



Chapter 173-446 WAC, Cap-and-Invest Offsets Rulemaking (Revisions to Ozone Depleting Substances Protocol)

**An Environmental Justice Assessment (per RCW
70A.02.060)**

Climate Pollution Reduction Program

Washington State Department of Ecology
Olympia, Washington

July 2025, Publication 25-14-045

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¹ www.ecology.wa.gov/contact

Language Access

Under the state Environmental Justice law (RCW 70A.02), Ecology is required to conduct Environmental Justice Assessments during development of certain significant actions. This Assessment provides information about the potential impacts to overburdened communities and vulnerable populations, and strategies to mitigate identified harms and fairly distribute known benefits. For translation, interpretation, or accessibility assistance, please contact Courtney Cecale at courtney.cecale@ecy.wa.gov or (360) 480-6270.

Bajo la ley estatal de Justicia Medioambiental (RCW 70A.02), Ecología está obligada a realizar Evaluaciones de Justicia Medioambiental durante el desarrollo de ciertas medidas importantes. Esta evaluación proporciona información sobre los posibles impactos en las comunidades sobrecargadas y las poblaciones vulnerables, y las estrategias para mitigar los daños identificados y distribuir justamente los beneficios conocidos. Para asistencia de traducción, interpretación o accesibilidad, por favor póngase en contacto con Courtney Cecale escribiendo a courtney.cecale@ecy.wa.gov o llamando al (360) 480-6270.

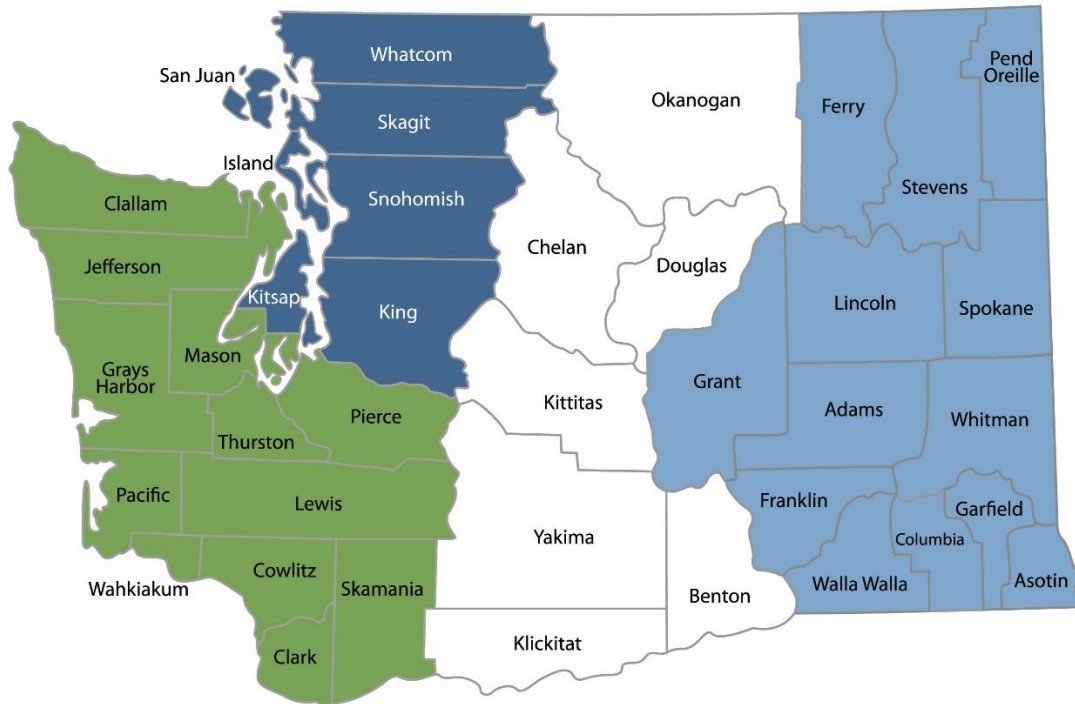
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Theo luật Công Bằng Môi Trường của tiểu bang (RCW 70A.02), Bộ Môi Sinh được yêu cầu tiến hành Đánh Giá Công Bằng Môi Trường trong quá trình triển khai một số hành động quan trọng. Đánh giá này cung cấp thông tin về các tác động tiềm ẩn đối với các cộng đồng đang chịu tổn hại và các nhóm dân cư dễ bị tổn hại cũng như các chiến lược nhằm giảm thiểu tác hại đã xác định và phân chia công bằng các lợi ích đã biết. Để được hỗ trợ về thông dịch, giải thích hoặc sự giúp đỡ cho người khuyết tật, vui lòng liên hệ với Courtney Cecale theo địa chỉ courtney.cecale@ecy.wa.gov hoặc (360) 480-6270.

