Facing the Challenge of Climate Change; Five Years of Action

Laws and Executive Orders (2005 – 2009)

A summary of actions Governor Chris Gregoire and the Legislature have taken to address the impacts of climate change in Washington state from 2005 - 2009.

New state laws

2009

- **Reducing Greenhouse Gas Pollution in Buildings**: The Legislature approved E2SSB 5854 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5854-S2.SL.pdf), which requires:
  - A strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions from homes and buildings.
  - Performance standards, benchmarking and other reporting requirements for public buildings.
  - The State Energy Code to move toward a 70 percent reduction in annual energy consumption for new buildings by 2031.
- **Clean Energy Leadership Initiative:** SSB 5921 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5921-S.SL.pdf) enables the Governor to create a clean energy leadership council in collaboration with a private-public alliance focusing on growing Washington's clean technology sector.
- **Enhancing Energy Efficiency:** The Legislature approved E2SSB 5649 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5649-S2.SL.pdf), which:
  - Implements community-wide energy efficiency upgrades.
  - Enhances the low-income residential weatherization program.
  - Assesses the energy efficiency of properties in the Housing Trust Fund.
- **Reducing Climate Pollution through Land-Use Planning:** 2SHB 1172 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1172-S2.SL.pdf) requires implementation of a transfer of development rights program to encourage new development in high-density areas.

- **Creation of a Sustainable Energy Trust:** E2SHB 1007 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1007-S2.SL.pdf) removes barriers in financing the upfront costs of renewable energy and energy-efficiency improvement projects.

- **Electric Vehicles:** 2SHB 1481 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1481-S2.SL.pdf) requires the installation of charging outlets for electric vehicles, new tax incentives for electric vehicle infrastructure, and the development of an alternative fuels corridor pilot project.
- **Reducing High Global Warming Potential Vehicle Refrigerants:** SHB 1984 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1984-S.SL.pdf) approves the use of substitutes for ozone-depleting and high-global warming potential refrigerants.

- **State Agency Leadership:** The Legislature passed three bills that require state agencies to lead by example:
  - E2SSB 5560 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5560-S2.SL.pdf) holds state agencies accountable for reducing their carbon footprint and requires them to reduce fuel consumption and increase fuel efficiency.
  - SHB 2287 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/2287-S.SL.pdf) requires agencies to reduce current paper use, increase paper recycling and purchase 100 percent recycled content paper.
  - SSB 6088 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/6088-S.SL.pdf) requires the Department of Transportation to develop a joint comprehensive commute trip reduction plan for all state agencies located in the Olympia, Lacey and Tumwater urban growth area.
- **Responding to Climate Change:** E2SSB 5560 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5560-S2.SL.pdf) directs Ecology and other agencies to develop a response strategy to assist the state and local governments in preparing for and adapting to impacts from climate change.

- **Permitting Anaerobic Digesters from Solid Waste:** SB 5797 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/5797-S.SL.pdf) streamlines permitting requirements to spur renewable energy development from agricultural waste and livestock manure.
- **Evergreen Jobs Initiative:** E2SHB 2227 (http://apps.leg.wa.gov/documents/billdocs/2009-

10/Pdf/Bills/Session%20Law%202009/2227-S2.SL.pdf) establishes the Evergreen Jobs Initiative to create 15,000 new green economy jobs by 2020 and to prioritize programs to train workers in green economy job sectors.

- **Expanding the Energy Freedom Program:** ESHB 2289 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/2289-S.SL.pdf) expands the Energy Freedom Program to encourage energy efficiency, renewable energy and innovative energy technology markets in Washington.

