ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-1299

ENVIRONMENTAL DEFENSE FUND, *et al.,*

Petitioners,

v.

LEE ZELDIN, *et al.,*

Respondents.

Petition for Review of Final Action of the
United States Environmental Protection Agency

MOTION FOR SUMMARY VACATUR, OR, IN THE ALTERNATIVE, FOR EXPEDITED BRIEFING

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INTRODUCTION

Petitioners respectfully move for summary vacatur of the Environmental Protection Agency's ("EPA's") interim final rule delaying the 2025 emissions reporting deadline under the Greenhouse Gas Reporting Program ("Reporting Program" or "GHGRP"). 91 Fed. Reg. 65112 (Oct. 14, 2026) ("Delay Rule"). By arbitrarily delaying reporting obligations for major polluters for the second time this year, just two weeks ahead of the deadline, EPA unlawfully deprives Petitioners of vital emissions data used to address the worsening impacts of climate change. And by doing so without prior notice and opportunity for public comment, EPA violates foundational requirements for rulemaking.

EPA offers only one deficient rationale to support its action: that EPA's proposed reconsideration of the Reporting Program is still ongoing. But that rationale plainly fails to supply the reasoned basis needed to extend the deadline or to bypass notice and comment. As this Court has held, an agency's own plans to modify or rescind regulations standing alone cannot justify delaying compliance dates. *Air All. Houston v. EPA*, 906 F.3d 1049, 1067 (D.C. Cir. 2018). It is just as clear that an agency cannot invoke the good cause exception to excuse its own delay and bypass public comment. *Air Transp. Ass'n of Am. v. Dep't of Transp.*, 900 F.2d 369, 379 (D.C. Cir. 1990); *Env't Def. Fund, Inc. v. EPA*, 716 F.2d 915, 921 (D.C. Cir. 1983).

The Reporting Program's data has been reliably collected and published by EPA for well over a decade, and countless data tools, scientific reports, and other efforts depend on the recurring collection and publication. However, since early 2025, EPA has undermined the Reporting Program and obstructed public data access through a series of delays. The instant delay is the third and most egregious, preventing public access to 2025 emissions data into at least 2027. It prevents Petitioners and other stakeholders from accessing 2025 emissions data from thousands of polluting facilities across the country, representing over eighty-five percent of U.S. greenhouse gas emissions. EPA's delay forces stakeholders, including Petitioners, to expend resources collecting and sourcing alternative emissions data, none of which are as comprehensive, longstanding, or robust as the Reporting Program. Without the 2025 data, stakeholders are unable to properly characterize emerging emission trends, such as those associated with increasing oil and gas production and rising energy demand from data centers.

The Delay Rule is so clearly unlawful that it warrants summary vacatur. *See Cascade Broad. Grp., Ltd. v. FCC*, 822 F.2d 1172, 1174 (D.C. Cir. 1987); *see also* D.C. Cir. Handbook 36. If the Court does not summarily reverse, it should expedite these proceedings.

BACKGROUND

The Greenhouse Gas Reporting Program. EPA adopted the Reporting Program in 2009 based upon its broad Clean Air Act authority, *see* 42 U.S.C. §§ 7414, 7542, in response to Congressional directives requiring economy-wide reporting of greenhouse gas emissions.[1] Previously, the country lacked a comprehensive system for reporting and tracking emissions from large facilities, leaving stakeholders and the federal government reliant on divergent state programs, voluntary initiatives, and private datasets. EPA described the Reporting Program as "essential" for informing and "improv[ing] the U.S. government's ability to formulate climate policies, and to assess which industries might be affected, and how[.]" 74 Fed. Reg. 56265 (Oct. 30, 2009). EPA pointed to the immense value that "the rich data set" would provide to EPA, federal agencies, states, corporations, and the public, who would be able to track emission trends across industries over time. *Id.*

[1] In the Consolidated Appropriations Acts of 2008 and 2009, Congress required EPA, using its existing statutory authorities, to "require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States." Consolidated Appropriations Act, 2008, Pub. L. No. 110-161, 121 Stat. 1844, 2128 (2007); *id*. § 4, 121 Stat. at 1846 (giving effect to the explanatory statement); *see also* Omnibus Appropriations Act, 2009, Pub. L. No. 111-8, 123 Stat. 524, 729 (2009).

The Reporting Program requires the largest industrial sources in over forty categories, including oil and gas, chemical production, landfills, and power plants, to report their annual greenhouse gas emissions by March 31 of the following year using methods codified at 40 C.F.R. pt. 98. The March 31 reporting deadline to report the prior calendar year's emissions has been in place for over a decade, and reporting companies have developed internal systems for collecting the necessary information to report through EPA's online portal.

The Clean Air Act requires EPA to make all emissions data it collects under the Reporting Program "available to the public," 42 U.S.C. § 7414(c), and the agency has done so by annually publishing the prior year's reported data each September or October. Stakeholders, including Petitioners, federal agencies, states, scientists, investors, and others, have developed data tools, regulatory programs, annual reports, and other efforts that incorporate and rely on EPA's annual data publication. For example, Petitioner EDF analyzes the data following publication to understand whether methane emissions from the oil and gas sector have increased, decreased, or changed in other important ways. That information allows EDF to adjust its own scientific research and advocacy priorities. Other organizations rely on the data to study emission trends in specific sectors or regions, or across the economy as a whole. States rely on it to inform their own climate policies. Industry stakeholders rely on the carbon sequestration data to

claim tax credits and demonstrate emission reductions. EPA's halt of the Reporting Program is currently impeding these wide-ranging interests.[2]

Delay of 2024 Emissions Reporting. In early 2025, EPA failed to launch the online portal ahead of the longstanding March 31 reporting deadline. Just eleven days before the deadline, EPA issued an interim final rule extending 2024 emissions reporting to May 30, 2025. 90 Fed. Reg. 13085 (Mar. 20, 2025). As its sole proffered justification, EPA pointed to the fact that the online portal "ha[d] not been launched" and therefore reporters would not have enough time to work in the online portal ahead of the March deadline. *Id.* at 13087. Petitioner EDF filed a petition for review of that action (No. 25-1101); EDF voluntarily dismissed the case after the May 30 deadline passed without further extension and companies reported their emissions as required. EPA nevertheless failed to publish the 2024 emissions data as explicitly required by 42 U.S.C. § 7414(c). Petitioner EIP obtained the 2024 data through the Freedom of Information Act and undertook the analytical work usually completed by EPA to compile and publish it.[3]

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[2] EPA has specifically designated its reconsideration of the Reporting Program as part of the Administration's effort to "driv[e] a dagger straight into the heart of the climate change religion." *See* EPA, *EPA Launches Biggest Deregulatory Action in U.S. History* (Mar. 11, 2025), https://www.epa.gov/newsreleases/epa-launches-biggest-deregulatory-action-us-history.

[3] Env't Integrity Project, *EIP Releases 2024 Industrial Greenhouse Gas Data After Trump Halts Reporting Program* (March 12, 2026),

2025 Proposed Reconsideration. In September 2025, EPA proposed to eliminate the Reporting Program altogether for forty-six of the forty-seven source categories and to suspend for ten years reporting for the remaining source category, oil and gas facilities. 90 Fed. Reg. 44591 (Sept. 16, 2025). The repeal was broadly opposed by commenters, and numerous industry organizations supported retaining, not eliminating, the Reporting Program.[4] In that action, EPA also proposed to extend the deadline for reporting 2025 emissions from March 31, 2026, to June 10, 2026, to give itself time to complete its reconsideration. *Id.* at 44599-60.

First Delay of 2025 Emissions Reporting. In early 2026, as it had the year before, EPA failed to launch the online portal ahead of the March 31 reporting deadline. Instead, EPA issued a rule just four weeks before the deadline, extending reporting not to June 10 as proposed, but all the way to October 30, 2026. 91 Fed. Reg. 9712 (Feb. 27, 2026). Like in the rule challenged here, in the February action, EPA claimed the delay was needed to "allow the EPA time to consider comments

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https://environmentalintegrity.org/news/eip-releases-2024-industrial-greenhouse-gas-data-after-trump-halts-reporting-program/.

[4] *See, e.g.*, U.S. Chamber of Com. et al., Comment Letter on Proposed Reconsideration of the GHGRP 1 (Nov. 6, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0852 ("The Coalition supports the continuation of the GHGRP"); Am. Petroleum Inst. (API), Comment Letter on Proposed Reconsideration of the GHGRP 3 (Nov. 5, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0464 ("API supports maintaining the GHGRP").

on the GHGRP Reconsideration Proposal and to take any final actions before the revised RY2025 reporting deadline." *Id.* at 9716. Petitioners filed a petition for review (No. 26-1096) and an administrative petition for reconsideration of that action, citing the lack of notice and support for a longer extension, and noting the harm caused by the lengthy delay. To streamline judicial review, Petitioners moved for the case to be held in abeyance pending final action on the remainder of the 2025 proposal because EPA stated it "anticipate[d] finalizing the rule by July 2026." 91 Fed. Reg. 9716.

Second Delay of 2025 Emissions Reporting. With October 30 approaching and EPA still having not taken any action to finalize its proposed repeal of the Reporting Program or to launch the online portal, on October 14, 2026, EPA issued *another* extension of the reporting deadline, again without notice and prior opportunity for public comment. 91 Fed. Reg. 65112. EPA claimed once again to have "good cause" to dispense with public participation, asserting that "prior notice and comment would be impractical and contrary to the public interest under the current circumstances." *Id.* at 65116. The Delay Rule extends the deadline all the way to March 10, 2027—roughly a year after reporting should have occurred.

STANDARD OF REVIEW

The Clean Air Act authorizes a reviewing court to "reverse" agency action that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance

with law," or "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 42 U.S.C. § 7607(d)(9)(A), (C).

This Court "encourage[s]" parties to file motions for summary vacatur "where a sound basis exists for summary disposition." D.C. Cir. Handbook 36. Summary vacatur "will be granted where the merits of the … petition for review are so clear that plenary briefing, oral argument, and the traditional collegiality of the decisional process would not affect [the court's] decision." *Cascade Broad. Grp. Ltd.*, 822 F.2d at 1174 (cleaned up).

When adopting or altering regulations, an agency must consider all relevant factors and "give adequate reasons for its decisions." *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016); *see Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).

STANDING

Petitioners are nonprofit organizations that advocate for actions to address climate change and reduce air pollution. Petitioners and their members rely on information and data gathered through the Reporting Program to develop and advocate for policies to address climate change and reduce other forms of air pollution, to advance scientific analysis of climate change, and to understand the

sources and magnitude of pollution that harms individuals and communities. *See* Appendix (Declarations).

Petitioners have an acute interest in the 2025 emissions data that is impeded by EPA's delay of the reporting deadline. As they have for prior years' data, Petitioners intend to use and analyze the 2025 data to raise public awareness and engage in policy development to mitigate emissions. Petitioners regularly incorporate the annual emissions data into model updates, mapping tools, reports, and other analyses, yet are currently prevented from doing so by the Delay Rule. Lyon Decl. ¶¶ 15-19; Duggan Decl. ¶¶ 9-11. Petitioners' members also rely on the annual data collection and release to understand pollution from nearby facilities that can affect them. Schreiber Decl. ¶¶ 15-17; Iacono Decl. ¶¶ 10, 12, 19. EPA's delay of the 2025 reporting deadline is harming and will continue to harm Petitioners and their members.

Petitioners and their members' right to the data required to be reported and disclosed under the Reporting Program and Section 114 of the Clean Air Act constitutes a legally protected interest. "For organizations, informational standing exists to allow them to gain access to information to which the law entitles them; and there is an injury from the denial of access to statutorily mandated

information." *Friends of the Earth U.S. v. Export-Import Bank of the U.S.*, 187 F.4th 616, 630 (D.C. Cir. 2026).

The Reporting Program requires entities to report greenhouse gas emissions data, *see* 40 C.F.R. pt. 98, and the Clean Air Act requires EPA to publicly disclose the reported data, 42 U.S.C. § 7414(c). *See Waterkeeper All. v. EPA*, 853 F.3d 527, 534 (D.C. Cir. 2017) (finding informational injury where EPA's final rule had the effect of cutting back on reporting and disclosure requirements). The Delay Rule prevents reporting, as otherwise required by law, and denies Petitioners access to information that they are legally entitled to. This "denial of access to information qualifies as an injury in fact." *Env't Def. Fund v. EPA*, 922 F.3d 446, 452 (D.C. Cir. 2019) (cleaned up); *Laufer v. Naranda Hotels, LLC*, 60 F.4th 156, 166 (4th Cir. 2023).

The Delay Rule pushes the reporting deadline to March 10, 2027, which is nearly a year later than when 2025 emissions reporting should have occurred. The reporting delay means that EPA's collection and public release of the 2025 data would likely not happen until mid-2027 or later.

Petitioners rely on the annual emissions data release to update models, undertake analysis, educate members, and support advocacy efforts. The Delay Rule prevents that work from moving forward. It further requires Petitioners to expend resources to gather alternative sources of data. For example, EDF and other

stakeholders have had to dedicate resources and staff time to developing an independent, voluntary reporting platform that attempts to replicate elements of EPA's approach for oil and gas facilities. Lyon Decl. ¶ 14. And while this effort will potentially result in a subset of the 2025 data, it is voluntary and will not replicate the Reporting Program's comprehensive reach across sectors and companies.

In addition, EDF's members have an interest in timely access to the 2025 data. For instance, EDF Declarant Don Schreiber lives near numerous oil and gas facilities subject to the Reporting Program that would have to disclose "large release events" that occurred at those sites. Schreiber Decl. ¶¶ 15-16. Timely access to the data would allow Mr. Schreiber to understand where those emissions came from and take action to investigate whether they are continuing or have been mitigated. *Id.* ¶¶ 15-17. Receiving data well into 2027 hinders these efforts.

Petitioner EDF also has organizational standing. EDF has shown injury to its organizational interests. *See Indep. Mkt. Monitor for PJM v. FERC*, 162 F.4th 1167, 1172 (D.C. Cir. 2025). EPA's failure to collect and publish the 2025 data deprived EDF of data it would use in mission-critical work. Lyon Decl. ¶¶ 15-21. EDF has also "used its resources to counteract that harm." *See PJM*, 162 F.4th at 1172. EPA's delay has forced EDF to divert resources, including money and staff time, to support an independent effort to obtain at least some of the data. Lyon Decl. ¶ 14.

Because the Delay Rule caused EDF's injury, and the injury is redressable, Petitioner EDF has organizational standing. *See Am. Anti-Vivisection Soc'y v. USDA*, 946 F.3d 615, 619 (D.C. Cir. 2020) (finding standing where an agency had "perceptibly impaired" an organization's "organizational interests by depriving it of key information that it relies on to fulfill its mission." (cleaned up)).

Petitioners and their members are further harmed by EPA's failure to provide the required comment period before adopting the Delay Rule. As this Court has held, "the very purpose of [notice and comment] is to give interested parties the opportunity to participate in rulemaking and to ensure that the agency has before it all relevant information." *Natural Res. Def. Council v. EPA*, 643 F.3d 311, 321 (D.C. Cir. 2011). Had EPA provided the prior public comment opportunity, Petitioners would have highlighted the harms attendant to further delays of reporting the 2025 data.

