Concise Explanatory Statement
Chapter 173-423 WAC, Clean Vehicles Program

Summary of Rulemaking and Response to Comments

Washington State Department of Ecology
Olympia, Washington

November 2026, Publication 26-14-096

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Contact Information

Climate Pollution Reduction Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6800

Website: Washington State Department of Ecology[1]

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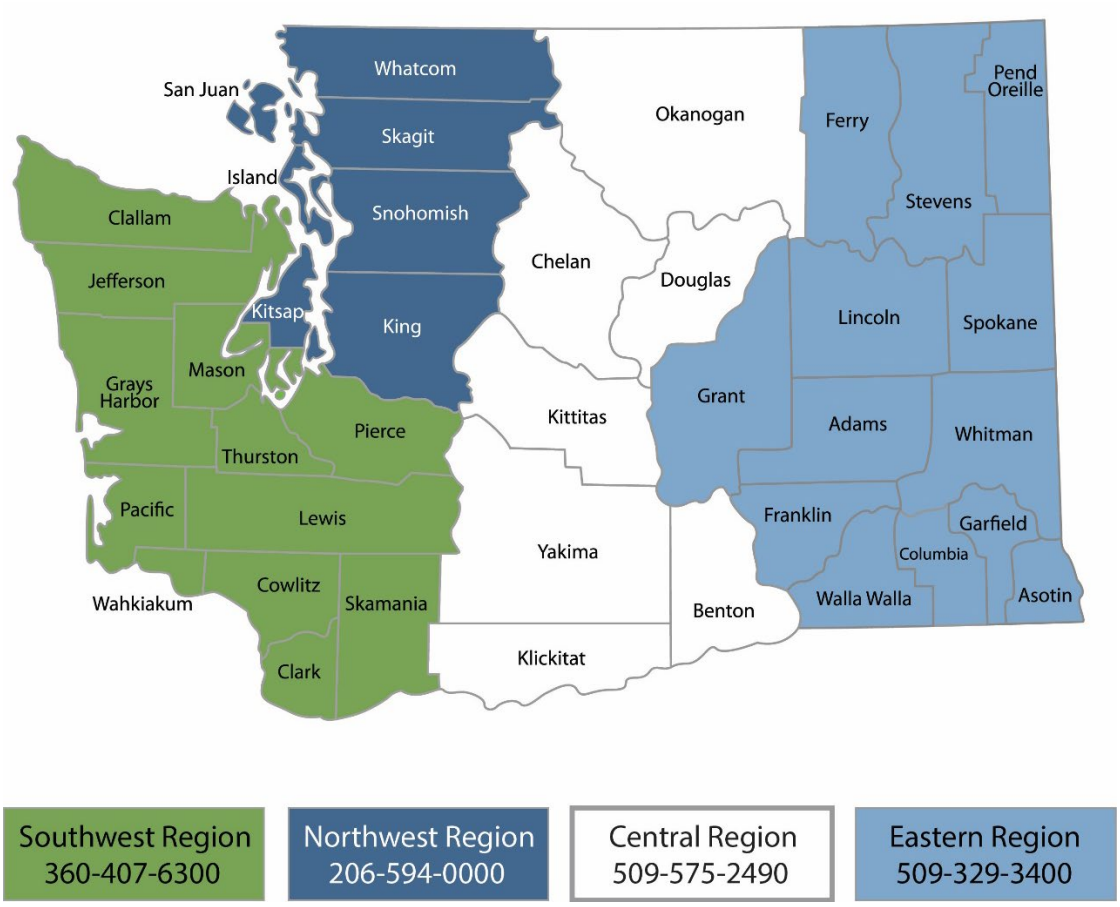
Department of Ecology's Regional Offices

Map of Counties Served



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

Concise Explanatory Statement

Chapter 173-423 WAC
Clean Vehicles Program

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

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Abbreviations and Acronyms

APA	Administrative Procedure Act
ACT	Advanced Clean Trucks
CARB	California Air Resources Board
CCR	California Code of Regulations
CES	Concise Explanatory Statement
CETA	Clean Energy Transformation Act
CFR	Code of Federal Regulations
ECY	Washington State Department of Ecology
EJ	Environmental Justice
EPA	Environmental Protection Agency
FCEV	Hydrogen Fuel Cell Electric Vehicle
GHG	Greenhouse Gases
ICE	Internal Combustion Engine
IRP	Integrated Resource Plans
MHDV	Medium- and Heavy-Duty Vehicle
MT	Metric Tons
NEVI	National Electric Vehicle Infrastructure
NHTSA	National Highway Traffic Safety Administration
Omnibus	Heavy-Duty Low NO_x Omnibus
PHEV	Plug-in Hybrid Electric Vehicle
PUD	Public Utility District
RCW	Revised Code of Washington
USV	Utility Service Vehicles
UTC	Utilities and Transportation Commission
WA	Washington
WAC	Washington Administrative Code
WAZIP	Washington Zero-Emission Incentive Program
WSDOT	Washington State Department of Transportation
ZEV	Zero-Emission Vehicle

Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) rule adoption for:

Title:	Clean Vehicles Program
WAC Chapter(s):	Chapter 173-423 WAC
Adopted date:	November 18, 2026
Effective date:	December 19, 2026

To see more information related to this rulemaking or other Ecology rulemakings please visit our website: https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking.

