To: Department of Ecology, State of Washington

Re: Comments on Proposed Amendments to Chapter 173-446 WAC
Date: July 22, 2026

From: Jean Mendoza, Friends of Toppenish Creek and Daphne Wysham, Board Chair, This Land

We submit these comments on behalf of Friends of Toppenish Creek, a 501(c)(3) nonprofit dedicated to protecting rural communities and improving oversight of industrial agriculture, and This Land, a 501(c)(4) nonprofit that champions policies and legislation to protect and restore the air, land, and water of Washington and Oregon, with a focus on communities disproportionately affected by climate change and environmental degradation.

Comments on Proposed Amendments to Chapters 173-441 and 173-446 WAC

Thank you for the opportunity to comment on the proposed amendments to the Reporting of Emissions of Greenhouse Gases Rule, Chapter 173-441 WAC, and the Climate Commitment Act Program Rule, Chapter 173-446 WAC, including amendments intended to facilitate linkage with the California–Québec greenhouse-gas emissions trading programs.

Washington's prospective linkage with California and Québec makes it especially important that implementation of the Climate Commitment Act preserve the environmental integrity, transparency, scientific rigor, Tribal sovereignty and treaty-reserved rights, and environmental-justice protections established under Washington law.

Washington should use all available authority, including its participation in linked-program consultation and oversight processes, to ensure that compliance instruments recognized through linkage maintain rigorous standards. Credited emissions reductions should be real, additional, quantifiable, verifiable, permanent, and enforceable, and the design and administration of Washington's program should remain consistent with the Climate Commitment Act and the Healthy Environment for All Act, Chapter 70A.02 RCW.

We respectfully offer the following recommendations.

1. Preserve Washington's Environmental Justice Commitments

WAC 173-446-010 recognizes Ecology's responsibility to engage with the Environmental Justice Council and acknowledges that some communities have historically borne disproportionate environmental burdens. WAC 173-446-020 defines terms including "environmental harms," "environmental impacts," "overburdened communities," and "direct environmental benefits in the state."

As Ecology implements linkage with California and Québec, it should clarify that linkage and recognition of compliance instruments from linked jurisdictions do not diminish Ecology's obligations under the HEAL Act or the environmental-justice provisions of the Climate Commitment Act. These obligations include conducting environmental-justice assessments for significant agency actions where required, considering cumulative environmental and health impacts, meaningfully engaging overburdened communities, and fulfilling applicable obligations to Tribal Nations.

Ecology should also explain how it will assess and address the effects that linked-market rules—including rules governing offsets—may have on overburdened communities in Washington. Linkage should preserve, not weaken, Washington's statutory environmental-justice commitments and requirements concerning direct environmental benefits.

2. Increase Transparency for Livestock and Manure-Management Offset Credits

The offset provisions in WAC 173-446-500 through 173-446-595 establish requirements for offset projects and credits administered or issued under Washington's program. Linkage may also allow Washington covered entities to acquire and use certain compliance instruments issued by California or Québec, subject to the linked programs' rules.

Ecology should provide the greatest transparency permitted by law concerning livestock and manure-management offset credits held or used for Washington compliance, whether issued by Ecology or recognized through linkage. Publicly available information should include, where applicable:

- project location;
- project type and applicable protocol or methodology;
- issuing jurisdiction and registry;
- greenhouse-gas reductions credited;
- whether the project involves industrial livestock or manure-management systems;
- herd size and manure sources, to the extent reported;
- digester configuration and eligible feedstocks;
- intended end use of captured gas;
- project vintage and crediting period; and
- sufficient information to permit meaningful independent evaluation of the project's greenhouse-gas accounting.

Ecology should publish regular reports identifying the number, type, origin, and vintage of offset credits used by Washington covered entities, while protecting only information that is legally confidential.

Greater transparency would strengthen public confidence, facilitate independent scientific review, and improve accountability for the environmental performance of the linked program.

3. Strengthen Evaluation of Lifecycle Greenhouse-Gas Accounting for Livestock and Manure-Management Projects

Chapter 173-446 WAC requires Washington offset credits to satisfy substantive integrity requirements, including requirements that reductions be real, additional, quantifiable, verifiable, permanent, and enforceable. As Ecology implements linkage and recognizes eligible compliance instruments issued by linked jurisdictions, it should evaluate whether applicable livestock and manure-management protocols adequately account for the full climate consequences of credited activities.

