



WASHINGTON CONSERVATION ACTION

March 3, 2025

Lauren Sanner
Climate Rulemaking Planner
Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Re: Scoping comments on rulemaking to update the Clean Fuel Standard by implementing Second Substitute House Bill 1409

Dear Lauren Sanner:

Washington Conservation Action appreciates the opportunity to provide comments on the newly opened rulemaking for the Clean Fuel Standard. Washington Conservation Action, formerly Washington Environmental Council, has been a leading policy voice for the environment in our state for nearly 60 years. We develop, advocate, and defend policies that advance environmental progress and justice, and we supported passage of Washington's Clean Fuels Program (CFP) law in 2021.

We participated throughout Ecology's first rulemaking process in 2022, provided comments during last year's rulemaking, and supported last year's passage of HB 1409. We are committed to supporting the effective implementation of the CFP and appreciate the agency's work to develop this dynamic program. We offer the following comments and recommendations on the scope of the current rulemaking.

Updating WA-GREET

We appreciate and support including updates to the WA-GREET model in the scope of this rulemaking. We urge Ecology to conduct a thorough review to ensure alignment with the most up-to-date science. However, it is also important to acknowledge the limits of this approach to effectively address important threats to the program, described in more detail below.

For example, scientific consensus on measuring the greenhouse gas (GHG) impacts of biofuels like ethanol, biodiesel, renewable diesel, and bio-CNG has been elusive, despite decades of work on



the issue¹. However, recent research suggests that the lifecycle GHG emissions of vegetable oil and animal fat-based biofuels may be much higher than previously thought — and may even be higher than emissions from fossil fuels in many cases^{2,3}.

Updating the WA-GREET model is important to ensure the CFP's integrity, but may not, on its own, adequately address these concerns because of the complexity of the model and indirect land-use change assumptions, the complexity of global supply chains and land-use pressures, and larger political dynamics.

Crediting of Vegetable Oil and Animal Fat-Based Biofuels

The current rulemaking was initiated, in part, to implement HB 1409. Among other important changes, HB 1409 added new language to RCW 70A.535.060(1), requiring that “...*the department shall seek to adopt rules that are harmonized with the regulatory standards, exemptions, reporting obligations, **rule updates**, and other clean fuels program compliance requirements and methods for credit generation of other states...*”⁴ with low carbon fuel standards and transportation fuel markets connected to Washington (emphasis added). In our view, this legislative direction provides both an opportunity and a mandate to address the limits of the WA-GREET model described above.

Recent rule updates to California's Low Carbon Fuel Standard should be considered during this rulemaking in order to harmonize with California's program. **Specifically, we strongly urge Ecology to consider updates that are harmonized with the intent of California's 2025 updates to limit credit generation for renewable diesel and biodiesel produced using vegetable oil-based feedstocks.**

In 2023, the first year of Washington's CFP, renewable diesel accounted for 17% of all credits generated. In 2024, renewable diesel increased to 29% of credits. This is a remarkable jump in a single year. During that same time period, the proportional share of credit generation of other biofuels in the program grew only slightly (biodiesel and bio-CNG) or declined significantly (ethanol). Complete information from 2025 is not yet available. Data from the first two quarters of 2025 may indicate changes in the growth trajectory of renewable diesel credit share in the program, but more data will be needed to discern ongoing trends.

¹[Lessons Learned from 18 Years of Arguing About Indirect Land Use Change - Union of Concerned Scientists](#)

²[Environmental outcomes of the US Renewable Fuel Standard - PNAS](#)

³[Using Vegetable Oils for Biofuel Accelerates Tropical Deforestation and Increases Carbon Emissions - Chen et al.](#)

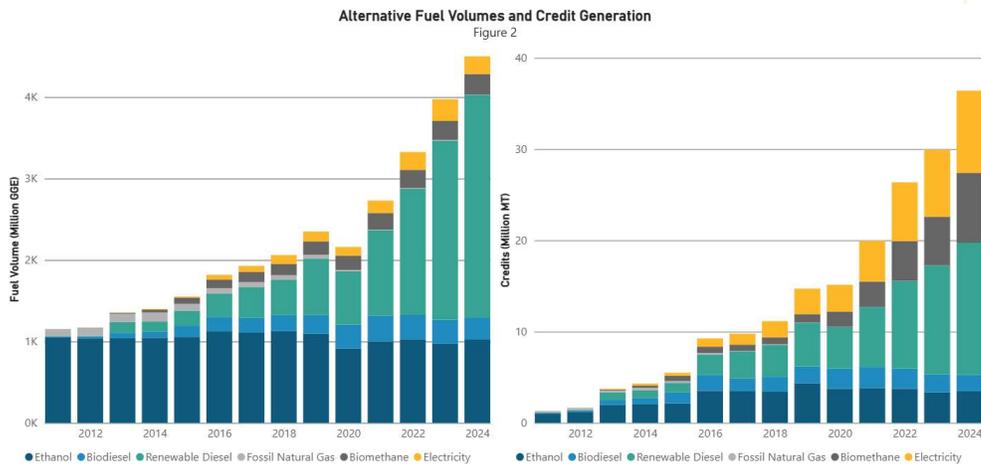
⁴[Second Substitute House Bill 1409, Chapter 319, Laws of 2025, Section 2\(1\)](#)