ARGUMENT

EPA's decision to further postpone the operation of the Reporting Program is unlawful and should be summarily vacated. Summary review procedures are appropriate here: Given EPA's lack of analysis and its refusal to solicit public comment, the record in this case will consist of little more than EPA's rule itself. The violations of law are patent—EPA offered plainly inadequate reasons for another long postponement and failed to engage in any consideration of the

attendant harms to the public. And EPA illegally avoided public comment requirements without any plausible claim of "good cause." Summary vacatur would afford effective and timely relief for this abusive and harmful delay, which is part of a clear pattern to suspend rules on the barest of reasoning and without the required prior public comment.[5]

I. EPA's Delay is Arbitrary and Capricious, Warranting Summary Vacatur.

The Delay Rule is arbitrary and capricious on its face and should be summarily vacated. The Delay Rule does not meet the minimum requirements of reasoned decisionmaking.

EPA claims that delaying the deadline is necessary "to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action before the further extended reporting year 2025

[5] In the last year and a half, in addition to dispensing with prior notice and comment twice when delaying the Reporting Program, EPA has repeatedly invoked good cause to postpone compliance with a raft of other important rules without prior notice and comment. *See, e.g.*, 90 Fed. Reg. 11899 (Mar. 13, 2025) (delaying Toxic Substances Control Act ("TSCA") reporting deadlines); 90 Fed. Reg. 20236 (May 13, 2025) (delaying data reporting for Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) under TSCA); 90 Fed. Reg. 24228 (June 9, 2025) (further extending TSCA reporting deadlines); 90 Fed. Reg. 28904 (July 2, 2025) (delaying emissions standards for Aerosol Coatings); 90 Fed. Reg. 29485 (July 3, 2025) (delaying compliance dates for air toxics standards for Iron and Steel facilities); 90 Fed. Reg. 29997 (July 8, 2025) (delaying air toxics standards for coke ovens); 90 Fed. Reg. 35966 (July 31, 2025) (delaying oil and gas methane emission standards); 91 Fed. Reg. 56780 (Sept. 4, 2026) (extending renewable fuel standards compliance dates).

deadline." 91 Fed. Reg. 65114. But "the mere fact of reconsideration, alone, is not a sufficient basis to delay promulgated effective dates specifically chosen by EPA on the basis of public input and reasoned explanation[.]" *Air All. Hou. v. EPA*, 906 F.3d 1049, 1067 (D.C. Cir. 2018). And EPA has not provided any other legitimate reason to support its action, entirely failing to consider or even mention the harm to stakeholders and the public from delayed reporting and publication of the data. That is especially problematic here, where the March 31 deadline has been in place for over a decade, with regulated entities routinely meeting it without objection and numerous stakeholders relying on timely collection and publication of the data.

As in *Air Alliance*, EPA has not explained how allowing reporting of 2025 emissions to continue would hinder the agency's ability to consider comments on the reconsideration or complete its rulemaking. 906 F.3d at 1066-67. Agencies regularly reconsider rules that are already in effect, but that alone is not a reason to delay the existing rules. *Id.* EPA does not claim that reporting 2025 emissions poses any difficulties to the regulated entities, nor could it: annual reporting has occurred for well over a decade. "Without showing that the old policy is unreasonable, for [the agency] to say that no policy is better than the old policy solely because a new policy *might* be put into place in the indefinite future is as silly as it sounds." *Pub. Citizen v. Steed*, 733 F.2d 93, 102 (D.C. Cir. 1984). As EPA acknowledged even in the first delay, it "received only a few comments specific to

the RY2025 reporting deadline" and identified only one commenter that indicated more time might be appropriate. 91 Fed. Reg. 9716. EPA cannot simply extend the deadline to accommodate its *own* delays in the ongoing reconsideration.

EPA also states that the "extension ensures that [reporting] entities … could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year … following the GHGRP Reconsideration Proposal[.]" 91 Fed. Reg. 65117. But that is not a legitimate reason for delay either—it is simply a potential consequence of decisions EPA *could* make if it finalizes its ongoing reconsideration. Potential future amendments standing alone cannot support delaying the existing regulations. *Air All. Hou.*, 906 F.3d at 1067 ("'a decision to reconsider a rule does not simultaneously convey authority to indefinitely delay the existing rule pending that reconsideration.'" (quoting *Natural Res. Def. Council v. NHTSA*, 894 F.3d 95, 111-12 (2d Cir. 2018))). And despite alleging potential "benefit from any burden reduction revisions" in a future rule, 91 Fed. Reg. 65117, EPA identifies no significant burdens in reporting data that companies were obligated to collect for 2025 and have been routinely reporting for ten years or more.

Reasoned decisionmaking requires "paying attention to the advantages *and* the disadvantages" of its decision, *Michigan v. EPA*, 576 U.S. 743, 753 (2015); EPA's decision, however, completely fails to acknowledge or grapple with the

considerations militating against further delay in 2025 emissions reporting. Despite receiving over 50,000 comments on its proposed reconsideration, thousands of which described the vital importance of the data, nowhere in the Delay Rule does EPA even mention the substantial costs of delay. EPA does not mention, let alone consider, the costs to states that have to develop alternative approaches for their own regulatory programs,[6] or costs to organizations that are undertaking independent efforts to replicate reporting program data,[7] or the costs to other federal agencies, like the Treasury Department, which is currently undertaking rulemaking efforts to develop an alternative approach for implementing tax credits that previously relied on the Reporting Program.[8] By failing to consider how the Delay Rule affects the many stakeholders that rely on timely annual reporting and

[6] *See, e.g.*, Colo. Dep't of Pub. Health & Env't, *Greenhouse Gas Reporting and Requirements for 2026 Reporting*, https://cdphe.colorado.gov/apcd/ghg-reporting#Workbooks (describing development of new reporting approach for 2025 emissions due to EPA's failure to provide access to its online portal, known as e-GGRT).

[7] *See, e.g.*, Univ. of Tex. Austin, *About openGHGRP*, https://www.openghgrp.com/about-us ("openGHGRP is a voluntary, university-hosted program designed to serve as a reliable interim solution that preserves continuity in greenhouse gas emissions reporting during this period of uncertainty.").

[8] *See, e.g.*, I.R.S. Notice 2026-50, *Safe Harbor for the Credit for Carbon Oxide Sequestration Under Section 45Q for Qualified Carbon Oxide Reported under Subpart RR*, 2026-36 I.R.B. 242 (describing purpose of interim guidance as providing safe harbor due to proposal to repeal GHGRP).

publication, EPA simply "ignored an important aspect of the problem," *Ohio v. EPA*, 603 U.S. 279, 294 (2024) (cleaned up); *see also Bus. Roundtable v. SEC*, 647 F.3d 1144, 1148-49 (D.C. Cir. 2011) (setting aside agency rule that "inconsistently and opportunistically framed the costs and benefits"); *Air All. Hou.*, 906 F.3d at 1068. EPA's cursory explanation for the delay does not meet the minimum requirements of "reasoned decisionmaking," *Michigan*, 576 U.S. at 750 (cleaned up).

II. EPA Unlawfully Bypassed Notice and Public Comment on the Rule.

The Delay Rule's procedural flaws independently warrant summary vacatur. Before revising a rule, EPA must publish a notice in the Federal Register, provide an opportunity for public comment, and respond "to each of the significant comments, criticisms, and new data submitted … during the comment period," 42 U.S.C. § 7607(d)(6)(B); *see id.* § 7607(d)(1)-(6), (h). The agency must also include "an explanation of the reasons for any major changes in the promulgated rule from the proposed rule." *Id.* § 7607(d)(6)(A). The Delay Rule satisfies none of these requirements.

EPA invoked the Administrative Procedure Act's "good cause" exception, which allows an agency to forgo notice and comment rulemaking procedures "when [it] for good cause finds … that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. §

553(b)(B); *see also* 42 U.S.C. § 7607(d)(1) (referencing the APA provision). But this Court has "repeatedly made clear that the good cause exception is to be narrowly construed and only reluctantly countenanced." *Mack Trucks v. EPA*, 682 F.3d 87, 93 (D.C. Cir. 2012) (cleaned up). "The exception is not an 'escape clause'; its use 'should be limited to emergency situations.'" *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 754 (D.C. Cir. 2001) (quoting *Am. Fed'n of Gov't Emp. v. Block*, 655 F.2d 1153, 1156 (D.C. Cir. 1981)); *accord Mack Trucks*, 682 F.3d at 93. The Court affords no deference to an agency's assertion of good cause, and judicial scrutiny is "meticulous and demanding." *Sorenson Commc'ns Inc. v. FCC*, 755 F.3d 702, 706 (D.C. Cir. 2014).

EPA asserted that "prior notice and comment would be impracticable and contrary to the public interest under the current circumstances"; that the delay would "allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal"; and that the extension would provide additional time to allow regulated entities to prepare and submit their reports in the EPA's online reporting portal. 91 Fed. Reg. 65116.[9]

[9] EPA does not invoke the "unnecessary" prong of the good cause exception here, which is "confined to those situations in which the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public." *Mack Trucks*, 682 F.3d at 94 (quoting *Util. Solid Waste Activities Grp.*, 236 F.3d at 755).

None of this amounts to good cause. EPA had more than a year since the reconsideration proposal, and six months since the initial delay, in which to hold public comment on further extending the reporting deadline. EPA's desire to consider further whether to repeal all or part of the rule in the future does not suffice to justify non-disclosure of emissions data collected under the existing rule. And EPA's approach here—to wait until shortly before a regulatory deadline, and then proclaim that notice and comment on a desired deadline postponement is impracticable—would, if tolerated, provide a ready expedient for agencies seeking to deregulate without engaging the public. It was EPA's own choice to wait to issue the Delay Rule until days before the (extended) compliance date. EPA's theory would allow agencies to postpone regulatory deadlines at will without meaningful public input.

This Court's precedents require rejection of EPA's argument. An agency cannot claim good cause where it has "a substantial period of time within which to prepare regulations." *Am. Fed'n of Gov't Emp.*, 655 F.2d at 1158. It cannot "simply wait until the eve of a[] … deadline, then raise up the 'good cause' banner and promulgate rules without following [statutory] procedures." *Env't Def. Fund, Inc.*, 716 F.2d at 921 (cleaned up). Accepting EPA's rationale under these facts would render the good cause exception a routine "escape clause," rather than an exceptional procedure for emergencies. *See Util. Solid*

Waste Activities Grp., 236 F.3d at 754. Similarly, EPA's own failure to launch the online portal sufficiently ahead of the deadline cannot be "good cause." Accepting such a rationale would allow EPA to manufacture situations that allow it to avoid the fundamental norms of American administrative law.

Prior public comment was required because members of the public are "greatly interested" in the Delay Rule. *Id*. at 755. State and local governments; health and environmental organizations; private firms, researchers, and many others, rely upon the information that the Reporting Program provides. EPA received "over 50,000 comments" on its proposed reconsideration, 91 Fed. Reg. 65114, and EPA had recently been sued over its prior efforts to delay reporting; and should have expected acute public interest in a proposal to further deprive the public of the 2025 emissions data. Nor does a post-hoc comment period remedy the violation: "post-promulgation notice and comment procedures [do not] cure the failure to follow [APA requirements] in the first instance," *see Natural Res. Def. Council v. NHTSA*, 894 F.3d 95, 115 (2d Cir. 2018), even for rules of a "'limited'" or "interim nature," *see Mack Trucks*, 682 F.3d at 94 (cleaned up). That is especially true where, as here, the relevant deadline has already passed before the conclusion of the comment period.

The good cause exception is confined to "emergency situations, or where delay could result in serious harm." *Jifry v. FAA*, 370 F.3d 1174, 1179

(D.C. Cir. 2004) (cleaned up); *Mack Trucks*, 682 F.3d at 93 (noting good cause exception is available where there is an "imminent threat to the environment or safety or national security" but not to protect a company's "bottom line"). EPA's professed concerns about the reporting deadline do not rise to the level of an emergency under this Court's precedent. *Env't Def. Fund*, 716 F.2d at 921 ("[A]lleged pressing need to avoid industry compliance with regulations that were to be eliminated … falls outside the scope of the good cause exception."). EPA can point to no emergency here—companies have been reporting under the rule for many years, without event, and EPA does not claim that merely submitting emissions data companies were required to collect is unduly burdensome.

In short, "[b]ecause EPA lacked good cause to dispense with required notice and comment procedures, … the I[nterim] F[inal] R[ule] must be vacated." *Mack Trucks*, 682 F.3d at 95.

III. In the Alternative, the Court Should Expedite Briefing.

If the Court does not grant summary vacatur, it should order expedited briefing and consideration. EPA's actions are "subject to substantial challenge" and failure to expedite "will cause irreparable injury." D.C. Cir. Handbook 34. As explained above, Petitioners and their members suffer ongoing, irreparable harm from the delay of 2025 emissions reporting. *Supra* pp. 9-12; Lyon Decl. ¶¶ 15-19;

Duggan Decl. ¶¶ 9-11; Schreiber Decl. ¶¶ 15-17; Iacono Decl. ¶¶ 10, 12, 19. Petitioners would have access to the 2025 data but for EPA's delay. Swift resolution is necessary to ensure meaningful relief for the unjustified and harmful delay. Accordingly, if the Court does not grant summary vacatur, Petitioners request an expedited briefing schedule.

CONCLUSION

The Delay Rule should be summarily vacated.

DATED: November 6, 2026

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMIT

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), counsel hereby certifies that the foregoing motion contains 4,992 words, as counted by counsel's word processing system, and thus complies with the 5,200-word limit. *See* Fed. R. App. P. 27(d)(2)(A).

Further, this document complies with the typeface and type-style requirements of the Federal Rules of Appellate Procedure, 32(a)(5) and (a)(6), because this document has been prepared in a proportionally spaced typeface using Microsoft Word for Microsoft 365 using size 14 Times New Roman font.

Dated: November 6, 2026

/s/ Edwin LaMair
Edwin LaMair

CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Pursuant to Federal Rule of Appellate Procedure and D.C. Circuit Rule 26.1, Petitioners Environmental Defense Fund and Environmental Integrity Project state that they are non-profit environmental organizations without any parent corporation or stock.

DATED: November 6, 2026

Respectfully submitted,

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CERTIFICATE OF PARTIES

Pursuant to D.C. Circuit Rules 27(a)(4) and 28(a)(1)(A), I certify that the parties to this case are set forth below.

Petitioners: Petitioners in this case are Environmental Defense Fund and Environmental Integrity Project.

Respondents: Respondents in this case are the United States Environmental Protection Agency ("EPA") and Lee Zeldin, in his official capacity as Administrator of the EPA.

Intervenors: None at present.

Amici Curiae: None at present.

Dated: November 6, 2026

/s/ Edwin LaMair
Edwin LaMair

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of November 2026, I filed the foregoing motion on Respondents with the Court's CMS/ECF system, which will notify counsel of record.

/s/ Edwin LaMair
Edwin LaMair

ORAL ARGUMENT NOT YET SCHEDULED

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 26-1299

ENVIRONMENTAL DEFENSE FUND, *et al.,*

Petitioners,

v.

LEE ZELDIN, *et al.,*

Respondents.

Petition for Review of Final Action of the
United States Environmental Protection Agency

APPENDIX TO PETITIONERS' MOTION FOR SUMMARY VACATUR, OR, IN THE ALTERNATIVE, FOR EXPEDITED BRIEFING

DATED: November 6, 2025

Respectfully submitted,

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Attachment 1

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2024 Data, 90 Fed. Reg. 13085 (Mar. 20, 2025)

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final rule, we are withdrawing the direct final rule.

The EPA published a parallel proposed rule (90 FR 4707, January 16, 2025) on the same day as the direct final rule. The proposed rule invited comment on the substance of the direct final rule. Notwithstanding this action to withdraw the direct final rule, the EPA will continue to accept comment on the parallel proposed rule through March 17, 2025, which is the deadline to submit comments. The EPA will respond to comments as part of any final action it takes on the parallel proposed rule.

List of Subjects

40 CFR Part 9

Environmental protection, Reporting and recordkeeping requirements.

