

Travis Nelson

(Formal letter attached)-

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

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 exist to serve the needs of their customers.

We are writing to express our appreciation for the acknowledgement in the proposed changes that Utility Service Vehicles (USV) are exempted from the requirements of the Clean Vehicles Program and provide a refined definition of USV and associated reporting requirements. Utilities are an integral part of our public service network that support everyday life. Current electric utility service vehicle duty cycle limitations paired with the cost to purchase these specialized vehicles limit utility service providers and cause a compounding impact on rate payers in a time when affordability challenges all of us.

Given these considerations, we offer the following (3) comments at this time.

1) WPUDA has been consistent in communication with Ecology since February 2024 as to the necessary exemption for vehicles used by utility service providers and in recommending adoption of the existing federal definition for Utility Service Vehicles as defined in 49 CFR 395.2 "Utility service vehicle".

We suggest the following abbreviated, but consistent definition for the purposes of this rulemaking- WAC 173-423-040 Definitions and abbreviations.

...(12) Utility service vehicle is defined as a vehicle used in the furtherance of repairing, maintaining, or operating any structures or any other physical facilities necessary for the delivery of public utility services and emergency repairs;...

2) The informal draft proposed changes to Clean Vehicles Program Rulemaking - 173-423 WAC includes Fleet reporting requirements with exemptions for certain vehicle types, we recommend Utility Service Vehicles are included in this list.

WAC 173-423-083 Fleet reporting requirement.

(1) Applicability.

(b) The following vehicles are exempt from the reporting requirements in this section:

- (i) Vehicles awaiting sale;
- (ii) military tactical vehicles;
- (iii) Authorized emergency vehicles; and
- (iv) Utility service vehicles.

3) State and Federal Worker Protection – Heat and Cold

The current technology and duty cycle of electric vehicles are affected by temperature. State and federal law requires workers to be protected from temperature extremes. USVs operate in extreme weather conditions, oftentimes in remote areas without charging infrastructure, putting workers at risk.

Chapter 49.17 RCW, known as the Washington Industrial Safety and Health Act of 1973 (WISHA), is the primary legal authority for establishing and enforcing workplace safety and health standards in Washington state. This statute requires employers to reasonably ensure that no employee suffers material impairment of health or functional capacity due to conditions in the workplace that include exposure to heat and cold.

Title 29 of the Code of Federal Regulations for Labor defines the standards of worker safety and contains the General Duty Clause of the Occupational Safety and Health (OSH) Act or OSHA, that is the regulatory framework for maintaining a workplace free of serious recognized hazards, including exposure to heat and cold.

In addition to the specialized operations required by these vehicles in delivery of public utility services, the USV is a shelter from the elements for workers. The exemption for USVs is needed to ensure compliance with state and federal laws.

February 2, 2026

Department of Ecology
ATTN: Gopika Patwa
300 Desmond Dr SE
Lacey, WA 98503
Gopika.patwa@ecy.wa.gov

RE: INFORMAL DRAFT PROPOSED CHANGES - CLEAN VEHICLES PROGRAM RULEMAKING- 173-423 WAC

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Conclusion

Utility workers are the first responders to provide the maintenance, repair, and installation of the utilities that enable critical service connections to the public through electricity, water, wastewater, stormwater, and telecommunications. Utility service vehicles are the critical link that ensures delivery of these services to the public.

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 blue ink, appearing to read "Travis Nelson".

Travis Nelson, Regulatory Affairs Manager
Washington Public Utility Districts Association