
HOUSE BILL 1223

State of Washington

68th Legislature

2023 Regular Session

By Representatives McEntire, Dye, and Eslick

Read first time 01/11/23. Referred to Committee on Environment & Energy.

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

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

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

19 (2) The legislature observes that in January 2021, a state agency
20 did cite the revised greenhouse gas emissions limits as a basis for

1 denial of a permit application that would have resulted in major
2 investment and job creation in the state.

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

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

18 **Sec. 2.** RCW 70A.45.020 and 2020 c 79 s 2, 2020 c 32 s 4, and
19 2020 c 20 s 1398 are each reenacted and amended to read as follows:

20 (1)(a) The state shall limit anthropogenic emissions of
21 greenhouse gases to achieve the following emission reductions for
22 Washington state:

23 (i) By 2020, reduce overall emissions of greenhouse gases in the
24 state to 1990 levels, or (~~ninety million five hundred thousand~~)
25 90,500,000 metric tons;

26 (ii) By 2030, reduce overall emissions of greenhouse gases in the
27 state to (~~fifty million~~) 50,000,000 metric tons, or (~~forty-five~~)
28 45 percent below 1990 levels;

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

32 (iv) By 2050, reduce overall emissions of greenhouse gases in the
33 state to (~~five million~~) 5,000,000 metric tons, or (~~ninety-five~~)
34 95 percent below 1990 levels.

35 (b) By December 1, 2008, the department shall submit a greenhouse
36 gas reduction plan for review and approval to the legislature,
37 describing those actions necessary to achieve the emission reductions
38 in (a) of this subsection by using existing statutory authority and
39 any additional authority granted by the legislature. Actions taken

1 using existing statutory authority may proceed prior to approval of
2 the greenhouse gas reduction plan.

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

8 (d) Consistent with this directive, the department shall take the
9 following actions:

10 (i) Develop and implement a system for monitoring and reporting
11 emissions of greenhouse gases as required under RCW 70A.15.2200; and

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

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

27 (2) By December 31st of each even-numbered year beginning in
28 2010, the department and the department of commerce shall report to
29 the governor and the appropriate committees of the senate and house
30 of representatives the total emissions of greenhouse gases for the
31 preceding two years, and totals in each major source sector,
32 including emissions associated with leaked gas identified by the
33 utilities and transportation commission under RCW 81.88.160. The
34 report must include greenhouse gas emissions from wildfires,
35 developed in consultation with the department of natural resources.
36 The department shall ensure the reporting rules adopted under RCW
37 70A.15.2200 allow it to develop a comprehensive inventory of
38 emissions of greenhouse gases from all significant sectors of the
39 Washington economy.

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

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