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March 3, 2026

Attn: Lauren Sanner
Climate Pollution Reduction Program
Department of Ecology
PO Box 47709
Olympia, WA 98504-7709

RE: RHA and H2FCP Public Comments on Proposed Amendments to Clean Fuels Program Rule

Dear Ms. Sanner:

The Renewable Hydrogen Alliance (RHA), with support and input from the Hydrogen Fuel Cell Partnership (H2FCP), appreciates the opportunity to comment on the Department of Ecology's (the Department) proposed amendments to Washington Administrative Code Chapter 173-424, which governs the Clean Fuels Program. RHA is a regional non-profit trade association with members across the full value chain of the hydrogen ecosystem, working to enable access to safe, affordable, and renewable hydrogen for communities across the Pacific Northwest. Founded in 1999, the H2FCP worked to launch the world's first fuel cell electric vehicle market and has evolved into a national non-profit that brings together public and private leaders to advance the market for hydrogen and fuel cell electric passenger cars, transit buses, trucks, and other forms of transportation.

The Clean Fuels Standard (CFS) is an essential program to reduce greenhouse gas (GHG) emissions from the transportation sector by incentivizing the supply of low-carbon and renewable transportation alternatives. Appropriate inclusion of new clean transportation solutions is critical to encourage the formation of the fuel markets that support and enable this market-based policy mechanism.

Renewable and clean hydrogen are expected to play a critical role in the supply of clean fuels across the economy, not only as a fuel for hydrogen and hydrogen fuel cell vehicles, but also as an essential input for the production of clean derivative fuels, including renewable diesel, alternative jet fuel, methanol, and ammonia. Total demand across these direct and derivative end uses is expected to represent a significant portion of overall transportation sector fuel usage.

As the Department considers rule amendments to better align the CFS with other low-carbon fuel programs per RCW 70A.535.060, RHA and the H2FCP want to share the following considerations, based on observations of prior experience in California, around the regulatory implementation of hydrogen fueling station validation.

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Interim Process for Hydrogen Station Validation

The Department will need time to coordinate with other agencies and address any needs for statutory and/or administrative rules changes to adopt a regulatory framework for validating hydrogen fueling stations. However, there is already one station operational in Washington and several others are under development. Also, the Department has opened applications for capacity crediting for hydrogen fueling stations, and station operators must apply before the end of 2030. An interim, industry-agreed-upon process to validate hydrogen fueling station performance is essential for the successful scaling of the hydrogen transportation industry in Washington.

Until the scale is such that infrastructure deployment is market and industry driven, California has established a viable pathway that can enable that scaling. This process provides a good example and can be used as the blueprint for Washington's fueling station validation process to ensure that vehicles can fill and stations will operate according to the appropriate protocols. This validation process not only protects vehicle owners, vehicle OEMs, and station operators, but also potential state investment and ensures all parties are meeting industry safety and fueling standards. The CFS could adopt a temporary enforcement pathway and then transition to the long-term steady-state process.

Multi-Agency Development with Industry to Develop Long-Term Validation Process

Procedurally, the CFS is not the appropriate venue to establish and update safety and regulatory standards for the hydrogen transportation industry. The multi-agency jurisdiction and coordination requirements, combined with the need to stay up to date on industry technology developments, are broader than the CFS program scope and fall outside of the remit for which the CFS was established.

Experience has shown that agencies, such as the Department of Agriculture (Weights and Measures), the Department of Commerce (Office of Renewable Fuels), and the Department of Ecology (Clean Fuel Standard), that work with industry would be able to establish a long-term, steady-state process that aligns with the existing hydrogen fueling network activities underway in California and British Columbia. The CFS program could reference the process established by these Washington state agencies, and in turn, the Washington state process be designed with the CFS in mind.

In other words, both the temporary and long-term validation pathways could be developed in collaboration between agencies and industry to ensure customer protection and alignment with standards and best practices. This steady-state process could then include proposals on the following elements of the CFS that do not currently have a regulatory compliance pathway:

- Registration on the Station Operational Status System (SOSS), including performance standards that stations must meet to be included on SOSS.

- A sustainable process for OEM acceptance and verification. The Department currently proposes that three OEMs must verify a station but does not provide a process for doing so. California requires two OEMs to verify a station, and both the state and OEMs have found this requirement challenging.
- It is important that a compliance pathway explicitly reference the appropriate codes and standards for station design and installation and fueling for the vehicle types served (i.e., light-duty passenger vehicles, heavy-duty trucks, etc.) and the type of fuel dispensed (i.e., gaseous hydrogen versus liquid hydrogen).

HRI Eligibility for All Hydrogen Fueling Stations

The Hydrogen Refueling Infrastructure (HRI) Credit is a critical support for early-adopting hydrogen station developers – those building the fueling infrastructure needed to grow the fuel cell electric vehicle portion of the electric vehicle market in the PNW. Exclusive focus on heavy-duty trucks creates implementation challenges, stifles market development, and encourages customer discrimination. The rule language adopted last year, "built to primarily service heavy-duty FCEVs," is vague and does not align with the reality of hydrogen refueling station development.

Many developers of hydrogen refueling stations are focusing on the ability to fuel multiple vehicle classes by installing separate islands and fueling infrastructure for light-, medium-, and heavy-duty vehicles. Medium-duty vehicles may be able to fuel at the same station islands using the same infrastructure as either light-duty or heavy-duty,[1] so for station owners offering fueling for different classes of vehicles, the exclusion of light-duty and medium-duty crediting will create unnecessary complexities in accounting and reporting for station capacity and vehicle types served.

To further illustrate this, we share the H2FCP's white paper, *The California Hydrogen Mobility Vision & Roadmap*, which describes the broad alignment among H2FCP members that FCEVs across all weight classes are necessary to achieve California's air quality goals through zero emissions vehicle compliance. This roadmap is a result of decades of real-world experience and is one that Washington should utilize as a valuable resource.

In closing, RHA and the H2FCP appreciate the Department's continued stewardship of the Clean Fuels Standard and its work to advance zero-emission transportation. We welcome the opportunity to provide any additional input or technical assistance as needed. Many thanks for your consideration and support.

[1] Medium-duty vehicles may use the SAE J2601 Category D fueling protocol and same hardware as a light-duty passenger vehicle or may use the higher flow capacity SAE J2601/5 fueling protocol and associated hardware for heavy-duty, depending on the vehicle specifics.

Sincerely,

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