Washington Refuse & Recycling Association

WRRA resubmits attached comments from initial comment period in February 2025. Our member companies have individually commented as well. See: Ada-Lin Waste Systems Inc, Torre Refuse & Recycling Spokane County & Torre Refuse & Recycling Stevens County.

WASHINGTON REFUSE & RECYCLING ASSOCIATION

Re: Clean Trucks Rulemaking Comments

Thank you for the opportunity to provide comments on the Clean Trucks rulemaking. The Washington Refuse and Recycling Association (WRRA) is the statewide trade association representing many solid waste management companies across Washington. Our members are responsible for the collection and processing of the majority of the state's residential and commercial waste, recyclables, and organics. WRRA's membership also includes operators of material recovery facilities, composting facilities, municipal solid waste transfer stations, and landfills. Additionally, we have associate members who supply essential products and services to the industry, including specialized trucks required for waste and recycling collection.

WRRA Members Provide Essential Public Health Services

As environmental goals have evolved, the conservation of energy and natural resources has been recognized as key to sustaining public health. During the COVID-19 pandemic, the federal government identified solid waste management as part of critical infrastructure. The U.S. Department of Homeland Security emphasized that maintaining waste removal, storage, and disposal services was essential to public health. Our industry's resilience has continued through natural disasters such as wildfires in 2020, coastal and river flooding in 2024, as well as Western Washington's first blizzard in over a decade and Southwest Washington's record-cold ice storm in that same year. Solid waste collection—encompassing garbage, recycling, and composting—is vital for protecting the health, safety, and welfare of Washington's communities. WRRA members are committed to these responsibilities, planning and adapting to ensure service continuity, even under the most challenging conditions.

At present, however, WRRA members face significant uncertainty regarding their ability to continue providing these essential services due to the predictable and ongoing impacts of the Clean Trucks rules as those being implemented on our industry in Oregon and California presently. Solid waste collection companies in all three states are encountering difficulty in securing necessary truck purchases, with unclear availability of California Air Resources Board (CARB)-certified engines. CARB's ACT rule requires manufacturers to sell a certain percentage of heavy-duty engines starting with model year 2024 and medium- and heavy-duty zero emission trucks beginning with the 2025 model year. The ACT has been implemented in Oregon and California through truck dealers forcing the purchase of EV trucks by fleet operators that are seeking to buy new internal combustion vehicles. The Low NOx rule requires manufacturers producing heavy-duty vehicles to meet strict NOx emission standards to reduce the current NOx standard from 0.2 to 0.05 in 2024 and from 0.05 to 0.02 in 2027. The post-COVID truck market remains unstable, and supply chain disruptions have led to a shortage of certified engines. Additionally, some truck manufacturers have ceased offering certain vocational truck engines due to the Omnibus standards, further complicating the acquisition of specialized waste collection vehicles.

Additionally, we note the anticipated future shift towards electric trucks for waste collection. WRRA members are frequently asked by city and county authorities to implement environmentally beneficial changes, even when those changes come at a higher cost. These initiatives are made more feasible through the franchise model, which spreads costs across a broad customer base. However, we are concerned that the transition to electric trucks may prove too costly for some jurisdictions.

Unworkable Implementation Timelines

The current Advanced Clean Trucks (ACT) timelines would be an insurmountable burden on the waste collection industry because we cannot perform this essential service without the availability of reliable trucks. Electric heavy-duty trucks face several key challenges, including a limited range of models to meet various needs. Despite some claims, there are still tasks EV trucks cannot handle. There are also substantial economic barriers, such as high upfront costs, lack of supporting infrastructure, and uncertain long-term returns on investment. EV trucks are significantly more expensive than traditional internal combustion engine) trucks, and despite large taxpayer subsidies, demand remains low. The heavy weight of batteries limits cargo capacity, leading to the need for more trucks to carry the same freight, which is inefficient and wasteful. Moreover, the charging infrastructure is insufficient, and without major upgrades to grid capacity, EV truck owners cannot effectively fuel their vehicles. We noted that the Department of Ecology staff presentation of December 10, 2024 borrows heavily from the CARB public position that EV trucks are readily available, meet consumer needs and save fleet operators money. WRRA disputes those conclusions and points to the real-world 2024 Total Cost to Transport study by Ryder Systems[1] that concludes that currently there is not a single EV truck that can perform the same amount of work on a daily basis nor is there a single model that is less expensive to purchase or operate than the increasingly cleaner natural gas and clean diesel truck fleet operated by WRRA members.

