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**SENATE BILL 6272**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Das, Carlyle, Lovelett, Nguyen, Wilson, C., Keiser, Saldaña, Dhingra, Kuderer, Rolfes, McCoy, Lias, Randall, Salomon, Cleveland, Hunt, Frockt, Pedersen, Stanford, Wellman, and Darneille; by request of Office of the Governor

Read first time 01/14/20. Referred to Committee on Environment, Energy & Technology.

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) Engrossed Second Substitute House Bill No. 2815 recognized  
30 that the state of climate change science would continue to evolve,  
31 and so that bill directed the department of ecology to consult with  
32 the climate impacts group at the University of Washington for the  
33 purpose of issuing periodic reports that summarize the current  
34 climate change science and that make recommendations regarding  
35 whether the state's greenhouse gas emissions reductions need to be  
36 updated. As required by Engrossed Second Substitute House Bill No.  
37 2815, the department of ecology prepared and submitted reviews of  
38 current climate change science and the state of global warming trends  
39 in both December 2016, Ecology Publication No. 16-01-010, and again  
40 in December 2019, Ecology Publication No. 19-02-031. The most recent

1 report underscores the need for Washington to take immediate and  
2 aggressive action to reduce greenhouse gas emissions, the primary  
3 cause of global climate change.

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

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

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

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

28 (ii) By ~~((2035))~~ 2030, reduce overall emissions of greenhouse  
29 gases in the state to ~~((twenty-five))~~ forty-five percent below 1990  
30 levels;

31 ~~((2050, the state will do its part to reach global  
32 climate stabilization levels by reducing overall emissions to fifty  
33 percent below 1990 levels, or seventy percent below the state's  
34 expected emissions that year))~~ 2040, reduce overall emissions of  
35 greenhouse gases in the state to seventy percent below 1990 levels;

36 (iv) By 2050, reduce overall emissions of greenhouse gases in the  
37 state to ninety-five percent below 1990 levels.

38 ~~((By December 1, 2008, the department shall submit a  
39 greenhouse gas reduction plan for review and approval to the~~

1 legislature, describing those actions necessary to achieve the  
2 emission reductions in (a) of this subsection by using existing  
3 statutory authority and any additional authority granted by the  
4 legislature. Actions taken using existing statutory authority may  
5 proceed prior to approval of the greenhouse gas reduction plan.

6 ~~(e))~~ In addition to the emissions limits specified in (a) of  
7 this subsection, the state shall also achieve net zero greenhouse gas  
8 emissions by 2050. Except where explicitly stated otherwise, nothing  
9 in chapter 14, Laws of 2008 limits any state agency authorities as  
10 they existed prior to June 12, 2008.

11 ~~((d))~~ (c) Consistent with this directive, the department shall  
12 take the following actions:

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

15 (ii) Track progress toward meeting the emission reductions  
16 established in this subsection, including the results from policies  
17 currently in effect that have been previously adopted by the state  
18 and policies adopted in the future, and report on that progress.  
19 Progress reporting should include statewide emissions as well as  
20 emissions from key sectors of the economy including, but not limited  
21 to, electricity, transportation, buildings, manufacturing, and  
22 agriculture.

23 (2) By December 31st of each even-numbered year beginning in  
24 2010, the department and the department of ~~((community, trade, and~~  
25 ~~economic development))~~ commerce shall report to the governor and the  
26 appropriate committees of the senate and house of representatives the  
27 total emissions of greenhouse gases for the preceding two years, and  
28 totals in each major source sector. The report must include  
29 greenhouse gas emissions from wildfires, developed in consultation  
30 with the department of natural resources. The department shall ensure  
31 the reporting rules adopted under RCW 70.94.151 allow it to develop a  
32 comprehensive inventory of emissions of greenhouse gases from all  
33 significant sectors of the Washington economy.

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

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

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

7       (a) By July 1, 2020, reduce emissions of greenhouse gases by  
8 fifteen percent from 2005 emission levels;

9       (b) By (~~2035~~) 2030, reduce emissions of greenhouse gases to  
10 (~~thirty-six~~) forty-five percent below 2005 levels; (~~and~~)

11       (c) (~~By 2050, reduce emissions to the greater reduction of~~  
12 ~~fifty-seven and one-half percent below 2005 levels, or seventy~~  
13 ~~percent below the expected state government emissions that year~~) By  
14 2040, reduce emissions of greenhouse gases to seventy percent below  
15 2005 levels; and

16       (d) By 2050, reduce overall emissions of greenhouse gases to  
17 ninety-five percent below 2005 levels and achieve net zero greenhouse  
18 gas emissions by state government as a whole.

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

22       (b) State agencies required to report under RCW 70.94.151 must  
23 estimate emissions from methodologies recommended by the department  
24 and must be based on actual operation of those agencies. Agencies not  
25 required to report under RCW 70.94.151 shall derive emissions  
26 estimates using an emissions calculator provided by the department.

