Tesla (Mal Skowron)

Please see attached comments of Tesla, Inc.

1 Tesla Road, Austin TX 78725
www.tesla.com/contact

March 3, 2026

Submitted electronically via https://ecology.commentinput.com/?id=HreYsPb4D&utm

Lauren Sanner
Climate Rulemaking Planner
Washington State Department of Ecology
300 Desmond Drive SE
Lacey, WA 98503

RE: Tesla Comments on Chapter 173-424 WAC and WAC 173-455-150, Clean Fuels Standard Rulemaking Informal Comment Period

Dear Ms. Sanner,

Tesla appreciates the opportunity to comment on this Clean Fuels Standard (CFS) rulemaking. Tesla is a long supporter and participant in clean fuel programs globally, both as an automaker and charging provider. In our view, the Clean Fuel Standard (CFS) program is one of the most impactful programs in Washington to accelerate the transition to transportation electrification.

One of the goals of this rulemaking is to identify strategies to incentivize transportation electrification within the program. The single most low-effort, high-impact action would be for Ecology staff to revise the energy efficiency ratio (EER) for both light and medium-heavy duty vehicles to reflect modern improvements in vehicle efficiency. This change would appropriately acknowledge the efficiency differences between EVs and internal combustion engine vehicles (ICEVs) and translate into a meaningful, credit-based signal for EV charging station development.

About Tesla

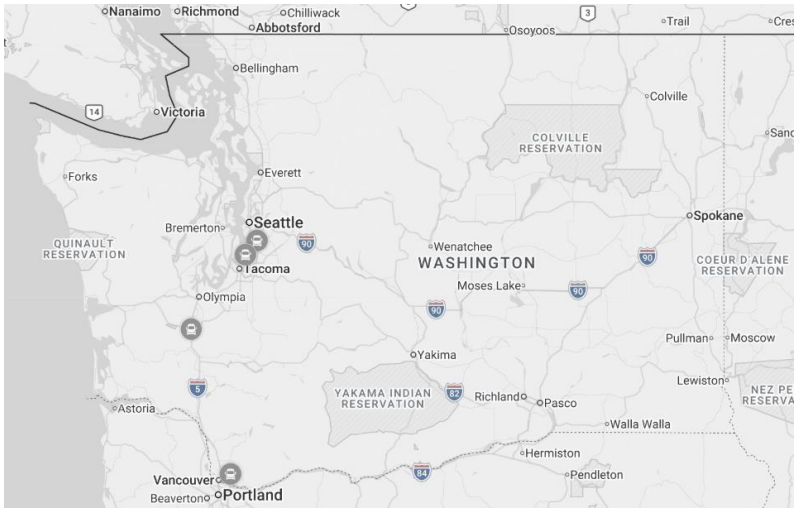
Tesla designs, develops, manufactures, and sells high-performance fully electric vehicles. Tesla has also invested in its growing network of retail stores, vehicle service centers, electric vehicle charging stations, and advanced manufacturing facilities. Tesla operates the largest DC fast charging (DCFC) network in the world, and in Washington, Tesla operates 900+ Superchargers across 80+ locations to serve light-duty EV charging.

This year, Tesla will launch at-scale manufacturing of the Tesla Semi, a Class 8 heavy duty electric truck, at a newly constructed factory in Sparks, Nevada. The goal of the Tesla Semi is to reduce NOx and greenhouse gas (GHG) emissions from goods movement and transportation. The Semi comes in two models with ranges of 300 and 500 miles and demonstrates that an all-electric truck can meet virtually any duty cycle when paired with a megawatt-scale charging.

Recently, Tesla updated the public charging locator map at tesla.com/findus to reflect upcoming plans for Megacharger deployment. The Megacharger network will be dedicated to serving heavy-duty vehicles, charging at 1.2 MW capacity. The three Megacharger sites

coming soon to Washington are planned to be the first of many sites to serve high-traffic freight corridors throughout the nation, starting with I-5.

Tesla Megachargers Coming Soon as of March 2, 2026



Tesla sees the CFS program as a critical tool for Washington State to ensure public charging for heavy-duty electric vehicles (EVs) is available and cost-effective for fleet operators to replace their diesel vehicles, as well as to continue to expand light duty fast-charging.

The program's EER of 3.4 undercounts the actual efficiency performance of light-duty EVs.

The EER is a term in the formula to calculate credits within the CFS program. It increases the number of credits per megajoule of energy dispensed at EV chargers for more efficient vehicles and reflects real-world petroleum displacement, not just energy delivered.

The program's current EER for light-duty vehicles, set at 3.4, was adopted from the California Air Resources Board (CARB) low carbon fuel standard (LCFS) program in 2011. The EER as calculated by CARB has not been updated for 15 years and is based on an overly simplistic calculation methodology. As described in the 2011 Initial Statement of Reasons (ISOR) for CARB's program[1], the 3.4 EER was an average of the EERs of just two vehicle comparisons, one for plug in hybrid vehicles (PHEVs) and one for battery electric vehicles (BEVs). The calculation is summarized below:

2011 CARB Methodology to Calculate EER

- PHEV
  - 2011 Chevy Volt = 93 MPGe
  - 2011 Chevy Cruze = 28.3 MPG[2]

[1] https://ww3.arb.ca.gov/regact/2011/lcfs2011/lcfs2011.htm See Appendix A, Page 67

[2] The 28.3 MPG for the Chevy Cruze was presumably a simple average of the automatic transmission versions of the engine trims offered.