Ecology should use its authority under Washington law and the linkage agreement—including consultation, program review, information-sharing, and protocol-development processes—to advocate for methodologies that consider, where scientifically and legally applicable:

- methane emissions throughout manure collection, storage, treatment, and land-application systems;
- enteric methane emissions when project activities may cause or facilitate changes in livestock numbers or production;
- methane and other greenhouse-gas emissions associated with digestate storage and management;
- nitrous oxide emissions associated with manure management and land application;
- emissions associated with transporting manure, co-feedstocks, and digestate to and from centralized digesters;
- methane leakage during gas collection, processing, upgrading, storage, distribution, and pipeline transmission;
- indirect effects, including herd expansion, increased production, or market responses that could reduce or negate claimed climate benefits; and
- other material lifecycle emissions necessary to determine whether the credited activity produces a genuine net climate benefit.

Ecology should also disclose the extent to which the protocols recognized by each linked jurisdiction account for—or exclude—these emissions sources. Where a protocol materially omits a source that could undermine the integrity of credited reductions, Ecology should identify the omission through linked-program review processes and seek appropriate corrective action. Robust accounting is necessary to avoid crediting reductions that are overstated or displaced by increased emissions elsewhere in the production system or supply chain.

Although ammonia emissions and nitrate contamination are not greenhouse gases, they are significant environmental and public-health harms associated with many industrial livestock operations. In environmental-justice assessments and other program-level decisions where these considerations are legally relevant, Ecology should consider whether recognition or expanded use of livestock offset protocols may contribute to cumulative impacts on air quality, groundwater, drinking water, public health, and overburdened communities.

4. Apply Agricultural Fuel Exclusions Consistent with Their Statutory Limits

WAC 173-446-040 implements statutory exclusions from covered emissions for certain motor vehicle fuel and special fuel used for qualifying agricultural purposes.

Ecology should apply these exclusions only to the fuels, users, purposes, and time periods expressly authorized by statute and rule and should maintain adequate documentation and verification requirements to prevent their application to nonqualifying fuel uses.

Ecology should also evaluate whether the design and administration of these exclusions create unintended incentives for increased fossil-fuel consumption or expansion of highly polluting industrial agricultural operations and should publicly report the emissions associated with exempt agricultural fuel use to the extent authorized by law. The exclusions should not be interpreted or administered more broadly than the Legislature expressly authorized.

5. Protect Direct Environmental Benefits and Tribal Provisions

WAC 173-446-595 establishes the process for determining whether an offset project provides direct environmental benefits to Washington. The Climate Commitment Act and WAC 173-446-600 also establish requirements governing the proportion of offsets used for compliance that must provide direct environmental benefits in Washington, with different requirements applying before and after linkage.

Ecology should clearly explain how these provisions will operate in a linked market, including:

- the percentage of offsets used for Washington compliance that must provide direct environmental benefits in Washington;
- how Ecology will identify and track offsets meeting that requirement;
- whether and how instruments originating in California or Québec may be counted toward the requirement;
- how Ecology will prevent double counting or erroneous classification;
- how the limits and provisions for offsets generated on federally recognized Tribal lands will be preserved; and
- what information Ecology will disclose regarding compliance with these requirements.

Ecology should ensure that linkage does not reduce the share of offset use required by Washington law to provide direct environmental benefits in the state or weaken statutory provisions concerning offset projects on federally recognized Tribal lands.

For livestock-related offsets originating in linked jurisdictions, Ecology should use linked-program consultation and oversight processes to evaluate whether applicable protocols pose material risks to environmental integrity or disproportionately burden overburdened or Indigenous communities. Ecology should publicly explain how such concerns are raised and resolved within the linked program.

Conclusion

Washington has established some of the nation's strongest statutory commitments to climate accountability and environmental justice. Those commitments should remain fully intact as Ecology implements linkage with California and Québec.

Carbon markets should complement, not substitute for, strong direct regulation of greenhouse-gas emissions, particularly where emissions accounting is incomplete or uncertain. Ecology should use every authority available under Washington law and the linkage framework to promote credible accounting, transparent reporting, effective oversight, and protection of overburdened communities and Tribal Nations.

Whatever the jurisdiction of origin, compliance instruments accepted in Washington should maintain the integrity of the state's emissions-reduction program. Ecology should also clearly disclose the legal and methodological differences among Washington-, California-, and Québec-issued instruments so that covered communities and the public can evaluate whether linkage is delivering genuine net climate benefits.

Thank you for considering these comments.