



Cap-and-Invest EITE Policy Advisory Group Charter

Background

The Climate Commitment Act (CCA) requires that the Department of Ecology (Ecology) submits a report to the Legislature that sets out an approach for allocating no-cost allowances to EITE industries from 2035 to 2050. This report will include consideration of:

- best practices for avoiding ‘leakage’ of emissions and maintaining competitiveness of businesses in subnational carbon pricing programs
- alternative methods for measuring the emissions generated by EITE industries per unit of production – which informs how many no-cost allowances they receive each year – including the use of best available technology assessments
- opportunities and barriers for the decarbonization EITE industries in Washington and associated policies and strategies
- implications for the achievement of statewide emissions limits and environmental justice outcomes, including potential impacts on local air quality
- potential impacts on the amount of revenue generated by the Cap-and-Invest Program.

The CCA requires that Ecology establishes an advisory group comprising representatives of EITEs in developing this report. Ecology must also observe the requirements of the Healthy Environment for All Act ([HEAL Act](#)). This includes assessing environmental justice implications and providing opportunity for Tribes and communities that have experienced the greatest environmental and health burdens to provide input. To meet these obligations Ecology is establishing multiple engagement platforms to ensure EITE Industries, Tribes and other interested parties can provide input into the development of Ecology’s report. This includes establishing this EITE Policy Advisory Group, as well as the [EITE Industries Advisory Group](#), and other forums for Tribes and interested parties to provide input.

In recognition of the importance of providing clarity on the allowance allocation for EITEs under the Cap-and-Invest Program through to 2050, Ecology plans to submit its report to the Legislature by November 2025, a year earlier than required. This will allow for a robust legislative process to consider this important policy ahead of the statutory deadline of December 1, 2027, to pass a new allowance allocation schedule.

Membership

The EITE Policy Advisory Group will be comprised of representatives of Cap-and-Invest Program covered entities and other interest parties who can provide input on the policy considerations related to the allocation of allowances to EITE Industries under the Cap-and-Invest Program. Ecology will seek to ensure representation from a range of covered entities and interested parties on the advisory group and that members can collectively provide a broad array of applicable knowledge, information and expertise related to topics being considered in Ecology’s report.

Ecology will determine the membership of the EITE Policy Advisory Group based upon responses to its solicitation for advisory group members and the ability of representatives to meet the requirements set out above. Members may be added, should Ecology and/or the advisory group identify gaps in the interests and knowledge represented in the group. Members of the advisory group may also be invited to participate in other advisory groups convened by Ecology.

A small number of members of the EITE Industries Advisory Group will be permitted to participate in the EITE Policy Advisory Group meetings to help facilitate an exchange of perspectives between the two advisory groups. The specific number of members will be determined by Ecology.

Desired Outcomes

The purpose of the EITE Policy Advisory Group is to enable covered entities and interested parties to provide feedback, advice, and data to inform the information, analysis, findings and recommendations in Ecology's report to the legislature. This group is expected to provide a program-level and statewide perspective on EITE allocation policies under the Cap-and-Invest Program, including implications for covered entities and achievement of the overall objectives of the Cap-and-Invest Program as set out in the CCA.

Advisory group members will provide input on specific topics related to the allocation of allowances to EITEs. Ecology will use this input to inform its report to the legislature, in tandem with input from other advisory groups, public comment, Tribal consultation, the Environmental Justice Council, and internal review. The advisory group will not be asked to provide consensus recommendations, rather member perspectives will be solicited via facilitated group discussion. Advisory group members can also provide comments via email to CCAITEIndustries@ecy.wa.gov.

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

Participation by any Tribal Nations staff in this advisory 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.

Ecology is also required to maintain the confidentiality of market sensitive information that can influence allowance prices or that may impact participants in the program. Further explanation of market sensitive information can be found on Ecology's website at: [Confidentiality and Market Sensitive Information \(wa.gov\)](#).