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Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	P.O. Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	P.O. Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 West Alder Street Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 North Monroe Spokane, WA 99205	509-329-3400
Headquarters	Statewide	P.O. Box 46700 Olympia, WA 98504	360-407-6000

Chapter 173-446 WAC, Cap-and-Invest Offsets Rulemaking (Revisions to the Ozone Depleting Substances Protocol)

An Environmental Justice Assessment (per RCW 70A.02.060)²

Climate Pollution Reduction Program
Washington State Department of Ecology
Olympia, WA

July 2025 | Publication 25-14-045



² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true#70A.02.010>

Table of Contents

List of Figures and Tables	5
Figures.....	5
Executive Summary.....	6
Environmental Justice Assessment	7
<i>Purpose of the Environmental Justice Assessment</i>	<i>7</i>
Section 1: Background.....	8
Section 2: Notification that an Environmental Justice Assessment has been Initiated.....	9
Section 3: Identify Affected Tribes.....	9
<i>Preparing for Tribal Consultation.....</i>	<i>9</i>
Section 4: Offer Consultation:	10
Section 5: Summary of Tribal Consultation & Engagement.....	10
<i>Summary of Tribal Consultation</i>	<i>11</i>
Section 6: Identification of Overburdened Communities & Vulnerable Populations.....	12
<i>Identify Overburdened Communities and Vulnerable Populations</i>	<i>12</i>
Section 7: Summary of Community Engagement.....	15
<i>Summarizing Community Engagement.....</i>	<i>15</i>
<i>Identify Potential Environmental Benefits & Harms from Action</i>	<i>17</i>
Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits.....	18
<i>Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits</i>	<i>18</i>

List of Figures and Tables

Figures

Figure 1 EJScreen map of Ozone EJ Index in Washington State.	14
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Executive Summary

Ecology is enacting changes to Chapter 173-446 WAC³, the Climate Commitment Act Program rule, updating the Ozone Depleting Substances (ODS) offset protocol. The purpose of this rulemaking is to broaden the scope of ODS offsets projects available in the existing Cap-and-Invest Program. This rulemaking will increase the diversity of offset projects available to Cap-and-Invest market participants, broadening the scope of potential greenhouse gas reductions in our state. The rule will be effective statewide and provide benefits to Washington residents through the continued reduction of greenhouse gas emissions. Ecology engaged with Washington Tribes via Tribal forums about offset protocol changes. Ecology responded to comments and questions regarding procedural aspects of the destruction of ODS (i.e. the location of specialized facilities for ODS destruction, all of which are located outside of Washington state). There were no additional concerns from Tribes regarding ODS.

Ecology also reached out to community-based organizations to hear concerns about the rulemaking. Ecology engaged with communities through an Environmental Justice Working Group that was established to support this and other offset protocol rulemakings, which meets monthly. Members of the Working Group discussed possible barriers to developing ODS projects, including cumbersome paperwork. Ecology worked to increase accessibility in the development of offset projects, while balancing the methodological rigor needed to ensure offset projects effectively reduce greenhouse emissions.

The environmental and health benefits of the rule and ODS protocol update will impact Washington residents equally through the overall reductions in greenhouse gas emissions to reach the goal of net zero emissions in Washington by 2050. Harms assessed by Ecology relate to the emissions created through the transportation of ODS to the specialized facilities outside of Washington state. Ecology addresses the emissions from transportation of ODS by subtracting them from the offset credits given to the offset project developer. In addition to meetings specifically for them, Ecology also provided opportunities for Tribes and overburdened communities to engage with the process via public comment periods and public hearings.

³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-446>

Environmental Justice Assessment

Purpose of the Environmental Justice Assessment

The Environmental Justice (EJ) Assessment process helps assess the environmental justice impacts of Significant Agency Actions (SAAs). The assessment informs and supports consideration of overburdened communities and vulnerable populations when making decisions. This information assists with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of health disparities.

