



March 3, 2026

Department of Ecology
Climate Pollution Reduction Program
P.O Box 47600
Olympia, WA 98504-7600

RE: Rulemaking to Amend Clean Fuel Standard Rule (173-424 WAC)

Dear Lauren Sanner,

Clean Air Task Force (CATF) is pleased to submit comments in advance of Department of Ecology's (Ecology) rulemaking to update Washington's clean fuel program. CATF is a nonprofit organization working to safeguard against the worst impacts of climate change by catalyzing the rapid development and deployment of low-carbon energy and other climate-protecting technologies.

CATF supports the full decarbonization of the transportation system, which is the largest source of greenhouse gas emissions in the U.S., and commends Washington's leadership and policy commitments towards that goal. We believe that electrification with scaled up emission-free power generation can and should reduce a large share of transport emissions, yet up to half of the heavy transportation sector will be difficult or impossible to power with batteries (including aircraft, marine vessels, and some trucks).

Clean fuel standards (CFS) can be effective for incentivizing innovation and accelerating the deployment of low-carbon transportation fuels, including electricity. As we have seen in California's low carbon fuel standard (LCFS), however, careful attention must be paid to the full carbon lifecycle and market impacts of these fuels and how certain policy design features can lead to unintended consequences. CATF supports Washington strengthening and extending the state's carbon intensity requirements. It will be important, however, to ensure that competition for low-carbon fuels and feedstocks between transportation modes does not erode the integrity of the clean fuel standard program in achieving the state's climate goals.



Based on CATF’s experience with the California LCFS, particularly the most recent update to the program, we are eager to see Washington avoid the difficulties that California has experienced.

In particular, we recommend that Ecology:

- Update carbon intensity (CI) values for feedstocks with high indirect-land-use-change (ILUC) risks *and* limit the eligibility of those feedstocks.
- Avoid market distorting credits by conservatively disallowing negative emissions.
- Extend the CFS to obligate aviation and marine fuels.

Safeguard against high land use change risks of certain biomass feedstocks

As both California and Washington recognize in their respective CFSs, fuels made from conventional crop-seed oils, such as soy and canola, have higher carbon intensity scores than waste oils. As Washington’s CFS carbon intensity requirements strengthen over time and measures are taken to scale sustainable aviation fuel (SAF), it is likely—in the absence of a safeguard provision—that the increased demand for bio-oil based fuels will be met with conventional crop-seed oils, rather than waste oils, winter oilseeds, or other sustainably-sourced feedstocks.

Indeed, as cited in the Ecology’s Scoping Document for scaling SAF, nearly all available supplies of waste oils in the Pacific Northwest are already contracted for other uses.¹ The same is true for most of the U.S.² In reviewing the CFS quarterly data, by the third quarter of 2025, bio-oil based diesel³ appears to be on track to overtake ethanol as the largest credit generator among biofuels in the program. Furthermore, sixty-six percent of that bio-oil diesel is derived from soy and canola oil. By comparison, the share of bio-oil diesel from soy and canola oil in California is around 25% of bio-oil based diesel sold in the state.⁴ California’s recently adopted 20% limit on the eligibility of crop oil feedstocks will likely lead to more of those feedstocks shifting to states with clean fuel standards (such as Washington). This will be even more likely as Washington strengthens its clean fuel

¹ <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/programmatic-eis/sustainable-aviation-fuel>

² Import data indicates domestic demand exceeds available supply. <https://biodieselmagazine.com/articles/feedstock-state-of-affairs>; <https://ers.usda.gov/data-products/charts-of-note/chart-detail?chartId=109680>

³ Bio-based diesel includes renewable diesel and biodiesel made from crop and waste oils and animal fats.

⁴ [Low Carbon Fuel Standard Reporting Tool Quarterly Summaries](#), California Air Resources Board, January 30, 2026



standard, and the California market is saturated with bio-oil diesel (now 75% of the CA diesel market)—unless states like Washington adopt similar safeguards.

This poses significant climate and land use risks. In fact, conventional crop-seed oil-based fuels are already adversely impacting food markets and forests. According to the US Department of Agriculture and market analysts, conventional crop-seed oil-based diesel has impacted the soy oil market so significantly that the U.S. imports more soy oil than it exports.⁵ Soy oil demand for biofuels has grown to an astounding 48% of soy oil produced in the U.S., as well as substantial soy and canola oil imports. As vegetable oils are a global commodity, diverting even more vegetable oil from existing markets to fuel production will likely increase vegetable oil prices and lead to the expansion of palm oil production to backfill the demand for vegetable oils in food and other markets. The expansion in palm oil production will result in higher indirect land use impacts and higher net GHG emissions.

