



April 3, 2025

Department of Ecology
State of Washington
Attn: Jordan Wildish

Re: Ecology Rule Making on ODS

Dear Jordan,

This letter reflects Tradewater’s comments on the **Department of Ecology Compliance Offset Protocol Ozone Depleting Substances Projects Version 1.0** draft. We are honored to have been part of the ODS Protocol Working Group hosted by Ecology last year and excited to see some of the proposed revisions in the new draft protocol.

Please find our comments in the table below:

Revision	Tradewater Comments
GWP values were changed from AR4 to AR5	Tradewater continues to support the change from AR4 to AR5. However, Tradewater does not support changing GWP values of destroyed ODS to AR5 without also changing to AR5 the GWP of refrigerants counted in the substitute emissions calculations. If both changes are not made at the same time, Ecology will unnecessarily (and inaccurately, from a carbon accounting perspective) reduce the credit yield for ODS destruction projects. We understand Ecology is waiting for the 2025 EPA Vintaging Model before it will revise the substitute emissions factors. Given this, we propose the GWPs remain at AR4 levels until which time the updated Vintaging Model is received and the AR5 GWPs and substitute emissions GWPs can be pushed out at the same time.
Allow credit generation from R-22	Tradewater continues to support making R-22 eligible. However, we urge Ecology to consider removing substitute emissions and moving to a full release model following the ACR 2.0 methodology. Unless the model is changed in this way, it may not be financially feasible for project developers to destroy R-22 under the Ecology protocol.
Allow credit generation from medical aerosols and unused solvents	Tradewater continues to support this revision. The language in Section 2.2(c)1, however, is confusing. Unused solvents, by definition, are not “listed as hazardous waste under EPA CFR 261 subpart D.” (That CFR provision only applies to “spent” CFCs.) Therefore, it is superfluous and confusing to include the second sentence that reads “Unused solvents listed as hazardous waste under EPA CFR 261 subpart D are not eligible under this methodology.” We ask that it be removed.

<p>Section 3.2(d) on Landowner Consent</p>	<p>Language has been added requiring consent to Ecology’s jurisdiction from landowners if “any portion of the offset project is located on land over which the state of Washington does not have jurisdiction.” Tradewater remains uncertain on how this should be applied to ODS projects.</p> <p>For example, if a project developer acquires over 500lbs of material (incurring Point of Origin requirements) from someone in the state of Kentucky, is that land considered an offset project location subject to this provision? Would we need consent from that landowner to be regulated under WA law? If yes, this would pose major barriers to including material from outside of WA in Ecology projects, and therefore severely reduce the number of ODS credits available in the WA compliance market. If this is not the intended application of this new clause, we suggest clarifying the language to make clear what land is applicable, such as clarifying this only applies to land falling within the project boundaries as outlined in Figure 4.1 (i.e. only destruction facilities).</p> <p>Without clarification on this clause, we also anticipate significant verifier confusion. This will cause unnecessary back and forth during verification.</p>
<p>Section 3.4.2(b)</p>	<p>Tradewater recommends clarifying this section. It maintains ODS sourced from the federal government is not eligible under the Ecology protocol, yet Section 2.2.1 (d) grants conditional eligibility for some federal material. Lack of clarification here could cause confusion with the verifiers and project developers.</p>
<p>Substitute Emissions</p>	<p>While Tradewater urges Ecology to update AR5 GWP and substitute emission values in tandem, per our comments above, we would also like to reiterate our previous recommendation to remove substitute emissions entirely. On this point, we would like to join and adopt the position and explanation in the letter submitted to Ecology by the American Carbon Registry on April 2, 2025.</p>

Thank you for accepting our comments and please don’t hesitate to reach out with any questions.

Regards,



Sarah Fluharty
 Director of US Programs
 Tradewater