40 CFR Part 257

Environmental protection, Beneficial use, Coal combustion products, Coal combustion residuals, Coal combustion waste, Disposal, Hazardous waste, Landfill, Surface impoundment.

■ Accordingly, as of March 20, 2025, the EPA withdraws the direct final rule amending 40 CFR parts 9 and 257, which published at 90 FR 4635, on January 16, 2025.

Barry N. Breen,

Principal Deputy Assistant Administrator, Office of Land and Emergency Management.

[FR Doc. 2025–04800 Filed 3–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025–0096; FRL–12676–01–OAR]

RIN 2060–AW50

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2024 Data

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is promulgating this final rule to extend the reporting deadline under the Greenhouse Gas Reporting Rule for reporting year 2024 data from March 31, 2025, to May 30, 2025. This rule only changes the reporting deadline for annual greenhouse gas (GHG) reports for reporting year 2024. This rule does not change the reporting deadline for future years, and it does not change the requirements for what regulated entities must report.

DATES: This rule is effective March 20, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket Id. No. EPA–HQ–OAR–2025–0096. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Climate Change Division, Office of Atmospheric Protection (MC–6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.*

Preamble acronyms and abbreviations. Throughout this document the use of ''we'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

APA Administrative Procedure Act
CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CRA Congressional Review Act
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
NAICS North American Industry Classification System
NTTAA National Technology Transfer and Advancement Act
OMB Office of Management and Budget
PRA Paperwork Reduction Act
PBI proprietary business information
RFA Regulatory Flexibility Act
RY reporting year
UMRA Unfunded Mandates Reform Act of 1995
U.S. United States of America
U.S.C. United States Code

Organization of this document. The information in this document is organized as follows:

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I. General

A. Potentially Affected Entities

This action amends existing regulations. Entities affected by this action are owners or operators of facilities that are direct emitters or suppliers of greenhouse gases (GHGs) or that sequester carbon dioxide (CO_2) gas underground. These entities are required to report certain activities under the Greenhouse Gas Reporting Program (GHGRP) (codified at 40 CFR part 98. Regulated categories and entities include, but are not limited to, those listed in table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Microelectromechanical (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75.	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
HCFC-22 Production	325120	Industrial gas manufacturing: Hydrochlorofluorocarbon (HCFC) gases manufacturing.
HFC-23 destruction processes that are not collocated with a HCFC-22 production facility and that destroy more than 2.14 metric tons of HFC-23 per year.	325120	Industrial gas manufacturing: Hydrofluorocarbon (HFC) gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere.	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.
Suppliers of Industrial Greenhouse Gases	325120	Industrial greenhouse gas manufacturing facilities.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding facilities likely to be affected by this action. This table lists the types of facilities that the EPA is now aware could potentially be affected by this action. Other types of facilities than those listed in the table could also be subject to reporting requirements. To determine whether you would be affected by this proposed action, you should carefully examine the applicability criteria found in 40 CFR part 98, subpart A (General Provisions) and the subpart for each source category. Many facilities that are affected by 40 CFR part 98 have greenhouse gas emissions from multiple source categories listed in table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. Statutory Authority

EPA is amending the reporting deadlines pursuant to Section 114 of the Clean Air Act (CAA), which also served as the basis of statutory authority for the underlying rule, 42 U.S.C. 7414. As noted in prior rulemakings for this program, EPA has interpreted CAA section 114(a)(1) to authorize reporting requirements related to EPA's CAA programs. Statutory authority for the rulemaking procedures followed in this action is provided by Administrative Procedure Act (APA) section 553(b)(B), based on EPA's finding of good cause to forego notice and comment, 5 U.S.C. 553(b)(B).

II. Regulatory Revisions

EPA is amending subpart A (General Provisions) at 40 CFR 98.3(b) to extend the reporting deadline for annual greenhouse gas (GHG) reports for reporting year 2024 from March 31, 2025, to May 30, 2025. This one-time extension of the reporting deadline will ensure that regulated entities have adequate time to interact with the reporting software to prepare and submit the annual GHG reports required under the existing rule. Facilities and suppliers are required to submit each GHG report ''electronically in accordance with'' specified regulatory requirements and in ''a format specified by the Administrator'' as stated at 40 CFR 98.5(a). EPA has required electronic reporting and provided an electronic reporting system, the electronic Greenhouse Gas Reporting Tool (hereafter refer to as ''e-GGRT''), for facilities and suppliers since 2010 to prepare and submit annual GHG reports.

Historically, EPA has launched the e-GGRT system in mid-February for a given reporting year. As a result, regulated entities have generally had a six-week period to work in the e-GGRT system to prepare and submit their annual GHG reports. As of March 2025, the e-GGRT system has not been launched, and as a result, facilities have not had adequate time to interact with the reporting system to prepare and submit their annual GHG reports for reporting year 2024. For this reason, EPA is extending the GHGRP reporting deadline for annual GHG reports for reporting year 2024 from March 31, 2025, to May 30, 2025.

III. Rulemaking Procedures and Findings of Good Cause

EPA finds good cause to forego notice and comment for this action pursuant to APA section 553(b)(B) because notice and comment would be impracticable and contrary to the public interest. EPA is making a one-time, 60-day extension of the reporting deadline for submitting annual GHG reports for reporting year 2024. An immediate extension of the deadline for submitting annual GHG reports under Part 98 is necessary to ensure that regulated entities have sufficient time to interact with the e-GGRT system to prepare and submit accurate annual GHG reports. Given the existing regulatory deadline, it is impracticable for EPA to provide notice and comment on the deadline extension because EPA would not be able to finalize the amendment before the GHG reports for reporting year 2024 are currently due. Additionally, it would be contrary to the public interest to provide notice and comment on the deadline extension because it would likely result in submission of incomplete or inaccurate GHG reports for reporting year 2024 by the existing deadline. Regulated entities still have the option to prepare and submit reports sooner if they prefer that course of action. EPA notes that these revisions do not make any changes to the substance of what regulated entities must report to EPA.

The regulatory revisions made in this action will take effect immediately on March 20, 2025. Under APA section 553(d)(1), a final rule may be made effective on publication when it ''grants or recognizes an exemption or relieves a restriction,'' 5 U.S.C. 553(d)(1). This

action extends the reporting deadline for regulated entities by 60 days so that facilities have sufficient time to enter data into the e-GGRT system. Absent this action, regulated entities would have insufficient time to prepare and submit annual reports in the e-GGRT system, and this action relieves that restriction. Therefore, the normal 30-day minimum period between this action's dates of publication and effectiveness is not required. Moreover, EPA finds good cause to make the rule immediately effective pursuant to APA section 553(d)(3) because the existing reporting deadline is less than 30 days from publication. 5 U.S.C. 553(d)(3). Unless this action is effective before the reporting deadline, the regulatory revisions will not accomplish the objective of ensuring complete and accurate reporting by extending the reporting deadline 60 days to May 30, 2025.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action alleviates regulatory burden as described in Executive Order 14192.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection requirements contained in the existing regulation and has assigned OMB control number 2060–0629, OMB control number 2060–0748, and OMB control number 2060–0751. This action extends the deadline for submitting annual GHG reports for reporting year 2024 data from March 31, 2025, to May 30, 2025. This rule does not change the requirements for what regulated entities must report.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the Administrative Procedure Act (APA), 5 U.S.C. 553, or any other statute. This rule is not subject to notice and comment requirements because EPA has found good cause to forego notice and comment under 5 U.S.C. 553(b).

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. The rule does not result in any changes to the requirements of Part 98 other than extending the reporting deadline for submitting annual GHG reports for reporting year 2024 data until May 30, 2025. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Judicial Review

Under CAA section 307(b)(1), any petition for review of this final rule must be filed in the U.S. Court of Appeals for the District of Columbia Circuit by May 19, 2025. This rulemaking revises the submission deadline for submitting annual GHG reports for reporting year 2024, which applies to owners and operators of facilities and suppliers for all source categories of 40 CFR part 98. These facilities and suppliers are located across the United States and therefore this rulemaking is ''nationally applicable'' within the meaning of CAA section 307(b)(1). Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,
Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency amends title 40, chapter I, of the Code of Federal Regulations as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.3 by revising and republishing paragraph (b) to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

* * * * *

(b) *Schedule.* The annual GHG report for reporting year 2010 must be submitted no later than September 30,

2011. The annual report for reporting years 2011 and beyond must be submitted no later than March 31 of each calendar year for GHG emissions in the previous calendar year, except as provided in paragraphs (b)(1) and (b)(5) of this section.

(1) For reporting year 2011, facilities with one or more of the subparts listed in paragraphs (b)(1)(i) through (b)(1)(xi) of this section and suppliers listed in paragraph (b)(1)(xii) of this section are required to submit their annual GHG report no later than September 28, 2012. Facilities and suppliers that are submitting their second annual GHG report in 2012 and that are reporting on one or more subparts listed in paragraphs (b)(1)(i) through (b)(1)(xii) of this section must notify EPA by March 31, 2012, that they are not required to submit their annual GHG report until September 28, 2012.

(i) Electronics Manufacturing (subpart I).

(ii) Fluorinated Gas Production (subpart L).

(iii) Magnesium Production (subpart T).

(iv) Petroleum and Natural Gas Systems (subpart W).

(v) Use of Electric Transmission and Distribution Equipment (subpart DD).

(vi) Underground Coal Mines (subpart FF).

(vii) Industrial Wastewater Treatment (subpart II).

(viii) Geologic Sequestration of Carbon Dioxide (subpart RR).

(ix) Manufacture of Electric Transmission and Distribution (subpart SS).

(x) Industrial Waste Landfills (subpart TT).

(xi) Injection of Carbon Dioxide (subpart UU).

(xii) Imports and Exports of Equipment Pre-charged with Fluorinated GHGs or Containing Fluorinated GHGs in Closed-cell Foams (subpart QQ).

(2) For a new facility or supplier that begins operation on or after January 1, 2010, and becomes subject to the rule in the year that it becomes operational, report emissions starting the first operating month and ending on December 31 of that year. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(3) For any facility or supplier that becomes subject to this rule because of a physical or operational change that is made after January 1, 2010, report emissions for the first calendar year in which the change occurs, beginning with the first month of the change and ending on December 31 of that year. For a facility or supplier that becomes subject to this rule solely because of an increase in hours of operation or level of production, the first month of the change is the month in which the increased hours of operation or level of production, if maintained for the remainder of the year, would cause the facility or supplier to exceed the applicable threshold. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(4) Unless otherwise stated, if the final day of any time period falls on a weekend or a federal holiday, the time period shall be extended to the next business day.

(5) The annual GHG report for reporting year 2024 must be submitted no later than May 30, 2025.

* * * * *

[FR Doc. 2025–04724 Filed 3–19–25; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2022–0848; FRL–12666–01–OCSPP]

Potassium Polyaspartate in Pesticide Formulations; Exemption From the Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of potassium polyaspartate (CASRN 64723–18–8) when used as an inert ingredient (complexing agent), at a maximum of 10% in formulation, pre-harvest. Rosen's Inc., submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of potassium polyaspartate, when used in accordance with the terms of the exemptions.

DATES: This regulation is effective March 20, 2025. Objections and requests for hearings must be received on or before May 19, 2025 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–20220848, is available at *https://www.regulations.gov.* Additional information about dockets generally, along with instructions for visiting the docket in-person, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

EPA is issuing this rulemaking under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. FFDCA section 408(c)(2)(A)(i) allows EPA to establish an exemption from the requirement for a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is ''safe.'' FFDCA section 408(c)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings but does not include occupational exposure. Pursuant to FFDCA section 408(c)(2)(B), in establishing or maintaining in effect an exemption from the requirement of a

Attachment 2

Reconsideration of the Greenhouse Gas Reporting Program, 90 Fed. Reg. 44591 (Sep. 16, 2025)

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that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves a special local regulation lasting 5 days that would prohibit entry into MM 466 to MM 475 of the Ohio River and MM 0.0 to 0.3 of the Licking River for the duration of each race, parade, cruise and fireworks. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Memorandum for the Record supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the Federal Document Management System at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2025–0563 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If you cannot submit your material by using *https://www.regulations.gov,* call or email the person in the **FOR FURTHER INFORMATION CONTACT** section of this proposed rule for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. Also, if you click on the Dockets tab and then the proposed rule, you should see a ''Subscribe'' option for email alerts. The option will notify you when comments are posted, or a final rule is published.

Personal information. We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions to the docket in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways

For the reasons discussed in the preamble, the Coast Guard is proposing to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1.

■ 2. Add § 100.T899–0563 to read as follows:

§ 100.T899–0563 Special Local Regulation; Ohio River, Cincinnati, OH.

(a) *Regulated area.* The regulations in this section apply to the following area: All navigable waters of the Ohio River extending from mile marker 466 to 475 and mile marker 0.0 to 0.3 of the Licking River in Cincinnati, OH.

(b) *Definitions.* As used in this section—

Designated representative means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel and a Federal, State, and local officer designated by or assisting the Captain of the Port Sector Ohio Valley (COTP) in the enforcement of the regulations in this section.

Participant means all persons and vessels registered with the event sponsor as participants in the event.

(c) *Regulations.* (1) All non-participants are prohibited from entering, transiting through, anchoring in, or remaining within the regulated area described in paragraph (a) of this section unless authorized by the Captain of the Port Sector Ohio Valley or their designated representative.

(2) To seek permission to enter, contact the COTP or the COTP's representative on VFH–FM radio channel 16 or phone at 1–800–253–7465. Those in the regulated area must transit at no wake speed and comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given; failure to do so may result in citation.

(4) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. The Patrol Commander may terminate the event at any time it is deemed necessary for the protection of life and/or property and can be reached on VHF–FM Channel 16 by using the call sign ''PATCOM''.

(d) *Enforcement period.* This temporary special local regulation is effective from 6 a.m. on October 8, 2025, through 3 a.m. on October 13, 2025. It will only be enforced during periods when America's River Roots events are occurring in the regulated area described above. The events include fireworks displays, boat parades, boat races, and other activities. The COTP will provide advanced notice of specific enforcement dates and times through broadcast notice to mariners and by on-scene designated representatives.

R. L. Preston,

Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.

[FR Doc. 2025–17892 Filed 9–15–25; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025–0186; FRL–12720–01–OAR]

RIN 2060–AW76

Reconsideration of the Greenhouse Gas Reporting Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is proposing to amend the Greenhouse Gas Reporting Program (GHGRP) to remove program obligations for most source categories, including the distribution segment of the petroleum and natural gas systems source category (subpart W—Petroleum and Natural Gas Systems), and suspend program obligations for the remaining subpart W segments until reporting year 2034.

DATES:

Comments. Comments must be received on or before November 3, 2025. Comments on the information collection provisions submitted to the Office of

Management and Budget (OMB) under the Paperwork Reduction Act (PRA) are best assured of consideration by OMB if OMB receives a copy of your comments on or before October 16, 2025.

Public hearing. The EPA will conduct a virtual public hearing on October 1, 2025. See **SUPPLEMENTARY INFORMATION** for information on registering for the virtual public hearing.

ADDRESSES: You may send comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov/* (our preferred method). Follow the online instructions for submitting comments.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Office of Air and Radiation Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand Delivery or Courier:* EPA Docket Center, William Jefferson Clinton West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket Id. No. for this proposed rule. Comments received may be posted without change to *www.regulations.gov/,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

The virtual hearing will be held using an online meeting platform, and the EPA will provide information on its website (*www.epa.gov/ghgreporting*) regarding how to register and access the hearing. Refer to the **SUPPLEMENTARY INFORMATION** section for additional information.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Greenhouse Gas Reporting Branch, Climate Change Division, Office of Atmospheric Protection (MC–6207A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.*

SUPPLEMENTARY INFORMATION:

Written comments. Submit your comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, at *www.regulations.gov* (our preferred method), or the other methods identified in the **ADDRESSES** section. Once submitted, comments cannot be edited or removed from the docket. The EPA may publish any comment received to its public docket. Do not submit to the EPA's docket at *www.regulations.gov* any information you consider to be confidential business information (CBI), proprietary business information (PBI), or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). Please visit *www.epa.gov/dockets/commenting-epa-dockets* for additional submission methods; the full EPA public comment policy; information about CBI, PBI, or multimedia submissions; and general guidance on making effective comments.

