



# PROPOSED RULE MAKING

**CR-102 (June 2024)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

**DATE: May 15, 2025**

**TIME: 7:32 AM**

**WSR 25-11-045**

**Agency:** Department of Ecology

☒ **Original Notice**

☐ **Supplemental Notice to WSR**

☐ **Continuance of WSR** \_\_\_\_\_

☒ **Preproposal Statement of Inquiry was filed as WSR 24-23-097 ; or**

☐ **Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

☐ **Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) Chapter 173-423 WAC, Clean Vehicles Program

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b> (be specific)	<b>Comment:</b>
June 24, 2025	9:00 AM	Hearing via webinar. Join online and see instructions: <a href="https://waecy-wa.gov.zoom.us/meeting/register/_w_d8Y8cpRmSvFcyQNQXZ1Q">https://waecy-wa.gov.zoom.us/meeting/register/_w_d8Y8cpRmSvFcyQNQXZ1Q</a>	Presentation, question and answer session followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access.
June 25, 2025	5:00 PM	Hearing via webinar. Join online and see instructions: <a href="https://waecy-wa.gov.zoom.us/meeting/register/67Op7iOwQp2LeHh_kFTQwA">https://waecy-wa.gov.zoom.us/meeting/register/67Op7iOwQp2LeHh_kFTQwA</a>	Presentation, question and answer session followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access.

**Date of intended adoption:** October 15, 2025 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name Nikki Harris

Address Department of Ecology

Climate Pollution Reduction Program

PO Box 47600

Olympia, WA 98504-7600

Email [Nikki.harris@ecy.wa.gov](mailto:Nikki.harris@ecy.wa.gov)

Fax

Other <https://ecology.commentinput.com?id=HBM5ajPTh>

Beginning (date and time) May 15, 2025 @ 12:00 AM

By (date and time) July 3, 2025 @ 11:59 PM

**Assistance for persons with disabilities:**

Contact Ecology ADA Coordinator

Phone 360-407-6831

Fax N/A

TTY People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711

Email [ecyADACoordinator@ecy.wa.gov](mailto:ecyADACoordinator@ecy.wa.gov)

Other N/A

By (date) \_\_\_\_\_

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Ecology is proposing amendments to our Clean Vehicles Program Rules (Chapter 173-423 WAC) to incorporate changes to the Advanced Clean Trucks and Heavy-Duty Low NOx Omnibus regulations adopted by the California Air Resources Board (CARB). These regulations are an essential policy tool for addressing climate change and improving air quality in Washington.

These proposed amendments respond to industry concerns by easing compliance requirements for the heaviest vehicles. They also streamline implementation and maintain consistency with state and federal laws. The Advanced Clean Trucks program applies to medium- and heavy-duty engine and vehicle manufacturers. It requires manufacturers to gradually sell more new zero-emission models in Washington through model year 2035, and provides flexibility by allowing manufacturers to purchase credits from other manufacturers to meet this requirement and choose which models to transition to zero-emissions technology. The Heavy-Duty Low NOx Omnibus regulation applies to heavy-duty internal combustion engine

manufacturers and requires them to meet more protective air quality standards, particularly on oxides of nitrogen and particulate matter, starting in model year 2026.

**Reasons supporting proposal:** As directed by RCW 70A.30.010, 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.

**Statutory authority for adoption:** Chapter 70A.30 RCW, Motor Vehicle Emission Standards

**Statute being implemented:** Chapter 70A.30 RCW, Motor Vehicles Emission Standards

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** N/A

**Name of proponent:** (person or organization) Department of Ecology

**Type of proponent:** ☐ Private. ☐ Public. ☒ Governmental.

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting	Rebecca Sears	Lacey, WA	360-584-4721
Implementation	Rebecca Sears	Lacey, WA	360-584-4721
Enforcement	Rebecca Sears	Lacey, WA	360-584-4721

**Is a school district fiscal impact statement required under [RCW 28A.305.135](#)?** ☐ Yes ☒ No

If yes, insert statement here:  
N/A

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name N/A  
Address N/A  
Phone N/A  
Fax N/A  
TTY N/A  
Email N/A  
Other N/A

**Is a cost-benefit analysis required under [RCW 34.05.328](#)?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

☒ No: Please explain: RCW 34.05.328 (5)(b)(v) exempts rules from a cost-benefit analysis when the content is explicitly and specifically dictated by statute. RCW 70A.30.010 directs Ecology to adopt rules to implement the motor vehicle emission standards of the state of California, including the zero emission vehicle program. The law also directs Ecology to amend its rules to maintain consistency with California's rules and 42 U.S.C. Section 7507 (Section 177 of the Clean Air Act). 42 U.S.C. Section 7507 allows a state to adopt and enforce vehicle emission standards if they are identical to California's standards.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

☐ [RCW 34.05.310](#) (4)(b)  
(Internal government operations)

☒ [RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

☒ [RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name  
Address  
Phone  
Fax  
TTY  
Email  
Other

**Date:** May 15, 2025

**Name:** Heather Bartlett

**Title:** Deputy Director

**Signature:**