The EJ assessment process aligns with Washington’s Environmental Justice law called the Healthy Environment for All (HEAL) Act ([RCW 70A.02](https://leg.wa.gov/RCW/default.aspx?cite=70A.02)⁴). The assessment process draws on best practices established [Technical Guidance for Assessing Environmental Justice in Regulatory Analysis](https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)⁵ and [Promising Practices for EJ Methodologies in NEPA Reviews](http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328)⁶.

Environmental justice assessments are to be completed for the following actions:

- The development and adoption of significant legislative rules as defined in RCW.05.328⁷
- The development and adoption of any new grant or loan program that a covered agency is explicitly authorized or required by statute to carry out
- A capital project, grant, or loan award of at least \$12,000,000 or a transportation project, grant, or loan of at least \$15,000,000
- The submission of agency request legislation to the office of the governor or the office of financial management for approval

This assessment is not required to be a comprehensive or an exhaustive examination of all potential impacts of a significant agency action and does not require novel quantitative or economic analysis of the proposed significant agency action.

The time and resource investment, and depth of assessment, will be influenced by the reasonable applicability of the questions to the agency action.

Ecology plans to update this document and incorporate what we learn through practice, community engagement, Tribal consultation, and any guidance we may receive from the Environmental Justice Council.

This Environmental Justice Assessment is adapted for publication and does not include internal agency process instructions.

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

⁵ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

⁶ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf

⁷ <http://app.leg.wa.gov/RCW/default.aspx?cite=34.05.328>

Section 1: Background

The information in this section is provided for the Office of Financial Management's [dashboard](#)⁸ which includes all covered agency's Environmental Justice Assessment notices.

1. Descriptive title of project/action:

Cap-and-Invest Offsets Rulemaking (Chapter 173-446 WAC)

2. Date EJ Assessment initiated:

September 12, 2023

3. Ecology Program/Office: Climate Pollution Reduction Program

4. Point of contact for EJ Assessment:

Kayla Stevenson

Environmental Planner

kayla.stevenson@ecy.wa.gov

5. Significant Agency Action type, select one or more:

☒ Rulemaking

☐ New grant or loan program

☐ New capital project, grant, or loan of \$12 million or more

☐ Request legislation

☐ Other, explain:

6. Write a short summary of the action.

Ecology is amending Chapter 173-446 WAC to address new and revised Cap-and-Invest offset protocols. Offsets are projects or programs designed to reduce the amount of greenhouse gases (GHGs) in the atmosphere. In Washington's Cap-and-Invest Program, offset projects must also provide direct environmental benefits to our state. Offsets allow businesses to balance out the negative impacts of their emissions by funding a project that benefits the environment such as capturing methane on dairy farms or planting trees in urban areas. The scope of this rulemaking will include consideration of protocol updates or addition of new protocols to increase the potential variety of offset projects that can be developed within the Cap-and-Invest Program, as directed by RCW 70A.65.170(4)(b). This statute directs Ecology to conduct rulemaking that ensures that any updates or additions to the offset program are both based in the best available

⁸ <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

science and support the needs of landowners and communities in Washington state. This rulemaking updates the current Ozone Depleting Substances (ODS) offsets protocol.

7. Identify the method(s) for the public to comment on this proposed action for this assessment.

Ecology has completed the environmental justice assessment and the rulemaking process and provided engagement opportunities that include public meetings and comment periods. Please visit the rulemaking's webpage to see recordings of public meetings and comment periods to hear and read feedback [here](#)⁹. Please contact Kayla Stevenson at kayla.stevenson@ecy.wa.gov for comments or questions.

8. Create/provide an Ecology webpage with information about this proposed action.

<https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-446-offsets>

Section 2: Notification that an Environmental Justice Assessment has been Initiated

This section instructs Ecology staff to notify OFM about the initiation of the action.

Section 3: Identify Affected Tribes

This section summarizes preliminary planning for Tribal Consultation. Ecology must offer consultation with Tribes on significant agency actions that affect federally recognized Tribes' rights and interest in their tribal lands.