Participation in virtual public hearing. The virtual public hearing will be held on October 1, 2025. The hearing will convene at 8:00 a.m. Eastern Time (ET) and will conclude at 6:00 p.m. ET. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. The EPA will provide further information about the hearing on its website at: *www.epa.gov/ghgreporting.*

The EPA will begin pre-registering speakers for the hearing no later than October 1, 2025. To register to speak at the virtual hearing, please use the online registration form available at *www.epa.gov/ghgreporting* or contact us by email at *GHGReporting@epa.gov.* The last day to pre-register to speak at the hearing will be September 29, 2025. On September 30, 2025, the EPA will post a general agenda that will list pre-registered speakers in approximate order at: *www.epa.gov/ghgreporting.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule.

Each commenter will have 4 minutes to provide oral testimony. The EPA encourages commenters to provide the EPA with a copy of their oral testimony electronically (via email) by emailing it to *GHGReporting@epa.gov.* The EPA also recommends submitting the text of your oral testimony as written comments to the rulemaking docket.

The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *www.epa.gov/ghgreporting.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact us by email at *GHGReporting@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require the services of an interpreter or special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by September 23, 2025. The EPA may not be able to arrange accommodations without advanced notice.

Regulated entities. This is a proposed regulation. If finalized, these proposed revisions would affect entities that submit annual greenhouse gas (GHG) reports pursuant to the GHGRP (40 CFR part 98). Entities that would be affected by this action are owners or operators of facilities that are direct emitters or suppliers of GHGs or that sequester carbon dioxide (CO_2) gas underground. Regulated categories and entities include, but are not limited to, those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
General Stationary Fuel Combustion Sources		Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines.
	211	Extractors of crude petroleum and natural gas.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational services.
Electric Power Generation	2211	Generation facilities that produce electric energy.
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Micro-electro-mechanical systems (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
Hydrochlorofluorocarbon (HCFC)-22 Production	325120	Industrial gas manufacturing: HCFC gases manufacturing.
Hydrofluorocarbon (HFC)-23 destruction processes that are not collocated with a HCFC–22 production facility and that destroy more than 2.14 metric tons of HFC–23 per year.	325120	Industrial gas manufacturing: HFC gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere.	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.
Suppliers of Industrial Greenhouse Gases	325120	Industrial greenhouse gas manufacturing facilities.
Suppliers of Coal-based Liquid Fuels	211130	Coal liquefaction at mine sites.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98:
Suppliers of Natural Gas and Natural Gas Liquids	221210	Natural gas distribution facilities.
	211112	Natural gas liquid extraction facilities.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding entities likely affected by this proposed action. This table lists the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities than those listed in the table could also be subject to reporting requirements. Many entities that are affected by 40 CFR part 98 have GHG emissions from multiple source categories listed in Table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the **FOR FURTHER INFORMATION CONTACT** section.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

BAMM best available monitoring methods
CAA Clean Air Act
CBI confidential business information
CEMS continuous emissions monitoring systems
CFR Code of Federal Regulations
CH_4 methane
CO_2 carbon dioxide
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA U.S. Environmental Protection Agency
ET Eastern time
E.O. Executive Order
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
ICR information collection request
IRC Internal Revenue Code
IRS Internal Revenue Service
LCD liquid crystal display
LNG liquified natural gas
MECS Manufacturing Energy Consumption Survey
MEMS micro-electro-mechanical systems
MSW municipal solid waste
mmBTU million British thermal units
$MTCO_2e$ metric tons of CO_2 equivalent
MSW municipal solid waste
N_2O nitrous oxide
NAICS North American Industry Classification System
NSPS new source performance standards
NWRA National Waste and Recycling Association
OAR Office of Air and Radiation
OMB Office of Management and Budget
PBI proprietary business information
PV photovoltaic
RFA Regulatory Flexibility Act
SF_6 sulfur hexafluoride
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

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I. Background

A. How is this preamble organized?

Section I of this preamble contains background information on the origins and evolution of the GHGRP as well as the drivers for the EPA's reconsideration of this program. This section also discusses the EPA's legal authority under the Clean Air Act (CAA) to promulgate amendments to the program. Section II of this preamble describes the EPA's reconsideration of the GHGRP and the proposed amendments, including the specific revisions that the EPA is proposing for the general provisions of the program to implement the proposed amendments. Section III of this preamble describes the potential impacts of the proposed amendments. Finally, section IV of this preamble describes the statutory and executive order requirements applicable to this action.

B. Executive Summary

President Trump signed Executive Order (E.O.) 14154 titled, ''Unleashing American Energy,'' on January 20, 2025, and E.O. 14192 titled, ''Unleashing Prosperity Through Deregulation,'' on January 31, 2025. In response to these E.O.s, the EPA is reconsidering significant elements of the GHGRP. In this action, the EPA is proposing to eliminate GHG reporting requirements for all source categories under 40 CFR part 98 (hereafter referred to as ''Part 98'') except for Petroleum and Natural Gas Systems (subpart W of Part 98). In addition, the EPA is proposing to suspend subpart W reporting requirements until January 1, 2034, and remove reporting requirements for the Natural Gas Distribution industry

segment, consistent with CAA section 136, as revised in Public Law 119–21.[1] If this rule is finalized as proposed, there would be no reporting obligations under subpart W for reporting years prior to 2034; beginning January 1, 2034, all subpart W segments, except Natural Gas Distribution, would again be subject to program requirements. For the last 15 years, the EPA has collected data from GHGRP sources under CAA section 114 authority (42 U.S.C. 7414). CAA section 114, which provides the EPA with the authority to collect information, limits the authority of the EPA Administrator or authorized representative related to the following purposes: (A) developing or assisting: (1) implementation plans under CAA section 110 or section 111(d); (2) any standard of performance under CAA section 111; (3) any emission standard under CAA section 112; or (4) any regulation under CAA section 129; (B) determining whether a person is in violation of any standard or requirement of a plan; and (C) carrying out any provision (other than Title II with respect to a manufacturer of new motor vehicles or engines) of the CAA. For many of these sources, the EPA has provided no clear intention to use the information collected for that industry under the CAA, unlike all other information collection requests issued by the EPA under the CAA. To note, throughout the years, the EPA relied on other resources not appropriated specifically for that purpose to promulgate multiple additional rules[2] related to the GHGRP. In 2022, CAA section 136 (42 U.S.C. 7436) established the Methane Emissions Reduction Program and required the EPA to impose and collect a waste emissions charge beginning with calendar year 2024 emission data from facilities in all segments of the petroleum and natural gas systems sector reported under subpart W except from the Natural Gas Distribution industry segment. On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later. Following the EPA's evaluation of the program, the EPA has determined that there is no statutory requirement to collect GHG emissions information for sectors other than the subpart W segments subject to the waste emissions charge (all of the subpart W segments except distribution, starting in 2034). In addition, the EPA has determined that the program imposes significant cost on the regulated community and eliminating the collection of these data would minimize the burdens of reporting and recordkeeping, consistent with the Paperwork Reduction Act.[3] Therefore, the EPA is proposing to remove all GHG reporting requirements for non-subpart W sectors and the Natural Gas Distribution industry segment of subpart W and to suspend all GHG reporting requirements until reporting year (RY) 2034 for the remaining subpart W segments. Thus, most companies would not need to submit reports in the future, and subpart W facilities would not need to submit reports for reporting years again until RY2034. This proposal does not prevent private companies from continuing to collect information on GHGs independently. Additionally, any other Federal, state or local agencies or Tribes that may rely on the publicly available GHGRP data[4] could utilize other more efficient and potentially more accurate methods for collecting the necessary information that are utilized throughout other parts of the Federal government (*e.g.,* voluntary consensus standards).

The EPA is proposing to make limited revisions to the subpart W regulations in this action, primarily to ensure consistency with the recent amendment to CAA section 136. Specifically, the EPA is proposing to suspend the subpart W reporting requirements until RY2034. Although reporting for subpart W is specifically required under CAA section 136, reporting is not needed for the Natural Gas Distribution industry segment of subpart W and reporting is not needed for the remaining subpart W industry segments until 2034. The EPA intends to issue a proposal addressing petitions for reconsideration of subpart W in a separate action.

C. Background on This Proposed Rule

The Fiscal Year (FY) 2008 Consolidated Appropriations Act authorized funding for and directed the EPA to ''develop and publish a . . . [rule] to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States.'' Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat 1844, 2128 (2008).[5] In response to this direction, the EPA issued the Mandatary Reporting of Greenhouse Gases Rule (74 FR 56260; October 30, 2009, hereafter referred to as ''2009 Final Rule'') one month after the end of Fiscal Year 2009. While the FY 2008 Consolidated Appropriations Act provided funding, the EPA cited its authority to develop the 2009 Final Rule under the authority provided to the Agency by CAA section 114. The 2009 Final Rule required reporting of GHG emissions by certain facilities (generally facilities emitting at least 25,000 metric tons of carbon dioxide equivalent ($MTCO_2e$)) from across all sectors of the economy, including fossil fuel suppliers, industrial greenhouse gas suppliers, and direct greenhouse gas emitters. The EPA subsequently published numerous revisions to the GHGRP, eventually expanding the program to forty-seven source categories, for many of which the Agency has never clearly intended to develop regulations for that industry.[6] [7] In 2022, Congress amended the CAA by adding section 136, ''Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems.'' Among other things, CAA section 136(c)–(g) required

[1] See *https://www.govinfo.gov/app/details/BILLS-119hr1eh.*

[2] See: 75 FR 39736 (July 12, 2010); 75 FR 57669 (September 22, 2010); 75 FR 66434 (October 28, 2010); 75 FR 74458 (November 30, 2010); 75 FR 74774 (December 1, 2010); 75 FR 75060 (December 1, 2010); 75 FR 79092 (December 17, 2010); 75 FR 81338 (December 27, 2010); 76 FR 14812 (March 18, 2011); 76 FR 22825 (April 25, 2011); 76 FR 30782 (May 26, 2011); 76 FR 36339 (June 22, 2011); 76 FR 53057 (August 25, 2011); 76 FR 59533 (September 27, 2011); 76 FR 59542 (September 27, 2011); 76 FR 73866 (November 29, 2011); 76 FR 80554 (December 23, 2011); 77 FR 10373 (February 22, 2012); 77 FR 48072 (August 13, 2012); 77 FR 51477 (August 24, 2012); 78 FR 25392 (May 1, 2013); 78 FR 68162 (November 13, 2013); 78 FR 71904 (November 29, 2013); 79 FR 63750 (October 24, 2014); 79 FR 70352 (November 25, 2014); 79 FR 73750 (December 11, 2014); 80 FR 64262 (October 22, 2015); 81 FR 86490 (November 30, 2016); 81 FR 89188 (December 9, 2016); 89 FR 31802 (April 25, 2024).

[3] *See, e.g.,* PRA implementing regulations at 5 CFR 1320.1.

[4] See *https://ghgdata.epa.gov.*

[5] Direction was included the following year in the Omnibus Appropriations Act of 2009 that ''Of the funds provided in the Environmental Programs and Management Account, not less than $6,500,000 shall be used for activities to develop and publish a final rule not later than June 26, 2009, and to begin implementation, to require mandatory reporting of greenhouse gas emissions above appropriate thresholds in all sectors of the economy of the United States, as required by Public Law 110–161.'' Public Law 111–8.

[6] See 75 FR 39736 (July 12, 2010), 75 FR 74458 (November 30, 2010), 75 FR 74774 (December 1, 2010), 75 FR 75060 (December 1, 2010) and 89 FR 31802 (April 25, 2024).

[7] Although the 2009 Final Rule established Manure Management (subpart JJ of Part 98) as a source category, the EPA has never collected information from this source category. Congress has included direction in appropriations that specified that appropriated funds could not be used for this purpose. For example, the 2024 Consolidated Appropriations Act stated that ''notwithstanding any other provision of law, none of the funds made available in this or any other Act may be used to implement any provision in a rule, if that provision requires mandatory reporting of greenhouse gas emissions from manure management systems.'' *www.congress.gov/bill/118th-congress/house-bill/4366/text.*

the EPA to impose and collect a waste emissions charge on methane emissions that exceeded specified thresholds from applicable facilities that reported more than 25,000 $MTCO_2e$ of greenhouse gases under subpart W (Petroleum and Natural Gas Systems). Applicable facilities, as defined in CAA section 136(d), include facilities in the following segments: Offshore petroleum and natural gas production; Onshore petroleum and natural gas production; Onshore natural gas processing; Onshore natural gas transmission compression; Underground natural gas storage; Liquified Natural Gas (LNG) storage; LNG import and export equipment; and Onshore petroleum and natural gas gathering and boosting. Notably, Congress excluded the Natural Gas Distribution segment from the waste emissions charge. CAA section 136(h) further required the EPA to revise the petroleum and natural gas systems (subpart W) source category of the GHGRP to ensure the reporting and calculation of charges is based on empirical data and reflects total methane emissions and waste emissions from covered facilities. The EPA subsequently issued a ''Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems'' rule that amended subpart W to address potential gaps in reporting of emissions data and to add new emissions calculation methodologies or improve existing emissions calculation methodologies to ensure the reporting under subpart W is based on empirical data and reflects total methane emissions from applicable facilities, consistent with the directives of CAA section 136(h) (89 FR 42062; May 14, 2024, hereafter referred to as ''May 2024 Final Rule'').[8] On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected, to begin with emissions reported for calendar year 2034 and later.

The GHGRP applies to certain industrial facilities that emit GHGs (primarily facilities emitting at least 25,000 $MTCO_2e$), upstream suppliers of fossil fuels and industrial GHGs (such as CO_2 and HFCs), and industries that capture and sequester CO_2 as a means of reducing CO_2 emissions. Approximately 8,200 facilities, suppliers, and CO_2 injection sites submit data each year. In the most recent Information Collection Request (ICR), the EPA conservatively estimated that the annual burden of this effort on the regulated community to be $303 million annually,[9] including the estimated burden on the oil and natural gas sector.

D. Legal Authority

The EPA is proposing to remove regulatory obligations going forward for all non-subpart W sectors and the Natural Gas Distribution industry segment of subpart W (Petroleum and Natural Gas Systems), and to suspend reporting for the remainder of subpart W until RY2034. These regulatory obligations were previously imposed under CAA section 114, which forms the basis of the GHGRP for most industry segments except subpart W starting in RY2034 under CAA section 136.[10] The authority for this proposed action is CAA section 114 and the Agency's implied authority to reconsider prior actions taken under a grant of statutory authority.[11] CAA section 114(a)(1) authorizes the Administrator to require emissions sources, persons subject to the CAA, or persons whom the Administrator believes may have necessary information to monitor and report emissions and provide such other information the Administrator requests for the purposes of carrying out any provision of the CAA; however, there are limits to this authority.