ACT rules have caused disruption up and down the west coast. In Oregon, HB 3119 – a bill that delays Oregon's ACT rule (which went into effect at the beginning of this month) until 2027 – is making its way through the House Committee on Climate, Energy, and Environment with bi-partisan support. We've seen this even more so in California, where the state has withdrawn its pending waiver and authorization requests for their Advanced Clean Fleet (ACF) rule and it's In-Use Locomotive Regulation. As we've seen through those rulemaking processes, the ACT has forced companies, government agencies, and local municipalities in need of trucks to either request exemptions, delay fleet upgrades or look outside the state in search of non-compliant vehicles. CARB's withdrawl of its ACF waiver request by USEPA means that the Department of Ecology will be unable to enact either of the CARB ACF timelines requiring fleet operators to replace internal combustion engine with EV trucks. However, this alone does not remove a *de facto* EV purchase requirement on WRRA as truck dealers following ACT in both Oregon and Washington are forcing the purchase of EV trucks by fleet operators that are seeking to buy new internal combustion vehicles.

Delayed Implementation for solid waste collection vehicles, modeled on Oregon's rule

Oregon has seen challenges with truck supply and, the incoming rules for ACT have made purchasing trucks even more difficult, and changes have been made to the policy as a result. Since 2021,

[1] https://www.ryder.com/globalassets/media/documents/insights/white-papers/fleet-management/white-papers-ryder-ev-study_ada.pdf

multiple truck dealers have paused diesel sales in Oregon due to limited supply chain issues, staffing issues, and plants trying to prepare and move to manufacturing electric vehicles. In March of 2023, multiple Oregon solid waste collection companies were told by a large dealer that their allocation was reduced for 2023 and that all trucks had been spoken for. Those companies report that parts costs have significantly increased, and supply chain issues have made those parts difficult to source. Multiple companies report that when they finally get the new truck, the repair costs are immense due to the rush to push them out, and solid waste collection companies do not have the privilege of waiting out supply chain issues, they are committed to delivering the essential service of keeping our streets clean.

In conclusion, WRRA respectfully requests an exemption solid waste collection vehicles from the timelines set by the Clean Truck rules, mirroring the approach followed in Oregon. Currently, WAC 173-423-060 exempts vehicles purchased by fire and police departments, sheriff stations, and the military. Solid waste management is based on the need to protect the public health, safety, and welfare of citizens, and it stems from the Police Powers of the Constitution. Initially, cities and counties worked to manage garbage to keep it from accumulating, becoming a nuisance and attracting vermin which spread disease. WRRA recommends adding to WAC 173-423-060 (new language in bold)

> (b) authorized emergency vehicles, as defined in RCW 46.04.040. **(c) solid waste collection vehicles used to transport solid waste, as defined by RCW 70A.205.020(24).”**

For reference, the definition of solid waste found at RCW 70A.205.020(24) states:

> “Solid waste” or “wastes” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

This is modeled on the exemption requested by the Oregon Refuse and Recycling Association (ORRA) from the ACT rules and the Omnibus Low-NOx rules (OAR 340-261-0060) (**the language requested is in bold);**

> (3) Emergency Vehicles, as defined in ORS 801.260, and ambulances, as defined in ORS 801.115, **and solid waste collection vehicles used to transport solid waste, as defined in ORS 459.005(25),** are exempt from OAR 340-261-0060.

This exemption would not require changes that would disrupt Washington's alignment with CARB’s engine standards, but it would recognize the unique challenges faced by our industry—especially the risk of public health emergencies due to the inability to collect solid waste. The continuation of essential waste collection services must remain a priority.

Thank you for your consideration of our request. We look forward to working with you to ensure that Washington’s communities continue to benefit from safe, reliable, and environmentally responsible waste management services.

If you have any questions regarding these comments, please contact India Brine – Legislative and Regulatory Policy Analyst at the WRRA – at india@wrra.org or (360)742-2609.

