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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 Public Comments on Proposed Amendments to Clean Fuels Program Rule

Dear Ms. Sanner:

The Renewable Hydrogen Alliance (RHA) 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 (CFP). RHA is a regional non-profit trade association enabling access to safe, affordable, and renewable hydrogen for communities across the Pacific Northwest. Our 80+ members represent the full value chain of the hydrogen ecosystem – hydrogen technology and service providers, equipment manufacturers, project developers, public transit agencies, labor unions, utilities, and many others with an interest in the clean and renewable hydrogen sector.

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 CFS program updates, RHA strongly encourages staff to incorporate the following principles to guide the inclusion of hydrogen as a transportation sector fuel into the existing CFS.

Focus on Outcomes. Fuel suppliers and vehicle end users need the ability to pursue use cases that best meet their needs, while reducing their carbon intensity. The longer usage cycle offered by hydrogen vehicles can support a variety of use cases, including heavy-duty vehicles, longer operational duty cycles, long routes, or light-duty vehicles whose duty cycles require

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higher resilience and uptime (e.g., police cars), all of which should be considered valid applications for hydrogen to reduce transportation sector emissions. By focusing on the GHG emissions reduction outcomes instead of specific vehicle classes and use cases, Washingtonians are free to choose the solutions that best meet their needs. Recent examples of deployed hydrogen vehicles that showcase the diverse applications for hydrogen FCEVs include: use of a Toyota Mirai as a police vehicle in rural areas; use of hydrogen fuel cell buses for long routes and rural service; use of hydrogen forklifts for long duty cycle applications; use of hydrogen ferries.

Expect Innovation. While Washington has confirmed that hydrogen FCEVs will be an essential part of the state's transportation decarbonization strategy for heavy-duty freight, there are a variety of additional viable applications under development today and expected to emerge in the near future. Transportation solutions are continuing to surface and mature, with hydrogen-powered vehicles expected as a near-term solution for many applications that are challenging to address with BEVs. As the hydrogen industry works to rapidly mature transportation solutions across land, maritime, and aviation sectors, any eligibility requirements established through the CFS should offer flexibility for emerging and maturing technologies.

While the CFS makes intentional design choices to direct program funds toward end-use applications with the greatest need for financial support, we urge the Department to apply an inclusive, expansive lens to the types of hydrogen-powered vehicles that may be necessary to achieve Washington's clean transportation goals and to prioritize enabling investments accordingly.

Regional competitiveness. The CFS design should support market stability and transactability while reinforcing Washington as a competitive state for clean energy investment by offering competitive levels and types of incentives. The recent Pacific Northwest Low-Carbon Hydrogen Analysis [1] looked at the opportunities to foster a cross-border hydrogen ecosystem between British Columbia and Washington State, including a review of the low-carbon fuel standards in British Columbia, Washington, and Oregon. The report recommends that these three markets seek to achieve a stable regulatory environment coupled with complementary incentives to fully realize the ability to drive GHG reductions in the transportation sector. The proposed exclusion of capacity crediting for light-duty and medium-duty hydrogen refueling could reduce the attractiveness of marketing hydrogen fuel in Washington over other western clean fuels markets. Washington's attractiveness as a clean fuels market is also based on right-sized regulation that can reduce barriers to entry relative to larger markets like California.

[1] Pacific NorthWest Economic Region (PNWER), Morrison, M., Deloitte Canada, & Hamberg, K. (2025). *Pacific Northwest Low-Carbon hydrogen analysis*. https://www.pnwer.org/uploads/2/3/2/9/23295822/pnwer_pacific_northwest_low-carbon_hydrogen_analysis.pdf

Re-interpret and adjust policy. Washington can build upon the existing policy work from states like California and deploy innovative approaches that avoid known pitfalls and incorporate emerging best practices. As the hydrogen market matures, Washington should be cautious about wholesale adoption of California policies that could create additional regulatory or administrative burdens and unintentionally disincentivize participation. While California's hydrogen regulation is grounded in over 20 years of industry collaboration and policy development for hydrogen specifically, some of these policies were developed to add on to existing policies appropriate for the fourth-largest economy in the world. Washington should look to adjust and amend regulations it adopts from other jurisdictions as appropriate to be fit for purpose for its own policy environment.

