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**SENATE BILL 5362**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators MacEwen, Dozier, Short, Torres, and L. Wilson

Read first time 01/13/23. Referred to Committee on Environment,  
Energy & Technology.

1 AN ACT Relating to advancing the due date for the department of  
2 ecology's report on the effects of the clean fuels program; amending  
3 RCW 70A.535.090; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the clean fuels  
6 program will increase the price of gasoline and diesel in Washington  
7 by as much as 38.9 cents and 36.8 cents per gallon, respectively,  
8 during the life of the program, according to the department of  
9 ecology. When the clean fuels program legislation was enacted in  
10 2021, the legislature called for the department of ecology to produce  
11 a report on the effects of the program after implementation,  
12 including the cost for drivers, in 2025. However, due to the high  
13 price of fuel in Washington, the legislature now determines that the  
14 department's report should be submitted at an earlier date, at which  
15 time the legislature will evaluate whether to continue with the clean  
16 fuels program, repeal it, or make adjustments to the program to help  
17 drivers save money.

18 **Sec. 2.** RCW 70A.535.090 and 2021 c 317 s 10 are each amended to  
19 read as follows:

1 (1) Beginning (~~May 1, 2025~~) February 1, 2024, and each (~~May~~)  
2 February 1st thereafter, the department must post a report on the  
3 department's website that includes the following information  
4 regarding the previous calendar year of clean fuels program  
5 activities:

6 (a) The program-wide number of credits and deficits generated by  
7 entities participating in the clean fuels program;

8 (b) The volumes of each transportation fuel and average price per  
9 credit used to comply with the requirements of the clean fuels  
10 program;

11 (c) The best estimate or range in probable costs or cost savings  
12 attributable to the clean fuels program per gallon of gasoline and  
13 per gallon of diesel, as determined by an independent consultant  
14 whose services the department has contracted. The estimate or range  
15 in probable costs or cost savings from the independent consultant  
16 must be announced in a press release to the news media at the time  
17 that the report under this subsection (1) is posted to the  
18 department's website, and must be simultaneously reported to the  
19 transportation committees of the house of representatives and the  
20 senate;

21 (d) The total greenhouse gas emissions reductions attributable to  
22 the clean fuels program isolated from the greenhouse gas emissions  
23 reductions attributable to other state and national programs on the  
24 same fuels; and

25 (e) The range in the probable cost per ton of greenhouse gas  
26 emissions reductions attributable to fuels supported by the clean  
27 fuels program, taking into account the information in (c) and (d) of  
28 this subsection.

29 (2) Nothing in this section prohibits the department from posting  
30 information described in subsection (1) of this section on a more  
31 frequent basis than once per year.

32 (~~(3) By May 1, 2025, and each May 1st thereafter, the department~~  
33 ~~must submit the report required under subsection (1) of this section~~  
34 ~~to the appropriate committees of the house of representatives and~~  
35 ~~senate.~~

36 (~~4) The department must contract for a one-time ex ante~~  
37 ~~independent analysis of the information specified in subsection~~  
38 ~~(1)(c) of this section covering each year of the program through~~  
39 ~~2038. The analysis must be informed by input from stakeholders,~~  
40 ~~including regulated industries, and informed by experience from other~~

1 ~~jurisdictions. The analysis must impute price impacts using multiple~~  
2 ~~analytical methodologies and must make clear how the assumptions or~~  
3 ~~factors considered differed in each methodology used and price impact~~  
4 ~~imputed. The analysis required in this subsection must be completed~~  
5 ~~and submitted to the appropriate committees of the legislature by~~  
6 ~~July 1, 2022.) )~~

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