Final Regulatory Analyses:

Including the:

- Final Cost-Benefit Analysis
- Least-Burdensome Alternative Analysis
- Administrative Procedure Act Determinations
- Regulatory Fairness Act Compliance

Chapter 173-423 WAC

Washington's Clean Vehicles Program

Prepared by Allen Posewitz and Emma Diamond

For the

Climate Pollution Reduction Program

Washington State Department of Ecology

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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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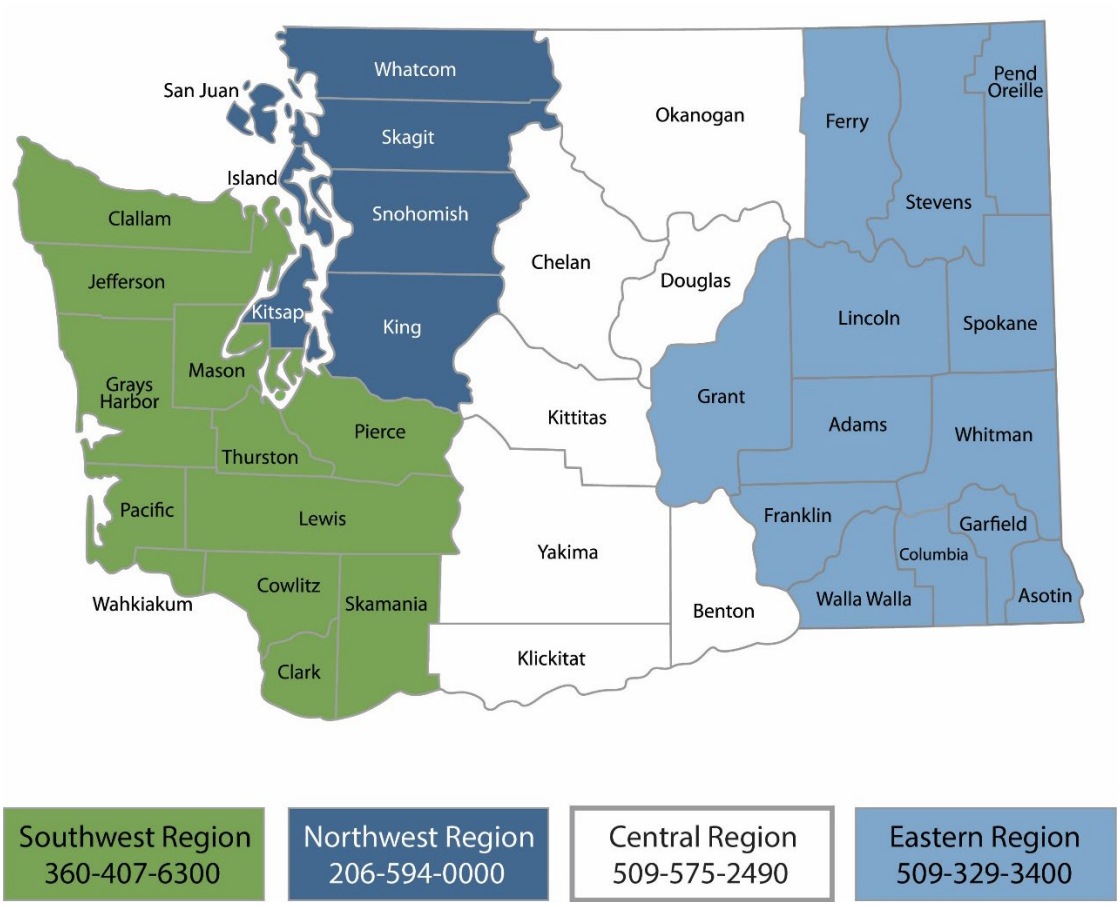
Map of Counties Served



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Headquarters	Across Washington	P.O. Box 46700 Olympia, WA 98504	360-407-6000

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Chapter 173-423, Washington's Clean Vehicles Program

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DEPARTMENT OF
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State of Washington

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Abbreviations and Acronyms

ACC	Advanced Clean Cars
ACC II	Advanced Clean Cars II
ACT	Advanced Clean Trucks
APA	Administrative Procedures Act
CARB	California Air Resources Board
DOL	Department of Licensing
EPA	United States Environmental Protection Agency
GVWR	Gross Vehicle Weight Rating
NAICS	North American Industry Classification System
Omnibus	Heavy-Duty Low NOx Omnibus
RCW	Revised Code of Washington
REMI	Regional Economic Models, Inc.
RFA	Regulatory Fairness Act
WAC	Washington Administrative Code

Executive Summary

Ecology is amending Chapter 173-423 WAC, Washington's Clean Vehicles Program rule.

We originally proposed adopting new and updated sections of California's clean vehicle rules. We have reduced the scope of this rulemaking to requesting, every other year, motor vehicle fleet data from fleet owners and operators.

This reporting provision will apply to fleets of five or more vehicles of more than 8,500 pounds Gross Vehicle Weight Rating (GVWR) and fleets of 10 or more vehicles with GVWRs of up to 8,500 pounds.

The reduced scope of this rule is due to a delay in California adopting proposed rules. Washington law (RCW 70A.30.010) requires Ecology to adopt certain California regulations to maintain consistency with California's emissions standards for new motor vehicles and engines. The statute requires Ecology update the rules "from time to time, to maintain consistency", but does not dictate a specific timeframe within which to do so. This decision ensures our efforts to maintain consistency with California's rules do not result in Ecology's adoption preceding California's final adoption timeline.

In the spring of 2025, the federal government repealed U.S. Environmental Protection Agency (EPA) waivers that allowed the California Air Resources Board and other adopting states to implement and enforce regulations titled Advanced Clean Cars II, Advanced Clean Trucks, and Heavy-Duty Low NOx Omnibus. The repeal of these EPA waivers is currently being challenged in court by eleven states, including Washington. These regulations remain in place in Washington, but are not currently being enforced, pending the outcome of the states' legal challenge.

Estimated Costs

Impacting approximately 10,000 entities, we estimate the cost range of the biennial reporting provision at $3.5 to $4.7 million per reporting year, with an estimated 20-year present value cost of $31.4 to $41.9 million.

Estimated Benefits

The reporting provisions are designed to facilitate widespread adoption of zero-emission vehicles by aiding in planning and administration of electrification infrastructure and funding. This will in turn facilitate progress toward Washington's statutorily mandated greenhouse gas emission limits by decarbonizing the transportation sector, the state's largest source of greenhouse gas emissions.

The information sought helps Ecology understand how businesses operating in Washington depend on vehicles in the light-duty and heavier weight classes. It will inform and shape policies to better support fleet-owning businesses, such as planning for charging infrastructure build-out. The data will be available to utilities for grid planning purposes. Ecology's general practices for data confidentiality, should any reported information be designated confidential business information by Ecology, will apply to the availability and use of this data as well.

While they are likely to vary based on the fleet information reported, benefits could take the form of:

- Avoided over- or under-building of critical infrastructure such as electrical substations.
- More timely facilitation of fleet electrification in overburdened communities.
- Improved focusing engagement and outreach for state-funded grant and rebate programs and other policies for fleet owners and infrastructure providers.

Considering both qualitative and quantitative factors, we estimate the benefits of the rule amendments outweigh the costs.

Chapter 1: Background and Introduction

1.1 Introduction

This report presents the determinations made by the Washington State Department of Ecology as required under Chapters 34.05 RCW and 19.85 RCW, for Washington's amended Clean Vehicles rule (Chapter 173-423 WAC; the "rule"). This includes the:

- Final Cost-Benefit Analysis
- Least-Burdensome Alternative Analysis
- Administrative Procedure Act (APA) Determinations
- Regulatory Fairness Act (RFA) Compliance

The Washington APA (RCW 34.05.328(1)(d)) requires Ecology to evaluate significant legislative rules to "determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the law being implemented." Chapters 1 – 5 of this document describe that determination.