Technology neutrality. New fuel production pathways and end-use applications will continue to emerge in the coming years, and the CFP should include a wide range of pathways to ensure that the transportation sector has a robust portfolio of tools to meet emissions reduction targets. Especially for hydrogen fuel production, the CFP should retain optionality across feedstocks and production pathways, as material constraints on the electric sector are likely to encourage continued innovation elsewhere. Eligibility based on feedstock or technology type, rather than carbon intensity, limits innovation and opportunities for new technologies.

RHA reflects the opportunities below to incorporate these principles into specific elements of program design.

Station Eligibility for Capacity Crediting for Hydrogen Fueling Stations

Hydrogen fueling station capacity crediting is already in place in California and has been an essential tool to support station owners and operators as the hydrogen fuel market reaches commercial scale. RHA would encourage the Department to make the following adjustments to the proposed station eligibility criteria to ensure this credit generation opportunity appropriately encourages participation by hydrogen stations.

All hydrogen fueling stations, not just heavy-duty, should be eligible for crediting. Exclusive focus on heavy-duty trucks creates implementation challenges, stifles market development, and encourages customer discrimination. The proposed rule language, "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 more than one class of vehicle by installing separate islands and fueling infrastructure for light-, medium-, and heavy-duty vehicles. Medium- and heavy-duty vehicles may be able to fuel at the same station islands using the same infrastructure, 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.

The Hydrogen Fuel Cell Partnership's (H2FCP) *California Hydrogen Mobility Vision & Roadmap*[2] has consensus deployment targets to accelerate hydrogen mobility in four distinct market development phases for all vehicle classes (light-, medium-, and heavy-duty): 'Demonstration, Launch, Scale, and ZEV Success.' This document is a result of decades of real-world experience and one that Washington should utilize as a valuable resource.

Finally, as has been seen in the California ZEV market, different vehicle classes as well as different vehicle technologies (i.e., BEV, FCEV, etc.) have interdependent synergies and will play complementary roles in the transportation sector, and all are necessary to build the market needed to meet Washington's GHG emissions reduction goals.

Move quickly to adopt SOSS. RHA recommends that Washington adopt the existing Station Operational Status System (SOSS) developed and maintained by H2FCP, formerly known as the California Hydrogen Fuel Cell Partnership. H2FCP has already developed a standardized and industry-approved process for listing stations and reporting station availability. Use of an alternate system would create unhelpful and unnecessary redundancy that will segregate the PNW market from the over 55 fueling stations already listed in SOSS.

As the agency with regulatory oversight over the compliance and verification process for stations to be eligible for CFS credits, the Department should work with H2FCP and local industry, including RHA, to ensure that SOSS is prepared for participation from Washington stations.

Adopt interim process for hydrogen station validation. 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. California has established a viable pathway that should 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 should adopt a temporary enforcement pathway and then transition to the long-term steady-state process. (For more detail on this recommendation, please see RHA's joint comments with H2FCP, filed March 3, 2026.)

Long-term validation process development. The Department should coordinate with the Department of Agriculture (Weights and Measures) and the Department of Commerce (Office of Renewable Fuels) to establish a long-term, steady-state process that will align with the existing hydrogen fueling network activities underway in California and British Columbia. The

[2] This white paper is included in H2FCP's public comments to the California Energy Commission, Docket 25-ALT-01, submitted on December 8, 2025.
https://efiling.energy.ca.gov/GetDocument.aspx?tn=267859&DocumentContentId=104867

CFS program should reference the process established by these Washington state agencies, and the Washington state process should be designed with the CFS in mind. (For more detail on this recommendation, please see RHA's joint comments with H2FCP, filed March 3, 2026.)

The capacity crediting application deadline of December 2030 must be extended. Organizations that have developed or are planning to develop hydrogen fueling stations have shared that it can take between two to five years to get a station up and running and ready for crediting, especially with Washington's nascent regulatory framework for fueling station standards. This timeline also assumes that the necessary processes would already be put in place by the Department for station verification. Limiting the application period to December 31, 2030, would severely constrain the pool of participating stations and thus the growth of the hydrogen fueling market. The Transportation Electrification Strategy[3] developed by the Washington Department of Commerce states that the role of FCEVs in the state will start to become clearer through 2035 as the hydrogen market begins to mature. Additionally, the core modeling case in Commerce's 2023 hydrogen report to the state legislature[4] assumes FCEV adoption to begin in earnest after 2030. Limiting access to capacity crediting to only the earliest of early adopters undermines the rationale of the capacity crediting program, which is to support the build-out of the necessary ZEV fueling network by providing financial incentives to station developers to build stations before the demand can fully support them. RHA recommends that the Department extend this deadline until December 31, 2035, and monitor hydrogen market conditions through the late 2020s to understand if additional extensions are required.