The Agency ''may'' require the information ''[f]or the purpose'' of (i) developing an enumerated set of implementation plans, standards, and regulations; (ii) determining whether any person is in violation of such plans and standards; or (iii) carrying out any provision of the CAA other than a provision of Title II.[12] Relatedly, the entities targeted by the reporting requirement must, in the belief of the Administrator, ''have information necessary for the purposes set forth in this subsection.'' [13]

Regarding subpart W, CAA section 136 (c)–(g) required the EPA to impose and collect a waste emissions charge on methane emissions that exceeded specified thresholds from applicable facilities that reported more than 25,000 $MTCO_2e$ of greenhouse gases under subpart W. CAA section 136(h) further required the EPA to revise the petroleum and natural gas systems (subpart W) source category of the GHGRP to ensure the reporting and calculation of charges is based on empirical data and reflects total methane emissions and waste emissions from covered facilities. The May 2024 Final Rule amended subpart W to address CAA section 136 obligations, including addressing potential gaps in reporting of emissions data and to add new emissions calculation methodologies or improve existing emissions calculation methodologies consistent with the directives of CAA section 136(h). On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later.

The EPA proposes to conclude that the EPA does not have the authority to collect GHGRP data under CAA section 114(a)(1) for those sectors not subject to CAA section 136, including the Natural Gas Distribution segment of subpart W, because the reporting requirements do not serve an underlying statutory purpose. The EPA also proposes to conclude that the EPA does not have the authority to collect GHGRP data under CAA section 114(a)(1) or CAA section 136 for those subpart W sectors subject to CAA section 136 until RY2034, as reporting under subpart W is not statutorily required under CAA section 136 until RY2034. The EPA notes that CAA section 114(a)(1) authorizes the collection of information ''on a one-time, periodic or continuous basis,'' but believes that the statute is best read to require a closer nexus between continuous reporting obligations and an underlying statutory purpose, particularly given the Agency's obligation to take the cost of information collection and reporting into account when taking action.[14] The EPA also acknowledges that this interpretation represents a change from prior GHGRP rulemakings. Nevertheless, we believe that this interpretation is most consistent with the text of the statute

[8] *Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems.* 40 CFR part 98; [EPA–HQ–OAR–2023–0234; FRL–10246–02–OAR]; RIN 2060–AV83.

[9] U.S. EPA ICR Greenhouse Gas Reporting Program Renewal *www.regulations.gov/document/EPA-HQ-OAR-2022-0883-0020.* The EPA estimated additional costs to regulated entities in the final rule ''Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule'' (89 FR 31802; April 25, 2024) and ''Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for the Petroleum and Natural Gas Systems'' (89 FR 42062; May 14, 2024).

[10] The EPA intends to further address GHGRP subpart W in a future rulemaking.

[11] *See Clean Air Council* v. *Pruitt,* 862 F.3d 1, 8 (D.C. Cir. 2017) (''Agencies obviously have broad discretion to reconsider a regulation at any time.''); *see also FDA* v. *Wages & White Lion Invs., LLC,* 145 S. Ct. 898 (2025); *FCC* v. *Fox TV Stations, Inc.,* 556 U.S. 502 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29 (1983).

[12] CAA section 114(a).

[13] CAA section 114(a)(1).

[14] *Michigan* v. *EPA,* 576 US 743 (2015).

and supported by the Agency's experience with the GHGRP since 2011. The EPA seeks comment on this interpretation, including on any legitimate reliance on the Agency's prior interpretation of CAA section 114 and the GHGRP reporting obligations that resulted therefrom.

In the alternative, the EPA proposes to rescind the aspects of the GHGRP that rely on CAA section 114 on the basis that this authority is discretionary, and the Administrator no longer believes the information is necessary to carry out the provisions of the CAA, including relevant rulemaking and enforcement functions. It has been over 15 years since the EPA originally promulgated the GHGRP information collection requirements, and since 2011 it has not used most of the information collected to carry out other provisions under the CAA. For example, for many of these industries the information is neither necessary for developing the regulations enumerated in CAA section 114(a) nor necessary for identifying violations of relevant implementation plans or standards. Experience has shown that even if the EPA has previously utilized GHGRP data, the EPA could instead collect such information from other sources, including particularized CAA section 114 information collection requests and information submitted by states, Tribes, and local governments during the CAA section 110 implementation plan review process and collaborative enforcement efforts. The EPA's assessment is that we would have ample information possible from these other sources to carry out our statutory obligations. The EPA is aware that there are some stakeholders who have opted to rely on certain information collected through the aspects of the GHGRP that rely on CAA section 114 (see section II.A of this preamble). The EPA considered whether it would be appropriate and lawful to retain subparts of the GHGRP from which the EPA or other Federal agencies have previously utilized GHGRP data, but believes that such use has either been for purposes other than those enumerated in CAA section 114(a) (and, thus, these uses do not serve an underlying statutory purpose under the CAA) or appropriately could be addressed through collection from other sources. The EPA seeks comment on this alternative proposal to rescind the GHGRP (except for nine of the ten segments in subpart W, which we are proposing to suspend until RY2034 consistent with CAA section 136), as an exercise in discretion, including on any legitimate reliance interest that bears on the statutory purposes for which CAA section 114(a) authorizes the Agency to impose information collection and reporting obligations.

II. Proposed Amendments to 40 CFR Part 98

A. Proposed Amendments and Rationale

In accordance with the purposes of CAA section 114 and the Paperwork Reduction Act, the EPA is proposing to remove the requirements of 40 CFR part 98 for all source categories under Part 98 other than petroleum and natural gas systems and is also proposing to remove the Natural Gas Distribution industry segment from the petroleum and natural gas systems source category (subpart W—Petroleum and Natural Gas Systems). For the remaining subpart W provisions and the subpart W-related requirements of the general provisions, in accordance with the purposes of CAA sections 114 and 136 and the Paperwork Reduction Act, the EPA is also proposing to modify the years of applicability for reporting under subpart W to suspend reporting after RY2024 until RY2034.

The proposed changes would revise the general provisions to modify the applicability of the rule to remove the data collection, monitoring, recordkeeping, and reporting requirements for all existing direct emitter, supplier, and carbon sequestration source categories after RY2024, with the exception of the petroleum and natural gas source category. The proposed amendments would otherwise remove and reserve the subpart-specific applicability, definitions, thresholds, calculation methodologies, monitoring and quality assurance requirements, missing data procedures, and recordkeeping and reporting requirements for all specified direct emitter, supplier source, and carbon sequestration categories. The result of these proposed changes would be that reporting under the GHGRP would cease following RY2024, except for most subpart W sources, which would not resume reporting until RY2034. Details on the proposed revisions and subpart-specific considerations are discussed in section II.B of this document.

The EPA is proposing these revisions to Part 98 following its review of the utility of collecting GHG emissions data within the context of the CAA. As discussed in section I.C of this preamble, the Agency established the GHGRP under CAA section 114 authority and consistent with appropriations by Congress under the FY2008 Consolidated Appropriations Act to establish a rule requiring mandatory reporting of GHG emissions above appropriate thresholds ''in all sectors of the economy of the United States.'' To the extent that the Administrator believes that there is a future need for an emissions regulation that requires additional information from regulated stakeholders, the EPA can issue a new information collect request (ICR) using its CAA section 114 authority as it does for every other emissions issue within the CAA. Likewise, to the extent that the Administrator believes additional information is required to identify potential violations of the CAA and its implementing regulations, the EPA can utilize existing sources of information or issue a targeted CAA section 114 ICR.

The FY 2008 Consolidated Appropriations Act provided funds for activities to develop and publish draft and final rules, by identified dates, to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States, but it did not require continuous information collection. The 2009 Omnibus Appropriations Act similarly provided only for such activities in connection with a final rule to be issued by June 26, 2009, and to begin implementation.[15] Further, in the 2009 Final Rule, the EPA explained that it relied on the authority provided under CAA section 114, not the Appropriations Act, for the implementation of the rule.[16]

As explained in section I.D of this preamble, CAA section 114(a)(1) authorizes the EPA to, among other things, require certain persons on ''a one-time, periodic, or continuous basis'' to keep records, make reports, undertake monitoring, sample emissions, or provide such other information that the Administrator believes is necessary in carrying out specified provisions of the CAA. The EPA proposes to conclude that CAA section 114 does not authorize the GHGRP as presently constituted or, in the alternative, to exercise its discretion to rescind the GHGRP, (except for most of subpart W, for which the EPA would suspend reporting until RY2034 consistent with CAA section 136), because the Administrator no

[15] Omnibus Appropriations Act, 2009; Public Law 111–8, March 11, 2009.

[16] See, *e.g.,* 74 FR 56286 (October 30, 2009): ''EPA is issuing this rule under the authority of the CAA, and indeed EPA could have issued this rule absent the direct instruction from Congress. . . Thus, we do not agree that the appropriations language limit[s] EPA's ability to collect the information under this rule, either in duration or scope of the information requested.''

longer believes the information collected under the rule is necessary to implementing relevant provisions of the CAA.

Over the life of the GHGRP, the EPA developed a reporting framework to evaluate the scope of U.S. GHG emissions, upstream supply, and sequestration and capture. This framework was developed in response to the FY 2008 Congressional provisions to collect data on GHGs from ''both upstream production and downstream sources'' [17] and ''in all sectors of the economy'' in order to collect a national data set that would be sufficiently comprehensive for use in analyzing a range of GHG policies and programs under the CAA. In the development of the 2009 Final Rule, the EPA sought to balance the emissions coverage and data needs that were required for a robust data set for policy analysis with the number of reporters (and the associated burden of reporting).

In this action, the EPA reviewed the source categories for which reporting is required under the GHGRP and considered whether ongoing data collection may continue to be useful to meet the Agency's statutory obligations (*e.g.,* for development of standards for similar source categories under the regulations enumerated in CAA section 114(a)). With limited exceptions, to date, the EPA has not proceeded with developing emissions standards that would apply to the majority of source categories reporting to the GHGRP. For example, GHGRP data from the petroleum and natural gas, municipal solid waste landfill, and carbon capture and sequestration source categories were previously analyzed to inform the development of new source performance standards (NSPS) and emission guidelines (EG) under CAA section 111 for oil and natural gas facilities (81 FR 35824; June 3, 2016), municipal solid waste landfills (81 FR 59332; August 29, 2016), and fossil-fuel fired electricity generating units (89 FR 39798; May 9, 2024); however, the EPA has not implemented standards for most additional source categories covered by the GHGRP. The EPA is not planning to develop such regulations at this time. Additionally, the information collected under the GHGRP is also not necessary nor helpful to develop such regulations or to inform development of new source performance standards under CAA section 111, given the EPA's authority to collect such information on a more targeted and relevant basis through particularized CAA section 114 ICRs and other sources of information. In other words, if GHG data are needed to inform these regulations in the future, the EPA would be able to collect more targeted and more relevant information through particularized CAA section 114 ICRs. For these reasons, the EPA has determined from its review that the information collected under the GHGRP is not necessary to carry out the relevant provisions of the CAA. The EPA is not intending to use further continuous annual collection of reported data from numerous source categories, as such continuous collection is unnecessary to inform the EPA's knowledge of these industry sectors, emissions, or trends at this time.

Additionally, throughout the years, the EPA relied on other resources not appropriated specifically for that purpose to promulgate multiple additional rules related to the GHGRP. On April 25, 2024, the EPA promulgated a rule adding greenhouse gas monitoring and reporting for five new source categories: coke calcining; ceramics manufacturing; calcium carbide production; caprolactam, glyoxal, and glyoxylic acid production; and facilities conducting geologic sequestration of carbon dioxide with enhanced oil recovery (89 FR 31802, hereafter referred to as ''April 2024 Final Rule''), without any clear plan.[18] These source categories, which were required to begin collecting data January 1, 2025, for reports for RY2025, would have provided data from less than 50 facilities in total, and we anticipate based on estimates devised from already available information that the emissions from these facilities would be a relatively small contribution to total U.S. emissions and would not significantly change our understanding of overall U.S. GHG emissions and supply. Hence, following our consideration of removing reporting obligations for similarly sized source categories (and pursuant to our review under E.O. 14154), we propose to remove data collection requirements for these entities.

In the development of this action, the EPA considered whether to retain reporting for any source categories, as well as opportunities for reducing the burden of reporting for any retained source categories (*e.g.,* reducing the frequency of reporting, removing or streamlining specific data requirements, or removing small emission sources). The EPA also considered the alternative of transitioning the GHGRP from mandatory to voluntary reporting. Under this scenario, facilities that have made the investment in the monitoring systems required to collect the data under the existing program could elect to continue to gather and report this emissions information to satisfy internal requirements, such as corporate sustainability goals. A voluntary GHGRP would maintain flexibility for sources that opt to gather and report this information while providing a national GHG emissions framework. This approach could allow for a national data set to inform policy and program development while significantly lowering the burden on regulated entities. However, a voluntary reporting program could also result in submittal of incomplete or piecemeal reports, and the verification and accuracy of the data submitted would be limited. For the reasons described in this section, the EPA ultimately determined that maintaining continuous or intermittent reporting under any of these source categories, including voluntary reporting, is inconsistent with CAA section 114 or appropriately could be addressed through collection from other sources. Additionally, collection of data for nine of ten industry segments under subpart W is also not necessary to meet the requirements of CAA section 136 until reporting year 2034. The EPA also acknowledges that the data collected and published by the GHGRP is used for non-CAA statutory reasons by various state, Tribal, local, Federal, and nongovernmental entities (including industry and the public) to track, inform, and evaluate policy regarding potential reductions of GHG emissions and for other purposes. For example, the data collected under the GHGRP is used to inform the phase down of HFC production and consumption under the American Innovation and Manufacturing (AIM) Act, and the EPA understands that several states use the emissions estimation, reporting methodologies, and data from the GHGRP to develop or supplement state-level GHG emissions inventory programs. However, for gases regulated under the AIM Act, this information, if needed, could be collected as part of any program directly related to the AIM Act or for the purposes of states, collected under state authorities to support state programs. Through the GHGRP, the EPA has also published monitoring, review, and verification plans and geologic sequestration data

[17] From the accompanying joint explanatory statement to the FY 2008 Appropriations Act: ''The Agency is further directed to include in its rule reporting of emissions resulting from upstream production and downstream sources, to the extent that the Administrator deems it appropriate.''

[18] *Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule.* 40 CFR parts 9 and 98 [EPA–HQ–OAR–2019–0424; FRL–7230–01–OAR] RIN 2060–AU35.

for facilities engaged in the sequestration of CO_2 for underground storage. The Treasury Department and the Internal Revenue Service (IRS) make reference to these plans and associated annual data in regulations under section 45Q of the Internal Revenue Code (IRC), the credit for carbon oxide sequestration, and the related Treasury Decision.[19] The Treasury Department and the IRS also refer to the subpart W regulation in the preamble of the final regulations under section 45V of the IRC, the credit for clean hydrogen production.[20] The EPA considers the use of GHGRP data for such purposes an additional benefit for these entities that is not required to carry out the Agency's functions under the CAA, and believes that information could be provided in different, more efficient, ways. Because these purposes are not the basis for our authority to collect the data under CAA section 114 (*i.e.,* these purposes are not relevant to the EPA's carrying out CAA provisions), these purposes are not an adequate statutory basis for continuing to require collection and reporting of the data. In addition, the EPA anticipates that some stakeholders would need to make administrative revisions to their programs to accommodate the proposed removals from Part 98. For example, the Treasury Department and the IRS have issued regulations for purposes of the prevailing wage and apprenticeship requirement of the energy credit of section 48 of the IRC which point to the values found in Table C–1 to subpart C of Part 98.[21] Removal of the GHGRP would affect such references, and in this example case, we anticipate that the Treasury Department and the IRS may need to revise the regulation given that Table C–1 is proposed to be removed. The EPA expects that such amendments could allow for different options for stakeholders to potentially qualify for tax credits, and believes that, regardless, this use of GHGRP reporting data is not a purpose that triggers our authority under CAA section 114.