The APA also requires Ecology to "determine, after considering alternative versions of the rule…that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives" of the governing and authorizing statutes. Chapter 6 of this document describes that determination.

The APA also requires Ecology to make several other determinations (RCW 34.05.328(1)(a) – (c) and (f) – (h)) about the rule, including authorization, need, context, and coordination. Appendix A of this document describes these determinations.

The Washington RFA (Chapter 19.85 RCW) requires Ecology to evaluate the relative impact of proposed rules that impose costs on businesses in an industry. It compares the relative compliance costs for small businesses to those of the largest businesses affected. Chapter 7 of this document describes that analysis, when applicable.

All determinations are based on the best available information at the time of publication. We encourage feedback (including specific data) that may improve the accuracy of this analysis.

1.1.1 Background

Ecology is adopting amendments to Chapter 173-423 WAC, Washington's Clean Vehicles Program rule. Washington law (RCW 70A.30.010) requires Ecology to adopt certain California regulations to maintain consistency with California's emissions standards for new motor vehicles and engines.

We originally proposed adopting new and updated sections of California's rules. During the rulemaking process we have reduced the scope of this rulemaking to requesting motor vehicle fleet data from fleet owners and operators every other year. The reduced scope of this rule is

due to a delay in the California Air Resources Board (CARB) adopting proposed rules. Washington law (RCW 70A.30.010) requires Ecology to adopt certain California regulations to maintain consistency with California's emissions standards for new motor vehicles and engines. The statute requires Ecology update the rules "from time to time, to maintain consistency", but does not dictate a specific timeframe within which to do so. This decision ensures our efforts to maintain consistency with CARB's rules do not result in Ecology's adoption preceding CARB's final adoption timeline.

In the spring of 2025, the federal government repealed U.S. Environmental Protection Agency (EPA) waivers that allowed the California Air Resources Board and other adopting states to implement and enforce the Advanced Clean Cars II (ACCII), Advanced Clean Trucks (ACT), and Heavy Duty Low NOx Omnibus (Omnibus) regulations. The repeal of these EPA waivers is currently being challenged in court by 11 states, including Washington.[3]

To date, Ecology has adopted regulations from the following California programs: Advanced Clean Cars (ACC), ACCII, ACT, and Omnibus. These regulations ensure that new motor vehicles sold in Washington pollute less. They are an essential policy tool for addressing climate change and improving air quality, particularly in communities overburdened by vehicle emissions.

These regulations remain in place in Washington, but are not currently being enforced, pending the outcome of the states' legal challenge. In 2022, Ecology added a one-time reporting requirement for owners and operators of certain vehicle fleets based on similar large entity reporting requirements implemented under ACT in California. In Washington, the reporting requirements sought information to help the state plan vehicle charging infrastructure and aid in the administration of grant programs. The requirements applied to fleet operators with five or more vehicles in or dispatched to Washington in excess of 8,500 pounds Gross Vehicle Weight Rating (GVWR). Additionally, reporting was required for entities with revenue exceeding $50 million per year and at least one vehicle in excess of 8,500 GVWR.

These rule amendments allow Ecology to collect vehicle fleet data every other year. The reporting provision applies to fleets of five or more vehicles more than 8,500 GVWR and fleets of ten or more vehicles with GVWRs of up to 8,500 pounds.

1.2 Reasons for the rule amendments

This rulemaking implements a new provision for fleet reporting, modeled after the 2023 fleet reporting required by California as a part of their ACT standard. This data will 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. Not adopting this rule would reduce the amount of information available to Ecology and other interested parties in analyzing vehicle fleet populations in Washington as the state transitions to zero-emission vehicles.

[3] Ecology press release, https://content.govdelivery.com/accounts/WAECY/bulletins/3e4df4c

1.3 Summary of the rule amendments

The rule amendments allow Ecology to request that vehicle fleet operators report fleet information to Ecology at a frequency up to every other year. Ecology will determine the exact frequency and schedule of fleet reporting requests but must provide six months advance notice to fleets of any reporting period.

1.4 Document organization

The chapters of this document are organized as follows:

- **Chapter 2 - Baseline and the rule amendments:** Description and comparison of the baseline (what would occur in the absence of the rule amendments) and the rule requirements.
- **Chapter 3 - Likely costs of the rule amendments:** Analysis of the types and sizes of costs we expect impacted entities to incur as a result of the rule amendments.
- **Chapter 4 - Likely benefits of the rule amendments:** Analysis of the types and sizes of benefits we expect to result from the rule amendments.
- **Chapter 5 - Cost-benefit comparison and conclusions:** Discussion of the complete implications of the cost-benefit analysis.
- **Chapter 6 - Least-Burdensome Alternative Analysis:** Analysis of considered alternatives to the contents of the rule amendments.
- **Chapter 7 - Regulatory Fairness Act Compliance:** When applicable, comparison of compliance costs for small and large businesses; mitigation; impact on jobs.
- **Appendix A - APA Determinations:** RCW 34.05.328 determinations not discussed in chapters 5 and 6.

Chapter 2: Baseline and Rule Amendments

2.1 Introduction

We analyzed the impacts of the rule amendments relative to the existing rule, within the context of all existing requirements (federal and state laws and rules). This context for comparison is called the baseline and reflects the most likely regulatory circumstances that entities would face if Ecology does not adopt the amended rule.

2.2 Baseline

The baseline for our analyses generally consists of existing rules and laws, and their requirements. This is what allows us to make a consistent comparison between the state of the world with and without the rule amendments.

For this rulemaking, the baseline includes:

- Chapter 70A.30 RCW, Motor Vehicle Emissions Standards. Specifically, RCW 70A.30.010 adopts California's vehicle emission standards and directs Ecology to adopt rules implementing them, and to amend the rules to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Section 7507.
- Section 177 of the Clean Air Act (42 U.S.C. §7507): Authorizes other states to choose to adopt California's standards instead of federal requirements.
- Three resolutions that were adopted by the U.S. Congress and signed into law by the President in 2025 (the heavy-duty vehicle waivers: H.J.Res.87 and H.J.Res.89) (ACC II waiver, H.J.Res.88). These resolutions attempt to repeal the waivers granted by the EPA to California for vehicle emission standards adopted by Washington in 2021 and 2022.[4]
- Chapter 70A.15 RCW, Washington Clean Air Act.
- Chapter 70A.45 RCW, Limiting Greenhouse Gas Emissions
- Existing rules:
    - Chapter 173-423 WAC, Clean Vehicles Program.
    - Chapter 173-400 WAC, General Air Quality Regulations for Air Pollution Sources: Establishes the regulatory framework to ensure that healthy air quality exists in Washington, including meeting federal air quality standards.

[4] US Congress votes to revoke EPA waivers, https://dieselnet.com/news/2025/05us.php

2.3 Rule amendments: reporting provisions

The rule amendments request that vehicle fleet operators report fleet information to Ecology at a frequency up to every other year, with the final schedule of reporting periods determined by Ecology.

