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Washington Begins Greenhouse Gas Assessment Rulemaking

The Washington Department of Ecology initiated the process of developing regulations governing greenhouse gas assessments for major projects by issuing a CR-101 Preproposal Statement of Inquiry on April 30, 2020. According to the Department of Ecology, the regulations will address analysis and mitigation of greenhouse gas emissions for environmental assessments of industrial and fossil fuel projects.

In Washington, the State Environmental Policy Act (SEPA), RCW chapter 43.21C, requires state and local governments to prepare an environmental impact statement for major actions significantly affecting the quality of the environment. The environmental impact statement must analyze those probable adverse environmental impacts that are significant.

For many years, state and local agencies have considered climate change and greenhouse gas emissions in determining whether an action or project will significantly affect the environment and have addressed those issues in environmental impact statements. There are, however, a wide variety of views about how project-related greenhouse gas emissions and their potential effect on climate should be considered and analyzed.

In December 2019, Washington Governor Jay Inslee directed the Department of Ecology to develop regulations "to strengthen and standardize the consideration of climate change risks, vulnerability, and impacts in environmental assessments for major projects with significant environmental impacts." [Directive of the Governor #19-18](#) (Dec. 19, 2019). The Department of Ecology explained that the rulemaking is intended "to provide consistent and comprehensive assessment methods for industrial and fossil fuel projects and to provide clarity and transparency to industry, the public, and agencies."

Governor Inslee directed the Department of Ecology to base the regulations on the most current climate change science. The governor's directive also provided that the regulations should require that environmental assessment include the following:

- 20-year and 100-year global warming potentials for all greenhouse gases attributable to the project, as provided by the most recent international assessment
- An assessment of any induced load or growth in fuel or energy consumption or electricity generation from the project
- Criteria for assessing upstream and likely downstream lifecycle emissions attributable to the project, including transportation, leakage, and market and indirect effects
- Methods, procedures, protocols, criteria, or standards for mitigation of greenhouse gas emissions, as necessary to achieve a goal of no net increase in greenhouse gas emissions attributable to the project

The April 30 announcement starts the rulemaking process. The Department of Ecology's goal is to adopt new regulations by September 2021.

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