

September 30, 2026



Department of Ecology
Climate Pollution Reduction Program
P.O Box 47600
Olympia, WA 98504-7600

RE: Rulemaking to Amend Clean Fuel Standard Rule (173-424 WAC)

Dear Lauren Sanner,

Clean Air Task Force (CATF) is pleased to submit comments in advance of Department of Ecology's (Ecology) rulemaking to update Washington's clean fuel program, especially as it pertains to the carbon intensity (CI) reduction schedule. CATF is a nonprofit organization working to safeguard against the worst impacts of climate change by catalyzing the rapid development and deployment of low-carbon energy and other climate protecting technologies.

CATF supports the full decarbonization of the transportation system, which is the largest source of greenhouse gas emissions in the U.S., and commends Washington's leadership and policy commitments towards that goal. Clean fuel standards (CFS) can be a powerful tool for eliminating transportation sector emissions if implemented wisely.

An important element of a CFS is its emissions reductions trajectory. A CFS that drives down the CI of transportation fuels (including electricity) to near-zero by approximately mid-century is critical to achieving transportation sector and statewide climate goals. A CFS might be the best policy mechanism for driving large scale development and deployment of climate-compatible liquid and gaseous fuels, and it readily complements power sector initiatives to reduce the CI of electricity. A near-zero CI target also signals to communities facing air pollution that a full shift to zero-emission vehicles is the objective. With this in mind, CATF appreciates the opportunity to comment on the annual CI reduction schedules put forth by Ecology and recommends:

- **Implementing Scenario C**, the most gradual schedule;
- **Exploring alternative schedules**, such as those that ramp more slowly in the beginning and more steeply during later years of the period;
- **Analyzing opportunities to expand the emissions reduction trajectory** to more ambitious targets over a longer time horizon and proceeding with modeling to support that direction; and
- **Considering concurrent recommendations** to further strengthen Washington's CFS.

I. Preferred scenario and timeline

Because the three annual CI reduction scenarios presented by Ecology arrive at the same cumulative reduction of 45% below 2017 levels in 2038, the differentiating factor is the pacing in the first few years. Pacing should be chosen in favor of durability and compliance feasibility, and therefore, Ecology should select Scenario C, the most gradual schedule. Between these three options, the schedule most likely to be achieved without disruption is the smoothest schedule that avoids any large step changes. This is easier for obligated parties to plan around and least likely to generate resistance that may endanger the ambition of the program. When designing a CFS, the destination (i.e., the overall reduction goal by the end of the program) matters more than the journey (i.e., the exact schedule of annual CI reductions).

Ahead of the forthcoming modeling from Ecology of the different CI reduction scenarios, it is difficult to know the practical differences between a 4.0%, 3.5%, and 3.25% annual CI reduction. We encourage Ecology to publish the results of the modeling upon completion.

II. Alternative scenario for Ecology to consider

Ecology should also consider alternative scenarios that are roughly the inverse of the three scenarios it proposes. Rather than beginning with the highest permissible annual reductions and leveling out at 3.0% in later years, Ecology could hold the annual reduction at the statutory floor of 3.0% through the early and middle years of the schedule and then increase the annual rate in the later years. Some examples as follows:

Year	Scenario A inverse		Scenario B inverse		Scenario C inverse		Scenario D (new)	
	Annual reduction	Cumulative reduction	Annual	Cumulative	Annual	Cumulative	Annual	Cumulative
2026	5.0%	7%	5.0%	7%	5.0%	7%	5.0%	7%
2027	4.0%	11%	4.0%	11%	4.0%	11%	4.0%	11%
2028	3.0%	14%	3.0%	14%	3.0%	14%	3.0%	14%
2029	3.0%	17%	3.0%	17%	3.0%	17%	3.0%	17%
2030	3.0%	20%	3.0%	20%	3.0%	20%	3.0%	20%
2031	3.0%	23%	3.0%	23%	3.0%	23%	3.0%	23%
2032	3.0%	26%	3.0%	26%	3.0%	26%	3.0%	26%
2033	3.0%	29%	3.0%	29%	3.0%	29%	3.0%	29%
2034	3.0%	32%	3.0%	32%	3.0%	32%	3.0%	32%
2035	3.0%	35%	3.0%	35%	3.25%	35.25%	3.0%	35%
2036	3.0%	38%	3.0%	38%	3.25%	38.5%	3.25%	38.25%
2037	3.0%	41%	3.5%	41.5%	3.25%	41.75%	3.25%	41.5%
2038	4.0%	45%	3.5%	45%	3.25%	45%	3.50%	45%

A slower ramp down in early years (2026-2035) followed by a faster ramp down in later years (2036-2038) can give enabling technologies and infrastructure time to mature before the most stringent CFS requirements take effect. The cost and availability of vehicle electrification, charging and hydrogen refueling infrastructure, and low-CI fuel production capacity should all improve materially over the next decade. CATF analysis shows that electrification is central to CFS compliance; without widespread electrification, compliance is considerably more difficult and costly, whereas higher electrification rates deliver deeper decarbonization and lower-cost outcomes. Back-loading the steepest reductions aligns the strictest compliance years with the period in which the widest and lowest-cost set of compliance options will be available.