Sincerely,

Brad Lovaas
Executive Director

ATTACHMENT

WRRA Comments on WA Dept of Ecology's Clean Vehicles Program rulemaking public information session

ECOLOGY PRESENTATION-12/10/24 (p. 14)[1]		WRRA COMMENTS-2/12/2025
Myth	**Fact**	
Manufacturers must sell a certain number of zero-emission vehicles before being allowed to sell diesel or gas-vehicles	Manufacturers have multiple compliance options	Ecology's claim of a "Fact" is not accurate. Despite the claim of "multiple compliance options," for manufacturers, the reality on the street is that the major truck OEMs have communicated to their dealers the number of EVs that must be sold as a condition of selling ICE vehicles. Dealers that cannot meet the minimum EV sales targets are restricted in their sales of CARB Omnibus-compliant ICE vehicles (which are limited due to the "legacy engine" requirements that the OEMs agreed to implement). The bottom line is that manufacturers and CARB have created a situation where EV quotas must be met or ICE engines cannot be sold. Dealers are imposing EV sales as a ratio of EV sales to ICE sales notwithstanding the "multiple compliance options" contained in the ACT Regulation. The California impacts of ACT will befall Washington State unless the course is corrected because Chapter 173-423 WAC as it currently exists requires the Dept of Ecology to follow CARB emission standards. As provided in written testimony to CARB on 10/24/2024 by a California truck dealer typically sells over 400 diesel trucks per year, "In 2025 we must register 1 EV to earn the right to order 1 diesel truck. Customers are gun shy on purchasing EVs. Because I have sold zero EVs we will be able to order zero diesel trucks from either brand in 2025."[2] Manufacturers, through their dealer networks are forcing EVs to be purchased by fleet end users in order to purchase ICE vehicles.
Fleets must purchase zero-emission vehicles starting next year	ACT only regulates manufacturers	Ecology's claim is technically correct but misses the point that fleet purchasers will be forced to purchase EVs to meet ACT requirements based on how California and Oregon have implemented ACT starting in 2024 and 2025, respectively. CARB has documented what California fleets have experienced with manufacturers and dealers forcing EV purchases for fleet operators seeking to purchase internal combustion engines (ICE). "The purpose for these ratios varies depends based on the manufacturer. Some are using these ratios in order to meet their percentage sales requirement under the ACT regulation and

[1] https://ecology.wa.gov/getattachment/f02cbc2a-6346-44df-b014-1bb3883ea82e/Clean-Vehicles-Program-Rulemaking-Public-Info-Session-Dec-10-2024.pdf

[2] https://www.arb.ca.gov/lispub/comm/iframe_bccomdisp.php?listname=actzepcert2024&comment_num=75&virt_num=4

ECOLOGY PRESENTATION-12/10/24 (p. 14)[1]		WRRA COMMENTS-2/12/2025
Myth	**Fact**	
		as a result are requiring a ratio of roughly 1 ZEV to 10 to 15 ICE vehicles, which essentially pushes the ACT regulation's requirement onto the dealership or fleet. In other cases, manufacturers are requiring ZEV sales in order to generate NOx credits as they did not plan to have an HD Omnibus-compliant engine and are instead setting ratios of 1 ZEV to 1 to 3 ICE vehicles in order to achieve compliance."[3] So while Ecology is correct that the letter of the ACT Regulation as adopted points to manufacturers, there are severe impacts on fleet operators that should not be ignored.
ACT is banning the sale of [insert vehicle here]	ACT does not ban the sale of any kind of vehicle	Ecology's claim is technically correct but insufficient when considering the purchase side of a truck dealer/fleet operator relationship. The ACT results in a significant imposition on the traditional buying patterns of fleet operators because the forced ratio of EV to ICE purchases is specific to the OEM and dealer. For example, the typical Washington-based long-haul truckload carrier engaged in goods movement in the western states is likely compelled to purchase EV trucks that make no economic or practical sense for its business operations. At the ratio of 1 ZEV to 3 ICE that CARB identified (above) a fleet sourcing diesel tractors with a range in excess of 1,000 miles and carrying capacity of approximately 60,000 lbs would be forced to buy either: a) a tractor that costs two to three times more than diesel and carries 8,000 to 10,000 lbs less cargo, or b) another EV model that is made by that specific OEM but may not meet the business needs (e.g. Kenworth Truck Company offers both a Class 8 EV tractor and a Class 7 EV box truck but a long-haul carrier has little or no use for a Class 7 EV box truck). So while ACT is not an outright ban on specific vehicles it is currently a disruptive force that has anti-consumer consequences on ALL purchasers of vehicles >8,500 lb GVWR and larger in the state. It should be noted that while the now withdrawn CARB ACF would have regulated fleet sizes of 50 trucks or more or $50 million or more in revenue, ACT regulates all major truck and bus OEMs and purchasers of one or more ICE vehicles are impacted by ACT.

[3] https://ww2.arb.ca.gov/sites/default/files/2024-09/240925_actmemo_ADA_0.pdf at p. 4

ATTACHMENT

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