



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: July 21, 2025

TIME: 8:45 AM

WSR 25-15-117

Agency: Department of Ecology AO # 23-04

Effective date of rule:

Permanent Rules

- ☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- ☐ Yes ☒ No If Yes, explain:

Purpose: Ecology is adopting amendments to Chapter 173-446 WAC, Climate Commitment Act Program Rule. The purpose of the rule amendments is to update the offset protocol for Ozone Depleting Substances (ODS). This will increase the potential variety of offset projects that can be developed within the Cap-and-Invest Program, as directed by RCW 70A.65.170(1) and RCW 70A.65.170(4)(b). This statute directs Ecology to conduct rulemaking that ensures that any updates or additions to the offset program are both based in the best available science and support the needs of landowners and communities in Washington state. The proposed rulemaking amendments restrict project invalidation liability for ODS projects (in reference to WAC 173-446-580), adopt a new ODS protocol, and require all ODS offset projects commenced after the effective date of the rule to use the new protocol. The proposed new protocol is based on a protocol that the California Air Resources Board previously adopted (Compliance Offset Protocol Ozone Depleting Substances November 14th, 2014), and incorporates the following changes:

1. Update Global Warming Potential values from the Fourth IPCC Assessment Report (AR4) to the Fifth IPCC Assessment Report (AR5).
2. Allow ODS sourced from the federal government.
3. Allow credit generation from Hydrochlorofluorocarbon-22 (HCFC-22).
4. Allow credit generation from medical aerosols and unused solvents

Anticipated effects include increased technical standards, decreased obstacles to project development, and incorporation of policy advances. These rule changes work in tandem with additional rules under the Climate Commitment Act to help achieve the state's mandate of net-zero greenhouse gas emissions by 2050.

Citation of rules affected by this order:

New:

Repealed:

Amended: Chapter 173-446 WAC Climate Commitment Act Program Rule

Suspended:

Statutory authority for adoption: Chapter 70A.65 RCW (Greenhouse Gas Emissions—Cap-and-Invest Program)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-05-041 on February 12, 2025 (date).

Describe any changes other than editing from proposed to adopted version: Changes to the rule language and protocol since proposal include clarifying language around out-of-state Ozone Depleting Substances offset project development, changed stockpile requirements for the new refrigerant included in this rulemaking, and clarified protocol language on point-of-origin for the new refrigerant. Please refer to the Concise Explanatory Statement of this rulemaking for more details on the changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Kayla Stevenson

Address: Department of Ecology

Climate Pollution Reduction Program

P.O. Box 46700

Olympia, WA 98504-760

Phone: (360) 972-0313

Fax: N/A

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date Adopted: July 21, 2025

Name: Casey D Sixkiller

Title: Director

Signature:

