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Sept 30, 2026

Ms. Lauren Sanner
Department of Ecology
Climate Rulemaking Planner
Olympia, WA 98504-7600

Submitted online via: <https://ecology.commentinput.com/?id=r6i3iP8k4>

Re: Chapter 173-424 WAC and WAC 173-455-150, Clean Fuels Standard Rulemaking
Informal Comment Period for CI Reduction Schedule and Transportation Electrification

Dear Ms. Sanner and Department of Ecology CFS Rulemaking staff:

Thank you for the opportunity to comment on the scope of Clean Fuels Standard rulemaking and provide input on the proposed draft rule. The Clean Fuels Program is a powerful tool to meet the state's climate goals by incentivizing use of fuels with lower carbon intensity and accelerating the transition to a clean energy economy.

Confronting climate change and reducing emissions from the transportation sector are top priorities in King County's newly adopted 2025 Strategic Climate Action Plan (SCAP). The 2025 SCAP is a five-year blueprint for County climate action, sets ambitious targets to reduce emissions by half by 2030, lead with climate justice, and prepares for the impacts of climate change. Transportation is the largest source of greenhouse gas emissions in King County, and Washington State, and we must take urgent and immediate action to lower emissions from that sector. King County supports efforts to strengthen Washington state climate policies, including recent 2025 legislative actions to strengthen the Clean Fuels Standard carbon intensity targets. King County appreciates that the Department of Ecology is considering updates to harmonize the rule with California and Oregon's clean fuel programs. Given threats at the federal level to revoke the Clean Air Act waiver and limit Washington's ability to enforce the Advanced Clean Cars II and related Zero Emission Vehicle regulations, state level efforts to support clean fuels and vehicles are even more critical.

The Washington Clean Fuels Program is supporting King County's efforts to reduce emissions from County fleets via electrification and use of renewable fuels. King County has generated Clean Fuel Program credits from fueling County fleets with electricity since the program began in 2023. King County values the opportunity to use revenue from the sale of Clean Fuels Program credits to reinvest in efforts to provide services to residents using zero-emission vehicles. Metro Transit, Fleet Services, and the Solid Waste Division are expanding purchase and use of renewable diesel fuels in County fleets.

We thank you for your work to date to make this program a success and for your continued work to enhance the Department of Ecology's proposed rule to strengthen the program and to increase alignment with other Clean Fuels Programs in the region.

King County provides the following input on Carbon Intensity Targets 2023 – 2038.

1. **King County prefers Scenario A – Annual Carbon Intensity Target of 4% in 2028.** This is the preferred scenario because it strengthens the target and maximizes emission reductions in the near-term. The IPCC 6th Assessment Report highlights the benefits of near-term action, “Deep, rapid, and sustained mitigation and accelerated implementation of adaptation actions in this decade would reduce projected losses and damages for humans and ecosystems (*very high confidence*), and deliver many co-benefits, especially for air quality and health (*high confidence*).”¹ Though all scenarios achieve the same cumulative emission reductions, the earlier emissions are reduced, the more likely we will mitigate climate change impacts. Communities will also benefit from increased investments in and access to clean fuels and enabling infrastructure.

The Clean Fuels Program has demonstrated in the first few years that it is working. The policy is incentivizing the production and use of low-carbon fuels. Maximizing the emission reductions in the near-term further strengthens the market signal to continue to reduce emissions from the transportation sector.

Particularly in the absence of enforcement of the zero emission vehicles rules, the Clean Fuels Program is also the State's most effective levers for reducing greenhouse gas emissions from the transportation space. The program's enabling statute contemplates the interaction between these policies, stating that if “at least one rule that is part of the zero emission vehicle program established under chapter 70A.30 RCW was not being enforced” as of 2030, the Department of Ecology may require a greater reduction in the carbon intensity standard (RCW 70A.535.025). The zero emission vehicles rules are not being enforced today. The Department of Ecology has the discretion to maximize emission reductions and should do so under the Clean Fuels Program to better continue our State's progress in reducing transportation emissions despite federal action to rescind State authority to regulate vehicle emission standards. (King County is a co-petitioner alongside Washington in the active multistate coalition lawsuit to fight this. See, *Commonwealth of Massachusetts v. EPA*, 26-1061, (D.C. Cir. Mar 19, 2026).)