Preparing for Tribal Consultation

1. Is the proposed action likely to have any local or regional impacts to federally reserved Tribal rights and resources, including but not limited to, those protected by treaty, executive order, or federal law? Choose one of the following:

☐ Yes

☐ No

☒ Unsure

⁹ <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-446-offsets>

2. List any federally recognized Tribes that are expected to be affected by the proposed action. If it is determined during consultation that Tribes do not wish to be included, then do not include them.

The CCA specifically allows for federally recognized Tribes to participate in the Cap-and-Invest Program as “opt-in entities” or “general market participants.” Opt-in entities assume a compliance obligation for their emissions as if they were “covered entities.” General market participants have no compliance obligation for their emissions but can buy, sell, and hold allowances and offset credits. One type of general market participant is an offset project operator, who generates and sells offset credits into the market.

This adopted rulemaking has the potential to impact all federally recognized Tribes with lands and territories in Washington. It may also impact federally recognized Tribes whose Tribal lands are outside the state, as these Tribes may be eligible to participate in the program as offset project operators if offset projects meet qualifications. No Tribes currently have offset projects that generate Washington offset credits. There are currently no specific Tribes in Washington engaging directly in ODS offset projects with Ecology.

3. Describe plans to offer consultation to identified Tribes.

Ecology notified all Chairs and Natural Resource Directors of the federally recognized Tribes with land, territories, and usual and accustomed land in Washington of the rulemaking proposal and invited Tribes for Government-to-Government Consultation at the time of rule announcement and publication of draft language. Throughout the rule process, Ecology held meetings specifically for Tribes and their staff. Ecology held Tribal forums on November 9, 2023, July 9, 2024, and October 9, 2024. Ecology staff provided information on the rulemaking, took comments, and answered questions. Tribal governments and Tribal members were given opportunities to provide feedback via the formal and informal comment periods.

Section 4: Offer Consultation:

This section directs Ecology staff to offer consultation with Tribes on significant agency actions that affect federally recognized Tribes’ rights and interest in their Tribal lands. Ecology extended multiple invitations to Tribal Chairs for Government-to-Government Consultations. No Tribe asked for a Consultations; therefore, there were no Government-to-Government Consultations associated with this rulemaking.

Section 5: Summary of Tribal Consultation & Engagement

Tribal consultation is intended to inform the answers to all questions in this section.

Summary of Tribal Consultation

1. Describe potential impacts (including harms and benefits) to federally recognized Tribal rights and interests in their tribal lands.

Ecology held three Tribal forums, hosted a monthly Environmental Justice Working Group, and held informal and formal comment periods to address questions and concerns about the adopted rule changes.

Tribal Forums

Tribal forums discussed this Cap-and-Invest offsets rulemaking and another Cap-and-Invest rulemaking focused on market linkage, with a more detailed explanation of the updates to the ODS offsets protocol. Ecology held a Tribal forum on November 9, 2023. Eight people attended the forum. No comments focused on ODS. Comments on other aspects of offsets emphasized the importance of technical working groups and questions about protocols for forestry offsets, which is outside of the scope of this EJA.

Ecology held a Tribal forum related to the Cap-and-Invest Offsets and Linkage rulemakings on July 9, 2024. Fifteen people attended the forum. There were no comments or questions related to ODS during the forum.

Ecology held a Tribal forum related to the Cap-and-Invest Offsets and Linkage rulemakings on October 9, 2024. Eight people attended the forum.

Questions regarding the ODS rulemaking changes focused on:

- Examples of federal ODS. ODS in federal facilities are similar to private ODS, such as federal facilities with old HVAC or cold storage.
- How and where ODS are destroyed.
- Regulation of the transport, storage, and disposal of ODS.

2. Describe potential impacts related to Tribal rights and interests that are not in Tribal lands?

Ecology does not anticipate any impacts to Tribal rights or interests that are not in Tribal lands.

3. Summarize recommendations from Tribes to:

a. Mitigate or eliminate potential harms from the action

Not applicable, there were no comments related to this rulemaking from Tribes.

b. Equitably distribute benefits from the action

Not applicable, there were no comments related to this rulemaking from Tribes.

4. Describe how consultation, engagement, and analyses of impacts to Tribes has informed the development of the action. If it has not, explain why.

Outreach via Tribal forums and letters to Tribal leadership and Natural Resource Directors resulted in engagement around the broad topic of offsets project development.