WA CFS Credits	2023				2024			
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Total credits (liquid & gaseous fuels + electricity)	390,789	456,000	530,099	570,339	650,626	716,590	905,944	747,884
Percent credits all liquid & gaseous fuels	61%	60%	61%	60%	64%	65%	69%	59%
Percent credits electricity	39%	40%	39%	40%	36%	35%	31%	41%
Percent credits ethanol	43%	38%	34%	34%	32%	27%	25%	27%
Percent credits biodiesel	8%	3%	2%	5%	4%	7%	5%	8%
Percent credits renewable diesel	8%	17%	23%	19%	26%	30%	38%	22%
Percent credits bio-CNG	2%	1%	1%	1%	2%	2%	2%	3%

Note: calculations based on Department of Ecology's [Quarter 3 2025 data summary](#)

The rapid growth of renewable diesel during the first two years of Washington's CFS program mirrors the rapid increase of renewable diesel supply more broadly over the past several years. The federal Renewable Fuel Standard, paired with state clean fuel standards, are driving this increase. For more context, the figure below shows the growth of renewable diesel volume and crediting in California's LCFS over the past decade. Credits for renewable diesel have increased from 840,000 in 2014 to over 14 million – about 40% of total credits – in 2024.



The LCFS recognizes that the use of certain fuels results in greater greenhouse gas reductions than others; comparing volumes of each fuel and the total credits generated by that fuel reveals trends both in supply changes as well as the shifts in a fuel's source or innovation in its production. For instance, while ethanol makes up the largest amount of alternative fuel on a volume and energy basis, in 2020 about eighty-six percent of the LCFS credits were generated by non-ethanol fuels with lower carbon intensities. All other fuel types reported to the LRT-CBTS make up less than 1% of the total volume and credits and are not visually represented.

[Figure 2 Data](#)

Last updated: 05/2025

Source: [LCFS Data Dashboard](#) | [California Air Resources Board](#)



This growth poses significant challenges and concerns for states with low carbon fuel standards^{5,6,7}. In addition to contributing to credit oversupply, recent research cited above suggests that the GHG gas reductions attributed to renewable diesel may be significantly overestimated – and that the use of many vegetable oil and animal fat feedstocks may result in a net increase to global GHG gas emissions. Moreover, there are significant social and environmental risks posed by the rapidly escalating production of these fuels, including global food system disruption, widescale deforestation and elimination of other natural carbon sinks, increased pesticide use, and water use and pollution impacts.

To begin to address these concerns, California adopted new regulations in 2025 that – for the first time – limit credit generation for renewable diesel and biodiesel produced using certain crop-based oil feedstocks⁸. Washington’s fuels market is distinct from California’s, and wholesale adoption of California’s approach may not make sense. Furthermore, many have argued that California’s new rules do not go far enough to guard against the risks posed by the growth of vegetable oil and animal fat-based fuels. However, the same market forces driving the need to address this issue in California exist in Washington, and the current rulemaking should consider and adopt sideboards to prevent the well-documented problems that California’s rule updates are meant to address.

Ecology should also consider other approaches to ensure that Washington’s rules are harmonized with the intent of California’s 2025 LCFS rule updates, including requirements for fuel producers to track crop-based and forestry-based feedstocks to their point of origin; requiring independent feedstock certification; and penalties for inaccurate carbon intensity calculations.

Supporting Washington’s Zero-Emission Vehicle Goals

The recent reversal of federal policies supporting zero-emission vehicle (ZEV) adoption and the suspension of Washington’s ability to enforce our ZEV standards represent an existential challenge to our ability to meet statutory GHG gas reduction requirements under RCW 70A.45.020. Ultimately, factors outside of Washington’s jurisdiction will determine whether or not these

⁵ [Everything You Wanted to Know About Biodiesel and Renewable Diesel. Charts and Graphs Included - Union of Concerned Scientists](#)

⁶ [LCFS update comments, October 2024 - Clean Air Task Force](#)

⁷ [Setting a lipids fuel cap under the California Low Carbon Fuel Standard - International Council on Clean Transportation](#)

⁸ [Unofficial electronic version of the Low Carbon Fuel Standard Regulation, July 2025](#)



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reversals are maintained. In the meantime, the CFS is one of the strongest tools we have to ensure continued progress on electrification of the transportation sector, and this rule should take advantage of every opportunity to support our ZEV goals.

We encourage Ecology to consider strengthening the program's crediting provisions for ZEVs, including:

- ensuring transparent utility reporting and accountability on reinvestment of credit revenue;
- updating the energy economy ration (EER) for light-duty electric vehicles;
- updating advanced crediting to enable credits for projects not funded by the state transportation budget and potentially increasing the current cap;
- an improved, more comprehensive approach to electric transit crediting; and
- consideration of innovative approaches that could provide much-needed support for zero-emission vehicle rebates.

We appreciate the opportunity to provide scoping comments and are committed to continuing to support changes that improve and strengthen the program moving forward. Thank you for your consideration.

Sincerely,

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