2008

- **Climate Change Framework:** The Legislature approved E2SHB 2815 (http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/2815-S2.SL.pdf), which:
  - Established state greenhouse gas emissions reduction limits in law RCW 70.235.020 - http://apps.leg.wa.gov/RCW/default.aspx?cite=70.235.020.
  - Directed Ecology, Community Trade and Economic Development (now Commerce) and other agencies to develop a plan to reduce the state's greenhouse emissions, expand the green economy, and work with the Western Climate Initiative partner jurisdictions on recommendations for the design of a market-based cap-and-trade program. http://www.ecy.wa.gov/climatechange/2008CompPlan.htm
  - Required sources emitting at least 10,000 metric tons of greenhouse gases or with a fleet emitting at 2,500 metric tons annually to report their emissions, starting in 2010.
  - Established benchmarks and required agencies to develop strategies and recommendations for reducing the number of miles that each person drives (vehicle miles traveled).
  - Set goals for developing new "green" jobs.
- **Disclosure of Greenhouse Gas Vehicle Emissions:** The Legislature approved SSB 6309 (http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/6309-S.SL.pdf), which required all new vehicles to be labeled and disclose greenhouse gas emissions, starting in 2010.
- **Climate Change -- Mitigation Act:** The Legislature approved ESSB 6580 (http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202008/6580-S.SL.pdf) , which:
  - Required the Department of Community, Trade and economic Development (now Commerce) to develop and provide counties and cities a range of advisory methodologies, computer modeling program, and estimates of greenhouse gas

emissions reductions resulting from specific measures (RCW 36.70A.580) http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A.580.

- Established a voluntary pilot local government global warming mitigation and adaptation program for up to three counties and six cities. The program must be administered by the Department of Commerce and must conclude by June 30, 2010 (RCW 36.70A.5801).

2007

- **Cleaner Energy Act:** The Legislature approved E2SHB 1303 (http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202007/1303-S2.SL.pdf), which:
  - Established a school bus replacement incentive program.
  - Required diesel vehicles in the state fleet to consume 20 percent biodiesel by 2009.
  - Set a target for meeting 100 percent of the state fleet's fuel needs with electricity and biofuels by 2015.
  - Required an analysis of vehicle electrification.
- **Electric Utility Greenhouse Gas Emission Performance Standards:** The Climate Change-Mitigating Impacts Act (ESSB 6001- http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202007/6001-S.SL.pdf) included a greenhouse gas performance standard for all new electric generating resources.

Responding to Climate Change: E2SHB 1303 (http://apps.leg.wa.gov/documents/billdocs/2007-08/Pdf/Bills/Session%20Law%202007/1303-S2.SL.pdf) directed the Departments of Ecology and Community Trade and Economic Development (now Commerce) to work with the Climate Impacts Group at the University of Washington to assess climate change impacts in the state.

2006

- **Energy Independence Act:** Washington voters approved Initiative 937, the Energy Independence Act (RCW 19.285 http://apps.leg.wa.gov/RCW/default.aspx?cite=19.285) setting energy conservation and renewable energy targets. Large utilities must acquire renewable resources like wind and solar to meet part of their electricity needs and must implement energy-efficiency measures.
- **Energy Freedom Program:** The Energy Freedom Program encourages the development of the bioenergy industry and promotes clean energy and development of bioenergy crops (RCW 43.325 http://apps.leg.wa.gov/RCW/default.aspx?cite=43.325).

- **Clean Fuels:** The Legislature established minimum renewable fuel content requirements and fuel quality standards (RCW 19.112 http://apps.leg.wa.gov/RCW/default.aspx?cite=19.112).