    - PHEV EER = 93/28.3 = 3.29
- BEV
    - 2011 Nissan LEAF = 99 MPGe
    - 2011 Nissan Versa = 28.4 MPG[3]
    - BEV EER = 99/28.4 = 3.49
- Total EER = Average of PHEV and BEV
    - (3.29 + 3.49) / 2 = 3.39
    - Rounded to 3.40

This methodology is flawed for several reasons.

1) **Outdated data**. The 2011 EER does not reflect efficiency improvements in EVs from the last 15 years. The Tesla Model 3 and Tesla Model Y, for example, which are the two best-selling EVs of 2025 in the United States, are 40% more efficient than a 2011 LEAF.[4]
2) **Small sample size.** The 2011 EER is based on data from just four vehicle models.
3) **Weights PHEVs too heavily.** As of 2025, BEVs outsell PHEVs by a ratio of roughly 4:1.[5]
4) **Ignores top-selling models.** One-to-one comparisons do not capture real-world efficiency because high-efficiency BEVs make up a larger proportion of the on-road fleet.

Given these flaws in the 2011 methodology, updating the EER is a common-sense, low-hanging-fruit opportunity to improve the CFS program.

Ecology Staff should use a sales-weighted methodology to establish a new EER.

The current EER of 3.4 is too low, a fact that can easily be demonstrated by comparing EVs that share the same platform as an ICEV model. Below is a simple calculation that compares the ICEV Chevrolet Equinox to its BEV counterpart for the 2026 model year.

Sample Calculation for Chevrolet Equinox EER[6]

- BEV
    - 2026 Chevrolet Equinox EV = 108 MPGe
    - 2026 Chevrolet Equinox = 27 MPG
    - EER = 108/27 = 4.0

While the above calculation serves as a helpful illustration, it would be appropriate for Ecology staff to use a more robust methodology for an update to the EER. Tesla recommends sales-weighted average efficiency data for EVs and sales-weighted average efficiency data for ICEVs. This approach would ensure that the EER is rooted in a value based on real-world

[3] The 28.4 MPG for the Nissan Versa was presumably a simple average of the automatic transmission versions of the engine trims offered.

[4] 2011 LEAF = 99 MPGe. Tesla Model 3 and Model Y have an MPGe of 139 and 138 respectively, according to fueleconomy.gov.

[5] Argonne National Labs, Light Duty Electric Drive Monthly Sales Updates: "Approximately 1.5M plug-in electric vehicles (PEVs) were sold in 2025, a decrease of 4% from 2024 sales. **BEVs account for over 80% of the PEV sales**." Emphasis added. See https://www.anl.gov/esia/light-duty-electric-drive-vehicles-monthly-sales-updates (accessed March 3, 2026).

[6] Data from fueleconomy.gov.

efficiency performance. Using a sales-weighted methodology would likely result in an EER that matches or exceeds 4.0, a value which would be consistent with modernized EERs in other jurisdictions:

- Canada's Clean Fuel Regulations use a 4.1 EER for light duty EV Charging.[7]
- The European Union's third version of its Renewable Energy Directive (REDIII) increases the targets for EU member states transportation GHG reductions and guides them to use a 4.0 EER.[8]

The EER for medium and heavy-duty vehicles should also be updated based on new vehicle availability.

The current EER of 5.0 for heavy-duty BEVs was established during the 2018 LCFS rulemaking and is also due for an update.[9] Unlike the light-duty EER calculation, which was based on just two vehicle comparisons, the MHD EER calculation is based on an analysis of a number of papers comparing the efficiency of transit buses, drayage trucks, parcel trucks, and many other medium and heavy duty vehicle types.

Tesla believes this more comprehensive EER methodology is preferable and encourages Ecology Staff to update the MHD EER based on the current state of vehicle efficiency research. This rulemaking would be an appropriate time to update the EER for heavy-duty BEVs given the at-scale launch of the Tesla Semi.

Conclusion

Updating the EER for both light duty and heavy duty vehicles is critically important to ensure that EV charging is properly credited and continues to be incentivized in accordance with actual GHG emissions reduced. Utilizing a higher EER can support a steeper step change and a steeper compliance curve for this program. We look forward to working with Ecology Staff to ensure this small adjustment has a significant, positive impact on the State's transportation electrification goals.

Thank you for your consideration.

Sincerely,
Mal Skowron
Sr. Policy Analyst, Charging
Tesla, Inc.

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[7] CFR Specifications for Fuel LCA Model CI Calculations, Page 129, available at: https://data-donnees.az.ec.gc.ca/data/regulatee/climateoutreach/carbon-intensity-calculations-for-the-clean-fuel-regulations/en/Current%20Version?lang=en

[8] See Directive (EU) 2023/2413 of the European Parliament and of the Council, dated 18 October 2023 at (17). Article 27 is replaced by the following: "(d) the share of renewable electricity shall be considered to be **four** times its energy content when supplied to road vehicles…" emphasis added, available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32023L2413

[9] 2018 CARB ISOR, Appendix H, Section E, available at: https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2018/lcfs18/apph.pdf on PDF page 17.