Hi Tim, Gloriann,

Thank you for all of your work with stakeholders on this rulemaking.

Following up on the issue that I raised today, Tesla would like to recommend a small, but impactful redline to the draft regulations on marking exempt existing equipment. See redlines below. Our recommendation would remove the specification that the marking must be “on the front of the device” and instead allow flexibility to provide markings on the EVSE. Providing markings should not be required to be only on the front of each charger, rather it should be an option to comply with marking installation dates for existing equipment on the EVSE at the entire station level. For example, there could be a kiosk at the charging station that serves each charger where information about the installation date of each individual charger is located. This could be remotely updated and revised when replacements are done.

WAC 16-662-200
Electric Vehicle Supply Equipment Compliance Dates

(1) Any publicly available electric vehicle supply equipment, including both level 2 and direct current fast chargers, installed and placed into service before January 1, 2024 is exempt from the requirements in WAC 16-662-210 and WAC 16-662-215 until January 1, 2034.
(a) Equipment that is replaced or retrofitted with new hardware after January 1, 2024 is considered to have been installed and placed into service after January 1, 2024 and must comply with the requirements in WAC 16-662-210 and WAC 16-662-215 upon installation.
(2) Exempt electric vehicle supply equipment must be clearly marked, identifying the date of installation on the front of the device in a conspicuous location that is easily seen by an Inspector and the public.
(a) Acceptable ways to clearly mark the installation date may include:
(i) A sign, sticker, or plaque; or
(ii) Any other visible marker that is readable, such as a digital display showing the installation date on the home screen or a direct link from the home screen of the display that is easily identified.
(3) If the installation date is not clearly marked on the front of the device, the device will be considered to have been installed and placed into service after January 1, 2024 and will be subject to the requirements in WAC 16-662-210 and WAC 16-662-215.

Given that the definition of EVSE and the requirement for installation marking in Senate Bill SB 5192 S2 is not specific to an individual charger, we think that allowing flexibility in the regulations for installation date for inspection to be provided either at the individual charger or site-level is appropriate and aligned with the direction of the legislation.

(z) “Electric vehicle supply equipment” means the unit controlling the power supply to one or more vehicles during a charging session including, but not limited to, level 2 electric vehicle supply equipment and direct current fast chargers.
Happy to jump on a call to discuss further.

Thanks,

Noelani Derrickson  |  Public Policy and Business Development
m. (808) 220-8990  |  nderrickson@tesla.com

From: AGR MI WSDA Rules Comments <WSDARulesComments@agr.wa.gov>
Sent: Thursday, January 20, 2022 11:13 AM
To: lbahr@cityoftacoma.org; LBahr@cityoftacoma.org; steve.bloch@us.abb.com;
Cassie.Bordelon@pse.com; christine@olygov.com; Buell, Tonia <buellt@wsdot.wa.gov>;
cbullis@flo.com; DCarlen@gth-gov.com; matthew.chen@semaconnect.com; Noelani Derrickson
<nderrickson@tesla.com>; cesar.diaz@chargepoint.com; andrew.dick@electrifyamerica.com;
annabel@nwenergy.org; mendy.droke@seattle.gov; Rendall.Farley@avistacorp.com;
jfriedland@pluginamerica.org; ngarcia@wpuda.org; wendy.gerlitz@pse.com; jh Harper@energy-
northwest.com; JLa Harper@energy-northwest.com; matthew@cew-wa.com; Dylan@caleec.com;
phil@philjonesconsulting.com; ekarlen@greenlots.com; janet.kelly@pse.com;
Danielle.Kievit@pse.com; chris_king@siemens.com; michael@EVadvisors.com;
clehouillier@cityoftacoma.org; carolyn.logue@comcast.net; klopez@wreca.coop;
michael@cyanstrategies.com; lauren@nwenergy.org; CAMcisaac@Snopud.com;
leah.missik@climatesolutions.org; adam.mohabat@evgo.com; mmuller@nrdc.org;
matthew.nelson@electrifyamerica.com; Andrea.Pratt@seattle.gov; sara.rafalson@evgo.com;
JRen nie@cityoftacoma.org; LRennie@cityoftacoma.org; KRice@cityoftacoma.org;
john.rothlin@avistacorp.com; Philip. Saunders@seattle.gov; Angela.Song@seattle.gov;
kstainken@pluginamerica.org; eileen@sullivanadvocacy.com; staylor@cowlitzpud.org;
matt@chargeway.net; Francesca Wahl <fwahl@tesla.com>; White Tudor, Kate
<kate@whitetudor.com>; justin.wilson@chargepoint.com; amanda.s.williams@us.abb.com;
Shaun.seaman@chelanpud.org; james.white@chelanpud.org; dave@arbaugh-associates.com;
LandonB@pscleanair.gov; cershow@rivian.com; jfinn@pluginamerica.org; kg johnson@rivian.com;
Carrie.Lee@kingcounty.gov; Melody.Bennett@kingcounty.gov; andreia@ionsforevs.net;
rachel.decordoba@piercecountywa.gov; JHagar@Portvanusa.com; MMattix@Portvanusa.com;
bodi.ham dan@gladstein.org; MICHAEL@FLUXDESIGNCO.COM; kim@cyanstrategies.com;
adam.hsu@gladstein.org; Bryce.Schneider@harborfoods.com; RMegahan@metropolitan-
market.com; drh oads@tcgstores.com; CliffR@rosauers.com; tammie@wafood.org;
farinajoe@hotmail.com; jm141302@gmail.com; randytreadwell84@gmail.com;
flexicase@gmail.com; Breish, Michael (COM) <michael.breish@commerce.wa.gov>; Scharff, Austin
(COM) <austin.scharff@commerce.wa.gov>; Blackmon, Glenn (COM)
Good morning,

On November 19, 2021, the department sent out the 1st draft of rule language implementing the requirements of SB 5192 and chapter 19.94 on electric vehicle supply equipment (EVSE) and electric vehicle service providers (EVSP). We received wonderful feedback from that 1st draft that helped us to take a deeper look at the rule and make some refinements to it.

Attached is the department’s response to some of the feedback and concerns that were shared by stakeholders as well as an updated version of the draft rule language. For your convenience, I’ve included both the version of the rule language with track changes turned on so that you can see exactly what changes were made as well as a clean version for easier reading.

As a reminder, we will be holding a virtual stakeholder meeting next week on Wednesday, January 26th at 10:00 AM. We will be discussing the feedback as well as the revised draft rule at the meeting.

Gloriann Robinson  
Agency Rules & Adjudicative Case Coordinator  
Washington State Dept. of Agriculture  
(360) 902-1802