



## Ozone-Depleting Substance Technical Working Group Charter

### Background

The Department of Ecology (Ecology) announced a rulemaking on September 12, 2023. Ecology is considering amendments to Chapter 173-446 WAC to address new and revised cap and invest offset protocols. The scope of this rulemaking will include consideration of protocol updates or addition of new protocols to increase the potential breadth of offset projects that can be issued credits within the cap-and-invest program, as directed by RCW 70A.65.170(4)(b). This statute directs Ecology to conduct rulemaking that ensures that any updates or additions to the offset program are both 1) based in the best available science, and 2) support the needs of landowners and communities in Washington state.

Adaption, development, and adoption of new offset protocols must both reflect the legal requirement that compliance offset credits be real, permanent, quantifiable, verifiable, enforceable, and additional while also meeting the needs of project developers in order to be viable in the market. Any new protocols or revisions to existing protocols would be adopted in a revision to the rule in order to ensure the integrity of any future protocols and to integrate a diversity of perspectives in the new protocol evaluation process. Ecology will convene protocol-specific technical working groups to provide input on specific topics related to revisions. Ecology's rulemaking process will be informed by perspectives of those with a lived or professional experience with overburdened communities.

The Ozone Depleting Substances (ODS) Protocol technical working group is intended to support the programmatic goals of improving feasibility of ODS capture and destruction, reducing unnecessary costs, risks, and administrative burdens to project development, updating the protocol based on the best available science, and increasing methodological rigor.

### Membership

The ODS technical working group is composed of individuals who will provide input on specific technical considerations related ODS offset protocols. The working group will be composed of individuals with experience or expertise related to the development, implementation, registration, or verification of offset protocols relevant to the scope of the ODS technical working group.

The working group will be composed of individuals who respond to Ecology's solicitation for working group members and will be selected based on experience relevant to the ODS protocol. Members may be added, should Ecology and/or the working group identify gaps in the interests represented at the table.

### Desired Outcomes

Technical working group members will provide input on Ecology on specific topics related to the offset protocol, which Ecology will use to inform its rulemaking, in tandem with public comment, Tribal consultation, input the Environmental Justice Council and internal review. The technical working group will not be asked to provide consensus recommendations, rather individual perspectives will be solicited via a facilitated group discussion.

## ODS Technical Working Group Charter

Ecology commits to genuine and meaningful consideration of the insights, recommendations, and advice provided by the technical working group. Ecology commits to facilitating a fair process and maintaining an accurate record of members' insights, advice, and deliberations.

Participation by Tribal Nations staff in this technical working group is not a substitute for, nor does it constitute, formal government-to-government consultation. Ecology staff will be responsible for outreach to Tribal Nations and responsive to requests for Tribal consultation.

### ODS Technical Working Group Meeting Logistics

1. The ODS Technical Working Group will meet approximately every three weeks from March 2024 through summer 2024, with additional meetings scheduled as needed. Meetings thereafter are generally expected to be held bi-monthly.
2. Technical working group meetings will be virtual and use Zoom. If Ecology hosts an in-person meeting, Ecology will provide remote viewing options by phone or web.
3. Technical working group meetings will generally be one to three hours in duration.
4. There is no quorum requirement—members present and active at each meeting have the authority to continue to work in the absence of others.
5. Technical working group agendas and pre-meeting materials will be posted to Ecology's [ODS Working Group website](#) and generally distributed to working group members at least one week in advance of meetings. Summaries will generally be posted within two weeks after meetings.
6. Working group members are expected to prepare for meetings by reviewing the meeting packet. Following each meeting, members are expected to review the summary notes to ensure summary notes adequately capture their perspective.
7. Summaries of each meeting will include key points and outcomes of discussions. Individual perspectives and differences of opinion may be attributed to individuals.
8. As members will be seated based on their technical experience, every effort will be made to provide an opportunity for input ahead of any meeting a member anticipates missing.
9. Participation does not imply or presume agreement with, or support for, any action taken by Ecology in response to input from technical working group members.
10. Recognizing that public characterizations of meeting deliberations could affect the technical working group relationships, members are specifically requested to refrain from characterizing the views of other panel members in any public statements they may make.
11. Media inquiries about the process will be directed to Ecology's Climate Pollution Reduction Program Manager, Caroline Halter ([caroline.halter@ecy.wa.gov](mailto:caroline.halter@ecy.wa.gov)).
12. Members who change employment/affiliation agree to notify Ecology as soon as possible. Ecology will make a determination whether it is appropriate for the member to continue to serve on the panel, or if another person from the same organization may be appointed.

### Public Participation

Meeting attendance will be open to the public. Meeting recordings will be available upon request.

## ODS Technical Working Group Charter

To enable the public to track technical working group meetings, Ecology will provide updated information on the agency's website and through the self-subscribing [Cap-and-Invest Offset email lists](#). Meeting materials will be posted on the [working group's webpage](#). Posted information will include:

- Meeting dates
- Agendas
- Meeting summaries

Each meeting will include a public comment period for members of the public to provide feedback and input. Neither Ecology nor technical working members will respond to comments made during a meeting.

Ecology will also accept written public comment relevant to the technical working group's discussion at any time through the [Offset Rulemaking EComments site](#).

### Member Commitment

Working Group Members agree to:

- Active and good faith participation in the group
- Demonstrate attentiveness when others are speaking
- Behave constructively and respectfully towards all participants
- Respect the role of the facilitator to guide the group process
- Silence electronic devices during in-person meetings

Disagreement and differences of opinion are acknowledged, explored, understood, and appreciated. Should conflict arise, it will be addressed with the guidance of the facilitator. While not anticipated, recurring unproductive individual behavior may result in Ecology respectfully excusing that individual from the technical working group.

### Contact

Jordan Wildish  
Cap-and-Invest Program Offsets Lead  
[Jordan.Wildish@ecy.wa.gov](mailto:Jordan.Wildish@ecy.wa.gov)