported electricity for any calendar year from the following sources, each considered separately and individually, meet the following thresholds:

(i) For specified sources, emissions equal to or exceeding 25,000 metric tons of carbon dioxide equivalent;

(ii) For unspecified sources, emissions exceeding 0 metric tons of carbon dioxide equivalent from emissions year 2025 or any subsequent year;

(ii) For electricity purchased from a federal power marketing administration pursuant to section 5(b) of the Pacific Northwest Electric Power Planning and Conservation Act of 1980, P.L. 96-501, that Ecology determines is not from a specified source, emissions equal to or exceeding 25,000 metric tons of carbon dioxide equivalent.

If, however, Ecology does not revise the Linkage Rules in the manner GP recommends, it should provide a substantive explanation and justification for its interpretation of how the CCA covers emissions from electricity imports. Further, GP requests that, if Ecology disagrees with GP's interpretation of the CCA with respect to coverage of electricity imports, it still revise the Linkage Rules to make clear that an electricity importer that imports unspecified electricity also incurs a compliance obligation for emissions from imports of specified electricity, regardless of the amount of those emissions. The current draft of the Linkage Rules does not unambiguously reflect Ecology's interpretation of the CCA in this regard, and the rules should be clear so that reporters understand their compliance obligations.

GP appreciates Ecology's continued efforts in this rulemaking to implement the CCA and looks forward to continuing to engage with Ecology regarding coverage of emissions from imported electricity.