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Washington's Draft Climate Change/Greenhouse Gas Reduction Recommendations Have Short Window for Public Comment

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Breaking Developments In Environmental Law

Washington's Climate Advisory Team ("CAT") has released its 88-page draft report of recommendations to address climate change and reduction of greenhouse gases, together with a longer report discussing recommendations for preparing and adapting to climate change. Although the draft reports were issued on December 21, 2007, the CAT is soliciting public comment only until January 10, 2008, after which the drafts will be finalized and submitted to the Governor Christine Gregoire by the February 7, 2008, deadline set in last year's executive order.

Legislation passed last spring mandated that the Departments of Ecology, and Community Trade and Economic Development produce recommendations for reducing greenhouse gas emissions in Washington to 1990 levels by 2020 and to 25 percent below 1990 levels by 2035. The draft report is the first work product from the CAT in the process. While the Western Climate Initiative ("WCI") develops a market-based system for reducing emissions (a "cap & trade" program) for Washington and a group of Western states and provinces, the CAT's recommendations focus on other state-specific measures to achieve the required emission reductions. The CAT's recommendations focus on transportation because it is the largest source of greenhouse gas emissions in the state, accounting for approximately 47 percent of the gross emissions in 2005, and is forecast to remain the largest contributor to future emissions under a "business as usual" scenario. This presents a different problem for greenhouse gas reduction than faced by many other states, particularly those on the East Coast, where electricity generation is from coal-fired power plants, a far more significant contributor to emissions.

The draft titled "A Comprehensive Climate Approach for Washington: Policies and Strategies to Jump Start the Clean Economy and Reduce GHG Emissions" makes 12 recommendations, referred to as "headlines," for meeting the goals with specific strategies under each of the headlines. The strategies include adopting the "cap & trade" program developed by the WCI; establishing emissions reporting; incorporating emissions reduction into development planning; reducing the number of vehicle miles through transit, ride-sharing and commuter programs, and promoting transit-oriented development; ensuring Washington vehicles are as efficient as possible; setting a low-carbon fuel standard for gasoline and diesel sold in Washington; instituting local production of biofuels and biofuel feedstocks to reduce fuel imports; investing in the existing transportation infrastructure to move people and goods more cleanly and efficiently; designing, building, upgrading and operating new and existing buildings to maximize energy

efficiency; delivering more energy from renewable resources; investing in worker training for the emerging clean economy; preserving open space and agricultural lands to act as “carbon sinks;” reducing waste and emissions through expanded reduction, reuse and recycling programs; and introducing carbon labeling for products and more stringent appliance, equipment and lighting efficiency standards.

The full draft report, along with a draft report describing recommendations for preparing for and adapting to impacts from climate change, is available through the Department of Ecology website (http://www.ecy.wa.gov/climatechange/public_comments_dec2007.htm). The climate change Web page also provides a way to submit comments on the draft reports. After the comment period closes on January 10, 2008, the comments will be summarized and posted online, and the final report will be issued on February 7, 2008.

Because the recommendations are the first step toward climate change regulation in Washington, it is difficult to predict the impact on businesses in the Northwest until actual specific pieces of legislation and regulations are proposed. As the CAT process moves closer to final recommendations and the steps needed to address the issues become clearer, the scope of the impact on people and businesses in Washington will be a major subject of discussion over the coming year, and could be the subject of bills introduced in the 2008 legislative session. To further that discussion, Lane Powell is sponsoring a breakfast seminar on February 7, 2008, at 7:30 a.m. at the Crowne Plaza Hotel in Seattle. If you are interested in attending, please contact Ann Janikowski at (206) 223-7720 or janikowskia@lanepowell.com.

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