King County asks the Department of Ecology to incorporate the following recommendations into the scope of the proposed rulemaking and draft rules for public comment related to public transportation Energy Economy Ratio (EER) values. These comments build on further analysis since King County's June 2026 comment letter:

¹ IPCC, 2023: Summary for Policymakers. In: *Climate Change 2023: Synthesis Report. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001

1. **Recommend alignment of EER values for public transit with California Low Carbon Fuel Standard values.** Continue to apply an EER value of 5 for Battery Electric Buses. Change EER value for fixed guideway trolley bus to value of 3.1.²
 - o Alignment of EER values to the California Low Carbon Fuel Standard follows direction from the WA State Legislature to harmonize climate policies across other jurisdictions. Alignment and harmonization with California, as well as Oregon, as appropriate provides clarity and consistency for market participants, which reduces the overall burden to participate.
 - o EER values for light-duty vehicles are set based on national standard values for miles per gallon equivalent (MPGe) for electric vehicles and miles per gallon (MPG) for gasoline vehicles. EER values for light-duty vehicles will not vary based on actual performance of Washington drivers. EER values for public transit vehicles should also be based on standard values and not vary by actual performance or Washington specific climate conditions. Unlike light-duty vehicles, there is no national database of MPGe values for battery electric buses nor trolley buses. Metro reviewed Altoona Bus Testing Reports³ and consulted with fleet procurement staff to confirm that no national database exists for MPGe values for the heavy-duty bus fleet. This means that it is not possible to update EER values for heavy-duty buses in the same way Dept of Ecology is proposing for light-duty fleets.
 - o Washington Clean Fuels Program has adopted EER values for Electricity/Fixed Guideway Streetcar/Trolley bus of 2.1. This is the same EER value used in OR for Electricity/Fixed Guideway Streetcar. The Oregon clean fuels program does not have an EER value for trolley buses. This is most likely because there are no public transit trolley buses in Oregon. In California, where San Francisco has the largest trolley bus public transit fleet in the country an EER value of 3.1 is applied for Electricity/Trolley Bus, Cable Car, Street Car. When Metro estimated the EER values for the trolley bus fleet comparing the miles per gallon equivalent (MPGe) of trolley buses with MPG of diesel buses the EER values are on par with the values established in California. California's EER value includes trolley buses, unlike Oregon's, and is recommended as a better standard to follow for trolley bus EER values.
 - o Electricity/Battery Electric buses. When Metro estimated the EER values for the battery electric bus fleet by fleet comparing the miles per gallon equivalent (MPGe) of battery electric and trolley buses with MPG of diesel buses. Though MPGe varies based on weather conditions and duty cycle on a given route on a given day, the EER values were on par with the value of 5.
 - o Clean fuel credits generated from public transit vehicles are tied to actual electricity usage reported by kWh. The credit generation for public transit vehicles should vary based on the actual electricity usage. The EER values should be held steady. This provides greater certainty and clarity for public transit agencies participating in the Clean Fuels Program.
 - o Using passenger miles reported to the National Transit Database to compare passenger miles on battery electric versus diesel buses, as proposed by Dept of Ecology, is not a feasible approach to calculating the EER value. Passenger miles

² 17 CCR § 95486.1 Generating and Calculating Credits and Deficits Using Fuel Pathways. Table 5.

<http://oal.ca.gov/publications/ccr/>

³ Bus Testing Report. 2024. LTI Bus Research and Testing Center. <https://www.altoonabustest.psu.edu/bus-list.aspx>

are not tracked by propulsion type. Furthermore, passenger miles are not relevant for comparing propulsion types. The appropriate baseline for comparing providing public transit service by electric battery/trolley bus is providing public transit by diesel bus. The emission reductions of switching to electric propulsion are irrespective of the passenger miles or passenger boardings.

Sincerely,

A handwritten signature in black ink, appearing to read "De J. Eldred", written over the printed name.

David Eldred
Chief Administrative Officer