Organization of this Document

Ecology accepted public comments on the rule proposal from June 23, 2026, through August 13, 2026. During this public comment period, comments were accepted through our online public comment tool, by mail, by email, and by testimony provided at the public hearings. Ecology held two virtual public hearings on this rule proposal. Comments made during the public hearings are treated the same as written comments. We received 53 total comment submissions.

In this document, we have organized the comments into the following categories:

1. Comments supporting amendments
2. Comments on fleet reporting
3. Comments on technological readiness
4. Comments containing economic considerations
5. Comments opposing amendments
6. Comments on utility service vehicle exemption

To see how Ecology responded to your comments, please locate your name or organization in the List of Commenters table beginning on page 14. In the adjacent columns, the commenter should find their comment code as well as the category in which the response to their comment can be found in the Concise Explanatory Statement.

Reasons for Adopting the Rule

Ecology adopted revisions to chapter 173-423 WAC, Washington's Clean Vehicles Program rule. These revisions include adding and revising fleet reporting, beyond the one-time report required in 2023, to authorize additional data collection. This data would be used to support utility grid planning, the development of state-funded transportation electrification grant programs, and other efforts to reduce carbon emissions from transportation.

These rule revisions are important to streamline program implementation, provide additional compliance flexibility and clarity, maintain consistency with other states and the federal government, and work toward meeting Washington's limits on greenhouse gas emissions.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

This table describes the differences between the proposed rule filed on June 23, 2026, and the adopted rule filed on November 18, 2026.

Rule Changes Between CR-102 and CR-103		
Section	Change	Reason for Change
WAC 173-423-030(1)	1) Alternative CCR Title 13 and 17 sections have been removed. 2) Adoption date reverted to May 6, 2025 from September 26, 2026.	Both changes were made due to removal of California's emergency vehicle emission regulation amendments from this rulemaking's scope due to active litigation and a need to await codification of California's rules.
WAC 173-423-070 (1), WAC 173-423-075(1) and (2), WAC 173-423-081(2)	Language that had been added to explain which standards are in effect depending on the status of litigation has been removed.	Both changes were made due to removal of California's emergency vehicle emission regulation amendments from this rulemaking's scope.
WAC 173-423-083(1)(a)	Added language to require Ecology to use other state data and in other ways ensure no redundancy is required of	Changes were made in response to comments on

	fleets already reporting data to the government or other fleet reporting efforts in the state, to the extent this is feasible.	ways to reduce fleet reporting burden on respondents.
WAC 173-423-083(1)(b)	Added exemption to fleet reporting for vehicles operated by public primary and secondary schools.	Changes were made in response to comments on ways to reduce fleet reporting burden on respondents; much of this data is collected by other state agencies and school districts have zero-emission requirements established in RCW 28A.160.260.
WAC 173-423-083(3)	Allowed entities to use data submitted in prior years to fill out future fleet reporting requirements, if data has not changed.	Changes were made in response to comments on ways to reduce fleet reporting burden on respondents.
WAC 173-423-083(3)(a) and (d)(E)	Changed language for "responsible official" to "organizational contact"	Changes were made to increase clarity around the role of this person.
WAC 173-423-083(3)(b)(iii-iv)	1) Added refueling patterns to requested information of home bases. 2) Removed language requiring contact information for a responsible official/organizational contact per-facility.	Change 1 was made in response to comments about information useful for grid planning. Change 2 was made in response to comments on ways to reduce fleet reporting burden on respondents.
WAC 173-423-083(3)(c)	Added "also" when referring to option for fleets to report vehicles individually, as opposed to reporting in vehicle type categories.	Changes were made to increase clarity of options available for reporting vehicles.
WAC 173-423-083(3)(c)(ii)	Added exemption for vehicle operations reporting if fleet	Changes were made in response to comments about information useful for grid planning. Power demand is

	reports on power estimate by home base data.	more important than vehicle data but only available if fleet has done studies and is willing to provide to Ecology.
WAC 173-423-083(3)(c)(ii)(B)	Added reference to list of facility types elsewhere in rule.	Changes were made in response to comments on clarifying typical destination points data required to reduce fleet reporting burden on respondents.
WAC 173-423-083(3)(d) and WAC 173-423-083(3)(d)(i-ii)	Fixed wording for clarity 1) Added language requiring fleets to report plans for off-road electrification; otherwise, fleets are not required to report on off-road vehicles. 2) Allow fleet electrification plans to be submitted in lieu of other data requirements for this section; if these plans do not address all the required information, the fleet must fill out the remaining sections. 3) Added language further specifying requested data on fleet electrification planning in this section, such as planned charging infrastructure needs, estimated power demand by site, and the company's preferred confidentiality status of the submitted information in this section.	Change 1 was made to increase clarity of rule language. Change 2 was made in response to comments about information useful for grid planning. Changes 3 and 4 were made in response to comments about reducing burden on fleets reporting as well as to address confidentiality concerns.
WAC 173-423-083(4)(b)	Added language clarifying role of organizational contact in recordkeeping due to reduced contact information	Changes were made in response to comments on

	requirements for facilities in WAC 173-423-083(3)(b).	ways to reduce fleet reporting burden on respondents.
WAC 173-423-083(5)	Added new subsection (5) on public disclosure and confidentiality. Outlines what Ecology is required to publicly disclose upon request and requires Ecology to indicate what entities receive fleet reporting data.	Changes were made in response to comments about data confidentiality concerns.