Public access provisions must be designed to encourage participation from public fleet operators, especially transit agencies. Transit agencies are currently leading regional adoption of hydrogen FCEVs, with nearly a dozen agencies piloting or evaluating hydrogen and multiple transit agencies advancing plans for local fueling stations to support their fleets. Participation by transit agencies in the HRI program will be an essential component to increasing regional access to hydrogen fuel.

Transit agencies within RHA membership have indicated that the point-of-sale requirements could be challenging and/or inappropriate for their expected fuel transactions if they do not offer a publicly available fueling option. Specifically, some transits are considering shared facility options that would allow other municipal fleet vehicles to fuel at their stations. Under the existing inter-agency agreements, those costs are tracked and invoiced on a weekly,

[3] Washington State Department of Commerce. (February 2024). "Transportation Electrification Strategy (TES)." https://www.commerce.wa.gov/growing-the-economy/energy/clean-transportation/ev-coordinating-council/transportation-electrification-strategy/

[4] Washington State Department of Commerce. (January 2024). "Green Electrolytic Hydrogen and Renewable Fuels: Recommendations for Deployment in Washington." https://deptofcommerce.app.box.com/s/widfnmxbo8ijt3uozpoq91jzapu4dhae

monthly, or quarterly basis, rather than paid at the station. A similar system is expected to be used for hydrogen vehicle fueling.

Accordingly, the Department should amend station eligibility requirements to permit alternative payment schemes for stations that are applying as shared facilities, rather than public facilities.

Focus on glide-path carbon-intensity targets, rather than feedstock or technology, for a stable and transactable marketplace. The use of feedstock and/or technology-based targets is inconsistent with the carbon-intensity (CI) based targets established for other fuel types and has the potential to financially harm station operators and fuel users by creating supply "cliffs" in an already tight market. An objective, verifiable CI-based standard is consistent with the Clean Fuels Program's original design, better reflects the actual climate impact of different production pathways, and adheres to international standards and best practices identified by Washington and British Columbia in their recent cross-border hydrogen study.[5] Further, CI-based standards support a technology-neutral approach and pave the way for continued innovation in hydrogen supply and other energy sector technologies.

Specifically, the categorical ban on all fossil-derived hydrogen by 2030 will likely present significant challenges to industry maturation, especially as new hydrogen production methods, including pyrolysis, as a co-product of clean refining, and ethanol-based production continue to mature and leverage increasingly complex blending of fossil and non-fossil feedstocks.

We respectfully recommend that the Department adopt a lifecycle-based CI threshold as the primary basis for hydrogen credit eligibility and establish CI targets in line with state climate goals, rather than implementing a categorical ban on hydrogen produced from fossil feedstocks.

Utility-Specific Carbon Intensities for Production of Precursor Hydrogen for AJF

RHA strongly supports the ability of producers of alternative jet fuel (AJF) to use a utility-specific CI for the electrolytic hydrogen that is used in this production. The CI of the hydrogen input is a major component of the overall CI for a supply of AJF, and this allowance supports the hydrogen producers who are going to great lengths to source the lowest-CI electricity available for hydrogen production to ensure appropriate CI scores for their AJF and RD products. However, sunsetting this provision in 2033 does not allow adequate time for the AJF industry to

[5] Pacific NorthWest Economic Region (PNWER), Morrison, M., Deloitte Canada, & Hamberg, K. (2025). *Pacific Northwest Low-Carbon hydrogen analysis*. https://www.pnwer.org/uploads/2/3/2/9/23295822/pnwer_pacific_northwest_low-carbon_hydrogen_analysis.pdf

develop and RHA recommends that the Department harmonize the sunset date for utility-specific CIs to the 2046 sunset date for allowing biomethane for AJF to be sourced anywhere in North America. These utility-specific CIs represent greater accuracy in accounting for lifecycle carbon emissions and tracking the reductions therein.

RHA appreciates the hard work by the Department staff to develop a Clean Fuels Standard that supports maturing technologies like hydrogen-fueled vehicles and alternative fuels production pathways. The proposed rules lay a framework that can create material incentives for in-state fuel and infrastructure suppliers, and we encourage the Department to ensure that compliance pathways discussed in these comments are appropriately adjusted to allow widespread participation from this rapidly growing and essential clean energy industry.

Sincerely,

Rebecca Smith
Senior Director, Policy and Education