

August 13, 2026

Department of Ecology
ATTN: Gopika Patwa
300 Desmond Dr SE
Lacey, WA 98503
Gopika.patwa@ecy.wa.gov

RE: WSR-26-14-026 PROPOSED RULEMAKING FOR CHAPTER 173-423 WAC, CLEAN VEHICLES PROGRAM RULE

The Washington Public Utility Districts Association (WPUDA) appreciates the opportunity to provide formal comments regarding the proposed revisions to Chapter 173-423 WAC, as noticed in WSR-26-14-026. WPUDA represents 27 public utility districts in Washington, which provide critical water, wastewater, energy, and telecommunications services to protect public health and the state's utility infrastructure.

California Legislation and AB 1594 Compliance

WPUDA strongly urges the Department of Ecology (ECY) to incorporate the flexibilities established by California's Assembly Bill 1594 (Garcia, 2023). This legislation specifically directs the California Air Resources Board (CARB) to accommodate public agency utilities by authorizing the replacement of "traditional utility-specialized vehicles" (TUSVs) that have reached the end of their useful life with internal combustion engine (ICE) models, regardless of model year.

AB 1594 recognizes that utility vehicles are essential for responding to "major foreseeable events," including severe weather, wildfires, and natural disasters. To maintain federal identity under Section 177 of the Clean Air Act, Washington must adopt the same "relief valve" processes codified in California, including the specialized definitions and the expanded Daily Usage Exemption that allows for comprehensive data reporting rather than relying on minimal-use readings.

Federal Actions and Legal Identity

We recognize that the regulatory landscape is complicated by recent federal actions, specifically the Congressional Review Act (CRA) resolutions (H.J.Res. 87, 88, and 89), which purported to overturn EPA waivers for California's emission standards. While we understand ECY holds these actions as unlawful and litigation is ongoing, Washington remains legally bound to maintain standards identical to California's.

If Washington fails to adopt the accommodations CARB has now integrated to comply with AB 1594, Washington's program will become more stringent than California's, creating a departure from identity that places the state's Clean Vehicle Program at significant risk of legal challenge. We urge ECY to use all means possible to provide legitimate legal pathways that mirror California's current regulatory structure for state and local government fleets.

Ensuring Access to Reliable Essential Equipment

Utility service providers must not have their choices constrained when acquiring the reliable equipment necessary for public safety. Highly specialized assets, such as bucket trucks and digger derricks, can cost upwards of \$1 million and require up to three years for procurement.

The ZEV market remains extremely volatile; major manufacturers have recently scaled back or discontinued electric truck and van models, while startups have faced bankruptcy. Furthermore, currently available battery-electric configurations often fail to meet the rigorous demands of emergency restoration in remote areas, where crews work 12- to 16-hour days, oftentimes in succession without access to a functioning grid for charging. Forcing utilities to rely on aging, less reliable equipment because they cannot register new, compliant ICE specialized vehicles creates an unacceptable risk to utility workers and the public.

In conclusion, WPUDA strongly urges ECY to provide clear and legitimate legal pathways to accommodate utility service providers. This must include adopting the California TUSV definitions and the full suite of exemptions for emergency response tools.

While WPUDA strongly supports the overall goals of electrification and clean air goals, we must ensure that Washington's Clean Vehicle Program Rules do not come at the expense of operational readiness or the reliability of essential public services.

Please contact me directly at 360-890-6681, or tnelson@wpuda.org to answer any questions or provide additional clarifications.

Sincerely,

A handwritten signature in blue ink, appearing to read "Travis Nelson".

Travis Nelson, Regulatory Affairs Manager
Washington Public Utility Districts Association