List of Commenters

Submission Code	First Name	Last Name	Affiliation	Response
I-1	Vicky	McCarley		Comments supporting amendments
I-2	Jamie	Shields		Comments supporting amendments
I-3	Dianna	Macleod		Comments supporting amendments
I-4	Caroline	Sévilla		Comments supporting amendments
I-5	Lori	Danielson		Comments supporting amendments
I-6	Liana	Lang		Comments supporting amendments
I-7	Steven	Andrychowski		Comments supporting amendments
I-8	Charles	Lauzon		Comments supporting amendments
I-9	Don	Steinke		Comments supporting amendments
I-10	Stacie	Charlebois		Comments supporting amendments
I-11	Jacob	Squirrel		Comments supporting amendments

I-12	Stephanie	Hemness		Comments supporting amendments
I-13	Vanessa	Jamison		Comments supporting amendments
I-14	Russell	Weisz		Comments supporting amendments
I-15	Patrice	Wallace		Comments supporting amendments
I-16	Maggie	Blair		Comments supporting amendments
I-17	Matt	Harris	Grant County PUD	Comments on Utility Service Vehicle exemption
I-18	William	Alexander		Comments supporting amendments
I-19	Tim	French	Truck and Engine Manufacturers Association	Comments opposing amendments
I-20	Don	Steinke	Climate Action of Southwest Washington	Comments supporting amendments
I-21	Ryan	Roeder	Grant County PUD	Comments on Utility Service Vehicle exemption
I-22	Travis	Nelson	WPUDA	Comments on Utility Service Vehicle exemption

I-23	Sonia	Hitchcock	Washington Conservation Action	Comments supporting amendments Comments on fleet reporting
I-24	Carrie	Nyssen	American Lung Association	Comments supporting amendments Comments on fleet reporting
I-25	Kate	Butt		Comments supporting amendments
I-26	Anonymous	Anonymous		Comments supporting amendments
I-27	Joe	Greenheron		Comments supporting amendments Comments on fleet reporting
I-28	Anonymous	Anonymous		Comments supporting amendments
I-29	John	Altshuler		Comments supporting amendments
I-30	Melinda	Mueller		Comments supporting amendments
I-31	Meridee	Kortan		Comments supporting amendments

I-32	D.	Anonymous		Comments supporting amendments
I-33	Susan	Morales		Comments supporting amendments
I-34	Olah	Kaplan		Comments supporting amendments
I-35	Amorah	Ross		Comments supporting amendments
I-36	Anonymous	Anonymous		Comments supporting amendments
I-37	Steven	Andrychowski		Comments supporting amendments
I-38	Janis	Hadley		Comments supporting amendments
I-39	Caroline	Sévilla		Comments supporting amendments
I-40	Kristin	Mastellar	Mason County PUD	Comments on Utility Service Vehicle exemption
I-41	William	Phillips		Comments supporting amendments
I-42	Stacie	Charlebois		Comments supporting amendments
I-43	Deanna	Martin	King County Metro	Comments supporting amendments

				Comments on fleet reporting
I-44	Anonymous	Anonymous		Comments supporting amendments
I-45	Ronda Larson	Kramer		Comments supporting amendments Comments on fleet reporting
I-46	Carrie	Nyssen	American Lung Association	Comments supporting amendments Comments on fleet reporting
I-47	Timothy	French	Truck and Engine Manufacturers Association (EMA)	Comments opposing amendments
I-48	K	Cropp		Comments on technological readiness
I-49	Travis	Nelson	Washington Public Utility Districts Association (WPUDA)	Comments on Utility Service Vehicle exemption
I-50	Colleen	Easler	WA Clean Transportation Coalition	Comments supporting amendments

				Comments on fleet reporting
I-51	Sophie	Ellinghouse	Western States Petroleum Association	Comments opposing amendments Comments containing economic considerations Comments on fleet reporting
I-52	Landon	Bosisio	Avista, Seattle City Light, Snohomish County PUD, and Tacoma Power.	Comments on fleet reporting
I-53	Sheri	Call	Washington Trucking Association	Comments opposing amendments Comments on fleet reporting

Response to Comments

Ecology announced this rulemaking on November 19, 2025. On June 23, 2026, following a series of virtual public meetings and comment periods, Ecology published a proposed rule for public comment. The public comment period occurred from June 23, 2026, to August 13, 2026. Public hearings were held on August 4, 2026, and August 5, 2026. This document responds to the public comments we received during this public comment period. Comments have been summarized and responded to below. You can view original comments in full on the online comment website. These comments remain available online for two years after the rule adoption date and are maintained as part of the permanent rulemaking record.

1. Comments supporting amendments

Comment Summary: The commenters listed below expressed support for the Clean Vehicles Program and the amendments in this rulemaking process that support it.

Many commenters expressed support for the program and the amendments being proposed because they are concerned about increasing greenhouse gas emissions from vehicles and their impact on the Earth's climate.

Additionally, several commenters expressed support for the program and the amendments being proposed because they are concerned about the health impacts that result from vehicle emissions. Some commenters provided personal experiences of negative air quality, particularly in overburdened communities and/or communities near Washington's transportation corridors. One commenter (I-30) gave a personal example of growing up in Spokane, highlighting how worsening wildfires in the area have forced people to evacuate their homes and suffer negative health consequences from the toxic smoke. These commenters also noted the health impacts that result from poor air quality, such as asthma, lung and heart diseases, cancer, and other illnesses, as well as the costs associated with these illnesses.

