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**SECOND SUBSTITUTE HOUSE BILL 2311**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Appropriations (originally sponsored by Representatives Slatter, Fitzgibbon, Callan, Chapman, Orwall, Ramel, Tarleton, Valdez, Duerr, Frame, Bergquist, Davis, Tharinger, Fey, Ormsby, Macri, Wylie, Doglio, Cody, Kloba, Goodman, Hudgins, and Pollet; by request of Governor Inslee)

READ FIRST TIME 02/11/20.

1 AN ACT Relating to amending state greenhouse gas emission limits  
2 for consistency with the most recent assessment of climate change  
3 science; amending RCW 70.235.020 and 70.235.050; reenacting and  
4 amending RCW 70.235.010; adding a new section to chapter 70.235 RCW;  
5 and creating a new section.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) Global climate change represents an  
8 existential threat to the livelihoods, health, and well-being of all  
9 Washingtonians. Our state is experiencing a climate emergency in the  
10 form of devastating wildfires, drought, lack of snowpack, and  
11 increases in ocean acidification caused in part by climate change.

12 (2) These threats are not distributed evenly across the state. In  
13 particular, rural communities with natural resource-based economies,  
14 tribes, and communities of lower and moderate incomes will be  
15 disproportionately exposed to health and economic impacts driven by  
16 climate change.

17 (3) The longer we delay in taking definitive action to reduce  
18 greenhouse gas emissions, the greater the threat posed by climate  
19 change to current and future generations, and the more costly it will  
20 be to protect and maintain our communities against the impacts of  
21 climate change. Unchecked, climate change will bring ever more

1 drastic decline to the health and prosperity of future generations,  
2 particularly for the most vulnerable communities.

3 (4) According to the climate impacts group at the University of  
4 Washington, with global warming of at least one and one-half degrees  
5 Celsius, by 2050 Washington is projected to experience:

6 (a) An increase of sixty-seven percent in the number of days per  
7 year above ninety degrees Fahrenheit, relative to 1976-2005, leading  
8 to an increased risk of heat-related illness and death, warmer  
9 streams, and more frequent algal blooms;

10 (b) A decrease of thirty-eight percent in the state's snowpack,  
11 relative to 1970-1999, leading to reduced water storage, irrigation  
12 shortages, and winter and summer recreation losses;

13 (c) An increase of sixteen percent in winter streamflow, relative  
14 to 1970-1999, leading to an increased risk of river flooding;

15 (d) A decrease of twenty-three percent in summer streamflow,  
16 relative to 1970-1999, leading to reduced summer hydropower,  
17 conflicts over water resources, and negative effects on salmon  
18 populations; and

19 (e) An increase of one and four-tenths feet in sea level,  
20 relative to 1991-2010, leading to coastal flooding and inundation,  
21 damage to coastal infrastructure, and bluff erosion.

22 (5) The legislature has taken steps to understand and address the  
23 threats posed by climate change as climate change science has  
24 continued to evolve. In 2008 with the passage of Engrossed Second  
25 Substitute House Bill No. 2815, chapter 70.235 RCW, the legislature  
26 acknowledged Washington's history of national and international  
27 leadership in clean energy, and set limits on the greenhouse gas  
28 emissions that drive climate change.

29 (6) Chapter 70.235 RCW recognizes that the state of climate  
30 change science will continue to evolve, and so it directs the  
31 department of ecology to consult with the climate impacts group at  
32 the University of Washington for the purpose of issuing periodic  
33 reports that summarize the current climate change science and that  
34 make recommendations regarding whether the state's greenhouse gas  
35 emissions reductions need to be updated. As required by chapter  
36 70.235 RCW, the department of ecology prepared and submitted reviews  
37 of current climate change science and the state of global warming  
38 trends in both December 2016, Ecology Publication No. 16-01-010, and  
39 again in December 2019, Ecology Publication No. 19-02-031. The most  
40 recent report underscores the need for Washington to take immediate

1 and aggressive action to reduce greenhouse gas emissions, the primary  
2 cause of global climate change.

3 (7) Based on the current science and emissions trends, as  
4 reported by the department of ecology and the climate impacts group  
5 at the University of Washington, the legislature finds that avoiding  
6 global warming of at least one and one-half degrees Celsius is  
7 possible only if global greenhouse gas emissions start to decline  
8 precipitously, and as soon as possible. Restoring a safe and stable  
9 climate will require mobilization across all levels of government and  
10 economic sectors, including agriculture, manufacturing,  
11 transportation, and energy production, to reach net zero greenhouse  
12 gas emissions by 2050. Washington must therefore further strengthen  
13 its emissions reduction targets for 2030 and beyond. In addition, all  
14 pathways to one and one-half degrees Celsius rely on some amount of  
15 negative emissions through carbon sequestration. It is therefore the  
16 intent of the legislature to strengthen Washington's statutory  
17 greenhouse gas emission limits to reflect current science and to  
18 align with the limits that other jurisdictions are setting to combat  
19 climate change and to encourage voluntary actions that increase  
20 carbon sequestration on natural and working lands and storage in the  
21 related products from those lands.