In addition, there are surveys conducted by other parts of the U.S. government that can inform GHG emissions data in the absence of GHGRP data collection. For example, the Manufacturing Energy Consumption Survey (MECS) is a national sample survey that collects information on the stock of U.S. manufacturing establishment and their energy consumption and expenditures. MECS is currently conducted on a quadrennial basis. Fuel consumption is an important input in the calculation of a facility's greenhouse gas emissions for many facilities. Although the MECS does not provide the same level of detail nor does it include all of the sources of emissions currently captured by the GHGRP, in keeping with the directives of E.O. 14154 and E.O. 14192, the Agency can no longer justify the cost of collecting data for all source categories at this time. The GHGRP requires mandatory reporting from over 8,200 facilities, suppliers, and CO_2 injection sites. The total cost of reporting is estimated to be $303 million per year. Subpart W reporting accounts for $256 million of the annual costs, of which the Natural Gas Distribution industry segment represents $3 million per year. Therefore, suspending all reporting until 2034 would save $303 million per year from 2025–2033. Requiring reporting for only subpart W (minus distribution) starting in 2034 would save approximately $50 million per year in 2034 and future years. These cost savings estimates are based on data collection and reporting costs documented in current ICRs covering the GHGRP, as further explained in section III. Continued data collection across all sectors does not provide additional benefits with respect to our statutory obligations relative to these costs. The EPA seeks comment on the costs of GHGRP reporting to industry stakeholders and on whether such costs are commensurate to any relevant benefits.

In sum, the EPA believes it has more than satisfied the Congressional direction provided under the FY 2008 Consolidated Appropriations Act and FY 2009 Omnibus Act and that it is appropriate at this time to discontinue the collection of information from all sources that do not have a statutory requirement to collect GHG emissions. As discussed previously in this section and section I.D of this preamble, the EPA proposes to conclude that CAA section 114 does not support imposing collection requirements for this information or, at minimum, that the Agency should no longer exercise its discretion to utilize our CAA section 114 authority in this manner.

We note that the data collected for nine of ten industry segments under subpart W of Part 98 will be necessary to meet the requirements of CAA section 136 beginning with RY2034. The proposed revisions to Part 98 do not include any proposed actions with respect to facilities in the petroleum and natural gas systems source category or obligations under the general provisions of the program relevant to subpart W facilities, except the following: (1) revisions to the date of applicability of this rule, if finalized, to resume with reporting year 2034 and (2) revisions to remove reporting obligations for the Natural Gas Distribution industry segment. The EPA previously promulgated revisions to subpart W in the May 2024 Final Rule to meet the requirement of CAA section 136(h). The EPA received three administrative petitions on the May 2024 Final Rule and intends to reconsider aspects of that final rule, including evaluating changes to subparts W and C of Part 98, in a separate notice and comment rulemaking that would apply to RY2034 and later, if this rule is finalized as proposed. Details regarding the provisions of subparts C and W are discussed in section II.B of this document.

B. Additional Source-Specific Considerations of the Proposed Amendments

1. Subpart A—General Provisions

For the reasons explained in section II.A of this preamble, the EPA is proposing several changes to subpart A of Part 98 (General Provisions) that limit the applicability of the Part 98 reporting rule to the 2034 reporting year (*i.e.,* annual GHG reports covering calendar year 2034 activities due to the EPA on or before March 31, 2035) and future reporting years and to limit the applicability for those years to facilities in the petroleum and natural gas systems source category (subpart W of Part 98—Petroleum and Natural Gas Systems).This would not apply to the Natural Gas Distribution industry segment because, as noted in section II.A and described in detail in section II.B.3 of this document, in this action the EPA is proposing to remove GHGRP requirements for this segment. These proposed changes are intended to eliminate the general provisions of subpart A of Part 98 for all sources for which the EPA is proposing to remove reporting obligations (*i.e.,* other than subpart W) and to remove reporting obligations for all subparts for reporting years 2025 through reporting year 2033. The EPA is proposing to revise paragraph 40 CFR 98.2(a)(2), which includes applicability conditions and requirements for facilities listed in Table A–4 to subpart A of Part 98, to remove any reference to inclusion of miscellaneous use of carbonate (under subpart U of Part 98) and stationary fuel combustion (under subpart C of Part 98)

[19] See T.D. 9944 (January 15, 2021), available at: *www.federalregister.gov/documents/2021/01/15/2021-00302/credit-for-carbon-oxide-sequestration.*

[20] T.D. 10023 (January 10, 2025), available at: *https://www.federalregister.gov/documents/2025/01/10/2024-31513/credit-for-production-of-clean-hydrogen-and-energy-credit.*

[21] Treasury Reg. § 1.48–13(e)(7).

in the facility's annual report. We are proposing these revisions to paragraph 40 CFR 98.2(a)(2) as reporting under the subpart C and subpart U source categories would no longer be required for RY2025 and the future years. The EPA is proposing to revise Table A–4 to subpart A of Part 98 that provides a list of source categories that are applicable to the rule under 40 CFR 98.2(a)(2). Our proposed revisions to Table A–4 to subpart A would remove all source categories on the list with the exception of petroleum and natural gas systems (subpart W of Part 98) and revise the years of applicability to reporting year 2034 and future years. The source categories currently listed in this table that we are proposing to remove would no longer be required to report GHG data beyond the 2024 reporting year. For subpart W facilities, facilities would no longer be required to report GHG data for reporting years 2025 through 2033.

The EPA is proposing to remove and reserve Table A–3 to subpart A of Part 98 that provides a list of source categories that are applicable to the rule under 40 CFR 98.2(a)(1). The source categories currently listed in this table would no longer be required to report GHG data beyond the 2024 reporting year. We are also proposing to remove and reserve paragraph 40 CFR 98.2(a)(1) that includes applicability conditions that would no longer apply with the removal of Table A–3 to subpart A of Part 98.

The EPA is proposing to remove and reserve 40 CFR 98.2(a)(3) which provides applicability conditions for facilities that only contain general stationary fuel combustion sources. These applicability conditions apply to facilities that operate stationary fuel combustion sources (30 mmBTU/hour or greater and 25,000 $MTCO_2e$ or more per year in combined emissions) and are not otherwise covered under any reporting methodology or subpart of the rule.

The EPA is proposing to remove and reserve 40 CFR 98.2(a)(4) that provides applicability conditions for supplier categories and refers to Table A–5 of subpart A of Part 98, which we are also proposing to remove and reserve. The EPA is proposing to remove and reserve paragraphs 40 CFR 98.2(b)(2) and 98.2(b)(3) that refer to subparts C and U of Part 98 respectively, both of which we are proposing to remove and reserve. The EPA is proposing to remove and reserve paragraphs 98.2(d) through 98.2(g) that include threshold calculations that would no longer be relevant with the proposed removal of multiple facility and supplier source categories. The EPA is also proposing to remove and revise language in 40 CFR 98.2(i) that refers to facility and supplier source categories that would no longer be subject to this proposed rule. The EPA is proposing to remove and reserve Table A–5 to subpart A of Part 98 that provides a list of supplier categories that are applicable to the rule under 40 CFR 98.2(a)(4). The supplier categories currently listed in this table would no longer be required to report GHG data beyond the 2024 reporting year. In addition, we are proposing to remove and reserve 40 CFR 98.2(i)(4) that extends the off-ramping provisions of 40 CFR 98.2(i) to supplier categories. This language would no longer be required as supplier categories would no longer be subject to the rule. Similarly, the EPA is proposing to revise sections 40 CFR 98.1 through 98.6 to remove references to the term ''suppliers'' as suppliers source categories would no longer be included under this proposal. For example, we are proposing to adjust the definitions of ''North American Industry Classification System (NAICS) code(s)'' and ''United States parent company(s)'' to remove the references to ''suppliers.'' Similarly, the EPA is proposing to remove a number of definitions under 40 CFR 98.6 that refer to terms used in facility and supplier source categories that we are proposing to reserve and would no longer be subject to the rule.

The EPA is also proposing to remove references to the Natural Gas Distribution industry segment in 40 CFR 98.4(n), the paragraph in subpart A that describes the alternative provisions for changes in owners and operators for industry segments with a unique definition of facility as defined in 40 CFR 98.238.

The EPA is also proposing that sources no longer required to report for RY2025 and future years through these proposed changes to Tables A–3 through A–5 to subpart A would no longer be subject to any requirements in subpart A, including the recordkeeping schedule under 40 CFR 98.3(g). The EPA is also proposing that facilities in the petroleum and natural gas systems sector required to report for RY2024 and earlier would not be subject to any requirements in subpart A, including the recordkeeping schedule under 40 CFR 98.3(g) from the effective date of the final rule for this proposal, if finalized, until they are again subject to reporting in 2034. Therefore, no facilities would be expected to resubmit or amend their reports for the 3- or 5-year periods following the original submissions for RY2024 and earlier if this rule is finalized as proposed. Under 40 CFR 98.3(h), regulated entities are required to submit amended reports if they discover a substantive error. As the regulated entities would no longer have this obligation (or for petroleum and natural gas systems would not have this obligation until RY2034 and later) under the proposed revisions going forward, the EPA would not maintain the electronic functionality to support these resubmissions and would similarly not expect to receive hard copy resubmissions.

The EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 reports for GHGRP reporters. As described in section II.C of this preamble, the EPA expects that the amendments in this preamble would be effective sixty days after publication. The EPA expects that there would not be enough time between the signature of the final amendments and March 31, 2026, the RY2025 reporting deadline. Therefore, the EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 to June 10, 2026, for these amendments to be effective for RY2025.

In addition to the amendments proposed above, the EPA is also proposing to remove outdated language in subpart A of Part 98 that is no longer needed and that may cause confusion in the future. The EPA is proposing to remove 40 CFR 98.3(b)(1), which clarified the 2011 reporting year schedule for certain sources and is no longer needed. Similarly, the EPA is proposing to remove all provisions under 40 CFR 98.3(d) and 98.3(j), which were special provisions for best available monitoring methods (BAMM) and abbreviated emissions reporting that only applied to the 2010 through 2013 reporting years and are no longer needed. Finally, the EPA is proposing to remove numerous definitions from 40 CFR 98.6. These terms are only used in source categories that the EPA is proposing to remove, and so these terms would no longer need to be defined.

2. Subpart C—General Stationary Fuel Combustion Sources

Subpart C is a subpart that contains stationary fuel combustion source emissions. The emissions reported under subpart C include CO_2, methane (CH_4), and nitrous oxide (N_2O). Stationary fuel combustion sources include, but are not limited to, boilers, combustion turbines, engines, incinerators, and process heaters. Subpart C excludes flares (unless otherwise required by provisions of another subpart of Part 98 to use methodologies in subpart C), portable equipment (as defined in 40 CFR 98.6),

emergency generators and emergency equipment (as defined in 40 CFR 98.6), agricultural irrigation pumps, and combustion of hazardous waste (except for co-fired fuels). Specific pilot lights and hazardous waste combustors are also not required to report (see 40 CFR 98.30(c) and 40 CFR 98.30(d) for more detail).

Prior to 2010, owners and operators of certain facilities in the petroleum and natural gas industry reported emissions from a broad range of stationary fuel combustion sources under subpart C. When the EPA established subpart W, three industry segments (*i.e.,* Onshore production, Onshore gathering and boosting, Natural Gas Distribution) started reporting emissions from stationary and portable fuel combustion equipment (portable includes equipment such as well drilling and completion equipment, workover equipment, and skid-mounted compressors) under subpart W. Fugitive, vented, and combustion emissions from portable equipment were included in the threshold determination and reporting requirements for subpart W (for certain subpart W segments) in the November 2010 final rule due to the unique nature of the petroleum and natural gas industry. Portable combustion emissions are a large contributor to GHG emissions to those subsectors: emissions from portable combustion equipment (as described above) accounted for over 45 percent of total emissions from onshore petroleum and natural gas production.

All other applicable industry segments (Offshore petroleum and natural gas production, Onshore natural gas processing, Onshore natural gas transmission compression, Underground natural gas storage, LNG storage, and LNG import and export equipment) report emissions from only stationary fuel combustion sources under subpart C. For example, for petroleum and natural gas facilities that report under subpart C, emissions from combustion turbines or emissions routed to combustion devices from W processes, *e.g.,* emissions routed from storage tanks to process heaters, would get reported under subpart C. Combustion emissions are a substantial portion (approximately two thirds) of oil and gas sector emissions.

If this rule is finalized as proposed, a large fraction of subpart W facilities that report under subpart C (67 percent of reporters in these segments that are currently above 25,000 $MTCO_2e$) would likely fall below the 25,000 metric ton CO_2e threshold for subpart W and would eventually discontinue reporting under the program.

For the reasons explained in section II.A of this preamble, the EPA is proposing to fully remove the requirements for direct emitters to annually report combustion-related GHG emissions under subpart C of Part 98. Alternatively, the EPA is considering and taking comment on a modification to the requirements of subpart C that would limit the applicability of subpart C to subpart W (Petroleum and Natural Gas Systems) facilities over the same reporting years that would be applicable to subpart W facilities (*i.e.,* suspended until RY2034 and future years). This would not apply to the Natural Gas Distribution industry segment because, as described in section II.B.3 of this preamble, in this action the EPA is proposing to remove GHGRP requirements for this segment.

In the May 2024 Final Rule, the EPA finalized revisions to ensure that emissions reporting under subpart W is based on empirical data and to allow owners and operators to submit appropriate empirical data to demonstrate the extent to which a charge is owed in future implementation of CAA section 136, as directed by CAA section 136(h). The May 2024 Final Rule also finalized the addition of emission sources to ensure that subpart W reflects total methane emissions from the applicable facilities and finalized revisions to improve data verification and transparency. The EPA received petitions on the May 2024 Final Rule on several issues, including a request to move combustion emissions reporting for some industry segments from subpart W to subpart C. The EPA sent a response to the subpart W petitions for reconsideration on March 26, 2025, in which the EPA stated that it intends to issue a **Federal Register** notice initiating a rulemaking process, including public notice and comment, that includes this issue. A separate notice of proposed rulemaking is forthcoming, in which we intend to address the question of where combustion emissions should be reported for oil and gas facilities. We note that the industry segments that report emissions from stationary or portable fuel combustion equipment under subpart W calculate emissions according to 40 CFR 98.233(z), which cross-references subpart C for some calculation methodologies. The EPA intends to address any cross-referencing issues as part of that future separate proposed rulemaking on subpart W.

3. Subpart W—Petroleum and Natural Gas Systems

Subpart W covers facilities in ten industry segments of the petroleum and natural gas industry: Onshore petroleum and natural gas production; Offshore petroleum and natural gas production; Onshore natural gas processing; Onshore natural gas transmission compression; Onshore petroleum and natural gas gathering and boosting; Onshore natural gas transmission pipelines; Underground natural gas storage; LNG storage; LNG Import and Export Equipment; and Natural Gas Distribution.

In the May 2024 Final Rule, the EPA finalized revisions to ensure that emissions reporting under subpart W is based on empirical data and to allow owners and operators to submit appropriate empirical data to demonstrate the extent to which a charge is owed in future implementation of CAA section 136, as directed by CAA section 136(h). The May 2024 Final Rule also finalized the addition of emission sources to ensure that subpart W reflects total methane emissions from the applicable facilities, as directed by CAA section 136(h), and finalized revisions to improve data verification and transparency. In 2022, CAA section 136 established the Methane Emissions Reduction Program and requires the EPA to impose and collect a waste emissions charge beginning with calendar year 2024 emission data from the petroleum and natural gas systems sector reported under subpart W. On July 4, 2025, Congress amended CAA section 136(g) to amend the period under which a waste emissions charge is imposed and collected to begin with emissions reported for calendar year 2034 and later. As noted above, this amendment removes statutory requirements for all subpart W industry segments (except the Natural Gas Distribution industry segment, which is not subject to CAA section 136) until 2034.