One commenter (I-20) urged Ecology to move forward with the proposed amendments and encouraged us to explore what other countries, like China and Chile, are doing to accelerate the transition to electric vehicles.

Furthermore, Ecology received an email campaign from 31 commenters supporting the proposed amendments as a necessary strategic backstop against increased on-road pollution pending federal litigation. The commenters highlighted that adopting these amendments, along with expanded fleet reporting, will protect public health by reducing air pollution-related illnesses. While supporting these immediate protections, the commenters strongly urged that if ongoing litigation proves recent federal actions illegal, Ecology should quickly reinstate the current, more protective standards, including Advanced Clean Cars II, Advanced Clean Trucks, and the Heavy-Duty Low-NOx omnibus standards.

Commenters: I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, I-11, I-12, I-13, I-14, I-15, I-16, I-18, I-20, I-23, I-24, I-25, I-26, I-27, I-28, I-29, I-30, I-31, I-32, I-33, I-34, I-35, I-36, I-37, I-38, I-39, I-41, I-42, I-43, I-44, I-45, I-46, I-50

Ecology Response: Thank you for your comments.

On June 23, 2026, Ecology proposed revisions to chapter 173-423 WAC, Washington's Clean Vehicles Program rule, to adopt amendments to Advanced Clean Cars (ACC), Advanced Clean Cars II (ACCII), and Heavy-Duty Low NOx Omnibus (Omnibus) along with components of California's 2010 medium and heavy-duty vehicle in-use standards.

These older certification standards were proposed to act as a fallback emission standard for combustion engine vehicles. This measure was introduced to create a path for reinstating these older standards if current, more protective standards become unenforceable due to ongoing litigation and recent federal actions.

After careful review, Ecology has decided to remove the proposed California regulation amendments from the current rulemaking scope. While California's final adoption of these amendments occurred on November 6th, 2026, they had not been adopted while we were completing the final preparations of our rule adoption. As a result, Ecology removed these amendments to ensure we did not inadvertently adopt standards prior to California's adoption, or regulations that are inconsistent with their final rules. We will continue to support litigation against unlawful attempts to undermine EPA waivers that are the foundation of our current emission standards that we have adopted from California.

We recognize and appreciate that many commenters expressed strong support for these amendments. Due to a statutory requirement (RCW 70A.30.010) that Ecology update our rules "from time to time" to maintain consistency with California's motor vehicle emission standards, Ecology will consider the California Air Resource Board's newly finalized amendments, which became effective on November 6, 2026, for a future rulemaking. We are still moving forward with the fleet reporting provision in this current rule.

Vehicle emissions standards are an essential policy tool for addressing climate change and reducing harmful air pollution from vehicles, particularly in communities most exposed to this type of pollution. While we are removing these specific fallback measures from the current rulemaking, Washington continues to hold recent federal actions to reclassify and revoke California's waivers as unlawful and is actively engaged in litigation. Moving forward with a fleet reporting provision ensures that we continue building the foundation for cleaner transportation in Washington.

2. Comments on fleet reporting

Comment Summary: These commenters provided feedback on the proposed amendments to WAC 173-423-083's fleet reporting requirement.

One commenter (I-51) expressed concerns regarding Ecology's statutory authority to collect the proposed fleet data starting in 2027. This commenter noted that the requirements, which involve sharing electrification plans and infrastructure details, could introduce new administrative and financial expectations for covered entities. In addition, the commenter addressed the handling of the collected information, pointing out that it may contain sensitive business details. To address these data privacy concerns, the commenter suggested that Ecology limit data sharing to anonymized and aggregated formats, establish a formal process to designate confidential

business information, and ensure the data is used strictly for its intended regulatory purpose rather than as a sole basis for enforcement actions.

A comment from joint utilities (I-52), Avista, Seattle City Light, Snohomish County PUD, and Tacoma Power, expressed support for the frequency and applicability of the fleet survey, as well as the shortened survey questions. However, they requested that Ecology commit to the survey by changing the regulatory language from “may request” to “will request.” The utilities also requested greater specificity in the fleet electrification planning section, asking for data on short-, medium-, and long-term timelines (e.g., five, ten and twenty years) and details on whether fleets will utilize home-base charging or public/shared depots. Finally, they sought assurance that Ecology’s survey will not duplicate Electric Power Research Institute (EPRI) efforts and requested an amendment confirming that detailed, address-level data will be shared with utility grid planners under confidentiality agreements.

Two commenters (I-43, I-53) expressed concern that the proposed fleet reporting requirements could create an administrative burden for fleet owners due to potential duplicative reporting. To streamline data collection and minimize additional paperwork, both commenters recommended that Ecology evaluate existing vehicle registration and fueling data already maintained by the Department of Licensing. They suggested that this existing state data could be used to consolidate, pre-populate, or generate high-level statewide estimates rather than requiring detailed data inputs directly from individual fleets.

To further reduce administrative effort, one commenter (I-43) requested that Ecology allow fleet owners to submit existing documentation such as recently completed site-level power demand estimates and FTA-required electrification plans rather than reformatting previously compiled information. This commenter also recommended omitting the requirements to report "typical destination" points, "usage patterns," and facility-specific vehicle tracking, noting that vehicle usage is highly varied and vehicles frequently transition between facilities. Additionally, they asked Ecology to classify vehicles by broader categories (Light, Medium, and Heavy) rather than specific body or fuel types, and to utilize central government relations staff for data requests instead of requiring a facility-specific "responsible official." Finally, the commenter encouraged Ecology to prioritize investments in technical assistance, regional EV planning, and cohort accelerator programs to support large fleets in their transition.