22 (8) In strengthening Washington's statutory greenhouse gas  
23 emission limits, it is the intent of the legislature to pursue these  
24 limits in a way that:

25 (a) Reduces the burdens and creates benefits for vulnerable  
26 populations and highly impacted communities with long-term and short-  
27 term outcomes for public health, economic well-being, local  
28 environments, and community resiliency that benefits all Washington  
29 residents;

30 (b) Supports the current skilled and trained construction  
31 workforce, retains and creates other high quality employment  
32 opportunities, and generates broad, widely shared economic benefits  
33 for the state and Washington residents; and

34 (c) Maintains Washington's manufacturing economy and avoids  
35 leakage of emissions to other jurisdictions.

36 **Sec. 2.** RCW 70.235.020 and 2008 c 14 s 3 are each amended to  
37 read as follows:

1 (1) (a) The state shall limit anthropogenic emissions of  
2 greenhouse gases to achieve the following emission reductions for  
3 Washington state:

4 (i) By 2020, reduce overall emissions of greenhouse gases in the  
5 state to 1990 levels, or ninety million five hundred thousand metric  
6 tons;

7 (ii) By ~~((2035))~~ 2030, reduce overall emissions of greenhouse  
8 gases in the state to ~~((twenty-five))~~ fifty million metric tons, or  
9 forty-five percent below 1990 levels;

10 (iii) By ~~((2050, the state will do its part to reach global~~  
11 ~~climate stabilization levels by reducing overall emissions to fifty~~  
12 ~~percent below 1990 levels, or seventy percent below the state's~~  
13 ~~expected emissions that year))~~ 2040, reduce overall emissions of  
14 greenhouse gases in the state to twenty-seven million metric tons, or  
15 seventy percent below 1990 levels;

16 (iv) By 2050, reduce overall emissions of greenhouse gases in the  
17 state to five million metric tons, or ninety-five percent below 1990  
18 levels.

19 (b) By December 1, 2008, the department shall submit a greenhouse  
20 gas reduction plan for review and approval to the legislature,  
21 describing those actions necessary to achieve the emission reductions  
22 in (a) of this subsection by using existing statutory authority and  
23 any additional authority granted by the legislature. Actions taken  
24 using existing statutory authority may proceed prior to approval of  
25 the greenhouse gas reduction plan.

26 (c) In addition to the emissions limits specified in (a) of this  
27 subsection, the state shall also achieve net zero greenhouse gas  
28 emissions by 2050. Except where explicitly stated otherwise, nothing  
29 in chapter 14, Laws of 2008 limits any state agency authorities as  
30 they existed prior to June 12, 2008.

31 (d) Consistent with this directive, the department shall take the  
32 following actions:

33 (i) Develop and implement a system for monitoring and reporting  
34 emissions of greenhouse gases as required under RCW 70.94.151; and

35 (ii) Track progress toward meeting the emission reductions  
36 established in this subsection, including the results from policies  
37 currently in effect that have been previously adopted by the state  
38 and policies adopted in the future, and report on that progress.  
39 Progress reporting should include statewide emissions as well as  
40 emissions from key sectors of the economy including, but not limited

1 to, electricity, transportation, buildings, manufacturing, and  
2 agriculture.

3 (e) Nothing in this section creates any new or additional  
4 regulatory authority for any state agency as they existed prior to  
5 January 1, 2019.

6 (2) By December 31st of each even-numbered year beginning in  
7 2010, the department and the department of (~~community, trade, and~~  
8 ~~economic development~~) commerce shall report to the governor and the  
9 appropriate committees of the senate and house of representatives the  
10 total emissions of greenhouse gases for the preceding two years, and  
11 totals in each major source sector. The report must include  
12 greenhouse gas emissions from wildfires, developed in consultation  
13 with the department of natural resources. The department shall ensure  
14 the reporting rules adopted under RCW 70.94.151 allow it to develop a  
15 comprehensive inventory of emissions of greenhouse gases from all  
16 significant sectors of the Washington economy.

