
HOUSE BILL 2768

State of Washington

65th Legislature

2018 Regular Session

By Representative Maycumber

1 AN ACT Relating to ensuring that attempts to limit greenhouse gas
2 emissions in Washington state do not make Washington's agricultural
3 products and food processing businesses economically uncompetitive,
4 thereby shifting emissions to jurisdictions without similar
5 greenhouse gas policies; amending RCW 70.235.020; and creating a new
6 section.

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

8 **Sec. 1.** RCW 70.235.020 and 2008 c 14 s 3 are each amended to
9 read as follows:

10 (1)(a) The state shall limit emissions of greenhouse gases to
11 achieve the following emission reductions for Washington state:

12 (i) By 2020, reduce overall emissions of greenhouse gases in the
13 state to 1990 levels;

14 (ii) By 2035, reduce overall emissions of greenhouse gases in the
15 state to twenty-five percent below 1990 levels;

16 (iii) By 2050, the state will do its part to reach global climate
17 stabilization levels by reducing overall emissions to fifty percent
18 below 1990 levels, or seventy percent below the state's expected
19 emissions that year.

20 (b) By December 1, 2008, the department shall submit a greenhouse
21 gas reduction plan for review and approval to the legislature,

1 describing those actions necessary to achieve the emission reductions
2 in (a) of this subsection by using existing statutory authority and
3 any additional authority granted by the legislature. Actions taken
4 using existing statutory authority may proceed prior to approval of
5 the greenhouse gas reduction plan.

6 (c) Except where explicitly stated otherwise, nothing in chapter
7 14, Laws of 2008 limits any state agency authorities as they existed
8 prior to June 12, 2008.

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

11 (i) Develop and implement a system for monitoring and reporting
12 emissions of greenhouse gases as required under RCW 70.94.151; and

13 (ii) Track progress toward meeting the emission reductions
14 established in this subsection, including the results from policies
15 currently in effect that have been previously adopted by the state
16 and policies adopted in the future, and report on that progress.

17 (2) By December 31st of each even-numbered year beginning in
18 2010, the department and the department of (~~community, trade, and~~
19 ~~economic development~~) commerce shall report to the governor and the
20 appropriate committees of the senate and house of representatives the
21 total emissions of greenhouse gases for the preceding two years, and
22 totals in each major source sector. The department shall ensure the
23 reporting rules adopted under RCW 70.94.151 allow it to develop a
24 comprehensive inventory of emissions of greenhouse gases from all
25 significant sectors of the Washington economy.

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

31 (4)(a) For the purposes of any policies adopted or implemented by
32 the state that limit greenhouse gas emissions or that are otherwise
33 intended to support the achievement of the limits in subsection (1)
34 of this section, food processing facilities must be designated as
35 energy intense trade-exposed industries. As a consequence of this
36 designation as energy intense trade-exposed industries, food
37 processing facilities are exempt from any greenhouse gas emission
38 reduction requirements, greenhouse gas emission taxes, or similar
39 policies that create disincentives or restrictions on the emission of
40 greenhouse gases.

1 (b) For the purposes of this subsection, "food processing
2 facility" has the same meaning as "food processing plant" as defined
3 in RCW 69.07.010.

4 NEW SECTION. **Sec. 2.** The amendments to RCW 70.235.020 in this
5 act do not acknowledge, establish, or create legal authority for the
6 department of commerce or any state agency to limit, regulate, or tax
7 greenhouse gas emissions, or to implement policies otherwise designed
8 to achieve the emissions limits of RCW 70.235.020(1).

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