Baseline

Currently, there are no ongoing vehicle fleet reporting requirements. A one-time vehicle reporting requirement was part of the Clean Vehicles Program and General Regulations for Air Pollution Sources rule, adopted on December 19, 2022. The reporting criteria were somewhat different from those adopted here, as they omitted information requests for light-duty vehicle fleets and required more detailed information from medium- and heavy-duty vehicle fleets. That original fleet reporting requirement was based on the large entity reporting required under Advanced Clean Trucks in California (13 CCR 2012, 2012.1, 2012.2).[5]

Adopted

- Beginning in 2027, the rule allows Ecology to request vehicle fleet information every two years on an ongoing basis, giving six months advance notice.
- Requiring reporting for entities with fleets of 10 or more vehicles equal to or less than 8,500 pounds Gross Vehicle Weight Rating (GVWR), or with five or more exceeding 8,500 lbs. This applies to entities within Washington state, those that dispatch vehicles into Washington, and Federal, State, and local agencies.
- Utility service vehicles and military vehicles are exempted from this reporting provision, as are vehicles owned or operated by public schools.
- Requiring reporting on vehicle fleet electrification plans, including off-road vehicles.

The information required falls into four categories, summarized as:

- General information, including contacts for responsible parties, scope and classification of the business and the number of vehicles owned, operated or sub-contracted as well as vehicles based out of state.
- Vehicle home base, including location and type of facility. This includes those with variable home bases and those stationed at private homes.
- Vehicles in each vehicle group (weight classification, etc.) along with a breakdown of usage patterns such as for regional or long-haul routes along with the vehicle's typical destination and whether the typical vehicle in each group is owned, leased, or rented.
- Fleet electrification planning: each entity must report general information pertaining to their existing plans to electrify their fleet, including information on charging

[5] CA Regulatory Order, https://ww2.arb.ca.gov/sites/default/files/barcu/regact/2019/act2019/fro2.pdf

infrastructure at home bases and vehicle types involved. This includes plans for hydrogen fuel cell electric vehicles and off-road vehicles, which include vehicles with engines, owned/operated by a fleet, that are not fully licensed for on-road operation.

Expected impact

We expect the reporting provisions to result in reporting costs for entities that operate fleets of vehicles in Washington state. (These costs are estimated in Section 3.2.2 below.)

We expect benefits for all Washingtonians from this information in the planning and building of electric vehicle charging infrastructure. (These benefits are considered in Section 4.2.2 below.)

Chapter 3: Likely Costs of the Rule Amendments

3.1 Introduction

We analyzed the likely costs associated with the rule amendments, as compared to the baseline. The rule amendments and the baseline are discussed in detail in Chapter 2 of this document.

3.2 Cost analysis: reporting provision

The rule amendments request that vehicle fleet operators report fleet information to Ecology at a frequency up to every other year, with the final schedule of reporting periods determined by Ecology.

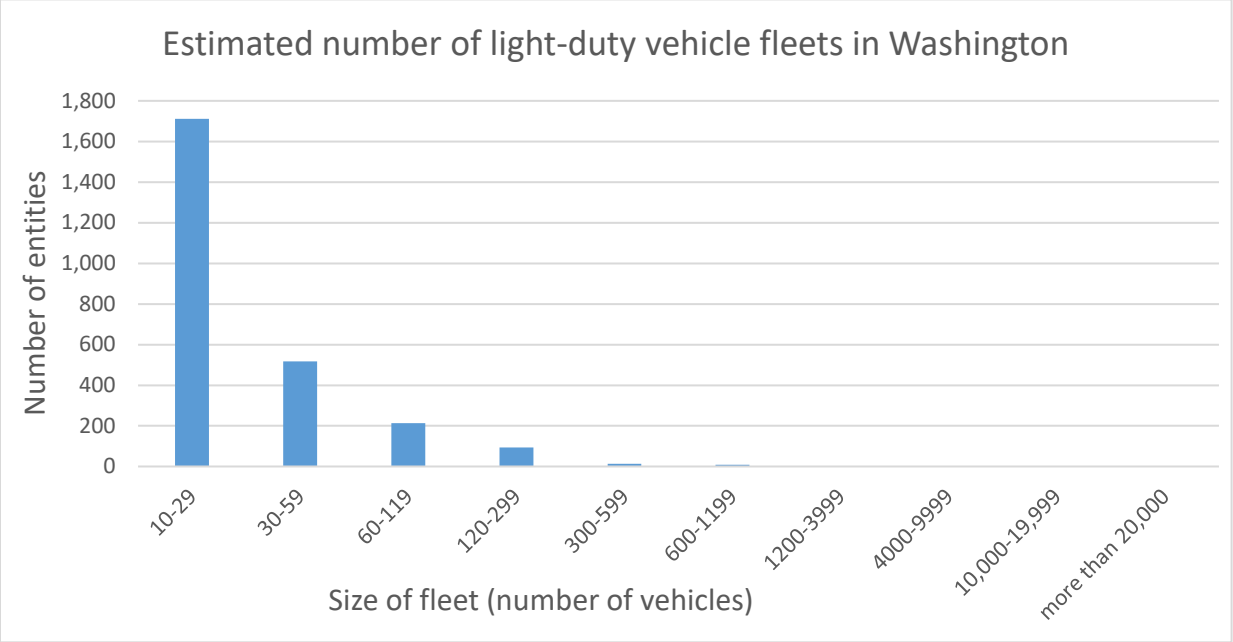
Light-duty vehicles are those up to 8,500 Gross Vehicle Weight Rating (GVWR). Using data from the Washington State Department of Licensing (DOL), we estimate that there are 2,565 entities with fleets of 10 or more.[6] Most entities have between 10 and 30 vehicles. At the very high end, the two holding companies for Enterprise and Avis rental cars each have over 20,000 vehicles registered in Washington.

We expect, as noted in the California Air Resources Board's (CARB) analysis of one of their reporting requirements, that entities with large vehicle fleets will have relatively sophisticated inventory systems that likely contain most of the information requested by Ecology's rule amendments.[7] For this reason our estimates of time required for reporting do not increase in equal proportion, i.e., linearly, with the number of vehicles in the fleet.

We present our estimate of fleet size distribution in the figure below.

[6] Dept. of Licensing's information system DRIVES on May 4, 2026, in response to Data Request #2708.
[7] Standardized Regulatory Impact Assessment, https://dof.ca.gov/media/docs/forecasting/economics/major-regulations/major-regulations-table/SRIA-Advanced_Clean_Truck_080819_DOF.pdf

Figure 1: Distribution of Light-Duty Vehicle Fleets



To estimate the cost for the entities involved, we utilized the labor cost of $65 per hour from CARB's estimate for their 2019 rule, updated for inflation.[8,9] The estimates of labor time relative to fleet size is our estimate. This was informed by our contact with industry consultants who have extensive experience with Washington's prior reporting requirement as well as similar reporting efforts in other states.[10] Table 1 below contains our estimate of costs.

[8] Standardized Regulatory Impact Assessment, https://dof.ca.gov/media/docs/forecasting/economics/major-regulations/major-regulations-table/SRIA-Advanced_Clean_Truck_080819_DOF.pdf
[9] CPI Inflation Calculator, https://www.bls.gov/data/inflation_calculator.htm
[10] Email communication 5/20/26 with TRC Companies.

