



Washington Department of Ecology
P.O. Box 47600
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SUBMITTED ELECTRONICALLY AT: <https://ecology.commentinput.com/>

Re: Initial Comments on the Scope of the Rulemaking to Amend Chapter 173-424 WAC, Clean Fuels Program

Following the recent notification of the upcoming rulemaking to amend Chapter 173-424 WAC, also known as the Clean Fuel Standard (“CFS”), Rivian Automotive, LLC, (“Rivian”) respectfully submits the following comments.

Rivian is a participant in clean fuels programs such as the CFS primarily through our charging network, and we appreciate the Department of Ecology’s (“ECY’s”) leadership in developing and maintaining the policy. As a stakeholder and supporter of the CFS, we look forward to continuing to advocate for approaches that improve the contribution of the CFS to the state’s transportation electrification goals.

To that end, we recommend that ECY consider select improvements to the regulation as part of this rule making, including:

- An update to the energy economy ratio (“EER”) used for light-duty electric vehicles (“EVs”);
- Revisions to the residential charging credit pathway that would allow EV manufacturers to play a larger role in the program; and,
- Provisions to address the issue of take-home fleets.

We hope you find these comments helpful as an introduction to Rivian’s perspective. We look forward to continued dialogue and partnership throughout the rulemaking process.



About Rivian

Founded in 2009, Rivian is an independent U.S. company. Rivian manufactures all of its vehicles in the United States. With over 14,000 employees across the globe, Rivian's expertise lies primarily in engineering, software development, and manufacturing.

In addition to our vehicles, Rivian is a manufacturer of direct current fast chargers (DCFC) and deploys, owns, and operates those chargers in our nationwide Rivian Adventure Network—including several locations in Washington. Since launching in 2022, the network has deployed over 800 DC fast charging ports nationwide at over 120 sites, with 85% of those sites now open to all EVs, with more coming soon. Rivian has also started transitioning portions of charging sites to the SAE J3400 NACS connector in anticipation of the growing base of vehicles with native NACS charging inlets coming to market. Rivian's commitment to charging reliability has been demonstrated through the Rivian Adventure Network's high uptime rates of 97%+, achieved via our vertical integration and robust operations and maintenance support.

Maximizing the Benefit of the CFS for Transportation Electrification

The signature strength of the CFS is its portfolio-based approach to expanding the use of a variety of clean fuels in Washington. This includes electricity. Clean fuels policies like the CFS create new markets that marshal private capital for increased investment in the provision and use of clean fuels like electricity.

With strategic reforms, the CFS could be even more effective in this regard. Below we offer several recommendations that would help Washington reach its goals.

Revise the EER for Light-Duty EVs

ECY should use this rulemaking to revise the EER used for light-duty EVs in the CFS. This is a relatively minor change in terms of administrative and rulemaking complexity but one with important and significant benefits for the integrity of the CFS and electricity credit generation.



The current light-duty EER value of 3.4 stems from a determination originally made by CARB in the 2011 rulemaking for the California LCFS—and is thus now more than a decade old and unrepresentative of the contemporary EV fleet.¹ Manufacturers have made substantial improvements to EV efficiency in the years since the California LCFS was first developed and continuing to use an outdated EER systematically undervalues those improvements and the real-world impact of those EVs in the context of the CFS. Examples of revised EERs exist in other clean fuels programs and point the way to a more appropriate figure. Canada’s regulation, for instance, specifies an EER of 4.1 for light-duty vehicles.² Rivian would be pleased to discuss this issue further with staff and we encourage ECY to incorporate it into the rulemaking.

Provide Opportunities for EV Manufacturers to Play a Larger Role in the Program

Clean fuels policies are intended to be market-based systems that create incentive structures for private sector investments by the providers and users of clean transportation fuels. In the light-duty vehicle sector, the two most important market participants are vehicle manufacturers and their customers. Consistent with the core principles of the CFS, the policy should encourage the participation of these market actors and reward them for making investments in EVs.

ECY should consider establishing EV manufacturers as the priority credit generators for residential EV charging in cases where they can provide accurate and comprehensive telematics-derived data to substantiate credit claims. ECY could consider establishing other threshold eligibility criteria such as minimum EV sales percentages that support the state’s broader goals. Together, this structure would create new “pull” factors favoring EV deliveries and sales in Washington, while positioning EV manufacturers—thanks to their market position and close relationship with

¹ California Air Resources Board, Appendix A: Proposed Regulation Order, October 26, 2011, available at www.arb.ca.gov/sites/default/files/barcu/regact/2011/lcfs2011/lcfsappa.pdf.

² Environment and Climate Change Canada, *Clean Fuel Regulations: Specifications for Fuel LCA Model CI Calculations, Version 2.0*, January 2023, p. 85, available at www.data-donnees.az.ec.gc.ca/data/regulatee/climateoutreach/carbon-intensity-calculations-fo-the-clean-fuel-regulations/en/Resources/?lang=en.



customers—to earn credits that can be efficiently reinvested in ways that accelerate market growth.

As one example, with a sufficiently large allocation of base credits, manufacturers whose vehicles generate credits could potentially operate an EV purchase incentive program. This concept was previously considered by the California Air Resources Board.

Alternatively, ECY could establish a flexible menu of eligible investment options including some or all of the following:

- Annual dividend checks returned to customers, paying out the value of charging credits.
- Rebates on home EVSE purchases.
- Public charging infrastructure deployment.
- Vehicle-grid integration (“VGI”) technology development and implementation

Automakers could report to ECY on their expenditures.

Address the Issue of Take-Home Fleets

Positioning EV manufacturers as a base credit generator also creates the conditions to address the issue of take-home fleets—a key blind spot in the CFS. When fleets charge their vehicles centrally at a depot and they own/operate the charger, they can generate the credits. However, many fleets operate under a take-home model—especially in the light and medium-duty segments—with fleet EVs expected to charge at private residences. The CFS today does not easily allow for those fleets to capture the credits attributable to such charging activity, eroding the value proposition of electrifying their operations and undermining one of the signature benefits of the CFP for fleet electrification.



With appropriate reforms to the CFS, EV manufacturers could use their telematics data and close relationships with fleet customers to unlock the value of residential credits for those owners and operators. This issue merits a closer examination and Washington should carefully consider how to optimize the CFS in support of EV deployment across all fleet types.

Conclusion

Rivian welcomes this opportunity to engage with ECY on its upcoming rulemaking to amend the CFS. We support the program and welcome the opportunity to strengthen it further. We recommend that ECY use this opportunity to make targeted reforms that will improve the regulation's contributions toward Washington's broader goals.

Please contact me with any questions. Rivian would be pleased to discuss any of the issues raised in this letter in more detail and we look forward to conversations throughout the rulemaking. Thanks again to ECY for this opportunity to provide feedback.

Sincerely,

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