Furthermore, Ecology received an email campaign from 31 commenters supporting the expanded fleet reporting requirements. These commenters stated that proposed amendments support Washingtons continued commitment and movement forward on transportation and protect public health, resulting in fewer hospital visits and deaths each year, and fewer community members put at risk for cancer, asthma, heart disease, and other devastating ailments. Several commenters (I-23, I-24, I-27) also expressed strong support for the fleet reporting requirements and believe that the additional data will support the carbon emission reduction efforts such as utility grid planning and transportation electrification.

Commenters: I-1, I-2, I-3, I-4, I-5, I-6, I-7, I-8, I-9, I-10, I-11, I-12, I-13, I-14, I-15, I-16, I-18, I-20, I-23, I-24, I-25, I-26, I-27, I-28, I-29, I-30, I-31, I-32, I-33, I-34, I-35, I-36, I-37, I-38, I-39, I-41, I-42, I-43, I-44, I-45, I-46, I-50, I-51, I-52, I-53

Ecology response: Thank you for your comments and feedback on the proposed amendments to WAC 173-423-083’s fleet reporting requirement. Ecology proposed provisions for fleet data

collection, beyond the one-time report required in 2023, to authorize additional data collection with the goal of supporting utility grid planning, the development of state-funded transportation electrification grant programs, and other efforts to reduce carbon emissions from transportation.

Ecology's response to commenter I-51: The data requested from fleets is meant to support implementation of the motor vehicle emission standards adopted under RCW 70A.30.010 and is based on California's Large Entity Reporting regulation, which was adopted alongside Advanced Clean Trucks to support medium- and heavy-duty zero-emission vehicle planning. This expansion of fleet reporting is a request for information that Ecology is asking fleets to perform voluntarily rather than an enforceable requirement. Ecology considers reporting as an integral aspect of meeting the stated objective of the statute; Ecology staff reviewed several regulatory alternatives when designing fleet reporting and chose the alternative for the proposed rule language that was least burdensome. A few suggestions made in your comment have now been incorporated to further reduce reporting burden on fleets that participate, such as references to Ecology's confidentiality process and public disclosure requirements.

Ecology response to commenter I-52: Several suggestions made in your comment have been incorporated into the rule language, such as suggestions around increased specificity on fleet electrification planning timelines, infrastructure, and off-road vehicles. The suggestion to ensure no duplication of existing fleet reporting efforts, to the extent possible, has also been implemented. Some suggestions were not included, such as mandating the frequency of data collection to every two years – prior fleet reporting experience has indicated that flexibility around data collection timelines is preferable, although Ecology agrees that consistent collection is desirable. Additionally, while language has been added to reflect data sharing, public disclosure, and confidentiality, all topics touched on in your comment, flexibility is also required for these issues in the rule language given significant unknowns about how fleets will classify and report this data.

Ecology's response to comment I-43 and I-53: Several suggestions made in your comment have been incorporated into the rule language, such as suggestions around usage of existing state data, allowing for submittal of existing plans and power estimates to exempt fleets from certain fleet reporting components (to avoid rewriting this information in a different form), and clarifications around the data requested for "typical destination points." However, not all suggestions were incorporated, such as to remove reporting on fleet by facility – several provisions in the rulemaking to allow the assignment of a vehicle to a "variable home base" or as part of a "take-home fleet" create the needed flexibility to report on fleets that do not have a designated facility. Another suggestion to simplify vehicle reporting by eliminating fuel type and simplifying the vehicle type categorization was considered, but vehicle and fuel type information is crucial to Ecology's stated purpose of supporting state transportation electrification grant/incentive programs and utility grid planning.

3. Comments on technological readiness

Comment Summary: One commenter (I-48) opposed Washington's proposed 2035 zero-emission vehicle mandate, stating it is premature to implement such a policy before the necessary infrastructure and technology are practical for all residents statewide. This commenter stated that many Washingtonians lack access to overnight home charging and claimed that current EVs face logistical challenges with long-distance travel, temperature, towing, and accessing remote areas. Additionally, the commenter expressed concern about the substantial investments required to prepare the electric grid for widespread EV adoption, as well as the loss of emergency transportation resilience during power outages. They noted that the policy could disproportionately affect lower-income residents, place Washington businesses at a competitive disadvantage by exceeding federal standards, and restrict consumer choice. The commenter claims this may drive residents to purchase non-compliant vehicles out of state. Lastly, the commenter advocated for a technology-neutral approach that allows the market to choose from a variety of options, including battery-electric, plug-in hybrids, hydrogen, and efficient combustion vehicles.

Another commenter (I-53) raised concerns regarding technology feasibility and regulatory alignment. This commenter emphasized that no single powertrain technology suits every commercial trucking application given wide variations in routes, cargo, geography, and duty cycles, urging Ecology to maintain technology neutrality.