Table 1: Cost estimate for fleets for 10 or more light-duty vehicles

Fleet size range	Number of entities	Estimated hours/entity	Cost/entity @ $65/hr	Estimate totals
10 to 29	1711	8	$ 520	$889,720
30 to 59	518	10	$650	$336,700
60 to 119	213	12	$780	$166,140
120 to 299	94	20	$1,300	$122,200
300 to 599	14	24	$1,560	$21,840
600 to 1199	9	28	$1,820	$16,380
1200 to 3999	3	30	$1,950	$5,850
4000 to 9999	0	36	$2,340	$0
10,000 to 19,999	1	40	$2,600	$2,600
more than 20,000	2	42	$2,730	$5,460
Total per reporting year	**2,565**	**24,070**	**NA**	**$1,566,890**

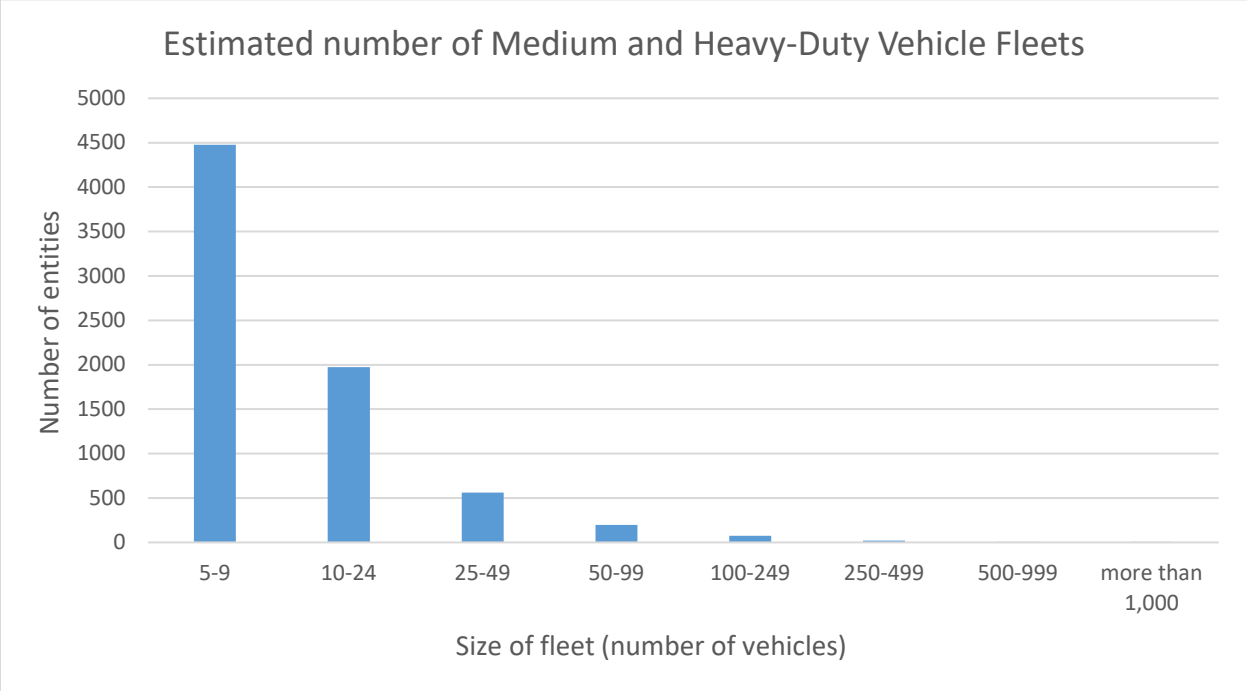
For the heavier vehicles, we estimate there are 7,316 entities with fleets of five or more vehicles over 8,500 lbs.[11] Some entities meet the fleet reporting threshold for both categories. These include familiar large corporate entities such as Amazon Logistics, The Boeing Company and Hertz. The majority of entities with five or more vehicles over 8,500 lbs GVWR have fewer than ten of these vehicles.

At the high end, we estimate Amazon Logistics to have nearly 3,200 of these larger vehicles.

The figure below depicts our estimate of fleet sizes and the number of entities involved.

[11] Dept. of Licensing's information system DRIVES on May 4, 2026, in response to Data Request #2708.

Figure 2: Distribution of Medium and Heavy-Duty Vehicle Fleets in Washington



As with light-duty vehicles, we used CARB's estimate of labor cost for heavy-duty fleet reporting and adjust for inflation. CARB notes, "most large companies that own trucks or buses will have fleet software or other data management systems to pull information about their fleet and company quickly."[12] Labor time estimates were again informed by contact with industry consultants.[13]

Table 2 presents our cost estimates for fleet reporting for the heavier vehicles.

[12] CA_ACT_analysis, https://dof.ca.gov/media/docs/forecasting/economics/major-regulations/major-regulations-table/SRIA-Advanced_Clean_Truck_080819_DOF.pdf
[13] Email communication 5/20/26 with TRC Companies.

Table 2: Estimate of fleet reporting costs from vehicles over 8,500 GVWR

Number of Vehicles in fleet	Number of entities	Estimated reporting hours	Estimated cost at $65/hr per entity	Estimated total cost
5 to 9	4478	4	$260	$1,164,276
10 to 24	1974	8	$520	$1,026,480
25 to 49	562	16	$1,040	$584,480
50 to 99	196	20	$1,300	$254,800
100 to 249	73	24	$1,560	$113,880
250 to 499	20	32	$2,080	$41,600
500 to 999	7	40	$2,600	$18,200
1000 or more	6	48	$3,120	$18,720
Totals per reporting year	**7,316**	**49,576**	**NA**	**$ 3,222,436**

Combined, the estimated cost of these two reporting categories amounts to $4.8 million in reporting costs for each year they apply. In recognition that an estimated 62 utility service vehicle fleets are exempt from the reporting provisions, we round this down to $4.7 million per reporting period. This assumes the average utility fleet is around 100 vehicles, resulting in personnel spending 24 hours assembling and submitting the requested information. Puget Sound Energy appears to possess the largest exempt fleet, with 609 vehicles in this category.

Additionally, the entity count was reduced by 260 from the Preliminary Regulatory Analysis to reflect the added exemption for public school districts.[14] The public-school exemption was added in response to public comments on this rulemaking to reduce burden on fleets and utilize existing state data where practicable.

The reporting provisions ask for less information than Ecology's 2022 requirements. We allow for a lower end cost estimate using a 25 percent reduction in the costs estimated above, based on the reduced reporting provisions.

The first year these costs might occur is 2027. We project them to continue biennially until 2047, per our typical 20-year time horizon.

Estimate range of total reporting costs: $3.5 - $4.7 million per reporting year.

[14] OSPI, bus inventory, https://eds.ospi.k12.wa.us/BusDepreciation/default.aspx?pageName=busSearch

Estimated Present Value range, through 2047, using a 2% real discount rate: $31.4 - $41.9 million.

These estimates have some uncertainty associated with them. The labor time required is informed by communication with industry contacts regarding effort involved in meeting the one-time reporting requirement from the 2022 rulemaking (see the Background section).[15] The labor time estimate is roughly six times that of CARB's estimate for meeting their similar reporting requirements in 2019.[16] Our industry contact cited a multi-step process more complicated than assumed by either CARB or Ecology in meeting the earlier data requests. The earlier estimates also assumed the same amount of time involved across different fleet sizes.

Some entities deploy vehicles within Washington that are registered outside of the state. An analysis from RMI indicates roughly 30 percent of medium and heavy-duty vehicles' miles are driven outside of their home state.[17] Accordingly, some facilities may have fleets larger than our data from the Washington State DOL indicates.

Additionally, data received from the DOL contained what appeared to be duplicate entries, with slight spelling variations, for the same entity. We adjusted for this by random sampling of the data to estimate the number of duplicate entities. Sampling five different sets of records at random locations in the data set, we estimate that just over 25 percent of the entries are duplicates for the same entity. The data entries "Uhaul" and "U-haul" are an example of this. The standard error of the estimate of the mean value of unique entries is 5.9 percent. This implies a 95 percent confidence interval of 11.6 percent.

The two percent discount rate used above was chosen since it is a relatively conservative rate for costs incurred by entities. Social discount rates, for costs or benefits incurred by society at large, would typically have a lower real discount rate than the rate for specific economic actors.

