



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan Chapter 173-446A WAC, Criteria for Emissions- Intensive, Trade-Exposed Industries

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/2202012.html>

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Implementation Plan
Chapter 173-446A WAC

**Criteria for Emissions-Intensive, Trade-Exposed
Industries**

Air Quality Program

Washington State Department of Ecology
Olympia, Washington

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On June 1, 2022, Ecology adopted Chapter 173-446AWAC Criteria for Emissions-Intensive, Trade-Exposed Industries (AO # 21-05). The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-446A WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology implements this rule through staff in the Climate Commitment Act Section within the Air Quality Program at the Headquarters office in Lacey. To implement the rule, Ecology staff will review and issue determinations for petitions submitted to Ecology.

This rule provides a voluntary pathway for facilities to petition for emissions-intensive, trade exposed (EITE) designation. Enforcement is not applicable.

Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has done the following to help inform interested persons:

- Emailed notice to the Greenhouse Gas Reporting Program email list, current greenhouse gas reporters, the Air Quality Program general distribution list on rules and statewide plans email list, the Climate Commitment Act email list, and the WACTrack email list;
- Sent out public notices and issued a press release; and
- Held one stakeholder meeting and one public hearing via webinar.

Ecology will continue to notify interested persons through the Climate Commitment Act and Air Quality Program general email list about the adopted rule. Ecology will also share the rule adoption documents, including the implementation plan, Concise Explanatory Statement, CR-103 form, and final adopted rule language with anyone who provided contact information during the public comment period or public hearing.

As need arises, materials may be developed to answer common questions about the rule.

Promoting and Assisting Voluntary Compliance

This rule provides a voluntary pathway for facilities to petition for emissions-intensive, trade exposed (EITE) designation. Compliance is not applicable. Guidance for businesses planning on submitting a petition for EITE designation will be provided by our technical assistance lead, Emily Bruns, and updates on the Ecology webpage.

Additionally, Ecology will:

- Ensure that processes and procedures related to the rule are clear and will work to improve and clarify materials based on user feedback over time.

Evaluating the Rule

Ecology will monitor the impacts of the rule. To evaluate the effectiveness of the rule, Ecology will do the following:

- Ensure that processes and procedures related to the rule are clear and will work to improve and clarify materials based on user feedback over time.
- Work with facilities that elect to petition for EITE designation; and
- Update this regulation as appropriate.

Training and Informing Ecology Staff

Staff responsible for implementing this rule have been involved in the development of the rule. Ecology will use staff meetings, the agency website, and internal communications to train and inform any additional agency staff.

List of Supporting Documents that May Need to be Written or Revised

Currently, the department does not anticipate the need for materials to be developed for facilities before a petition is submitted. If facilities submit petitions, the department will work with them on a case by case basis to provide technical support and will provide guidance as needed on our Ecology webpage.

If the need for materials changes over time, we will adapt to provide more materials or documents if needed.

We have identified the supporting item that we may need to write, revise, or develop because of the amended rule:

- [Ecology's Climate Commitment Act website¹](https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Climate-Commitment-Act)

¹ <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Climate-Commitment-Act>

More Information

- [Rulemaking website](#)² for rulemaking activities and documents
- [Chapter 70A.65 RCW](#)³ Greenhouse Gas Emissions – Cap And Invest Program
- [Ecology’s Climate Commitment Act website](#)⁴

² <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-446A>

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.65>

⁴ <https://ecology.wa.gov/Air-Climate/Climate-change/Reducing-greenhouse-gases/Climate-Commitment-Act>

Contact Information

For more information about how Ecology will implement these regulations, contact:

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