Commenters: I-48, I-53

Ecology Response: Ecology appreciates this comment and recognizes the concerns over the technological readiness of zero-emission vehicles and the infrastructure required to support them. Firstly, we would like to note that this rulemaking does not involve the zero-emission vehicle standards, of which enforcement is currently paused due to ongoing litigation between the federal government and a coalition of states that have adopted these policies, including Washington. However, we note the following in response to the specific concerns the commenter raised:

> **Technological Readiness and Infrastructure:** This commenter pointed out that current EVs face logistical challenges with long-distance travel, towing, and accessing remote areas. Range, towing, and charging access are as much concerns over vehicle performance capability as they are infrastructure availability and reliability. On these fronts we note positive developments.
>
> Zero-emission vehicles, and in particular battery electric vehicles (BEVs or EVs), have made significant strides in performance and capability over the past several years, and this trend is set to continue. The average EV in the US now comes with over 300 miles in range, due to improvements in battery density and vehicle construction. Technologies currently being commercialized, such as solid- and semi-solid-state batteries, offer increased battery density and are less likely to combust than the currently ubiquitous liquid electrolyte batteries, which themselves are much less likely to catch on fire than an internal combustion engine vehicle. These lighter and more powerful batteries will reduce the weight of the vehicle relative to the amount of range the vehicle can achieve and may

help in other areas where there has been less technological progress, such as towing. Current electric pickups have towing capacities up to 11,000 lbs.

Looking to the availability and reliability of charging, there are several ongoing efforts in Washington to expand the infrastructure that powers ZEVs. The state has submitted several plans to the federal government to receive National Electric Vehicle Infrastructure (NEVI) funds and have begun the process of awarding those funds, which will expand public charging along all major transportation corridors. State funds have built out public, workplace, fleet depot, and multifamily charging around the state over the past several years as well. These efforts are layered on top of existing private networks, such as Tesla's SuperCharger network, and efforts by businesses as diverse as fast-food chains and pharmacies to install chargers in parking lots.

To manage concerns about the planning necessary for transportation electrification, the state also established the Interagency Electric Vehicle Coordinating Council (EV Council). The EV Council released a statewide transportation electrification strategy (TES) in early 2024. The TES estimated charging demand based on 23 different zero-emission vehicle adoption scenarios for the state, down to the census tract level. This data has been used by utilities and local governments in planning for the zero-emission vehicle transition and has been updated over time as new data on vehicle adoption is released by the Department of Licensing.

Utilities are also required to plan for the extra electrical generation needed by the Electric Utility Resource Plans law (Chapter 19.280 RCW), as well as to ensure their power mix increasingly comes from emissions-free sources (Chapter 19.405 RCW). Many of the largest utilities in the state have also completed transportation electrification plans (RCW 80.28.365) to prepare for vehicle electrification in their service territories. All these efforts apply to both charging for light-duty vehicles such as passenger cars and special charging for heavy-duty vehicles such as semi-trucks. The grid is therefore required to prepare for the additional electrical demand that zero-emission vehicles will bring to Washington.

In summary, continued improvements in driving range, battery technology, and the availability and speed of public and private charging infrastructure are beginning to make headway to address concerns about range. Increased ZEV production and technology advancements are expected to close the gap between the towing capabilities of electric vehicles and gasoline- and diesel-powered vehicles. Improvements in battery density can further decrease the performance gap. Additionally, the rollout of public fast charging stations across Washington will further ease the convenience of refueling during long-range routes, while utilities make necessary preparations, required by law, to accommodate increasing numbers of zero-emission vehicles.

Consumer Choice and Technology Neutrality: This commenter advocated for a technology-neutral approach that allows the market to choose from options including battery-electric, plug-in hybrids, and hydrogen. While this is now out of the scope of our rulemaking, given the narrowed focus on fleet reporting, Ecology notes that our rules allow the sale of new plug-in hybrid electric vehicles (PHEVs) as well as hydrogen fuel

cell electric vehicles (FCEVs) throughout the program. Any other technology without exhaust emission is also eligible under the zero-emission vehicle requirements; by design, the standards do not require a specific technology. Up to 20% (for light-duty vehicles) or 50% (for medium- and heavy-duty vehicles) of compliance requirements each year can be met by PHEVs with a certain amount of all-electric range. PHEVs and FCEVs provide another option for drivers who may need access to vehicles with long ranges and powerful towing capabilities. The zero-emission vehicle standards also do not require anyone to purchase an electric vehicle or force anyone to relinquish their gasoline or diesel-powered vehicle. These regulations impact what new vehicles manufacturers make available for sale each model year and do not regulate the used market, which constitutes roughly 75% of the auto market. Additionally, 40-60% of medium- and heavy-duty vehicles, depending on vehicle weight and type, can be internal combustion engine vehicles that utilize gasoline, diesel, forms of natural gas, etc. past 2035 under existing standards.

4. Comments containing economic considerations

Comment Summary: One commenter (I-51) stated that the Department of Ecology's economic analysis could be expanded to better align with statutory requirements regarding cost-benefit and least-burdensome alternative assessments. The commenter noted that the current assessment does not fully incorporate certain indirect compliance costs, such as petroleum-sector operational complexities and the protection of confidential business information. Additionally, the commenter observed that the proposal results in higher per-employee costs for small businesses compared to larger firms, indicating that further mitigation measures could help establish it as the least burdensome regulatory alternative. The commenter also expressed uncertainty regarding whether the proposed zero-emission vehicle sales targets can be met within the planned timeframe given current market and infrastructure trends. To address these areas, the commenter recommended that Ecology verify its claimed benefits with verifiable data, include indirect sector costs in its analysis, explore flexible reporting alternatives, offer simplified compliance templates for small businesses, and further review the practical feasibility of the emission standards.