3.2.1 Environmental justice costs[18]

The reporting provisions in the adopted rule are intended to provide foundational data necessary to support Washington's transition to zero-emission vehicles, particularly in planning infrastructure for communities most overburdened by transportation pollution.

[15] Email communication 5/20/26 with representatives from TRC Companies.
[16] CA ACT analysis, https://dof.ca.gov/media/docs/forecasting/economics/major-regulations/major-regulations-table/SRIA-Advanced_Clean_Truck_080819_DOF.pdf
[17] WA state electrification strategy, https://deptofcommerce.app.box.com/s/uphekt6rwpmtvbhojyi6eifjxdwttdvh
[18] Input received from likely impacted communities helped to inform the rule amendments and our analysis of costs and benefits. One community outreach meeting was held January 15, 2026. See Chapter 6 for discussion of alternative rule content suggested during rule development, that was not included in the amended rule.

We have not identified any disproportionate negative impacts of the reporting provisions on the environmental health of overburdened communities. These provisions will apply statewide and result in a relatively small cost as a fraction of business operations.

For example, considering a hypothetical and relatively small firm with the minimum of five vehicles, we estimate a biennial reporting cost of $460. At an estimated cost of a 2026 vehicle of this weight rating of around $70,000, the annual estimated expense will be less than 0.1 percent of the vehicles' value.[19]

Regarding electric vehicle adoption generally, we note that zero-emission vehicles tend to be heavier than similar internal combustion engine vehicles. Electric vehicle adoption may lead to an increase in polluted stormwater runoff directly related to the impact of brake and tire wear particles from heavier vehicles. However, these impacts are subject to many factors such as tire chemistry, battery size, and use rates of regenerative braking. Further research is needed to understand the level of impact, if any, on tire and brake wear particulate matter emissions from broader electric vehicle adoption.

Communities located in proximity to heavy traffic roadways may experience the potential increase in tire particulate matter emissions from heavier zero-emission vehicles.

One chemical of concern is 6PPD-quinone (6PPD-q). This is formed when 6PPD, a chemical used in tires to reduce rubber degradation over time, reacts with ozone in the air. Tire wear particles then wash into stormwater and negatively impact aquatic life, some of which may be caught and consumed by nearby communities. Coho salmon are particularly vulnerable.

6PPD-q can disproportionately impact Tribes and Indigenous communities because salmon are central to their culture, health, and way of life. Ecology is actively undertaking efforts to mitigate this issue from existing vehicles, possibly by reducing or eliminating the use of 6PPD in tires. [20]

[19] JD Power estimate of average price, https://www.jdpower.com/cars/2026/ford/f-350/lariat-4wd-crew-cab-6-75-box

[20] 6PPD - WA Ecology, https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/reducing-toxic-chemicals-washington/6ppd

Chapter 4: Likely Benefits of the Rule Amendments

4.1 Introduction

We analyzed the likely benefits associated with the rule amendments, as compared to the baseline. The rule amendments and the baseline are discussed in detail in Chapter 2 of this document.

4.2 Benefits analysis: reporting provisions

The rule amendments request that vehicle fleet operators report fleet information to Ecology at a frequency up to every other year, with the final schedule of reporting periods determined by Ecology.

Washington's Legislature has set a schedule for reducing the state's greenhouse gas emissions. By 2030, the state's emissions target is 45 percent below 1990's level. The transportation sector is the largest emitter, comprising over 40 percent of overall emissions.[21] Reducing greenhouse gas emissions within the transportation sector is therefore critical for reaching our overall targets.

The information sought will help Ecology understand how Washingtonians depend on vehicles in the light-duty and heavier weight classes. It will inform and shape policies to better support the fleet owning businesses, such as planning charging infrastructure. The data will also be available to utilities for grid planning purposes.

Currently, investor-owned utilities may submit transportation electrification plans to Washington state's Utilities and Transportation Commission. All have done so. Several larger consumer-owned utilities in Washington have also developed transportation electrification plans. The data to be collected by the reporting provisions will fill current gaps in the data utilities have to work with when developing these plans. These gaps include where fleets are located, how many vehicles are at each location, and the fleet owner's electrification plans. Without this data, utilities would have rougher estimates of electricity demand growth and may mistime or mislocate investments in infrastructure to serve that demand. This could result in over- or underbuilding of critical infrastructure such as substations. Wait times for critical components, such as transformers, currently stretch into multiple years, so forecasting future demand without good data can exacerbate existing project wait-times for charging infrastructure.

As Washington advances toward widespread adoption of cleaner vehicles, understanding the most cost-effective manner to build zero-emission vehicle infrastructure will be critical.

The data requested by the rule will also guide the administration of state-funded incentive programs and other policies to promote the adoption of zero-emission vehicles. These

[21] WA state greenhouse gases, https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases/ghg-inventories

programs conduct outreach to eligible entities – school districts, commercial fleets, government fleets, charging infrastructure providers, etc. – based on their existing knowledge of interest in their programs. This data can provide more context for that outreach and engagement and help these programs better reach their intended beneficiaries.

4.2.1 Environmental justice benefits[22]

The reporting provisions are intended to facilitate the transition to widespread adoption of electric vehicles.

We have not explicitly identified any disproportionate benefit to environmental health from the reporting provisions themselves for overburdened communities. These reporting provisions are designed to facilitate widespread adoption of zero-emission vehicles by aiding in the planning and administration of electrification infrastructure and funding.

It is possible that the provisions may allow for more timely facilitation of fleet electrification in overburdened communities. This might come about through smaller operators in overburdened communities having their data before planning authorities where, absent the reporting rule, they might not.

The general electrification infrastructure might also allow for a more rapid buildout of public charging facilities in these communities.

Ecology describes the environmental justice benefits from the existing motor vehicle emission standards, currently not being enforced in response to ongoing litigation, as follows:

- Air pollutant emissions are expected to be reduced due to the Clean Vehicles Program's increased zero-emission vehicle sales requirements, as well as the requirements of manufacturers to certify their remaining internal combustion engines to more stringent air quality standards. Omnibus is expected to reduce over 35,000 tons of NOx emissions through 2050 through cleaner engine requirements for manufacturers.
- Overburdened communities, particularly those located along major transportation corridors, will benefit most from the improved air quality that comes from reducing tailpipe emissions. Communities will realize these benefits through reduced exposure to the emissions that lead to cardio-respiratory issues, and communities along major roadways will experience greater reductions than those farther from roadways.
- Traffic noise along heavy traffic roadways may be reduced due to the Clean Vehicles program's increased zero-emission vehicle sale requirements. Traffic noise comes from the engine, tire friction on the roadway, and wind displacement by the vehicle.[23] Electric vehicles are significantly quieter than internal combustion engine vehicles at low

[22] Input received from likely impacted communities helped to inform the rule amendments and our analysis of costs and benefits. One community outreach meeting was held January 15, 2026. See Chapter 6 for discussion of alternative rule content suggested during rule development, that was not included in the amended rule.
[23] What Causes Road Noise, https://pubs.aip.org/physicstoday/article/62/12/66/390713/What-causes-road-noise

speeds, and the Clean Vehicles program requires manufacturers to sell increasing amounts of new zero- emission vehicles over time in Washington.

Chapter 5: Cost-Benefit Comparison and Conclusions

5.1 Summary of costs and benefits of the rule amendments

The new fleet reporting provisions of the amended rule produces costs and benefits resulting from Ecology's discretion. The rule amendments request that vehicle fleet operators report fleet information to Ecology at a frequency up to every other year, with the final schedule of reporting periods determined by Ecology.