17 (3) Except for purposes of reporting, emissions of carbon dioxide  
18 from industrial combustion of biomass in the form of fuel wood, wood  
19 waste, wood by-products, and wood residuals shall not be considered a  
20 greenhouse gas as long as the region's silvicultural sequestration  
21 capacity is maintained or increased.

22 **Sec. 3.** RCW 70.235.050 and 2015 c 225 s 110 are each amended to  
23 read as follows:

24 (1) (~~All state~~) State agencies shall meet the statewide  
25 greenhouse gas emission limits established in RCW 70.235.020 to  
26 achieve the following, using the estimates and strategy established  
27 in subsections (2) and (3) of this section:

28 (a) By July 1, 2020, reduce emissions (~~by~~) of greenhouse gases  
29 to eight hundred five thousand metric tons, or fifteen percent  
30 (~~from~~) below 2005 emission levels;

31 (b) By (~~2035~~) 2030, reduce emissions of greenhouse gases to  
32 (~~thirty-six~~) five hundred twenty-one thousand metric tons, or  
33 forty-five percent below 2005 levels; (~~and~~)

34 (c) (~~By 2050, reduce emissions to the greater reduction of~~  
35 ~~fifty-seven and one-half percent below 2005 levels, or seventy~~  
36 ~~percent below the expected state government emissions that year~~) By  
37 2040, reduce emissions of greenhouse gases to two hundred eighty-four  
38 thousand metric tons, or seventy percent below 2005 levels; and

1 (d) By 2050, reduce overall emissions of greenhouse gases to  
2 forty-seven thousand metric tons, or ninety-five percent below 2005  
3 levels and achieve net zero greenhouse gas emissions by state  
4 government as a whole.

5 (2) (a) By June 30, 2010, ~~((all))~~ state agencies shall report  
6 estimates of emissions for 2005 to the department, including 2009  
7 levels of emissions, and projected emissions through 2035.

8 (b) State agencies required to report under RCW 70.94.151 must  
9 estimate emissions from methodologies recommended by the department  
10 and must be based on actual operation of those agencies. Agencies not  
11 required to report under RCW 70.94.151 shall derive emissions  
12 estimates using an emissions calculator provided by the department.

13 ~~((By June 30, 2011, each state agency shall submit to the~~  
14 ~~department a strategy to meet the requirements in subsection (1) of~~  
15 ~~this section. The strategy must address employee travel activities,~~  
16 ~~teleconferencing alternatives, and include existing and proposed~~  
17 ~~actions, a timeline for reductions, and recommendations for budgetary~~  
18 ~~and other incentives to reduce emissions, especially from employee~~  
19 ~~business travel.~~

20 ~~(4))~~ By ~~((October))~~ June 1st of each even-numbered year  
21 beginning in ~~((2012))~~ 2022, ~~((each))~~ state ~~((agency))~~ agencies shall  
22 report to the department ~~((the actions taken to meet the emission~~  
23 ~~reduction targets under the strategy for the preceding fiscal~~  
24 ~~biennium)), and to the state efficiency and environmental performance~~  
25 office at the department of commerce, the actions planned for the  
26 next two biennia to meet emission reduction targets and the actions  
27 taken to meet the emission reduction targets established in this  
28 section. The report must also include the agency's long-term strategy  
29 for meeting the emission reduction targets established in this  
30 section, which the agency shall update as appropriate. The department  
31 and the state efficiency and environmental performance office at the  
32 department of commerce shall review and compile the agency reports  
33 and, by December 1st of each even-numbered year beginning in 2022,  
34 provide a consolidated report to the appropriate committees of the  
35 legislature. This report must include recommendations for budgetary  
36 and other actions that will assist state agencies in achieving the  
37 greenhouse gas emissions reductions specified in this section. The  
38 department may authorize the department of enterprise services to  
39 report on behalf of any state agency having fewer than five hundred  
40 full-time equivalent employees at any time during the reporting

1 period. The department shall cooperate with the department of  
2 enterprise services and the state efficiency and environmental  
3 performance office at the department of commerce to develop  
4 consolidated reporting methodologies that incorporate emission  
5 reduction actions taken across all or substantially all state  
6 agencies.

7 ~~((5) All state))~~ (4) State agencies shall cooperate in providing  
8 information to the department, the department of enterprise services,  
9 and the department of commerce for the purposes of this section.