Commenters: I-51

Ecology Response: Thank you for your comment. In response to the specific economic and regulatory considerations raised, Ecology notes the following:

> **Scope of Regulatory Analysis:** The adoption of the vehicle emissions standards themselves is a result of legislative action (RCW 70A.30.110**)** and are exempt from regulatory analysis. Only the implementation portion is subject to the regulatory cost-benefit analysis. Additionally, between the proposal and adoption stages of this rulemaking, the scope has been narrowed to exclude adoption of CARB's emergency vehicle emission regulations and focus instead on the fleet reporting components. The response below will focus on responses relevant to this reduced scope of the rulemaking.
>
> Throughout development of the proposed rule, Ecology has done public and industry outreach which included previous comment periods and open meetings. While the

benefits of these reporting requirements for planning electric charging infrastructure were not quantitatively estimated, this data provides broad, nuanced value for navigating large-scale transitions in a shifting policy and technological environment and fills a gap within existing data collection efforts both by public agencies and private entities. Utilities have specifically requested this information to support their ongoing efforts, and we consider these requirements as the most efficient way to gather the data.

The commenter asserted, but did not present data or supporting evidence, that reporting requirements would be more onerous to the petroleum industry relative to other large enterprises with complicated logistics.

Least-Burdensome Alternative and Fleet Reporting: Ecology listed proposed rule alternatives considered in Chapter 6 of the Preliminary Regulatory Analysis and the reasons they were not advanced. Based on feedback from the one-time reporting of 2023, we lessened the information requested per fleet report, making reporting less burdensome. Furthermore, the least burdensome requirement is a two-part standard. The second part states: "…where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based …."[2]

The adoption of California's vehicle emissions requirements are mandated by the statute (RCW 70A.30.010:) and Ecology is authorized to make rules to implement the requirements. Widespread fleet electrification requires knowledge of expected charging demand and locations. While there is currently uncertainty around the timing and scale for vehicle electrification, the trend is unambiguous and information for planning is critical. This request for information supports the vehicle emission standards adopted by Ecology.

The relative cost burden the commenter mentions is driven by two factors:

1. **The scale of the largest firms:** The top 10 percent of the firms likely subject to the requirement are very large, estimated at an average of 34,000 based upon data from Dunn & Bradstreet. This grouping would include companies like Amazon.com and Costco. In very large firms, most of the employees will spend no time working on meeting the biannual requirement, thus sharply reducing the cost per employee of reporting.
2. **Conservative firm-size estimates**: We used a relatively small (conservative) estimate for the threshold of firm size falling under the proposed reporting, which was 10 employees. This would imply that for light-duty vehicles, there would be a fleet vehicle for every employee, and for medium- or heavy-duty vehicles a vehicle for every two employees. While this estimate includes a larger number of firms, it also elevates the estimated cost per employee.

Ultimately, the estimated cost to small businesses was $26.35 per employee every 2 years, or just over $13 per year. Based on this analysis, Ecology determined that this cost

[2] RCW 19.85.030:, https://app.leg.wa.gov/RCW/default.aspx?cite=19.85.030

does not constitute an undue burden for small businesses to report. Additionally, the reporting is needed to implement the statute.

5. Comments opposing amendments

Comment Summary: These commenters were opposed to adopting the proposed amendments to Chapter 173-423 WAC.

Commenters (I-19, I-47) expressed opposition to the proposal to align with California's reinstated "antecedent" medium- and heavy-duty (MHD) emission standards. The commenter stated that opting into these standards is not permissible under Section 177 of the federal Clean Air Act (CAA) because the regulations lack a valid EPA preemption waiver following the nullification of the prior Omnibus regulations by the Congressional Review Act (CRA). The commenter noted that CARB's proposal creates a new blend of expired regulatory provisions, which constitutes the adoption of new regulations requiring a new EPA waiver prior to adoption or enforcement. Furthermore, the commenter states that the CAA requires at least four years of lead time in California (and two years in Washington) for manufacturers, whereas the current proposal provides no lead time. Finally, the commenter observed that the proposed antecedent NOx standards are nearly six times less stringent than the federal standard taking effect for 2027 and later model years. Consequently, the commenter contended that adopting the proposed standards would be adverse to public health and result in higher emissions than defaulting to the federal baseline, recommending that the rulemaking not proceed.

One commenter (I-51) also submitted a detailed comment outlining legal and practical concerns regarding the proposed amendments. This commenter noted that recent declines in EV sales following the expiration of purchase incentives, combined with projections of a 30% increase in regional electricity demand over the next decade, require Ecology to reassess its EV adoption rate assumptions and grid readiness. Additionally, this commenter contended that the Advanced Clean Cars II (ACC II) zero-emission vehicle mandate is preempted by the federal Energy Policy and Conservation Act (EPCA) because it effectively acts as a fuel economy standard. This commenter further stated that Ecology is prohibited from enforcing California standards that lack an effective Clean Air Act Section 209 preemption waiver. If Ecology proceeds with the rulemaking, this commenter recommended several structural revisions, including clarifying the waiver status of specific requirements, defining exact triggers for enforcement following legal appeals, and ensuring the statutory two-year lead time for implementation.