2005

- **California "Clean Car" Standards:** The Washington Legislature adopted the California Motor Vehicle Emission Standards (RCW 70.120A http://apps.leg.wa.gov/RCW/default.aspx?cite=70.120A). The portion dealing with non-greenhouse gas pollutants, such as benzene and formaldehyde, took effect with 2009 models. The portion covering greenhouse gas emissions, such as carbon dioxide, was the subject of a court challenge, which was resolved in May 2009 with the agreement to create a national GHG and fuel economy standards.
- **Constructing High Performance Green Buildings:** The High Performance Public Building Act (Chapter 39.35D RCW http://apps.leg.wa.gov/RCW/default.aspx?cite=39.35D) requires all new and major renovated state-funded buildings over 5,000 square feet to meet green building standards, known as LEED Silver Certification.
- **Minimum Efficiency Standards for Appliances and Other Products:** The Legislature adopted minimum efficiency standards for 12 products (RCW 19.260.040 http://apps.leg.wa.gov/RCW/default.aspx?cite=19.260.040). Federal standards established in the National Energy Policy Act of 2005 preempted some state standards. In 2009, ESHB 1004 (http://apps.leg.wa.gov/documents/billdocs/2009-10/Pdf/Bills/Session%20Law%202009/1004-S.SL.pdf) set new standards for six additional products.
- **Tax Incentives:** Since 2005, the state has created various tax incentives. They include:
  - A sales tax exemption for buying new passenger cars, light-duty trucks and medium-duty passenger vehicles powered exclusively by a clean alternative fuel (through Jan. 1, 2011).
  - A sales tax exemption for renewable energy production equipment.
  - A sales tax exemption for hog fuel used to produce energy.
  - A sales tax exemption and B&O tax credit for forest-derived biomass used to produce energy.
  - Tax credits for biofuels and anaerobic digesters.

Executive orders

- **Executive Order 09-05 (http://www.governor.wa.gov/execorders/eo_09-05.pdf) , Washington's Leadership on Climate Change**: This Order, signed in May 2009, requires the state to:

- Continue to work with the Western Climate Initiative (http://www.ecy.wa.gov/climatechange/wci_stakeholders.htm) to develop a regional cap-and-trade program.
- Work with the Obama Administration to help design a national program that reflects Washington state priorities.
- Develop emission reduction strategies and industry emissions benchmarks to help meet the state's statutory greenhouse gas reduction limits.
- Work with TransAlta to reduce by more than half the emissions from the company's coal-fired power plant near Centralia.
- Develop forestry offset protocols and financial incentives to reduce greenhouse gas emissions from the forestry sector.
- Recommend how to implement a low carbon fuel standard or alternative measures to reduce carbon emissions from transportation fuels.
- Work with local governments and the private sector to evaluate trends in vehicle miles traveled and to reduce greenhouse gas emissions from the transportation sector.
- Join with other West Coast states and the private sector to develop and implement a "West Coast Green Highway" that supports electric and alternative-fuel vehicles.
- Provide Washington residents with more transportation choices.
- Prepare for rising sea levels and the risks to water supplies caused by climate change impacts.

- **Executive Order 07-02 (http://www.governor.wa.gov/execorders/eo_07-02.pdf), Washington Climate Change Challenge:** This Order, signed in February 2007, established goals for reducing greenhouse gas emissions, creating jobs and reducing fuels spending. It was the basis for creating the Climate Advisory Team (http://www.ecy.wa.gov/climatechange/2008CAT_overview.htm) to recommend ways to reduce greenhouse gas emissions. It also directed the state to assess steps required to prepare for the impacts of climate change on water supply, public health, agriculture, forestry and coastal areas.

- **Executive Order 05-01(http://www.governor.wa.gov/execorders/eoarchive/eo_05-01.pdf), Establishing Sustainability and Efficiency Goals for State Operations:** This Order, signed in January 2005, adopted goals and requirements to increase efficiency and promote sustainable business practices in state operations. It incorporated green building practices in all new construction projects and major remodels, required a 20 percent reduction in petroleum use by 2009, and required agencies to achieve further gains in energy conservation.

More information

- Washington's Climate Change web site: www.ecy.wa.gov/climatechange/index.htm
- Washington State Department of Commerce Energy Policy Division: www.commerce.wa.gov/site/526/default.aspx
- Washington Department of Transportation – Climate Change web site: www.wsdot.wa.gov/environment/climatechange/
- Washington Department of Natural Resources – climate change activities http://www.dnr.wa.gov/ResearchScience/Topics/OtherConservationInformation/Pages/climate_change_dnr_02112008.aspx
- Washington state legislative bill information: http://apps.leg.wa.gov/billinfo/
- Washington state laws: http://apps.leg.wa.gov/rcw/

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