5. Describe any plans to continue consultation or engagement with Tribes related to this action.

On July 21, 2025, when the final rule is adopted, Ecology will again invite the federally recognized Tribes to Government-to-Government Consultation.

Section 6: Identification of Overburdened Communities & Vulnerable Populations

This section identifies overburdened communities and vulnerable populations, as identified in the [definitions of RCW 70A.02](#), who will be affected by the action.

Identify Overburdened Communities and Vulnerable Populations

1. Identify the geographic area(s) anticipated to be affected by the action.

This rulemaking will be effective statewide.

2. When applicable, using the Washington State Department of Health's Environmental Health Disparities Map (EHD Map), identify the EHD Map rankings for all census tracts likely to be impacted by the action.

This rulemaking will be effective statewide. ODS reduce the ozone layer, resulting in a reduction in the protection from the sun's rays. The rule amendments will result in additional ODS destruction through the increased rigor of the ODS protocol. Ecology does not expect that the rulemaking will impact health disparities.

3. From the rankings identified in question 2, are there any census tracts ranked 9 and 10?

This rulemaking applies statewide. The EHD map ranks all census tracts in the state into deciles, so 20% of census tracts in the state rank as a 9 or 10.

4. Please describe additional cumulative health considerations relevant to this action.

A cumulative health consideration relevant to the rule amendments pertains to emissions from the transportation of ODS to destruction facilities out of state. Changes to the rule and the updated protocol could allow for increased ODS offsets project development, resulting in more ODS being transported to destruction facilities. People who live near roadways and who experience other health and environmental risks may experience cumulative health impacts the potential minimal increase in air pollution from trucks associated with this rule change. Emissions from transportation of ODS are subtracted from offset credits granted to the developer. Separately, Ecology has multiple policies that aim to reduce vehicle emissions.

5. When applicable, using the EPA's Environmental Justice Screening and Mapping Tool (EJScreen), identify areas likely to be impacted by the action that are at or above the 80th percentile (in state) for the "People of color" and "Low income" socioeconomic indicators.

This is not applicable for the adopted rule amendments, as the rule change will be effective statewide.

6. Identify other EJScreen “Socioeconomic” and “Health Disparities” indicators at or above 80th percentile (in state) that are most relevant to this action.

This is not applicable for the adopted rule amendments, as the rule change will be effective statewide.

7. Using EJScreen, identify additional anticipated impacts from climate change in the impacted area, if relevant.

The adopted rule amendments apply statewide. However, there were additional anticipated impacts from climate change identified through EJScreen. Below is a map (Figure 1) of the Ozone EJ Index in the state, which combines the environmental burden indicator for ozone with the demographic index (an average of % low-income and % people of color) for each census block group. The environmental burden of ozone measures the amount of ground-level ozone people may be exposed to by looking at the highest levels of ozone recorded at the ground-level and averaging the top ten days of the year. Ground-level ozone increases with increasing temperatures and decreases air quality. The destruction of ODS will decrease greenhouse gas emissions which contributes to global climate change, indirectly benefitting air quality.

The Ozone EJ Index shows where higher ozone concentrations correspond with higher populations of people of color and/or low-income people using percentiles from 0 (lowest) to 100 (highest). The areas of note are the census block groups in the 50th to 80th percentile (nationally) near Kennewick and in King County, because these are the areas with the highest Ozone EJ Index in the state. The reduction in ODS will have a positive environmental impact across the state, including in areas with a higher percentile ranking on the Ozone EJ Index, as a reduction in greenhouse gas emissions will have a cascading effect on ground-level ozone levels and air quality.

The rule amendments will mitigate the environmental and health-related harms associated with exposure. (This analysis was completed prior to the removal of EJScreen from the U.S. EPA website in February 2025.)