Costs

We estimate the costs for the reporting provisions, from Chapter 3 above, as follows:

Estimate range of total reporting costs: $3.5 - $4.7 million per reporting year.

Estimated Present Value range, through 2047, using a 2% real discount rate: $31.4 - $41.9 million.

Benefits

The reporting provisions are designed to facilitate widespread adoption of zero-emission vehicles by aiding in planning and administration of electrification infrastructure and funding.

Washington's Legislature has set a schedule for reducing the state's greenhouse gas emissions. By 2030, the state's emissions target is 45 percent below 1990's level. The transportation sector is the largest emitter, comprising over 40 percent of overall emissions.[24] Reducing greenhouse gas emissions within the transportation sector is therefore critical for reaching our overall targets.

The information sought helps Ecology understand how Washingtonians depend on vehicles in the light-duty and heavier weight classes. It would inform and shape policies to better support the fleet owning businesses, such as planning charging infrastructure. The data would also be available to utilities for grid planning purposes. While they are likely to vary based on the fleet information reported, benefits could take the form of:

- Avoided over- or under-building of critical infrastructure such as substations.
- More timely facilitation of fleet electrification in overburdened communities.
- Improved targeting of engagement and outreach for state-funded incentive programs and other policies for fleet owners and infrastructure providers.

[24] WA state greenhouse gases, https://ecology.wa.gov/air-climate/reducing-greenhouse-gas-emissions/tracking-greenhouse-gases/ghg-inventories

5.2 Conclusion

We conclude, based on a reasonable understanding of the quantified and qualitative costs and benefits likely to arise from the rule amendments, as compared to the baseline, that the likely benefits of the rule amendments are greater than the costs.

Chapter 6: Least-Burdensome Alternative Analysis

6.1 Introduction

RCW 34.05.328(1)(e) requires Ecology to "…[d]etermine, after considering alternative versions of the rule and the analysis required under (b), (c), and (d) of this subsection, that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated under (a) of this subsection." The referenced subsections are:

> (a) Clearly state in detail the general goals and specific objectives of the statute that the rule implements;
>
> (b) Determine that the rule is needed to achieve the general goals and specific objectives stated under (a) of this subsection, and analyze alternatives to rule making and the consequences of not adopting the rule;
>
> (c) Provide notification in the notice of proposed rulemaking under RCW 34.05.320 that a preliminary cost-benefit analysis is available. The preliminary cost-benefit analysis must fulfill the requirements of the cost-benefit analysis under (d) of this subsection. If the agency files a supplemental notice under RCW 34.05.340, the supplemental notice must include notification that a revised preliminary cost-benefit analysis is available. A final cost-benefit analysis must be available when the rule is adopted under RCW 34.05.360;
>
> (d) Determine that the probable benefits of the rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

In other words, to be able to adopt the rule, we must determine that the requirements of the rule are the least burdensome set of requirements that achieve the goals and objectives of the authorizing statute(s).

We assessed alternative rule content and determined whether they met the goals and objectives of the authorizing statute(s). Of those that would meet the goals and objectives, we determined whether those chosen for inclusion in the rule amendments were the least burdensome to those required to comply with them.

6.2 Goals and objectives of the authorizing statute

The authorizing statute for this rule is Chapter 70A.30 RCW, Motor vehicle emissions standards. Its goals and objectives are:

- Implementation of the motor vehicle emission standards of the state of California.
- Providing sufficient air quality benefits to residents of the state of Washington.
- Reducing greenhouse gas emissions from transportation sources.

- Pursuance of the federal Clean Air Act.

6.3 Alternatives considered and why they were excluded

We considered the following alternative rule provisions and did not include them in the rule amendments. Each section below explains why we did not include these alternatives.

- Including off-road vehicles in the fleet reporting provisions.
- Excluding light-duty vehicles from the fleet reporting provisions.
- Keeping original (2022) operational questions in the fleet reporting provisions, such as daily and annual mileage, as well as questions on model year of vehicles.
- Excluding questions on fleet electrification planning from the fleet reporting provisions.
- Excluding language describing how information deemed confidential by respondents would be handled.

6.3.1 Including off-road vehicles in fleet reporting provisions

Ecology received comments from utilities and grant programs that including off-road vehicles in the fleet reporting provisions would provide useful data for planning purposes, and that this information is not available elsewhere. However, given that fleet owners do not collect similarly standardized data for off-road vehicles in the manner that they do for on-road vehicles, reporting on these vehicles would be significantly more burdensome, currently, than for on-road vehicles. Ecology did include a reporting component for off-road vehicles with a limited scope of questions compared to the on-road portion, focused on transportation electrification planning for their off-road vehicles and associated infrastructure.

6.3.2 Excluding light-duty vehicles from fleet reporting provisions

Ecology's original fleet reporting requirement did not include light-duty vehicles, as it was modeled on the large entity reporting requirement provision alongside Advanced Clean Trucks in California, which focuses on medium- and heavy-duty vehicles. However, utilities requested that information on light-duty vehicle fleets of 10 or more be reported. Ten light-duty vehicles in a single location is roughly enough to require an electricity infrastructure upgrade, and so this threshold was incorporated into the adopted rule language. Excluding light-duty vehicles from the fleet reporting requirement would not have met the goal of providing sufficient air quality benefits to residents of the state of Washington. This is because emissions from light-duty vehicles within fleets comprise 17 percent of the state's greenhouse gases.[25]

[25] 2025 Statewide GHG Inventory, https://apps.ecology.wa.gov/publications/documents/2614030.pdf

6.3.3 Keeping existing operational questions in the fleet reporting requirement, such as daily and annual mileage, as well as questions on model year of vehicles

Ecology's original fleet reporting requirement included many questions on vehicle characteristics and operations, including (but not limited to) daily and annual mileage, engine and chassis model year, etc. In discussions with fleet owners, utilities, and incentive programs, there was no clear need for many of these data points for planning purposes; they were additionally burdensome on fleets to calculate, as they are not gathered by traditional fleet management software in ways that align with the questions as asked. Additional question types were identified, such as questions focusing on typical route options or destination types instead of requiring specific mileage or addresses, that serve the planning purposes for utilities and incentive programs while reducing burden on fleet owners.

6.3.4 Excluding questions on fleet electrification planning from the fleet reporting requirement

Ecology's original fleet reporting requirement included two questions on fleet sustainability plans but did not require any further details. Utilities requested that Ecology expand this portion to include further questions about fleet electrification planning, including plans for charging and vehicle purchases. Utilities were clear that this information was the most useful for grid planning, which aligns with the goals and objectives of this rulemaking. While fleet owners did have concerns that this level of data would be burdensome to gather, as this data is not standardized, Ecology made changes to the rule language to mitigate the burden by asking higher-level questions on the state of electrification planning by depot and including contact information for utilities to follow up with fleet owners in their service territories. Excluding these questions would not have met the goal of reducing greenhouse gas emissions from transportation sources.

6.3.5 Excluding language describing how information deemed confidential by respondents would be handled.

Fleet owners and operators were concerned about confidential business information (particularly fleet electrification planning) being shared publicly in a non-aggregated, non-anonymous way. Rule language was added that fleets could mark fleet electrification planning information as potentially sensitive/confidential, which will allow us to make a designation at that time. The new language formalizes any request from respondents for information to be considered confidential in Ecology’s existing process. Designating confidential status requires Director approval. It also states that we will list entities on our website that can receive vehicle fleet information, such as utilities. Given that it is unclear if this information constitutes confidential business information at this time, this allows maximum flexibility for Ecology. It also reduces the potential burden for respondents, lessening the chance of confidential information being released.

