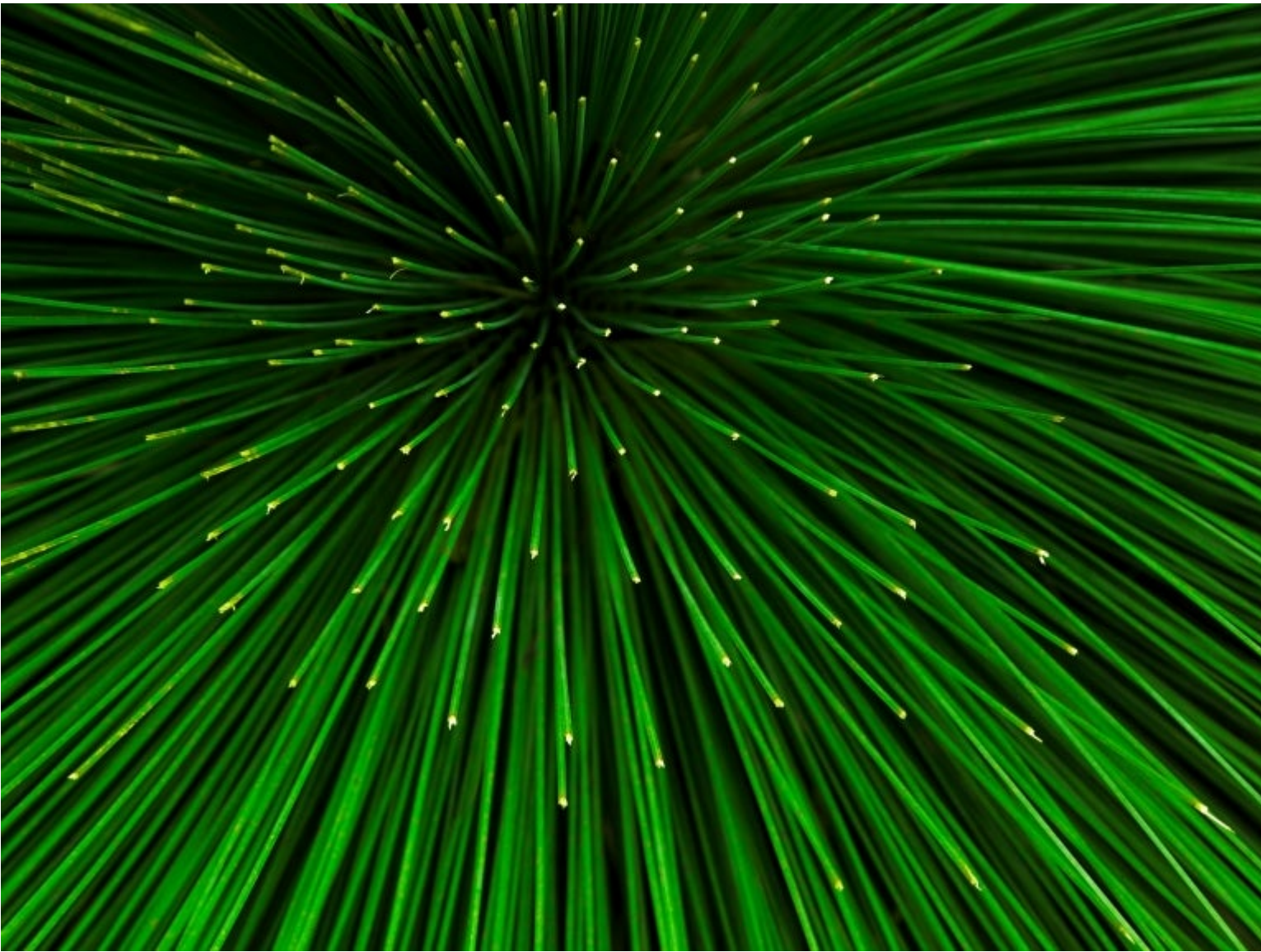




Our two-term governor sought for years, unsuccessfully, to persuade our legislature to authorize a statewide program to reduce carbon emissions. After several unsuccessful attempts, his Department of Ecology passed the Clean Air Rule ([Chapter 173-442 WAC](#)), which attempted to accomplish by regulation what he couldn't accomplish by legislation. The Clean Air Rule imposed requirements on direct and indirect emitters, with the goal of reducing carbon emissions in the state. Predictably, it was challenged. The trial court invalidated the Clean Air Rule in its entirety, and the Washington Supreme Court, by a 5-4 vote, ruled in January that the Washington Clean Air Act ([Chapter 70.94 RCW](#)) authorized Ecology to regulate direct emitters, but not indirect emitters. *Ass'n of Washington Business et al. v. Washington State Dep't of Ecology*, 455 P.3d 1126 (Wash. 2020). Our legislature, with a different makeup of senators and representatives than in the past, is now considering several bills expressly authorizing Ecology to regulate indirect emitters. And in next year's legislative session, the Governor, who is likely to be elected for a third term, may ask the legislature to pass a comprehensive cap and invest bill to govern emissions from Washington State sources.

Click here to read the full article on [*American College of Environmental Lawyers*](#).