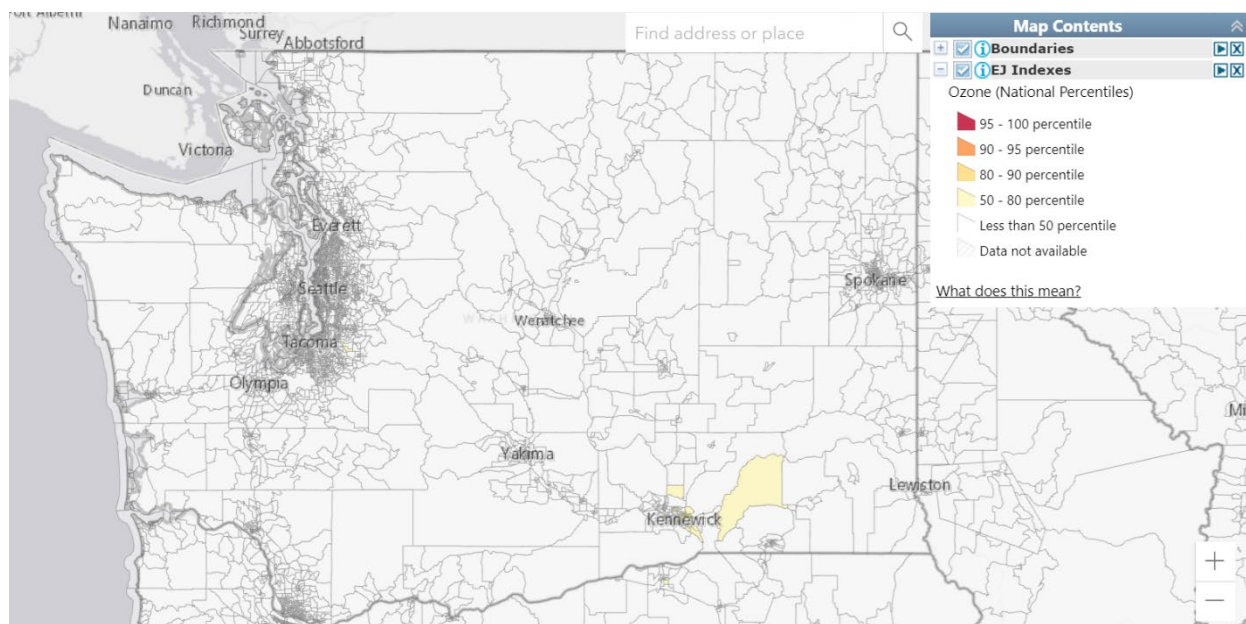


Figure 1 EJScreen map of Ozone EJ Index in Washington State.

8. Using the federal Climate and Economic Justice Screening Tool (CEJST)¹⁰, identify if the potentially affected area is considered disadvantaged for climate risks for additional indicators (as relevant).

Not applicable. The rule applies statewide, so Ecology cannot pinpoint specific areas considered disadvantaged that will be impacted.

9. Identify additional overburdened communities and vulnerable populations that are likely to be affected by the action.

Increased air pollution from transportation of ODS could impact some vulnerable populations, including groups of people with asthma, children and elderly people, and people with other underlying health issues who live near transportation corridors and may already be exposed to higher environmental and health risks.

10. Through community engagement, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

At this time, no additional communities or populations have been identified.

11. Through Tribal Consultation, were additional overburdened communities and vulnerable populations identified who are likely to be affected by the action? Describe additional communities or populations identified, and the reasons they would be considered overburdened and vulnerable.

¹⁰ This is a national tool and may provide relevant information and understanding of the climate related context of the action.

No Tribal Consultation were requested or conducted; therefore, no additional communities or populations have been identified.

Section 7: Summary of Community Engagement

This section summarizes community engagement activities. Community Engagement should be tailored to specifically reach overburdened communities and vulnerable populations. Community engagement is required for all significant agency actions, but the engagement methods will vary depending on the size, scope, and topic of the project. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population.

Summarizing Community Engagement

1. Describe the engagement activities with identified overburdened communities and vulnerable populations.

Ecology established an Environmental Justice Offsets Working Group (EJWG) to advise on environmental justice considerations in the offsets rulemaking. The EJWG includes representatives of community organizations and individuals with direct lived experiences that are helpful in determining the environmental justice impacts of the rulemaking. The EJWG provides feedback on offset protocol rulemaking, helps Ecology consider potential environmental justice impacts of changes to offsets protocols and helps identify and mitigate negative impacts and increase positive impacts. The EJWG meets for two hours monthly starting in August 2024. It will conclude August 2025. Eligible participants are compensated for their time. Meetings are open to the public, with an opportunity for members of the public to comment. Meetings are recorded and posted on the Ecology offsets webpage. Ecology hosted a separate environmental justice listening session October 21, 2024, for the public to present questions and concerns.

