

February 7, 2025

Department of Ecology
ATTN: Nikki Harris
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RE: Clean Vehicles Program Rulemaking - Chapter 173-423 WAC

The Washington Public Utility Districts Association (WPUDA) appreciates the opportunity to provide comments on the Chapter 173-423 WAC, Clean Vehicles Program rulemaking.

WPUDA represents 27 of the state's public utility districts which provide water, wastewater, energy, and telecommunications services, that are critical to protect and enhance public health and welfare. As local government service providers, Washington's not-for-profit Public Utility Districts (PUDs) exist to serve the needs of their customers.

This letter is in response to the request for comments by the WA Department of Ecology regarding the consideration of amendments to Chapter 173-423 WAC, the Clean Vehicles Program rule (WA Regulations).

Washington law (RCW 70A.30.010) currently requires Ecology to adopt certain California regulations to maintain consistency with California's emissions standards that requires manufacturers to sell an increasing percentage of zero emission vehicles Class 2b -8, including medium and heavy trucks over the next several years in the state. This is an initial phase of a multi-year process to meet future emission standards in the state of Washington.

As Ecology considers amendments to WA Regulations in reference to the California's Advanced Clean Trucks and Heavy-Duty Low-NOx Omnibus¹ regulations, it will be important to keep perspective on the limitations of available vehicle technology and the impacts to the local economy resulting from the current transition schedule. Also, learning from California's efforts to implement their regulations will be essential to ensure Washington develops an appropriately proportioned Clean Vehicles Program.

Washington state public utility districts provide essential services, including power, water, and wastewater to a multitude of citizens across all demographics of the state. Many of the areas served by PUDs are in remote sparsely populated rural communities in the state. The maintenance and

¹ CARB HD LowNOx - <https://ww2.arb.ca.gov/es/our-work/programs/heavy-duty-low-nox/about>

restoration of services requires the use of specialized Utility Service Vehicles² (USV). Oftentimes, these vehicles are called upon during times of emergency, natural disasters, and extreme weather events. The distance crews are commonly required to travel to restore or stabilize services can be more than 100 miles in extreme temperatures.

Once the crews arrive at an area that requires repairs or restoration, the USV may remain on sight for many hours or even days while operating auxiliary hydraulic functions, such as a digger derrick (auger), eductor (vacuum), and personnel lift (bucket) operations.

In addition to these mechanical functions, consistent with state law³, these vehicles serve as shelters from the elements for crews, which requires extended periods of time when engines are idling. Presently, electrified USVs cannot adequately perform these functions or meet the basic needs of utility workers as they service and repair utility infrastructure.

PUDs also share resources outside their service area. On a regular basis utilities provide Industry Mutual Assistance to neighboring communities in Washington and other states across the country experiencing service outages due to natural disasters and extreme weather events that interrupt utility services.

PUD crews are the “First Responders” for utility service restoration and require the use of USVs with Internal Combustion Engines (ICE) to ensure timely response to necessary system repair and maintenance. Public health and safety hinges upon the continuous operation of power, water, and wastewater utilities throughout the country and continuity of essential services is dependent upon reliable, stand-alone resources that the current zero emission vehicle technologies do not adequately support in emergency, remote, and extended use applications.

Currently, WAC 173-423-060 exempts certain emergency vehicles, such as military, police, and fire department vehicles, from the Clean Vehicles Program. WPUDA recommends that ICE USVs are also exempt from this chapter given the nature of USVs operating to maintain and restore essential critical utility services to the public as described herein.

In addition to the considerations of providing exemptions for ICE USVs, there are some key differences between Washington and California that should be fully considered before implementing the WA Regulations. The following data table from 2021 lends perspective to differences between these states.

	Registered Vehicles⁴	Transportation Energy Consumed⁵	CO² Emissions⁶
CALIFORNIA	31,119,113	2785	179
WASHINGTON	7,835,063	604	42

² §CFR 395.2 Definitions - <https://www.ecfr.gov/current/title-49/section-395.2>

³ [RCW 49.17.010](#) / [WAC 296-62-095](#)

⁴ Federal Highways Administration - <https://www.fhwa.dot.gov/policyinformation/statistics/2022/pdf/mv1.pdf>

⁵ Trillion Btu - Bureau Transportation Statistics (BTS) - <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/energy-consumption-and-co2>

⁶ Million metric tons – BTS - <https://www.bts.gov/browse-statistical-products-and-data/state-transportation-statistics/energy-consumption-and-co2>

As the data suggests, California has nearly four times the number of registered vehicles and CO² emissions as Washington. Additionally, the population⁷ of California is approaching 40 million, whereas the State of Washington is currently around eight million. Essentially, California has a population that is five times that of Washington and a total land mass that is more than double at 163 thousand square miles⁸. These data show that Washington and California have significantly different levels of influence impacting air quality conditions. As such, the regulatory framework should also be right sized for the area it will be applied.

WPUDA recognizes the complexities and many of the considerations for developing statewide rules. However, it is important to balance current and future anticipated environmental goals with provisions for continued use of ICE USV resources.

Recent events across the nation have underscored the importance of the use of ICE USVs by utility service providers. Whether responding to hurricanes in the US southeast, ice storms in central, mid-Atlantic and northeast states, or wildfire in the west, USVs are essential to our nation's ability to respond to and restore essential utility services that support public health and safety during and immediately after natural disasters and extreme weather events. These real time examples demonstrate that current electrification technologies do not meet the need of full scale USV demands for these critical operations.

In summary, WPUDA implores Ecology to exempt Utility Service Vehicles from Chapter 173-423 WAC, the Clean Vehicles Program rule. Also, we strongly urge more consideration for the differences between the two states in carbon emissions and population size when considering an appropriately proportioned Clean Vehicles Program for Washington.

Please contact me directly at 360-890-6681, or tnelson@wpuda.org to answer any questions or provide additional clarifications.

Thank you for the opportunity to provide these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Travis Nelson', written in a cursive style.

Travis Nelson, Regulatory Affairs Manager
Washington Public Utility Districts Association

⁷ US Census - <https://www.census.gov/popclock/>

⁸ US Census - <https://www.census.gov/geographies/reference-files/2010/geo/state-area.html>