6.4 Conclusion

After considering alternatives, within the context of the goals and objectives of the authorizing statute, we determined that the amended rule represents the least-burdensome alternative of possible rule provisions meeting the goals and objectives.

Chapter 7: Regulatory Fairness Act Compliance

7.1 Introduction

The Regulatory Fairness Act (RFA; RCW 19.85.070) requires Ecology to perform a set of analyses and make certain determinations regarding the rule amendments. This chapter presents the:

- Analysis of relative compliance cost burden.
- Consideration of lost sales or revenue.
- Cost-mitigating elements of the rule, if required.
- Small business and local government consultation.
- Industries likely impacted by the rule amendments.
- Expected impact on jobs.

A small business is defined by the RFA as having 50 or fewer employees, at the highest ownership and operator level. Estimated compliance costs are determined as compared to the baseline (the regulatory environment in the absence of the rule amendments, limited to existing federal and state requirements). Analyses under the RFA only apply to costs to "businesses in an industry" in Washington State. This means the impacts, for this part of our analyses, are not evaluated for government agencies.

7.2 Analysis of relative compliance cost burden

We calculated the estimated per-business costs to comply with the rule amendments, based on the costs estimated in Chapter 3 of this document. In this section, we estimate compliance costs per employee.

The average affected small business likely to be covered by the rule amendments employs about 21 people. The largest ten percent of affected businesses employ an average of 34,000 people. Based on cost estimates in Chapter 3, we estimated the following compliance costs per employee.[26]

[26] For the smaller entities, we added the total cost in row one of Table 1 to the costs of the first two rows in Table 2 and divided by the number of entities.

Table 3: Compliance costs per employee

Business size	Estimated average employment	Estimated cost per business	Estimated cost per employee
Impacted small businesses (<50 employees)	21	$377	$17.97
Largest 10 percent of businesses	34,000	$1,372	$0.04

We conclude that the rule amendments are likely to have disproportionate impacts on small businesses; therefore, Ecology must include elements in the rule amendments to mitigate this disproportion, as far as is legal and feasible.

7.3 Action taken to reduce small business impacts

The RFA (RCW 19.85.030(2)) states that:

"Based upon the extent of disproportionate impact on small business identified in the statement prepared under RCW 19.85.040, the agency shall, where legal and feasible in meeting the stated objectives of the statutes upon which the rule is based, reduce the costs imposed by the rule on small businesses. The agency must consider, without limitation, each of the following methods of reducing the impact of the proposed rule on small businesses:

a) Reducing, modifying, or eliminating substantive regulatory requirements;

b) Simplifying, reducing, or eliminating recordkeeping and reporting requirements;

c) Reducing the frequency of inspections;

d) Delaying compliance timetables;

e) Reducing or modifying fine schedules for noncompliance; or

f) Any other mitigation techniques including those suggested by small businesses or small business advocates."

We considered all of the above options, and the goals and objectives of the authorizing statutes (see Chapter 6). We limited compliance cost-reduction methods to those that:

- Are legal and feasible.
- Meet the goals and objectives of the authorizing statute.

We included the following elements in the rule amendments to reduce costs to small businesses.

We simplified, reduced, and eliminated reporting provisions, including rejection of alternatives that would have been more burdensome. This entailed eliminating some previous reporting provisions including (but not limited to) daily and annual mileage, engine and chassis model year.

Following the formal public comment period, the following additional changes were made to make the rule less burdensome. These include elements reducing, modifying, simplifying, or eliminating substantive regulatory and reporting provisions, as well as mitigation suggested by commenters.

- Require Ecology to use vehicle fleet information provided to other state agencies, if available.
- Entities may use prior years' reporting information as a starting point for information submitted for the current year, provided the data is updated to reflect any changes.
- Allowing entities to report expected power demand of their vehicles in lieu of more detailed vehicle information.
- Allow entities with vehicle fleet electrification plans to submit that document in lieu of the otherwise prescribed set of questions.
- Reduce the number of personnel contacts asked for from reporting entities, provided the contact can adequately respond to the information request.
- Added language describing how information deemed confidential by respondents would be handled.

See Chapter 6 for more details.

Inspections and penalties are not subjects of this rulemaking. The frequency of the reporting periods is the minimum compliance timetable frequency that would support effective utility planning, without requesting more frequent reporting from fleets. Additionally, the reporting period lengths are not designated by the rule, allowing for flexibility for fleets that may need longer to report.

7.4 Small business and government involvement

We invited small businesses, local governments, and the general public to participate in the development of the rule amendments through broad public notice. Opportunities for learning and sharing input included:

- An informational meeting, Monday, Dec. 15, 2025, to provide an overview of the rulemaking and an opportunity to share general input.
- An industry-focused meeting, Monday, Jan. 12, 2026, provided an opportunity for members of the regulated industry to learn about the rule language revisions and share input on the rule language drafts.
- Environmental justice-focused Community Forum, Thursday, Jan. 15, 2026, to gather feedback from potential overburdened and vulnerable communities, environmental

justice organizations, and other members of the public on environmental justice issues related to these rulemakings.

Recordings of these presentations are available on the rulemaking webpage for public viewing. Additionally, drafts of rule language were published in January and March of 2026. Public comment periods were also held to provide opportunities to submit written comments online about the draft rule language.

7.5 North American Industry Classification System (NAICS) codes of impacted industries

The rule amendments likely impact the following industries, with associated NAICS codes. NAICS definitions and industry hierarchies are discussed at https://www.census.gov/naics/.

Table 4: Table of impacted industries and their NAICS codes

Impacted industries	NAICS code
Long-haul freight transport companies	484121
Local freight transport companies	484110
Shipping & delivery companies (e.g. FedEx, UPS)	492110
Drayage truck dispatchers	488510
Logging companies	113000
Hazardous materials transport companies	562112
Fuel distributors	424720
Specialized freight haulers (e.g. gravel, grain, seafood)	484220
Construction & mining companies with HD fleets	53241
Transport logistics operators	488510
HVAC & plumbing contractors	238220
Distribution fleets for retail companies (e.g. Walmart, Amazon, Safeway)	425120
Distribution fleets for retail products (e.g. Coca-Cola, Frito-Lay)	424490
Restaurant food distribution fleets (e.g. Sysco)	423850
Motor vehicle transport companies	488490 & 423110
Truck rental companies (e.g. Enterprise, Ryder, U-Haul)	532120
Motor coach operators	485113
Federal agencies with HD fleets in WA	999000
US Postal Service	491
State agencies with HD fleets	999200
School districts & pupil transporters	485410
Local agencies with HD fleets	999300
Waste Collection with HD fleets	5621
Waste Treatment and disposal with HD fleets	5622
Remediation and Other Waste Management Services	5629
Services to buildings and dwellings (landscaping, janitorial services, etc.) with LD, MD, or HD fleets	5617

Impacted industries	NAICS code
Crop Production with LD, MD, or HD vehicles	111
Support activities for agriculture and forestry with LD, MD, or HD vehicles	115
Corporate offices with light-duty fleets	---
Other fleets with LD vehicles	---
Other fleets with HD trucks	---

7.6 Loss of sales or revenue and impacts on jobs

Businesses that would incur costs could experience reduced sales or revenues if the rule amendments significantly affect the prices of the goods they sell. The degree to which this could happen is strongly related to each business's production and pricing model (whether additional lump-sum costs would significantly affect marginal costs), as well as the specific attributes of the markets in which they sell goods, including the degree of influence each firm has on market prices, as well as the relative responsiveness of market demand to price changes. Finally, overall shifts in economic activity in the state, including competition within markets and attributes of the labor market simultaneously adjust in response to changes in compliance costs.