Environmental Justice Offsets Working Group

Ecology held two EJWG meetings to specifically consider environmental justice impacts of the ODS offsets rulemaking. These two meetings provided an opportunity for members to give feedback during the rule and protocol development phase of this rulemaking.

Ecology held an EJWG meeting on September 25, 2024.

Comments regarding the rule included:

- Concerns regarding cumbersome paperwork for ODS offsets project developers
- Concerns regarding the difficulty smaller companies face in aggregating an economically feasible quantity of ODS to destroy

- Updating the Global Warming Potentials used in the protocol from the Fourth IPCC Assessment Report (AR4) to the Fifth IPCC Assessment Report (AR5) would have a positive impact on environmental justice as it would align the protocol with other Ecology rules, be consistent with other registries, and make the protocol more conservative in its assumptions about global warming impact of ODS destruction
- Concerns about methyl bromide not being on the ODS list, because of its past use as a pesticide and fumigant
- Allowing offset credit generation from medical aerosols and unused solvents has beneficial environmental effects

Ecology held an EJWG meeting on October 23, 2024. There were no comments related to ODS during the meeting.

2. What actions were taken to help address barriers to meaningful engagement?

In alignment with the State Office of Equity's Community Compensation Guidelines, members of the Environmental Justice Offsets Working Group are compensated hourly, if requested, and if they are not being paid by an employer or organization to participate. Translation and ADA accommodations are provided in meetings upon request. EJWG meetings were held virtually.

3. Identify overburdened communities or vulnerable populations potentially affected by the action who were not engaged and explain why not.

Communities outside of Washington who may live, work, or recreate near a facility that destroys ozone depleting substances may be minimally impacted. This is a minor concern, as best practices for destruction and removal of concentrated sources of ODS are 99.99 percent efficient in its destruction and mitigation of health hazards related to the waste. Since these communities are not in Washington, Ecology did not pursue engagement.

4. Summarize recommendations from members of overburdened communities and vulnerable populations to mitigate or eliminate potential harms from the action and/or equitably distribute benefits from the action.

One recommendation from the EJWG was to include methyl bromide in the list of ODS to be included in the updated protocol. Methyl bromide is currently being phased out of use and production, so it would not be applicable to the scope of the rule.

5. Describe any plans for ongoing engagement with overburdened communities and vulnerable populations related to this action.

Ongoing engagement through public hearings and public comment provide opportunities for overburdened communities and vulnerable populations to give recommendations. Additionally, engagement to overburdened communities and vulnerable populations will continue via our GovDelivery mailing lists and updates to the [rulemaking webpage](#)¹¹. Ecology will continue to be available to meet and answer questions about the ODS protocol upon request.

¹¹ [WAC 173-446-Offsets - Washington State Department of Ecology](#)

Section 8: Potential Environmental Benefits & Harms from Action

This section summarizes anticipated benefits and harms from the potential action, and to assess impacts on overburdened communities and vulnerable populations. The level, type, and form of engagement is based on the likelihood that the actions may cause environmental harm or may affect the equitable distribution of environmental benefits to an overburdened community or a vulnerable population. Answers to the questions in this section may have helped in strategizing our approach to engagement.

Identify Potential Environmental Benefits & Harms from Action

1. Describe the anticipated benefits (direct and/or indirect) from this action.

Anticipated environmental benefits from the rule include greenhouse gas emissions reduction to achieve net zero emissions in Washington by 2050. ODS reduces the ozone layer, and therefore protection from the sun's rays. The erosion of the ozone layer has both health and environmental consequences. It increases UV radiation, which could increase the rate of skin cancer and cataracts. An increase in UV rays will additionally impact the physiological and developmental processes of terrestrial and marine plants. This rule amendment and protocol update will allow for increased methodological rigor to ensure verifiable ODS offsets projects and incentivize additional destruction of ODS. Indirectly, greenhouse gas emissions reduction will benefit health by mitigating some of the impacts of climate change. Economically, the movement away from ODS and the movement towards emissions reduction will reduce the risks and associated costs with climate change-related hazards.

2. Who will primarily benefit from this action?

Washington residents will benefit from this action.

3. How is the action expected to benefit specifically overburdened communities or vulnerable populations? If there is no benefit, identify potential barriers to benefitting from the action.