III. Extending the CI reduction trajectory and ambition

As mentioned above, Washington should strive for a CFS that drives down the CI of transportation fuels to near-zero by approximately mid-century, and Washington has the capacity (and an obligation¹) to strive for such targets. While modifying the ultimate CI reduction target (45%) and timeline (through 2038) is outside the scope of this rulemaking given the statutory requirements of HB 1409, CATF provides the below recommendations for Ecology's next steps after this rulemaking.

While we appreciate Washington's leadership in adopting and implementing a CFS, a 45% reduction below 2017 levels by 2038 is not, on its own, a trajectory to near-zero carbon intensity by mid-century. Washington's statutory limits on greenhouse gas emissions call for net-zero emissions by 2050,² and transportation is the state's largest source of emissions.³ A CI schedule that ends in 2038 at 45% leaves both a substantial gap to near-zero and at least a decade with no established signal. The duration of the declining schedule and its steepness provide important market signals for long-term investments. The 55% pathway available under RCW 70A.535.025(5)(b)(i) is a useful contingency, but it is conditional, cannot take effect before 2032, and does not extend the schedule in time.

One model for Ecology's consideration is the California Low Carbon Fuel Standard (LCFS), which recently set a CI reduction target of 90% by 2045 relative to 2010 levels, with an interim target of 30% reduction by 2030. Strengthening the 2030 CI benchmark (up from

¹ WA Greenhouse gas emissions reductions—Reporting requirements, RCW 70A.45.020(1)(a)(iv) (“By 2050, [the state shall] reduce overall emissions of greenhouse gases in the state to 5,000,000 metric tons, or 95 percent below 1990 levels”).

² [RCW 70A.45.020\(1\)\(c\)](#).

³ [Washington's greenhouse gas inventory](#)

20%) and adding benchmarks out to 2045 helps put California's transportation sector on a trajectory towards near-zero emissions by mid-century. Washington should adopt similarly ambitious targets, which would also help satisfy the statutory requirement for Ecology to harmonize rules and regulations with other nearby clean fuels programs.⁴

Ecology should begin developing the analytical foundation now for a longer and more ambitious trajectory, so that the Legislature has useful options to evaluate when it next considers the program. We suggest that Ecology evaluate illustrative CI pathways that extend beyond 2038 toward near-zero carbon intensity by approximately 2050 and present the results to the Legislature. This would provide concrete evidence for future decision-making and send an early signal to fuel producers and infrastructure developers about the direction of the program long before the current schedule expires.

IV. Concurrent recommendations

Per CATF's previous comments,⁵ as Washington strengthens and extends the emission reduction targets, it will be important to ensure that deeper emission reduction requirements and competition between transportation modes for low-carbon fuels does not erode the integrity of the CFS program by increasing the uptake of high-risk feedstocks or excess credits.

Accordingly, we reiterate our recommendations that Ecology:

- Update CI values for fuels made from conventional vegetable oils, including soy and canola oil, that pose particularly high indirect land use change (ILUC) risks *and* limit the eligibility of these fuels for generating carbon credits across all fuel types;
- Consider alternative low-ILUC risk pathways such as residues and winter intermediate crops, accounting for impacts at the cropping system level, including fertilizer use and nitrous oxide emissions, and potential yield drag on annual crops that follow the winter intermediate in the cropping system rotation. For crops where land is otherwise truly seasonally fallow, a zero ILUC assumption may be reasonable. However, if an intermediate crop reduces the yield of the subsequent crop, there can be indirect land use changes to compensate for lost production, and that may increase as production scales;

⁴ [HB 1409](#) Sec. 2(1).

⁵ [CATF comments](#) on the Rulemaking to Amend Clean Fuel Standard Rule (173-424 WAC) (Mar. 3, 2026).

- Avoid market distortion by conservatively disallowing negative emissions⁶; and,
- Extend the CFS to obligate aviation and marine fuels to better enable the state to achieve its climate goals and align with existing and emerging international frameworks.

V. Conclusion

Of the three annual CI reduction schedules proposed, Ecology should choose Scenario C. Alternatively, Ecology could adopt an inverse schedule wherein the upfront CI reductions are lower, with reductions increasing in later years. Lastly, we encourage Ecology to begin modeling CI pathways that extend toward near-zero by approximately mid-century.

We commend Washington's ongoing commitment to addressing climate change and decarbonizing the transportation sector. We look forward to continuing to engage in this rulemaking and would be glad to discuss any of these recommendations further.

Respectfully submitted,

Dan West
Senior Western Regional Policy Manager
State Policy Program
dwest@catf.us

Rachel Starr
Senior U.S. Policy Manager
Industrial Innovation and Transportation Decarbonization
rstarr@catf.us

Stephanie Herbstritt
Associate Director, Bioresource and Agricultural Engineering
Land Systems
sherbstritt@catf.us

⁶ Negative carbon intensity scores should only be attributed to systems that store more carbon in durable or permanent reservoirs than they emit on a full lifecycle basis and should exclude the crediting of soil organic carbon sequestration (e.g., Biomass Carbon Removal and Storage or BiCRS). Soil carbon sequestration should be conservatively excluded from the net removal calculation.