

Washington Department of Ecology
Chapter 173-423 WAC,
Clean Vehicles Program rulemaking
P.O. Box 47600
Olympia, WA 98504-7600

Re: Comments in Support of Amendments to Clean Vehicles Program

Dear Department of Ecology staff:

The Natural Resources Defense Council (NRDC) submits these comments in strong support of Ecology's adoption of amendments to update Washington's Clean Vehicles Program in line with California's evolving Advanced Clean Trucks (ACT) and Heavy-Duty Low-Nox Omnibus (HDO) regulations. The health of Washington's communities, the integrity of its climate commitments, and the economic vitality of its clean transportation sector depend on swift and unwavering action. We urge you to adopt these amendments promptly and decisively.

I. ABOUT US

NRDC is a 501(c)(3) nonprofit organization with over three million members that works to safeguard the earth—its people, its plants and animals, and the natural systems on which all life depends.

II. Support for ACT and HDO Amendments

The proposed amendments to ACT and HDO are both timely and critical. By tracking the latest revisions to California's ACT and HDO regulations, these changes streamline program implementation and offer manufacturers additional compliance flexibility. Specifically, the technical amendments to the ACT rule introduce important clarifications such as edits to existing language, an extension of the shortfall makeup period from one year to three years, and a shift in compliance metrics—the point of compliance is now determined when a vehicle is produced and delivered for sale in Washington instead of when vehicles reach the ultimate purchaser. These amendments allow for additional manufacturer reporting and record retention requirements, enable secondary manufacturers to buy and sell ACT credits, and permit manufacturers to certify Class 2b-3 vehicles to the zero-emission powertrain requirements.

Additionally, clarifying vehicle and engine labeling requirements for the Washington market, exempting Omnibus-compliant engines in Class 7-8 vehicles from deficit calculations for model year 2026 (reducing the credits needed for Class 7-8 vehicle compliance by at least 90% for that year), all serve to address industry concerns while maintaining robust environmental safeguards. Finally, the HDO revisions that permit legacy engine sales through 2026 ensure a more flexible

transition to without sacrificing long-term emissions reductions. These amendments to both ACT and HDO must be finalized without delay.

III. Urgent Need for ACT and HDO Implementation

The Clean Vehicles Program is an essential step in reducing Washington’s transportation emissions—currently the largest contributor to the state’s overall greenhouse gas emissions (39%). Despite comprising just 10% of on-road vehicles, large trucks and buses contribute roughly 30% of on-road greenhouse gas emissions. Washington’s Transportation Electrification Strategy projects that zero-emission vehicles (ZEVs) will reduce greenhouse gas emissions by an estimated 9.4 million metric tons of carbon dioxide annually by 2030. The ACT rule alone is expected to help reduce 47 million metric tons of CO₂ through 2050, cut 47% of NO_x pollution, lower particulate matter (PM_{2.5}) emissions by 43%, and prevent roughly 100 hospital visits and premature deaths each year. Similarly, HDO is projected to result in a reduction of 35,640 tons of NO_x emissions in Washington through 2050.¹ These figures underscore the critical role that these regulations play in combating climate change and protecting public health.

Beyond the clear environmental benefits, the economic advantages of transitioning to zero-emission vehicles are substantial. The ACT rule’s gradual, flexible design—with low initial sales requirements that increase over time—allows for technological improvements, the maturation of supporting infrastructure, and eventual cost declines in ZEVs. These cost savings, driven by lower maintenance, fuel costs and longer-lasting components, will not only benefit manufacturers and consumers but also support a broader transition toward cleaner, more efficient transportation systems in Washington. By aligning with California’s amendments, Washington will further incentivize innovation, streamline compliance, and accelerate economies of scale, driving down costs for fleets and consumers.

The public health implications of these regulations are equally compelling. Diesel exhaust from medium- and heavy-duty vehicles is a significant source of pollutants—including carbon monoxide, particulate matter, nitrogen oxides, and various hazardous air pollutants—that contribute to lung and heart disease, cancer, asthma, and premature mortality. Communities located near major transportation corridors, often low income and communities of colors like residents of the Duwamish Valley, have long borne the brunt of these emissions. By advancing these amendments to the ACT and HDO rules, Washington can reduce harmful air pollution, address longstanding environmental justice concerns, and ensure that vulnerable populations receive the protection they need. In a time when the consequences of climate change are becoming increasingly severe, these actions are essential not only for protecting current residents but also for securing a sustainable future for generations to come.

¹ Washington Department of Ecology, Chapter 173-423 WAC, Clean Vehicles Program rulemaking public information session, accessed on 2/8/2025, available at <https://ecology.wa.gov/clean-vehicles-program-rulemaking-public-information-session>

IV. A Pragmatic Path Forward

It is important to note that these regulatory measures come at a time when political and industry opposition is rampant. Recent attempts to weaken or rollback ACT and HDO rules in Oregon, New Jersey, New York and Massachusetts, and other Section 177 states underscores the urgency of defending these policies.² Washington must reject similar delays, rollbacks or exemptions, which would undermine the state’s GHG reduction targets (95% below 1990 levels by 2050) and jeopardize investments like the \$110 million point-of-sale voucher incentive program.³ The proposed amendments strike a balance between feasibility and ambition, ensuring emissions reductions remain on track while addressing manufacturer concerns.

Contrary to industry claims, zero-emission MHDVs are not a distant prospect but a present-day reality. Over 260 models—from delivery vans to Class 8 tractors—are now available, with total cost of ownership for electric trucks already lower than diesel equivalents in many segments.⁴ Despite industry opposition, Washington’s leadership in climate and clean air policy must remain unwavering. The ACT and HDO rules bolstered by the proposed amendments provide a pragmatic pathway forward. These measures ensure that the state’s environmental goals remain achievable, even in the face of shifting market conditions and political pressures. By fully implementing the ACT and HDO rules, Washington will continue to pioneer a path toward cleaner, healthier, and more equitable transportation solutions.

V. Conclusion

NRDC urges the Department of Ecology to adopt these amendments promptly, resist any efforts to weaken or dismantle standards, and continue collaborating with stakeholders to ensure equitable implementation of the ACT and HDO rules. By doing so, Washington will not only reduce harmful greenhouse gas emissions and improve air quality but also drive economic innovation and safeguard public health in communities that have long been overburdened by diesel pollution. Your leadership in this rulemaking process is critical to protecting the health of our planet and the well-being of all Washington residents.

² Guillermo Ortiz, Natural Resources Defense Council, “New Analysis Indicates Truck Makers are Manufacturing a False Crisis”, accessed on 2/7/2025, available at <https://www.nrdc.org/bio/guillermo-ortiz/truck-makers-are-manufacturing-false-crisis>

³ Washington Department of Ecology, “Reducing Greenhouse Gas Emissions”, accessed on 2/8/2025, available at <https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions>; Washington State Legislature, Joint Transportation Committee, “Design of Infrastructure and Incentive Program for Medium and Heavy-Duty Zero Emission Vehicles (MHD ZEVs)”, accessed 2/8/2025, available at https://leg.wa.gov/media/5q1fxd04/final_wamhdvvoucherincentivereport021524.pdf

⁴ California Air Resources Board, “List of Certified Medium and Heavy-Duty ZEVs”, accessed on 2/7/2025, available at <https://ww2.arb.ca.gov/applications/list-certified-medium-and-heavy-duty-zevs>

Thank you for the opportunity to provide these comments. We look forward to continuing our collaboration with the Department of Ecology as you work to implement these vital regulations.

Sincerely,

Guillermo Ortiz, Senior Clean Vehicles Advocate
Natural Resources Defense Council (NRDC)