Reducing the impacts of climate change by establishing thorough ODS protocols will benefit overburdened communities and vulnerable populations because they are more likely to experience climate impacts.

4. Describe anticipated harms (direct and/or indirect) from this action.

Barriers to access, such as cumbersome paperwork to develop an ODS project, may create equity issues. Applicants have different capacities and resources to develop ODS projects and receive credits or funding related to the project. For example, smaller offsets developers may have limited staff and other priorities besides ODS project development; therefore, could identify paperwork as a possible barrier.

5. Who will primarily experience the harms?

People who will experience this indirect harm primarily are ODS offsets project developers.

6. Describe how the action may harm overburdened communities or vulnerable populations? Be as specific as possible.

The rule amendments could result in increased transportation emissions, including in overburdened communities, due to transportation of ODS to destruction facilities. Emissions from transportation of ODS are subtracted from offset credits granted to the developer. Separately, Ecology has multiple policies that reduce vehicle emissions.

7. Describe how the action would address environmental and health disparities.

The rulemaking change would indirectly address environmental and health disparities by reducing ODS and greenhouse gas emissions in Washington state. By updating the current rule, Ecology will contribute to the reduction of emissions; thereby, reducing harms associated with escalating climate change.

Section 9: Options to Eliminate, Reduce, or Mitigate Harms and Equitably Distribute Benefits

This section summarizes options identified for eliminating, reducing, or mitigating harms, as well as options for equitably distributing anticipated benefits. The answers in this section should be informed by engagement, answers from the previous subsections, and any legislative or regulatory boundaries that limit possible decision making.

Identify Options to Eliminate, Reduce, or Mitigate Harms & Equitably Distribute Benefits

1. Describe options to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and options to equitably distribute the benefits.

There are a few ways to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations. Regarding concerns about offset paperwork accessibility, Ecology will need to clearly communicate about the required documents needed to engage in an ODS project, providing specific and clear language and instruction. Ecology is working to balance reducing costs associated with developing a ODS offset project while maintaining rules to create rigorous, verifiable projects. Ecology will continue working to understand the best methods to protect communities in the future. Separately, Ecology has multiple policies that reduce vehicle emissions.

2. Describe methods chosen for this action to reduce, mitigate, or eliminate the identified probable harms to overburdened communities and vulnerable populations; and methods chosen to equitably distribute the benefits. You must consider the following methods, but are not limited to them:

- Eliminating the disparate impact of environmental harms on overburdened communities and vulnerable populations;
- Reducing cumulative environmental health impacts on overburdened communities or vulnerable populations;
- Preventing the action from adding to the cumulative environmental health impacts on overburdened communities or vulnerable populations;
- Providing equitable participation and meaningful engagement of vulnerable populations and overburdened communities in the development of the significant agency action;
- Prioritizing equitable distribution of resources and benefits to overburdened communities;
- Promoting positive workforce and job outcomes for overburdened communities;
- Meeting community needs identified by the affected overburdened community;
- Modifying substantive regulatory or policy requirements; and
- Any other mitigation techniques, including those suggested by the council, the office of equity, or representatives of overburdened communities and vulnerable populations.

By incentivizing more destruction of ODS and reducing greenhouse gas emissions through this rulemaking, Ecology will reduce cumulative health impacts on overburdened communities or vulnerable populations. During the rulemaking process, Ecology provided opportunities for equitable participation and meaningful engagement. Based on input received from the EJWG and public comments, Ecology modified substantive regulatory or policy requirements to equitably distribute the benefits of the adopted rule. Changes include clarifying language around out-of-state ODS offset project development, changed stockpile requirements for Hydrochlorofluorocarbon-22 (HCFC-22), and clarified protocol language on point-of-origin for HCFC-22. The EJWG, public meetings, and hearings allowed for participation and engagement of vulnerable populations and overburdened communities in the development of the adopted rule.

3. If the agency determines it does not have the ability or authority to eliminate, reduce, or mitigate environmental harms caused by the action, or address the equitable distribution of environmental benefits, explain why that determination was made.

Ecology has the authority to reduce environmental harms caused by the rulemaking and address the equitable distribution of benefits based on the best available science. Ecology is conducting ongoing rulemaking related to vehicle emissions standards, which aims to address pollutants associated with vehicle emissions.