

KING COUNTY AGRICULTURE COMMISSION

Special MEETING NOTICE

THURSDAY, DECEMBER 12, 2019

4-5 P.M.

BY PHONE: 1.206.263.8114, CONFERENCE ID: 18695

IN PERSON: ORCA ROOM (6TH FLOOR), KING STREET CENTER, 201 S. JACKSON ST, SEATTLE

PROPOSED MEETING AGENDA

(AGENDA ITEM TIMES ARE TENTATIVE)

4:00	Call to Order <ul style="list-style-type: none">Welcome and Purpose of MeetingRoll Call by staff liaisonApproval of Agenda	Leigh Newman-Bell, Chair Pro Temp
4:10	Public Comment related to a specific agenda item <i>3 minutes/person</i>	Leigh Newman-Bell
4:15	Puget Sound Clean Air Initiative Fuel Standards <ul style="list-style-type: none">Review notes from last meeting and draft letter from committeeMotionVote	Leann Krainick, Sarah Collier, Paul Pink
4:50	General Public Comment <i>3 minutes/person</i>	Leigh Newman-Bell
4:55	Concerns of Commissioners	Leigh Newman-Bell
5:00	Adjourn	Leigh Newman-Bell

Next Meeting : January 9, 3-6pm, Preston Community Center, Preston

Meeting notes on this from 11.14.19 meeting

(Minutes are not yet available)

Councilmembers supported the details in the letter and taking action before the end of the year in order to comment before public comment ends in early January. A quorum was not available to take such action, thus, today's special meeting by phone. Meredith asked that if it could be worked in, perhaps a comment on how higher fuel taxes further impact small farms that cannot use the red dyed fuel.

In response, Commissioner Sarah Collier has responded with the following research and recommendation:

There is already a pathway for refunding fuel tax for farm use (<https://www.dol.wa.gov/vehicleregistration/ftrefunds.html>), so I don't think it's very relevant to include. In case we need it anyway, the draft language which I've now removed read:

Additionally, it should be noted that smaller farms – which comprise a large portion of the County's agricultural profile - often do not have access to red dyed diesel for reasons of scale. These farm businesses therefore pay full taxes on farm equipment fuel, and stand to be (further) negatively affected by the CFS. While there may be no straightforward remedy to this issue, we wished nonetheless to bring it to your attention.



King County
Agriculture Commission
Water and Land Resources Division
Department of Natural Resources and Parks

King Street Center
201 South Jackson Street, Suite 600
Seattle, WA 98104-3855
206.477-4800 Fax 206.296.0192

December 12, 2019

Christie True, Director
Department Natural Resources and Parks
201 South Jackson St, Suite 700
Seattle, WA 98104-3855

Dear Director True,

The King County Agriculture Commission would like to bring to your attention the possible detriment to local agriculture of the Clean Fuel Standard if implemented as currently written, and to encourage your action, as representative to board member Executive Constantine on the Puget Sound Clean Air Agency, to modify those aspects of the draft rule that would negatively impact local agriculture.

The agricultural industry comprises an important facet of King County's economy and culture, as affirmed by County programs such as the Land Conservation Initiative which seeks to encourage the retention of agricultural enterprises within the County. In order for local farm businesses to remain profitable and sustainable, it is imperative that they be able to compete for markets both within and outside of the County, the Puget Sound region, and even the state. The current draft of the Clean Fuel Standard contains conflicting language with the potential to disadvantage local farm businesses, as described below.

The clearly stated purpose of the standard is the reduction of greenhouse gas emissions and air pollution through regulation of transportation fuel. See for example:

- Section 1.01: "The purpose of this regulation is to reduce greenhouse gas (GHG) emissions and prevent air pollution by reducing the full fuel-cycle carbon intensity of the transportation fuel pool used in the Agency's jurisdiction...through a Clean Fuel Standard (CFS)..."
- Section 4.01: "...the CFS applies to any transportation fuel, as defined in section 2.01, that is sold, supplied, or offered for sale in the Agency's jurisdiction."
- Section 4.02: "The transportation fuels to which the CFS applies include:...(b) Diesel fuel used as a transportation fuel..."

As you may be aware, many agricultural enterprises in Washington make use of "red dyed" diesel, which is fuel designated exclusively for use in off road vehicles and equipment (such as farm tractors) which do not travel on public roadways and are therefore exempt from state and

federal fuel taxes. Given the regulatory focus of the CFS on transportation fuel specifically, it seems clear that red dyed diesel - an explicitly non-transportation fuel - should be exempt. However, the definition of transportation fuel in the draft CFS would encompass and apply these new regulations to red dyed diesel:

- Section 2.01: “TRANSPORTATION FUEL means any fuel used or intended for use as a motor vehicle fuel or for transportation purposes in a non-vehicular source.”

These conflicting sections of the draft CFS create a grey area, because while tractors (for example) are not used for transportation, they are nonetheless motor vehicles and so would fall under the definitions as currently written. This raises the likelihood that local agricultural operations will suffer unintended consequences: farm equipment able to utilize alternative fuel (e.g. electric tractors) is either not readily available or is prohibitively expensive, thus the application of the CFS as currently written to encompass red dyed diesel could be damaging to our local farm economy.

Furthermore, other industries such as locomotive/rail, ocean-going vessels, and aircraft which similarly compete outside of our region are exempt under the draft CFS. All, like agriculture, are necessities to our region’s economy. Local farmers work on very slim margins to provide a much-needed resource as well as myriad ecological and social benefits, and it would be extremely unfortunate if their viability and sustainability were to be harmed - perhaps unintentionally - as a consequence of the CFS. We therefore request your attention to this matter, and recommend modification either of the definition of transportation fuel under section 2.01 so that it clearly does not pertain to red dyed diesel not used for transportation, or elsewhere to clarify that agricultural non-transportation fuel use is exempt.

Sincerely,

Leigh Newman-Bell, Chair Pro Temp
King County Agriculture Commission

cc: Dow Constantine, County Executive, King County
Josh Baldi, Division Director, Water and Land Resources Division (WLRD),
DNRP
Mike Murphy, Interim Assistant Division Director, WLRD, DNRP
Richard Martin, Manager, AFI, WLRD, DNRP
Patrice Barrentine, Staff Liaison, Agriculture Commission, WLRD, DNRP