EITE Policy Advisory Group Meeting Administration and Member Expectations

1. The advisory group will meet approximately 2 times from November 2024 to December 2024, and 3-4 times from March 2025 to August 2025, with additional meetings scheduled if determined by Ecology as needed.
2. 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. Meetings will generally be three to four 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. Advisory group agendas and any pre-meeting materials will be posted to Ecology’s [EITE Policy Advisory Group website](#) and distributed to working group members about one week in advance of meetings. Summaries will generally be posted within two weeks after meetings.
6. Advisory group members are expected to review any meeting materials provided in advance of the meeting. 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 will not generally be attributed to individuals or organizations, unless specifically identified for such purpose or otherwise unavoidable.
8. Participation does not imply or presume agreement with, or support for, any action taken by Ecology in response to input from the advisory group members.
9. Recognizing that public characterizations of meeting deliberations could affect the advisory group relationships, members are specifically requested to refrain from characterizing the views of other panel members in any public statements they may make.
10. Media inquiries about the process will be directed to Ecology’s Climate Pollution Reduction Program Communications Manager, Caroline Halter (caroline.halter@ecy.wa.gov).
11. At Ecology’s discretion, meetings will sometimes include presentations and panel discussions with subject matter experts, such as staff, technical consultants, or other organizations, who are not members of the advisory group.
12. Members unable to attend a meeting may submit a request to Ecology to send a delegate to attend a meeting on their behalf. Requests must be received by Ecology at least 2 business days prior to the scheduled meeting.
13. Ecology may be able to provide compensation for advisory group members if they meet the eligibility criteria of the State Office of Equity’s [community compensation guidelines](#). Contact Ecology to discuss further.
14. Members who change employment/affiliation must notify Ecology as soon as possible. Ecology will make a determination whether it is appropriate for the member to continue to serve on the advisory group or if another person from the same organization may be appointed.
15. At Ecology’s discretion, the format and composition of the advisory group may be modified in early 2025 in advance of any further meetings taking place.
16. In some cases, materials intended for discussion at meetings may be published and distributed in advance of meetings to ensure potentially market influencing information is available to market participants at the same time.
17. This project charter may be amended by Ecology with notice based on feedback from advisory group members or to address any unforeseen issues that impact the effectiveness of the advisory group in achieving its purpose and desired outcomes.

Public Participation

Meetings will be open to the public and recorded. To ensure transparency and public awareness, Ecology will provide information on the agency’s website and distribute through the self-subscribing [Cap-and-Invest: EITE Industries email list](#). Meeting materials will be posted on the [Advisory Group’s webpage](#). Posted information will include:

- Meeting dates
- Agendas and presentations
- Meeting summaries and recordings.

Each meeting will include a public comment period for members of the public to provide feedback and input. Neither Ecology nor advisory group members will respond to public comments made during a meeting. Public comments will be limited to two minutes for each speaker.

Ecology will also accept written public comment relevant to the technical working group's discussion at any time via CCAITEIndustries@ecy.wa.gov or through the EITE Industries Report [eComments site](#).

Member Commitment

Advisory 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 (if applicable)

Disagreement and differences of opinion are acknowledged, explored, understood, and appreciated. Should conflict arise, it will be addressed with the guidance of the meeting facilitator(s). Recurring unproductive individual behavior may result in Ecology respectfully excusing that individual from the advisory group.

Anti-Trust Statement

- Advisory group members are reminded that meeting participants may be competitors and may be subject to antitrust laws.
- The parties participating in the advisory group are committed to compliance with all applicable antitrust laws and other applicable laws and regulations.
- Discussions which might be misconstrued as price fixing, customer or market allocation, attempts to alter the competitive open bidding season, or boycott of suppliers and customers are not allowed.
- Discussions of other competitively sensitive subjects such as marketing strategies, supply and demand forecasts, open season bids, specific suppliers, and customer information are not allowed.
- If any meeting participant has any questions/concerns regarding these antitrust considerations with respect to their participation in the advisory group, then that person should consult their legal counsel.

Contact

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