H-0013.1

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**HOUSE BILL 1223**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives McEntire, Dye, and Eslick

AN ACT Relating to clarifying that the statutory statewide emissions limits are not to be used for evaluation and government decision making with respect to individual projects or government decisions except where such use is explicitly statutorily authorized; reenacting and amending RCW 70A.45.020; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that in adopting revised greenhouse gas emissions limits in 2020, the legislature was explicit that nothing in the revision created new or additional regulatory authority for any state agency. The legislature further finds that state statutory greenhouse gas emissions reduction targets were never intended to serve as criteria for decisions to issue permits for individual projects or programs. The legislature further finds that when adopting these targets, it was explicitly stated that the achievement of these targets should be pursued in a manner that supports the skilled and trained construction workforce, retains or creates other high quality employment opportunities, and generates economic benefits for the state.

(2) The legislature observes that in January 2021, a state agency did cite the revised greenhouse gas emissions limits as a basis for denial of a permit application that would have resulted in major investment and job creation in the state.

(3) In April 2021, the legislature adopted a comprehensive greenhouse gas emissions cap and invest regulatory program that contains within its scheme the direction to the department of ecology to set the emissions budget for covered entities in a manner that is consistent with state targets (RCW 70A.65.070(2)). Therefore, the legislature finds that the existence of the cap and invest program, which will effectively keep emissions from covered entities in line with state targets, is an additional reason to not evaluate individual permit applications with respect to consistency with the state greenhouse gas emissions targets for any entity that would be covered under the cap and invest program.

(4) For the foregoing reasons, the legislature intends to explicitly forbid state agencies from using the aggregate state greenhouse gas emissions reduction targets in any consideration of individual permit applications.

**Sec.**  RCW 70A.45.020 and 2020 c 79 s 2, 2020 c 32 s 4, and 2020 c 20 s 1398 are each reenacted and amended to read as follows:

(1)(a) The state shall limit anthropogenic 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, or ((~~ninety million five hundred thousand~~)) 90,500,000 metric tons;

(ii) By 2030, reduce overall emissions of greenhouse gases in the state to ((~~fifty million~~)) 50,000,000 metric tons, or ((~~forty-five~~)) 45 percent below 1990 levels;

(iii) By 2040, reduce overall emissions of greenhouse gases in the state to ((~~twenty-seven million~~)) 27,000,000 metric tons, or ((~~seventy~~)) 70 percent below 1990 levels;

(iv) By 2050, reduce overall emissions of greenhouse gases in the state to ((~~five million~~)) 5,000,000 metric tons, or ((~~ninety-five~~)) 95 percent below 1990 levels.

(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) In addition to the emissions limits specified in (a) of this subsection, the state shall also achieve net zero greenhouse gas emissions by 2050. 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 70A.15.2200; 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. Progress reporting should include statewide emissions as well as emissions from key sectors of the economy including, but not limited to, electricity, transportation, buildings, manufacturing, and agriculture.

(e) Nothing in this section creates any new or additional regulatory authority for any state agency as they existed prior to January 1, 2019. Nothing in this section creates authority for a state agency or political subdivision of the state to rely upon or consider the limits established in (a) of this subsection for purposes of individual project permit decision making or other regulatory purposes.

(2) By December 31st of each even-numbered year beginning in 2010, the department and the department of 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, including emissions associated with leaked gas identified by the utilities and transportation commission under RCW 81.88.160. The report must include greenhouse gas emissions from wildfires, developed in consultation with the department of natural resources. The department shall ensure the reporting rules adopted under RCW 70A.15.2200 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.

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