As Ecology considers strengthening the CFS and other measures, CATF recommends:

- Properly accounting for all direct and significant indirect emissions, including those from ILUC by incorporating the most protective ILUC factors available, such as those used in Carbon Offsetting and Reduction Scheme for International Aviation (CORSA), into the lifecycle carbon accounting requirements. Importantly, this should be applied to all fuel categories.
- Limiting the eligibility of biofuels made from high ILUC-risk feedstocks, in particular soy and canola oil, as California did for bio-based diesel fuel. However, because the process of hydrotreating vegetable oils can produce diesel, SAF, or gasoline, it is important to set the eligibility limit for all fuel categories. Conventional crop-seed oil fuels that exceed the limit should be given the carbon intensity value of each fuel's fossil equivalent.

At the same time, there is an opportunity to utilize biomass resources within the state that have a low risk of causing detrimental land-use change. A recent Lawrence Livermore report, *Roads to Removal (R2R)*, indicates forest and crop residues in Washington State could be used for carbon removal and for up to 180 million gallons of SAF production.⁶

⁵ <https://www.spglobal.com/energy/en/news-research/latest-news/agriculture/101223-us-shifts-to-net-soybean-oil-importer-on-biofuel-boom-foreign-agricultural-service#article0>

⁶ <https://roads2removal.org/>

Disallow crediting avoided emissions as “negative” emissions

Incorporating reduced/avoided emissions as “negative” emissions rates into the lifecycle analysis (LCA) used in Washington can result in over-crediting of actual climate benefits.⁷ We encourage Ecology to proceed with caution when considering whether to incorporate “negative” emissions into the CFS. Only systems that result in actual, net negative lifecycle greenhouse gas emissions resulting from durable/permanent carbon storage should be defined as carbon dioxide removal (CDR). In the context of a CFS, however, the minimum emissions should be 0 g CO₂e/MJ from systems such as renewable natural gas (RNG) and RNG-derived fuels, to be conservative and avoid the potential negative impacts discussed below.

CATF is especially concerned about the distortionary impact that excessively crediting avoided methane releases as “negative” emissions can have on a CFS and its associated credit markets. As California has experienced, excessive accumulation of credits can discourage development and deployment of other innovative low-carbon energy carriers and CDR technologies and enable considerable additional fossil emissions to continue.

Therefore, CATF recommends that Ecology ensure that 0 g CO₂e/MJ is the minimum carbon intensity value from systems such as RNG or hydrogen derived from RNG in the context of a CFS to be conservative. Some systems that include permanent carbon storage (e.g., digesters with carbon capture and storage) may result in CDR depending on the system’s net lifecycle emissions but should be subject to rigorous review and pathway approval.

Extend the Clean Fuel Standard to cover aviation and marine fuels

To fully get on track towards decarbonizing Washington’s transportation sector, the largest source of GHG emissions in the state, CATF recommends that the state extend its clean fuel standard to obligate both aviation and marine fuels, which account for as much as a third or more of the transportation emissions from fuel sold in the state. The supply of each of the different feedstocks needed to produce low-carbon intensity fuels—e.g., clean electricity, clean hydrogen, waste biomass—is likely insufficient on its own to meet CFS-driven demand for low-carbon fuels.

⁷ [Risks of crediting carbon offsets in low carbon fuel standards: lessons learned from dairy biomethane](#), K. Fingerman et al, ScienceDirect, November 2025



The best way to manage competition for fuels made from these feedstocks is to subject on/off-road fuels, aviation fuels, and marine fuels to the same or similar carbon intensity requirements, and then let the CFS-modified market sort out the most efficient use of feedstocks and fuels for achieving the necessary CI reductions in each subsector. This approach will also help support the state's efforts to scale SAF production and uptake and position Washington as a leader in marine decarbonization.

As the state moves forward with strengthening its carbon intensity targets and considers expanding the CFS to encompass all transportation fuels, it will be even more critical to limit high-risk feedstocks and negative emissions from RNG based fuels.

Conclusion

CATF commends Washington's ongoing commitment to addressing climate change and to putting the state on an emissions reduction trajectory to near zero by mid-century. We believe the state's clean fuel standard could be a valuable tool for helping achieve that goal. We look forward to engaging in the rulemaking process and working with Ecology to ensure the clean fuel standard is as effective as possible.

Sincerely,

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