Additionally, in this action, the EPA is proposing to remove GHGRP requirements for the Natural Gas Distribution industry segment within subpart W, which are not required or necessary under CAA section 136. Specifically, the EPA is proposing several amendments to remove the Natural Gas Distribution industry segment from subpart W. These proposed amendments include removing the Natural Gas Distribution industry segment definition in 40 CFR 98.230(a)(8), the Natural Gas Distribution industry segment-specific reporting threshold in 40 CFR 98.231(a)(2), the list of emission sources for which natural gas distribution facilities currently calculate and report emissions in 40 CFR 98.232(i), and the definition of ''facility with respect to

natural gas distribution for purposes of reporting under this subpart and for the corresponding subpart A requirements'' in 40 CFR 98.238. The EPA is also proposing to remove references to the Natural Gas Distribution industry segment as necessary from the calculation method requirements in 40 CFR 98.233 and the reporting requirements in 40 CFR 98.236 for the emission sources listed in 40 CFR 98.232(i), including equipment leaks, stationary fuel combustion sources, other large release events, blowdown vent stacks, natural gas pneumatic device venting, and crankcase vents. The EPA is also proposing to remove references to the Natural Gas Distribution industry segment and emission factors specific to that industry segment in Tables W–1, W–5, and W–6 to Part 98.[22]

For the reasons explained in section II.A of this preamble, in this action, the EPA is also proposing to suspend the requirements for petroleum and natural gas facilities to report under subpart W, as described in section II.B.1 of this preamble. However, the EPA is aware that the data for the petroleum and natural gas systems source category are used by different governmental organizations in support of their regulatory programs. For example, the Treasury Department and the IRS also refer to the subpart W regulation in the preamble of the final regulations under section 45V of the IRC, the credit for clean hydrogen production (90 FR 2224, January 10, 2025). Although the EPA acknowledges this use of data reported under subpart W, that purpose and such use of GHGRP data does not fall under the purposes of the CAA section 114 (*i.e.,* are not relevant to the EPA's carrying out of CAA provisions) as discussed in section II.A of this preamble. Therefore, the EPA is requesting comment on the proposed suspension of reporting under subpart W until reporting year 2034.

4. Subpart HH—Municipal Solid Waste Landfills

In the April 2024 Final Rule, the EPA finalized revisions to subpart HH (Municipal Solid Waste Landfills) of Part 98 that lowered landfill gas collection efficiencies by 10-percentage points for all reporting municipal solid waste (MSW) landfills with a gas collection system, regardless of whether the landfill conducted surface emissions monitoring. The final action was based on comments received in response to the May 2023 proposed rule (88 FR 32852; May 22, 2023) and review of recent emissions measurement studies for landfills with gas collection systems.

The EPA received an administrative petition for reconsideration from the National Waste and Recycling Association (NWRA) on June 24, 2024, regarding the EPA's determination to reduce landfill default collection efficiency values. NWRA requested that the EPA reconsider the finalized revision to the collection efficiency values based on their argument that the public was not ''afforded adequate notice of EPA's ultimate decision to reduce existing collection efficiencies for all landfills, irrespective of whether a landfill was conducting [surface emissions monitoring]'' therefore claiming that the final determination is not a ''logical outgrowth'' of the original proposal. NWRA also stated the final lower collection efficiency values will overestimate emissions across the sector and requested the EPA to reconsider the final values. On August 8, 2024, EPA responded to NWRA granting reconsideration on this issue. NWRA's petition for reconsideration and the EPA's response are available in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186).

The EPA is proposing to remove the reporting requirements of subpart HH for the reasons explained in section II.A of this preamble. However, the EPA is also seeking comment on the collection efficiency default value in order to respond to and meet any obligations of the petition for reconsideration. Specifically, we are seeking comment on whether the collection efficiency values used in subpart HH for all subject landfills with a gas collection system should be reverted back to the values originally used prior to the April 2024 Final Rule (*i.e.,* 60 percent for areas with daily cover, 75 percent for areas with intermediate cover, and 95 percent for areas with final cover), if the collection efficiency values finalized in the April 2024 Final Rule should be maintained (*i.e.,* 50 percent for daily cover, 65 percent for intermediate cover, and 85 percent for final cover), or if the collection efficiency values should be revised further based on current published literature and available data, available in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186), should the EPA not finalize the proposed change to eliminate all reporting under subpart HH.

5. Subparts PP—Suppliers of Carbon Dioxide, RR—Geologic Sequestration of Carbon Dioxide, UU—Injection of Carbon Dioxide, and VV—Geologic Sequestration of Carbon Dioxide With Enhanced Oil Recovery Using ISO 27916

The GHGRP contains four subparts directly related to carbon capture and sequestration (CCS). These include subpart PP (Suppliers of Carbon Dioxide), subpart RR (Geologic Sequestration of Carbon Dioxide), subpart UU (Injection of Carbon Dioxide), and subpart VV (Geologic Sequestration of Carbon Dioxide with Enhanced Oil Recovery Using ISO 27916). For the reasons explained in section II.A of this preamble, the EPA is proposing to fully remove the requirements for reporters under these subparts.

Subpart PP (Suppliers of Carbon Dioxide) covers facilities that capture and/or produce CO_2 from production wells for the purpose of supplying CO_2 for commercial applications or underground injection. It also covers importers and exporters of bulk CO_2. Subpart RR (Geologic Sequestration of Carbon Dioxide) covers any well or group of wells that inject a CO_2 stream for long-term containment in subsurface geologic formations. Facilities that inject carbon dioxide for enhanced oil recovery are required to report data under either subpart UU or subpart VV or can opt to report under subpart RR instead of subpart UU or VV by submitting a subpart RR monitoring, reporting, and verification plan for EPA approval. Subpart UU (Injection of Carbon Dioxide) covers any well or group of wells that inject a CO_2 stream into the subsurface. This includes any wells used to enhance oil and gas recovery, unless those wells are a part of a facility that has opted to report data under subpart RR. Subpart VV, finalized in the April 2024 Final Rule, applies to facilities that use the International Standards Organization (ISO) standard designated as CSA Group (CSA)/American National Standards Institute (ANSI) ISO 27916:2019, Carbon Dioxide Capture, Transportation and Geological Storage—Carbon Dioxide Storage Using Enhanced Oil Recovery (CO_2-EOR) as a means of quantifying geologic sequestration. Subpart VV does not apply to EOR facilities that have opted to report under subpart RR.

[22] The EPA is also proposing to revise the formatting of the first three sets of emission factors in Table W–1 to show the industry segments for which those emission factors apply as a list separated by commas rather than a bulleted list. This proposed amendment would improve the clarity of the table for reporters in the affected industry segments.

The EPA is aware that the data for certain source categories are used by different governmental organizations in support of their regulatory programs. For example, as noted previously, the Treasury Department and the IRS have issued regulations that provide guidance regarding taxpayer credit for carbon oxide sequestration under section 45Q of the Internal Revenue Code.[23] These regulations, and related preamble discussion in the Treasury Decision, refer to requirements under the GHGRP.[24] The Treasury Department and the IRS have also requested comment on whether data reported under subpart PP of Part 98 (Suppliers of Carbon Dioxide) could be used to substantiate carbon capture amounts.[25] Although the EPA acknowledges this use of the GHGRP, that purpose and such use of GHGRP efforts does not fall under the purposes of the CAA that authorize ICRs under CAA section 114 (*i.e.,* are not relevant to the EPA's carrying out of CAA provisions) as discussed in section II.A of this preamble. Therefore, the EPA is requesting comment on the proposed removal of all source categories related to carbon capture and sequestration, including subpart PP (Suppliers of Carbon Dioxide), subpart RR (Geologic Sequestration of Carbon Dioxide), subpart UU (Injection of Carbon Dioxide), and subpart VV (Geologic Sequestration of Carbon Dioxide with Enhanced Oil Recovery Using ISO 27916).

C. Schedule

The EPA is proposing that these amendments, if finalized, would become effective within sixty days of publication in the **Federal Register**. Because the proposed amendments would remove the reporting obligations for most reporters following RY2024 (with the exception of owners and operators of petroleum and natural gas facilities subject to subpart W (Petroleum and Natural Gas Systems), which would resume reporting obligations in RY2034 for all segments except Natural Gas Distribution), reporters would cease reporting GHG data under Part 98 within sixty days of publication of the final rule in the **Federal Register**. The EPA is also proposing to remove the electronic capabilities to receive any reporting information until needed for 2034 reporting for the remainder of subpart W. Petroleum and natural gas systems facilities under subpart W (excluding Natural Gas Distribution) would be required to submit their next subpart W report (for RY2034) by March 31, 2035, and annually thereafter in accordance with 40 CFR 98.3(b).

III. Impacts of the Proposed Amendments

In this action, the EPA is proposing to remove GHG reporting requirements for most source categories under 40 CFR part 98 and suspend reporting requirements for most segments of petroleum and natural gas systems (subpart W of Part 98—Petroleum and Natural Gas Systems) until RY2034 (starting January 1, 2034), consistent with CAA section 136. The EPA is proposing to remove GHG reporting requirements for the Natural Gas Distribution segment of subpart W.

To estimate impacts of this rule, the EPA quantified direct cost savings from reduced labor, operations and maintenance (O&M), and capital costs required to comply with measurement and reporting requirements of the GHGRP.[26] Because this is a reporting rule and there are no requirements to reduce emissions, there are no expected emission changes or monetized changes in benefits from emissions. Other potential impacts of this rule relate to the potential relevance of the reported data to policy making, transparency, and market efficiency. This rule may also have indirect impacts on other Federal, state or local agencies, Tribes, or nongovernmental entities (including industry and the public) that may rely on the GHGRP data for non-CAA statutory reasons. Examples of such uses include informing the phase down of HFC production and consumption under the AIM Act, implementation of 45Q and 45V credits, and use in state-level GHG inventory programs (see section II of this preamble). Although the magnitude of these impacts or the response by non-EPA parties to adapt to these changes is too uncertain to quantify, the EPA invites comment or data that could be used to inform analysis for the final rule.

Compared to the current reporting requirements, the EPA estimates cost savings for reporters to the GHGRP resulting from this rule at $303 million per year. The portion of these annual cost savings associated with the petroleum and natural gas industry (subpart W) is approximately $256 million per year, while the cost savings associated with other industries is $46.9 million per year. The estimated cost savings were derived from multiple sources, including the most recent programmatic ICR renewal, incorporation of incremental burden from the 2024 GHGRP Final Rule and the 2024 Subpart W Rule, and subsequent adjustments for inflation. The labor cost estimates have been updated to reflect 2024 labor rates and updated projections of reporters based on RY2023 facilities. The EPA did not re-analyze labor, capital, or O&M costs of existing program requirements, but relied on past estimates. Table 2 of this preamble demonstrates the annual cost savings resulting from this rule over the next 9 years.

TABLE 2—ANNUAL COST SAVINGS OF THE GHGRP FOR REPORTING YEAR 2025–2033

[2024$/year][27]

Cost type	Pre-2024 GHGRP costs[1]	2024 GHGRP rule incremental costs[2]	2024 Subpart W rule incremental costs[3]	Total of three original ICRs	Total adjusted costs[4]
Labor Costs	$61.9 million	$2.7 million	$169.4 million	$234.0 million	$247.7 million.
Capital Costs	$0	$0	$0	$0	$0.
O&M Costs	$33.3 million	$2.7 million	$14.1 million	$50.1 million	$55.0 million.
Total Costs	$95.2 million	$5.4 million	$183.6 million	$284.1 million	$302.7 million.

[1] *Proposed Information Collection Request; Comment Request; Information Collection Request for the Greenhouse Gas Reporting Program.* FRL–10918–01–OAR.

[2] Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule. 40 CFR parts 9 and 98; [EPA–HQ–OAR–2019–0424; FRL–7230–01–OAR]; RIN 2060–AU35.

[23] Treasury Reg. § 1.45Q–1 through –5.

[24] T.D. 9944 (January 15, 2021), available at: *www.federalregister.gov/documents/2021/01/15/2021-00302/credit-for-carbon-oxide-sequestration.*

[25] Notice 2022–57, 2022–47 I.R.B. 482, available at *www.irs.gov/pub/irs-drop/n-22-57.pdf.*

[26] For more information on how the EPA estimated the impacts of this proposal, see the document ''Impacts of Reconsideration of the Greenhouse Gas Reporting Program'' in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186).

[27] These values are calculated using a 3 percent consumption discount rate.

[3] Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems. 40 CFR part 98; [EPA–HQ–OAR–2023–0234; FRL–10246–02–OAR]; RIN 2060–AV83.
[4] Total costs were adjusted for 2024 labor rates and updated projections of reporters.

The proposed revisions in this rulemaking would delay requirements that apply to the petroleum and natural gas systems source category of the Greenhouse Gas Reporting Rule, as well as eliminate all requirements that apply to all other categories. The EPA anticipates that the proposed revisions would significantly decrease costs for reporters. To the extent consideration of costs is relevant to the EPA's proposal for meeting its obligation under the CAA, these anticipated cost savings are reasonable.

As discussed in section IV of this preamble, the EPA is proposing to implement these changes beginning for RY2025. While reporting to subpart W would be delayed for all industry segments (except Natural Gas Distribution, which would be removed), all associated data collection costs would be reintroduced beginning in 2034. Because of the delay of reporting to subpart W until 2034, reporters may incur capital costs in 2034 to re-establish data collection and reporting systems. The impacts estimates here do not include estimates of this potential capital cost because they rely on existing cost estimates and estimates of potential startup costs are not available. For this reason, cost savings in 2034 may be overestimated. The annual cost savings and total net present value of cost savings for these amendments are shown in Table 3 of this preamble, which fall between $2.0 billion and $2.4 billion in cost reductions from the GHGRP. To accurately reflect the present value of these savings, a 3 percent and 7 percent discount rate was applied over the 10-year analysis period.

TABLE 3—TOTAL DISCOUNTED COST SAVINGS FOR THE PROPOSED RULE, 2025–2034

[2024$/year]

Year	Annual cost savings	3 Percent discount rate	7 Percent discount rate
2025	$302.7 million	$293.9 million	$282.9 million.
2026	$302.7 million	$285.3 million	$264.4 million.
2027	$302.7 million	$277.0 million	$247.1 million.
2028	$302.7 million	$268.9 million	$230.9 million.
2029	$302.7 million	$261.1 million	$215.8 million.
2030	$302.7 million	$253.5 million	$201.7 million.
2031	$302.7 million	$246.1 million	$188.5 million.
2032	$302.7 million	$238.9 million	$176.2 million.
2033	$302.7 million	$232.0 million	$164.6 million.
2034	$49.7 million	$37.0 million	$25.3 million.
Total Present Value		$2.4 billion	$2.0 billion.

Table 4 of this preamble summarizes impacts for this rule. Net present value (NPV) and equivalent annualized value (EAV) are presented using discount rates of 3 percent and 7 percent, and using 2024 labor rates. EAV values over the analysis period of 2025 to 2034 are somewhat lower than the annual impacts in 2025 to 2033 because in 2034 reporting would resume under subpart W, excepting the Natural Gas Distribution industry segment.

TABLE 4—TOTAL PROJECTED COST SAVINGS AND NET BENEFITS FOR THE PROPOSED RULE, 2025–2034

[Million 2024$/year]

	3 Percent discount rate		7 Percent discount rate	
	PV	EAV	PV	EAV
Total Cost Savings	$2,400	$281	$2,000	$284
Net Cost Savings	2,400	281	2,000	284
Non-Monetized Impacts	Indirect impacts on other Federal, state or local agencies, Tribes, or non-governmental entities that rely on the GHGRP data for non-CAA statutory reasons.			