27       (3) (~~By June 30, 2011, each state agency shall submit to the~~  
28 ~~department a strategy to meet the requirements in subsection (1) of~~  
29 ~~this section. The strategy must address employee travel activities,~~  
30 ~~teleconferencing alternatives, and include existing and proposed~~  
31 ~~actions, a timeline for reductions, and recommendations for budgetary~~  
32 ~~and other incentives to reduce emissions, especially from employee~~  
33 ~~business travel.~~

34       (~~4~~) By (~~October~~) June 1st of each even-numbered year  
35 beginning in (~~2012~~) 2022, (~~each~~) state (~~agency~~) agencies shall  
36 report to the department (~~the actions taken to meet the emission~~  
37 ~~reduction targets under the strategy for the preceding fiscal~~  
38 ~~biennium~~), and to the state efficiency and environmental performance  
39 office at the department of commerce, the actions planned for the  
40 next two biennia to meet emission reduction targets and the actions

1 taken to meet the emission reduction targets established in this  
2 section. The report must also include the agency's long-term strategy  
3 for meeting the emission reduction targets established in this  
4 section, which the agency shall update as appropriate. The department  
5 and the state efficiency and environmental performance office at the  
6 department of commerce shall review and compile the agency reports  
7 and, by December 1st of each even-numbered year beginning in 2022,  
8 provide a consolidated report to the appropriate committees of the  
9 legislature. This report must include recommendations for budgetary  
10 and other actions that will assist state agencies in achieving the  
11 greenhouse gas emissions reductions specified in this section. The  
12 department may authorize the department of enterprise services to  
13 report on behalf of any state agency having fewer than five hundred  
14 full-time equivalent employees at any time during the reporting  
15 period. The department shall cooperate with the department of  
16 enterprise services and the state efficiency and environmental  
17 performance office at the department of commerce to develop  
18 consolidated reporting methodologies that incorporate emission  
19 reduction actions taken across all or substantially all state  
20 agencies.

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

24 ~~((6) The governor shall designate a person as the single point~~  
25 ~~of accountability for all energy and climate change initiatives~~  
26 ~~within state agencies. This position must be funded from current~~  
27 ~~full-time equivalent allocations without increasing budgets or~~  
28 ~~staffing levels. If duties must be shifted within an agency, they~~  
29 ~~must be shifted among current full-time equivalent allocations. All~~  
30 ~~agencies, councils, or work groups with energy or climate change~~  
31 ~~initiatives shall coordinate with this designee.))~~

32 NEW SECTION. Sec. 4. A new section is added to chapter 70.235  
33 RCW to read as follows:

34 (1) Separate and apart from the emissions limits established in  
35 RCW 70.235.020, it is the policy of the state to promote the removal  
36 of excess carbon from the atmosphere through voluntary and incentive-  
37 based sequestration activities on natural and working lands and by  
38 recognizing the potential for sequestration in products and product  
39 supply chains associated with working lands. It is the policy of the

1 state to prioritize sequestration activities in amounts necessary to  
2 achieve the carbon neutrality goal established in RCW 70.235.020, and  
3 at a level consistent with pathways to limit global warming to one  
4 and one-half degrees.

5 (2) All agencies of state government including, but not limited  
6 to, the department, the department of natural resources, the  
7 department of transportation, the department of fish and wildlife,  
8 the department of agriculture, the department of commerce, the  
9 recreation and conservation office, and the conservation commission,  
10 shall seek all practicable opportunities, consistent with existing  
11 legal mandates and requirements and statutory objectives, to cost-  
12 effectively maximize carbon sequestration in their operations,  
13 contracting, and grant-making activities. Any such change that  
14 affects support for private lands must be done in cooperation with  
15 the owners and managers of natural and working lands.

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

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

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

23 (2) "Class I substance" and "class II substance" means those  
24 substances listed in 42 U.S.C. Sec. 7671a, as it read on November 15,  
25 1990, or those substances listed in Appendix A or B of Subpart A of  
26 40 C.F.R. Part 82, as those read on January 3, 2017.

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

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

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

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

33 (7) "Greenhouse gas" and "greenhouse gases" includes carbon  
34 dioxide, methane, nitrous oxide, hydrofluorocarbons,  
35 perfluorocarbons, sulfur hexafluoride, and any other gas or gases  
36 designated by the department by rule.

37 (8) "Hydrofluorocarbons" means a class of greenhouse gases that  
38 are saturated organic compounds containing hydrogen, fluorine, and  
39 carbon.

1 (9) "Manufacturer" includes any person, firm, association,  
2 partnership, corporation, governmental entity, organization, or joint  
3 venture that produces any product that contains or uses  
4 hydrofluorocarbons or is an importer or domestic distributor of such  
5 a product.

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

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

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

13 (13) "Retrofit" has the same meaning as defined in section 152 of  
14 Subpart F of 40 C.F.R. Part 82, as that section existed as of January  
15 3, 2017.

16 (14) "Substitute" means a chemical, product substitute, or  
17 alternative manufacturing process, whether existing or new, that is  
18 used to perform a function previously performed by a class I  
19 substance or class II substance and any substitute subsequently  
20 adopted to perform that function, including, but not limited to,  
21 hydrofluorocarbons. "Substitute" does not include 2-BTP or any  
22 compound as applied to its use in aerospace fire extinguishing  
23 systems.

24 (15) "Western climate initiative" means the collaboration of  
25 states, Canadian provinces, Mexican states, and tribes to design a  
26 multisector market-based mechanism as directed under the western  
27 regional climate action initiative signed by the governor on February  
28 22, 2007.

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

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