H-3316.1

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**HOUSE BILL 2768**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Maycumber and Haler

AN ACT Relating to ensuring that attempts to limit greenhouse gas emissions in Washington state do not make Washington's agricultural products and food processing businesses economically uncompetitive, thereby shifting emissions to jurisdictions without similar greenhouse gas policies; amending RCW 70.235.020; and creating a new section.

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

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

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

(i) By 2020, reduce overall emissions of greenhouse gases in the state to 1990 levels;

(ii) By 2035, reduce overall emissions of greenhouse gases in the state to twenty-five percent below 1990 levels;

(iii) By 2050, the state will do its part to reach global climate stabilization levels by reducing overall emissions to fifty percent below 1990 levels, or seventy percent below the state's expected emissions that year.

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

(c) Except where explicitly stated otherwise, nothing in chapter 14, Laws of 2008 limits any state agency authorities as they existed prior to June 12, 2008.

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

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

(ii) Track progress toward meeting the emission reductions established in this subsection, including the results from policies currently in effect that have been previously adopted by the state and policies adopted in the future, and report on that progress.

(2) By December 31st of each even-numbered year beginning in 2010, the department and the department of ((~~community, trade, and economic development~~)) commerce shall report to the governor and the appropriate committees of the senate and house of representatives the total emissions of greenhouse gases for the preceding two years, and totals in each major source sector. The department shall ensure the reporting rules adopted under RCW 70.94.151 allow it to develop a comprehensive inventory of emissions of greenhouse gases from all significant sectors of the Washington economy.

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

(4)(a) For the purposes of any policies adopted or implemented by the state that limit greenhouse gas emissions or that are otherwise intended to support the achievement of the limits in subsection (1) of this section, food processing facilities must be designated as energy intense trade-exposed industries. As a consequence of this designation as energy intense trade-exposed industries, food processing facilities are exempt from any greenhouse gas emission reduction requirements, greenhouse gas emission taxes, or similar policies that create disincentives or restrictions on the emission of greenhouse gases.

(b) For the purposes of this subsection, "food processing facility" has the same meaning as "food processing plant" as defined in RCW 69.07.010.

NEW SECTION. **Sec.**  The amendments to RCW 70.235.020 in this act do not acknowledge, establish, or create legal authority for the department of commerce or any state agency to limit, regulate, or tax greenhouse gas emissions, or to implement policies otherwise designed to achieve the emissions limits of RCW 70.235.020(1).

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