10 ~~((6) The governor shall designate a person as the single point~~  
11 ~~of accountability for all energy and climate change initiatives~~  
12 ~~within state agencies. This position must be funded from current~~  
13 ~~full-time equivalent allocations without increasing budgets or~~  
14 ~~staffing levels. If duties must be shifted within an agency, they~~  
15 ~~must be shifted among current full-time equivalent allocations. All~~  
16 ~~agencies, councils, or work groups with energy or climate change~~  
17 ~~initiatives shall coordinate with this designee.))~~

18 NEW SECTION. **Sec. 4.** A new section is added to chapter 70.235  
19 RCW to read as follows:

20 (1) Separate and apart from the emissions limits established in  
21 RCW 70.235.020, it is the policy of the state to promote the removal  
22 of excess carbon from the atmosphere through voluntary and incentive-  
23 based sequestration activities in Washington including, but not  
24 limited to, on natural and working lands and by recognizing the  
25 potential for sequestration in products and product supply chains. It  
26 is the policy of the state to prioritize carbon sequestration in  
27 amounts necessary to achieve the carbon neutrality goal established  
28 in RCW 70.235.020, and at a level consistent with pathways to limit  
29 global warming to one and one-half degrees.

30 (2)(a) All agencies of state government including, but not  
31 limited to, the department, the department of natural resources, the  
32 department of transportation, the department of fish and wildlife,  
33 the department of agriculture, the department of commerce, the  
34 recreation and conservation office, and the conservation commission,  
35 shall seek all practicable opportunities, consistent with existing  
36 legal mandates and requirements and statutory objectives, to cost-  
37 effectively maximize carbon sequestration and carbon storage in their  
38 operations, contracting, and grant-making activities.

1 (b) Any such effort to promote or require carbon sequestration  
2 activities that affects support for, or management of private lands  
3 or trust lands managed by the department of natural resources must be  
4 done in cooperation with the owners and managers of those natural and  
5 working lands.

6 **Sec. 5.** RCW 70.235.010 and 2019 c 284 s 2 are each reenacted and  
7 amended to read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the context clearly requires otherwise.

10 (1) "Carbon dioxide equivalents" means a metric measure used to  
11 compare the emissions from various greenhouse gases based upon their  
12 global warming potential.

13 (2) "Class I substance" and "class II substance" means those  
14 substances listed in 42 U.S.C. Sec. 7671a, as it read on November 15,  
15 1990, or those substances listed in Appendix A or B of Subpart A of  
16 40 C.F.R. Part 82, as those read on January 3, 2017.

17 (3) "Climate advisory team" means the stakeholder group formed in  
18 response to executive order 07-02.

19 (4) "Climate impacts group" means the University of Washington's  
20 climate impacts group.

21 (5) "Department" means the department of ecology.

22 (6) "Director" means the director of the department.

23 (7) "Greenhouse gas" and "greenhouse gases" includes carbon  
24 dioxide, methane, nitrous oxide, hydrofluorocarbons,  
25 perfluorocarbons, sulfur hexafluoride, and any other gas or gases  
26 designated by the department by rule.

27 (8) "Hydrofluorocarbons" means a class of greenhouse gases that  
28 are saturated organic compounds containing hydrogen, fluorine, and  
29 carbon.

30 (9) "Manufacturer" includes any person, firm, association,  
31 partnership, corporation, governmental entity, organization, or joint  
32 venture that produces any product that contains or uses  
33 hydrofluorocarbons or is an importer or domestic distributor of such  
34 a product.

35 (10) "Person" means an individual, partnership, franchise holder,  
36 association, corporation, a state, a city, a county, or any  
37 subdivision or instrumentality of the state.

38 (11) "Program" means the department's climate change program.



1 (12) "Residential consumer refrigeration products" has the same  
2 meaning as defined in section 430.2 of Subpart A of 10 C.F.R. Part  
3 430 (2017).

4 (13) "Retrofit" has the same meaning as defined in section 152 of  
5 Subpart F of 40 C.F.R. Part 82, as that section existed as of January  
6 3, 2017.

7 (14) "Substitute" means a chemical, product substitute, or  
8 alternative manufacturing process, whether existing or new, that is  
9 used to perform a function previously performed by a class I  
10 substance or class II substance and any substitute subsequently  
11 adopted to perform that function, including, but not limited to,  
12 hydrofluorocarbons. "Substitute" does not include 2-BTP or any  
13 compound as applied to its use in aerospace fire extinguishing  
14 systems.

15 (15) "Western climate initiative" means the collaboration of  
16 states, Canadian provinces, Mexican states, and tribes to design a  
17 multisector market-based mechanism as directed under the western  
18 regional climate action initiative signed by the governor on February  
19 22, 2007.

20 (16) "Carbon sequestration" means the process of capturing and  
21 storing atmospheric carbon dioxide through biologic, chemical,  
22 geologic, or physical processes.

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