Similarly, employment within directly impacted industries, other industries in Washington, the labor market within and outside of the state, and in the state as a whole will also adjust in response to a change in costs.

We used the Regional Economics Model, Inc.'s (REMI) E3+ model 1531 (build 7153) for Washington State to estimate the impact of the rule amendments on directly affected markets, accounting for dynamic adjustments throughout the economy. The model accounts for variables including but not limited to: inter-industry impacts; price, wage, interstate and international trade, and population or labor market changes; and dynamic adjustment of all economic variables over time. We apportioned, based on the number of entities in each category, the estimated costs from Chapter 3 among the following sectors and NAICS groupings for REMI inputs.

- Wholesale trade - 42
- Truck transportation - 484
- Scenic and sightseeing transportation and support activities for transportation - 487, 488
- Forestry and Logging - 113
- Construction - 23
- Couriers and messengers - 492
- Automotive equipment rental and leasing - 5321
- Waste management and remediation services – 562

The REMI+3 model returned the following estimates for economy wide and sector impacts for output and employment.

Table 5: Impacts on jobs and output

Industry Statewide	Estimated Initial Jobs Impact, 2027	Peak Jobs Impact, 20XX	Initial output impact ($2017, millions)	Output impact in 20 years
All sectors, whole state	-38	-44 (2031)	-7	-10
Impacted industry: Construction	-9	-11 (2033)	-2	-1
Impacted industry: Real Estate	-2	-3 (2035)	-2	-2
Impacted industry: Truck Transportation	-1	-1 (2027-2047)	0	0
Impacted industry: Couriers and Messengers	-1	-1 (2043)	0	0

Washington state's annual GDP in 2017 dollars was estimated at $722 billion in the fourth quarter of 2025.[27] REMI's modeled initial annual impact of around -$7 million amounts to 0.001 percent of the overall economy.

REMI's model job loss, given Washington's estimated overall employment of 3.9 million, also amounts to around 0.001 percent.[28]

[27] WA state GDP, https://fred.stlouisfed.org/series/WARQGSP
[28] Washington Economy at a Glance, https://www.bls.gov/eag/eag.wa.htm

References

Advanced Clean Cars II. California Air Resources Board. ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program/advanced-clean-cars-ii

Chapter 173-400 WAC, General Air Quality Regulations for Air Pollution Sources:

Chapter 173-423 WAC, Clean Vehicles Program.

Chapter 70A.15 RCW, Washington Clean Air Act.

RCW 70A.30.010, Motor Vehicle Emission Standards.

Large Entity Fleet Reporting - Statewide Aggregated Data. https://ww2.arb.ca.gov/sites/default/files/2022-02/Large_Entity_Reporting_Aggregated_Data_ADA.pdfv

NAICS definitions and industry hierarchies are discussed at https://www.census.gov/cgi-bin/sssd/naics/naicsrch?chart=2017.

Section 177 of the Clean Air Act (42 U.S.C. §7507): 42 USC 7507: New motor vehicle emission standards in nonattainment areas, https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section7507&num=0&edition=prelim

Standardized Regulatory Impact Assessment (SRIA). Advanced Clean Trucks Regulation. 2019. CA_ACT_assessment, https://dof.ca.gov/media/docs/forecasting/economics/major-regulations/major-regulations-table/SRIA-Advanced_Clean_Truck_080819_DOF.pdf

Appendix A: Administrative Procedure Act (RCW 34.05.328) Determinations

A. RCW 34.05.328(1)(a) – Clearly state in detail the general goals and specific objectives of the statute that this rule implements.

See Chapter 6.

B. RCW 34.05.328(1)(b) –

1. Determine that the rule is needed to achieve the general goals and specific objectives of the statute.

See chapters 1 and 2.

2. Analyze alternatives to rulemaking and the consequences of not adopting this rule.

Ecology adopted revisions to Chapter 173-423 WAC, Washington's Clean Vehicles Program rule. Following adjustments to the rulemaking scope, these amendments focus specifically on updating and expanding the fleet reporting provisions.

Ecology adopted additional fleet reporting provisions, beyond the one-time report required in 2023, to authorize ongoing data collection. This data will 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.

Please see the Least Burdensome Alternative Analysis, Chapter 6 of this document, for discussion of alternative rule content considered.

C. RCW 34.05.328(1)(c) - A preliminary cost-benefit analysis was made available.

When filing a rule proposal (CR-102) under RCW 34.05.320, Ecology provides notice that a preliminary cost-benefit analysis is available. At adoption (CR-103 filing) under RCW 34.05.360, Ecology provides notice of the availability of the final cost-benefit analysis.

D. RCW 34.05.328(1)(d) – Determine that probable benefits of this rule are greater than its probable costs, taking into account both the qualitative and quantitative benefits and costs and the specific directives of the statute being implemented.

See Chapters 1 – 5.

E. RCW 34.05.328 (1)(e) - Determine, after considering alternative versions of the analysis required under RCW 34.05.328 (b), (c) and (d) that the rule being adopted is the least burdensome alternative for those required to comply with it that will achieve the general goals and specific objectives stated in Chapter 6.

Please see Chapter 6.

F. RCW 34.05.328(1)(f) - Determine that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

Ecology evaluated state and federal law and determined that the rule does not require any entity to take an action that violates requirements in another federal or state law.

G. RCW 34.05.328 (1)(g) - Determine that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

Ecology evaluated the requirements and determined that the rule does not impose more stringent performance requirements on private entities than on public entities.

H. RCW 34.05.328 (1)(h) Determine if the rule differs from any federal regulation or statute applicable to the same activity or subject matter.

Yes

- If **yes**, the difference is justified because of the following:

  ☒ (i) A state statute explicitly allows Ecology to differ from federal standards. RCW 70A.30.010 "(1) Pursuant to the federal clean air act, the legislature adopts the California motor vehicle emission standards in Title 13 of the California Code of Regulations. The department of ecology shall adopt rules to implement the motor vehicle emission standards of the state of California, including the zero-emission vehicle program, and shall amend the rules from time to time, to maintain consistency with the California motor vehicle emission standards and 42 U.S.C. Sec. 7507 (section 177 of the federal clean air act)."

  ☐ (ii) Substantial evidence that the difference is necessary to achieve the general goals and specific objectives stated in Chapter 6.

I. RCW 34.05.328 (1)(i) – Coordinate the rule, to the maximum extent practicable, with other federal, state, and local laws applicable to the same subject matter.

Ecology originally proposed to adopt new rules from California regulations, but withdrew those amendments when California did not adopt the new rules as expected.

State law directs Ecology to adopt California motor vehicle emission standards for the state of Washington. EPA issued a notice of decision to reinstate California's Clean Air Act waiver for its Advanced Clean Car program on March 14, 2022. EPA issued additional notices of decision to grant waivers of preemption for Advanced Clean Trucks on April 6, 2023, as well as for Advanced Clean Cars II and Heavy-Duty Low NOx Omnibus on January 6, 2025. State governments outside of California, as well as local governments in Washington and elsewhere, do not have authority to establish motor vehicle emission standards. This authority is outlined in the federal Clean Air Act (42 U.S.C. §§7401 et seq.).

In the spring of 2025, the federal government repealed U.S. Environmental Protection Agency (EPA) waivers that allowed the California Air Resources Board and other adopting states to implement and enforce the Advanced Clean Carts II, Advanced Clean Trucks, and Heavy Duty Low NOx Omnibus regulations. The repeal of these EPA waivers is currently being challenged by 11 states, including Washington, in court. It is Ecology's position that pending the outcome of the states' legal challenge, these standards are still in place, though not enforced.