Finally, one commenter (I-53) urged Ecology to prioritize resources on legally durable, Washington-specific policies rather than continually revising rules to mirror California regulations that face ongoing litigation and federal legal uncertainty.

Commenters: I-19, I-47, I-51, I-53

Ecology Response: Thank you for taking the time to comment on this rule. We have read and noted your disagreement with this rulemaking. In general, we are required under the Motor Vehicle Emission Standards Law (RCW 70A.30.0102) to adopt California's changes to vehicle emissions standards that apply to new passenger and commercial vehicles sold in Washington. While Ecology respectfully disagrees with the commenter's (I-19) characterization of both the legal requirements under Section 177 of the Clean Air Act and the projected emissions impacts of the proposed standards, we have decided to remove the proposed CARB emergency vehicle

emission regulation amendments from the current rulemaking scope. While California's final adoption of these amendments occurred on November 6th, 2026, they had not been adopted while we were completing the final preparations of our rule adoption. As a result, Ecology removed these amendments to ensure we did not inadvertently adopt standards prior to California's adoption, or regulations that are inconsistent with their final rules. We will continue to support litigation against unlawful attempts to undermine EPA waivers that are the foundation of the emission standards we adopt from California. Additionally, as Washington state law (RCW 70A.30.010) requires us to update our rules "from time to time" to maintain consistency with California's motor vehicle emission standards, Ecology will continue to consider these provisions in a future rulemaking once they are fully finalized by CARB. The Clean Vehicles program is an integral component of the state's strategy to achieve its scientifically-based greenhouse gas emission limits established in the Limiting Greenhouse Gas Emissions law (RCW 70A.45.0203), which require the state to reach net zero emissions by 2050.

It is critical that we take steps as soon as practicable to reduce vehicle pollution, given that transportation is Washington's largest single source of greenhouse gas emissions. Greenhouse gases cause climate change, which contributes to rising sea levels, increased wildfire frequency, and other harmful environmental and public health impacts.

If you have other specific concerns about this rule, see the other sections of this document which address specific aspects, issues, and concerns commenters have had with the proposed rule changes.

6. Comments on utility service vehicle exemption

Comment summary: Ecology received requests from several Public Utility Districts to exempt utility service vehicles from the Clean Vehicles Program rulemaking. Utilities expressed support towards Ecology's electrification goals but called attention to various challenges utilities face over reliability during power outages and major unforeseeable events, including severe weather, wildfires, natural disasters, and physical attacks emergencies across extensive service territories. Commenters highlighted operational constraints, noting that current battery-electric configurations may have limited charge capacities during extended emergency shifts, which could require remote crews to leave restoration sites to access charging infrastructure. Utilities expressed concern that any resulting restoration delays could negatively impact vulnerable households, particularly those relying on electric medical equipment.

Other challenges mentioned include registration barriers, current EV market availability, extended procurement timelines and costs, and a lack of electric equivalents for certain essential service vehicles, such as bucket trucks and digger derricks. Commenters highlighted that these highly specialized assets can cost upwards of $1 million and require up to three years for procurement. Commenters noted that without viable alternatives or the ability to purchase replacements for end-of-life specialized vehicles, utilities might need to rely on older equipment, which they stated could affect operational readiness.

Furthermore, commenters urged Ecology to mirror California's AB 1594, which provides accommodation for utility vehicles, specifically requesting the adoption of California's

"traditional utility-specialized vehicles" definitions and the expanded Daily Usage Exemption. Commenters also questioned whether failing to offer this exemption would violate the identicality clause of the Clean Air Act by diverging from California's adopted standards. Specifically, commenters expressed concern that omitting these accommodations could make Washington's program more stringent than California's, potentially complicating alignment with identicality requirements.

Commenters: I-17, I-21, I-22, I-40, I-49

Ecology Response: Thank you for your comment. Ecology acknowledges the critical role that public utility districts play in maintaining essential services and emergency response readiness, particularly during extreme weather events and prolonged power outages. We recognize the operational challenges cited by commenters, including battery limitations during prolonged outages, charging infrastructure gaps in remote areas, and difficulty of procuring highly specialized equipment. We appreciate utility's proactive outreach both before and during this rulemaking to ensure Ecology is aware and can incorporate feedback into planning for transportation electrification.

In recognition of these valid safety and reliability concerns, Ecology initially sought to address these issues by incorporating exemption language into the rulemaking. Efforts were also made to introduce this during the 2026 legislative session.

However, legal review during the informal comment period revealed that adopting such exemptions would be inconsistent with California's standards and thus the federal Clean Air Act. As such, this would not have been feasible. To resolve these operational safety concerns while maintaining federal compliance, Ecology is no longer pursuing a regulatory exemption and is instead actively evaluating the use of enforcement discretion.

> **California Exemptions in AB 1594:** California's AB 1594 applies to the Advanced Clean Fleets requirements on local fleets to increase the number of zero-emission vehicles in their fleet over time, as the bill's language stating "Any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles…" clearly limits the bill's scope to procurement requirements and excludes emission standards. The in-use fleet requirements under Advanced Clean Fleets are not considered motor vehicle emission standards and therefore have not been adopted by Ecology in Washington. Therefore, while AB 1594 does acknowledge the important role of utility service vehicles and the limitations of current zero-emission vehicle options on market, it does not fall under Ecology's statutory requirement in RCW 70A.30.010, nor would it provide the relief from zero-emission vehicle standards on truck and engine manufacturers that the commenters are seeking.