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is an economically significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to E.O. 12866 review have been documented in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186). The EPA prepared an analysis of the potential cost savings associated with this action. This analysis is described in section III of this preamble.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is expected to be an Executive Order 14192 deregulatory action. Details on the estimated cost

savings of this proposed rule can be found in the EPA's analysis of the impacts on this proposed action (see section III of this preamble).

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The information collection activities in this action have been submitted for approval to OMB under the PRA. The ICR document that the EPA prepared has been assigned EPA ICR number 7815.01 and OMB control number 2060–NEW. You can find a copy of the ICR in the docket for this rulemaking (Docket Id. No. EPA–HQ–OAR–2025–0186) and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them. Once finalized and approved, this ICR will consolidate reporting requirements from EPA ICR number 2300.20 (OMB control number 2060–0629), ICR number 2773.02 (OMB control number 2060–0748) and ICR number 2774.02 (OMB control number 2060–0751), and thus those ICRs would be discontinued. The EPA is not proposing to add any new reporting requirements to the GHGRP in this action. Instead, the EPA is proposing to remove existing reporting requirements, and so the Agency anticipates that this proposed action would relieve information collection burden. As described further in section III of this preamble, the EPA estimates cost savings from these changes at $303 million per year. The total estimated burden and cost for reporting and recordkeeping due to these amendments are presented here.

Respondents/affected entities: Owners and operators of facilities that must report their GHG emissions and other data to the EPA to comply with 40 CFR part 98.

Respondent's obligation to respond: The result of these proposed changes would be no obligation to respond with mandatory reporting under the GHGRP ceasing following RY2024, except for most petroleum and natural gas sources, that would not be required to report for reporting years 2025 through 2033.

Estimated number of respondents: 0.

Frequency of response: The proposed reconsideration would remove annual reporting requirements for the majority of GHGRP sectors and the Natural Gas Distribution industry segment, and would suspend annual reporting for the remaining petroleum and natural gas industry segments from RY2025 to RY2034.

Total estimated burden: 0 hours per year, by the three years covered by this information collection.

Total estimated costs: $0 per year.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates and any suggested revisions to the respondent burden to the EPA using the docket identified at the beginning of this rule (Docket Id. No. EPA–HQ–OAR–2025–0186). The EPA will respond to any ICR-related comments in the final rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs using the interface at *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. OMB must receive comments no later than October 16, 2025.

D. Regulatory Flexibility Act (RFA)

I certify that this proposed action would not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this proposed rule is any significant adverse economic impact on small entities and that the Agency is certifying that this proposed rule would not have a significant economic impact on a substantial number of small entities because the proposed relieves regulatory burden on the small entities subject to the rule. There are over 5,000 entities reporting across the sectors (including Natural Gas Distribution under subpart W–Petroleum and Natural Gas Systems) where the EPA is proposing to permanently remove requirements and approximately 2,800 entities reporting under subpart W (excluding Natural Gas Distribution) where the EPA is proposing to suspend reporting until 2034, consistent with CAA section 136. The EPA anticipates that some of these would be small entities. For example, the EPA's analysis in past rules has found that small entities were likely subject to the requirements of the GHGRP for sources such as municipal solid waste landfills (subpart HH of Part 98) (78 FR 71904, November 29, 2013) or general stationary fuel combustion (subpart C of Part 98) (81 FR 89188, December 9, 2016). Removing requirements as described in this proposal would relieve burden for all regulated entities, including small entities. We have therefore concluded that this action would relieve regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal governments. Requirements for the private sector do not exceed $100 million in any one year (adjusted annually for inflation) or more (in 1995 dollars).

F. Executive Order 13132: Federalism

This proposed rule does not have federalism implications. It would not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. The EPA believes, however, that this proposed rule may be of significant interest to state governments. The EPA is aware that approximately 20 states implement state-level greenhouse gas reporting that, in some cases, incorporate 40 CFR part 98 by reference and/or rely on data collected by and exported from EPA's electronic Greenhouse Gas Reporting Tool (e-GGRT) or other GHGRP-related EPA electronic resources. Significant alteration or removal of these resources may impact the abilities of states to implement their respective clean air programs and regulations. The EPA believes these impacts could be mitigated through the adjustment and/or de-coupling of relevant state regulations from the EPA's and/or the development of EPA-independent state tools to address any state-specific greenhouse gas data collection needs.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has Tribal implications. However, it would neither impose substantial direct compliance costs on federally recognized Tribal governments, nor preempt Tribal law. In 2023, there were 144 facilities that reported to the GHGRP that were located on Tribal lands. In addition, there are 9 facilities that reported under the GHGRP where Tribal governments were listed as either the owner, operator, or parent company for the facility. Consistent with the EPA Policy on Consultation and Coordination with Indian Tribes, the EPA will engage in

consultation with Tribal officials during the development of this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045. Since this action does not concern human health, the EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. As this action removes requirements from regulated entities in the coming years, the EPA anticipates that the proposed action would reduce the reporting burden on regulated industrial facilities that contribute to the nation's energy supply, distribution, or use.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Determination Under CAA Section 307(d)

Pursuant to CAA section 307(d)(1)(V), the Administrator determines that this action is subject to the provisions of CAA section 307(d). Section 307(d)(1)(V) of the CAA provides that the provisions of CAA section 307(d) apply to ''such other actions as the Administrator may determine.''

List of Subjects

40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons set forth in the preamble, the Environmental Protection Agency proposes to amend title 40, chapter I, of the Code of Federal Regulations as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.1 by revising paragraphs (a) and (b) to read as follows:

§ 98.1 Purpose and scope.

(a) This part establishes mandatory greenhouse gas (GHG) reporting requirements for owners and operators of certain facilities that directly emit GHGs.

(b) Owners and operators of facilities that are subject to this part must follow the requirements of this subpart and all applicable subparts of this part. If a conflict exists between a provision in subpart A and any other applicable subpart, the requirements of the applicable subpart shall take precedence.

* * * * *

■ 3. Amend § 98.2 by:
■ a. Revising paragraphs (a) introductory text and (a)(2).
■ b. Removing and reserving paragraphs (a)(1), (a)(3), (a)(4), (b)(2), (b)(3), (d), (e), (f), and (g).
■ c. Revising paragraphs (h), (i) introductory text, (i)(3), (i)(5), and (i)(6).
■ d. Removing and reserving paragraph (i)(4).

The revisions read as follows:

§ 98.2 Who must report?

(a) The GHG reporting requirements and related monitoring, recordkeeping, and reporting requirements of this part apply to the owners and operators of any facility that is located in the United States or under or attached to the Outer Continental Shelf (as defined in 43 U.S.C. 1331) and that meets the requirements of either paragraph (a)(1), (a)(2), or (a)(3) of this section; that meets the requirements of paragraph (a)(4) of this section:

(1) [Reserved]

(2) A facility that contains any source category that is listed in table A–4 to this subpart and that emits 25,000 metric tons CO_2e or more per year in combined emissions from all applicable source categories that are listed in table A–4 to this subpart. For these facilities, the annual GHG report must cover all applicable source categories listed in table A–4 to this subpart.

* * * * *

(h) An owner or operator of a facility that does not meet the applicability requirements of paragraph (a) of this section is not subject to this rule. Such owner or operator would become subject to the rule and reporting requirements, if a facility exceeds the applicability requirements of paragraph (a) of this section at a later time pursuant to § 98.3(b)(3). Thus, the owner or operator should reevaluate the applicability to this part (including the revising of any relevant emissions calculations or other calculations) whenever there is any change that could cause a facility to meet the applicability requirements of paragraph (a) of this section. Such changes include but are not limited to process modifications, increases in operating hours, increases in production, changes in fuel or raw material use, addition of equipment, and facility expansion.

(i) Except as provided in this paragraph, once a facility is subject to the requirements of this part, the owner or operator must continue for each year thereafter to comply with all requirements of this part, including the requirement to submit annual GHG reports, even if the facility does not meet the applicability requirements in paragraph (a) of this section in a future year.

* * * * *

(3) If the operations of a facility are changed such that all applicable processes and operations subject to paragraphs (a)(1) through (4) of this section cease to operate, then the owner or operator may discontinue complying with this part for the reporting years following the year in which cessation of such operations occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting and certifies to the closure of all applicable processes and operations no later than March 31 of the year following such changes. If one or more processes or operations subject to paragraphs (a)(1) through (4) of this section at a facility cease to operate, but not all applicable processes or operations cease to operate, then the owner or operator is exempt from reporting for any such processes or operations in the reporting years following the reporting year in which cessation of the process or operation occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting for the process or operation no later than March 31 following the first reporting year in which the process or operation has ceased for an entire reporting year. Cessation of operations in the context of underground coal mines includes, but is not limited to, abandoning and sealing

the facility. This paragraph (i)(3) does not apply to seasonal or other temporary cessation of operations. This paragraph (i)(3) does not apply when there is a change in the owner or operator for facilities in industry segments with a unique definition of facility as defined in § 98.238 of the petroleum and natural gas systems source category (subpart W of this part), unless the changes result in permanent cessation of all applicable processes and operations. The owner or operator must resume reporting for any future calendar year during which any of the GHG-emitting processes or operations resume operation.

(4) [Reserved]

(5) If the operations of a facility are changed such that a process or operation no longer meets the ''Definition of Source Category'' as specified in an applicable subpart, then the owner or operator may discontinue complying with any such subpart for the reporting years following the year in which change occurs, provided that the owner or operator submits a notification to the Administrator that announces the cessation of reporting for the process or operation no later than March 31 following the first reporting year in which such changes persist for an entire reporting year. The owner or operator must resume complying with this part for the process or operation starting in any future calendar year during which the process or operation meets the ''Definition of Source Category'' as specified in an applicable subpart.

(6) If an entire facility is merged into another facility that is already reporting GHG data under this part, then the owner or operator may discontinue complying with this part for the facility, provided that the owner or operator submits a notification to the Administrator that announces the discontinuation of reporting and the e-GGRT identification number of the reconstituted facility no later than March 31 of the year following such changes.

* * * * *

■ 4. Amend § 98.3 by:
■ a. Revising the introductory text and paragraphs (b) introductory text, (b)(2) and (b)(3).
■ b. Removing and reserving paragraph (b)(1).
■ c. Adding paragraph (b)(6).
■ d. Revising paragraph (c)(1) and revising and republishing paragraph (c)(4).
■ e. Removing and reserving paragraph (c)(5).
■ f. Revising paragraphs (c)(10) and (c)(11).
■ g. Removing and reserving paragraphs (c)(12) and (d).
■ h. Revising paragraphs (h) introductory text, (i) introductory text, and (i)(1)(ii).
■ i. Removing and reserving paragraph (j).
■ j. Revising and republishing paragraph (k).
■ k. Revising paragraph (l) introductory text.

The revisions and addition to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

The owner or operator of a facility that is subject to the requirements of this part must submit GHG reports to the Administrator, as specified in this section.

* * * * *

(b) Schedule. The annual GHG report for reporting year 2010 must be submitted no later than September 30, 2011. The annual report for reporting years 2011 and beyond must be submitted no later than March 31 of each calendar year for GHG emissions in the previous calendar year, except as provided in paragraphs (b)(5) and (b)(6) of this section.

(1) [Reserved]

(2) For a new facility that begins operation on or after January 1, 2010, and becomes subject to the rule in the year that it becomes operational, report emissions starting the first operating month and ending on December 31 of that year. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(3) For any facility that becomes subject to this rule because of a physical or operational change that is made after January 1, 2010, report emissions for the first calendar year in which the change occurs, beginning with the first month of the change and ending on December 31 of that year. For a facility that becomes subject to this rule solely because of an increase in hours of operation or level of production, the first month of the change is the month in which the increased hours of operation or level of production, if maintained for the remainder of the year, would cause the facility to exceed the applicable threshold. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

* * * * *

(6) The annual GHG report for reporting year 2025 must be submitted no later than June 10, 2026.

(c) * * *

(1) Facility name, and physical street address of the facility, including the city, State, and zip code. If the facility does not have a physical street address, then the facility must provide the latitude and longitude representing the geographic centroid or center point of facility operations in decimal degree format. This must be provided in a comma-delimited ''latitude, longitude'' coordinate pair reported in decimal degrees to at least four digits to the right of the decimal point.

* * * * *

(4) For facilities, except as otherwise provided in paragraph (c)(12) of this section, report annual emissions of CO_2, CH_4, N_2O, each fluorinated GHG (as defined in § 98.6), and each fluorinated heat transfer fluid (as defined in § 98.98) as follows.

(i) Annual emissions (excluding biogenic CO_2) aggregated for all GHG from all applicable source categories, expressed in metric tons of CO_2e calculated using equation A–1 of this subpart. For electronics manufacturing (as defined in § 98.90), starting in reporting year 2012 the CO_2e calculation must include each fluorinated heat transfer fluid (as defined in § 98.98) whether or not it is also a fluorinated GHG.

(ii) Annual emissions of biogenic CO_2 aggregated for all applicable source categories, expressed in metric tons.

(iii) Annual emissions from each applicable source category, expressed in metric tons of each applicable GHG listed in paragraphs (c)(4)(iii)(A) through (F) of this section.

(A) Biogenic CO_2.
(B) CO_2 (excluding biogenic CO_2).
(C) CH_4.
(D) N_2O.
(E) [Reserved]
(F) [Reserved]
(G) [Reserved]

(iv) Except as provided in paragraph (c)(4)(vii) of this section, emissions and other data for individual units, processes, activities, and operations as specified in the ''Data reporting requirements'' section of each applicable subpart of this part.

(v) Indicate (yes or no) whether reported emissions include emissions from a cogeneration unit located at the facility.

(vi) [Reserved]

(vii) [Reserved]

(viii) Applicable source categories means all of the source categories listed in table A–4 to this subpart present at the facility.

* * * * *

(10) NAICS code(s) that apply to the facility.

(i) Primary NAICS code. Report the NAICS code that most accurately describes the facility's primary product/activity/service. The primary product/activity/service is the principal source of revenue for the facility. A facility that has two distinct products/activities/services providing comparable revenue may report a second primary NAICS code.

(ii) Additional NAICS code(s). Report all additional NAICS codes that describe all product(s)/activity(s)/service(s) at the facility that are not related to the principal source of revenue.

(11) Legal name(s) and physical address(es) of the highest-level United States parent company(s) of the owners (or operators) of the facility and the percentage of ownership interest for each listed parent company as of December 31 of the year for which data are being reported according to the following instructions:

(i) If the facility is entirely owned by a single United States company that is not owned by another company, provide that company's legal name and physical address as the United States parent company and report 100 percent ownership.

(ii) If the facility is entirely owned by a single United States company that is, itself, owned by another company (*e.g.,* it is a division or subsidiary of a higher-level company), provide the legal name and physical address of the highest-level company in the ownership hierarchy as the United States parent company and report 100 percent ownership.

(iii) If the facility is owned by more than one United States company (*e.g.,* company A owns 40 percent, company B owns 35 percent, and company C owns 25 percent), provide the legal names and physical addresses of all the highest-level companies with an ownership interest as the United States parent companies, and report the percent ownership of each company.

(iv) If the facility is owned by a joint venture or a cooperative, the joint venture or cooperative is its own United States parent company. Provide the legal name and physical address of the joint venture or cooperative as the United States parent company, and report 100 percent ownership by the joint venture or cooperative.

(v) If the facility is entirely owned by a foreign company, provide the legal name and physical address of the foreign company's highest-level company based in the United States as the United States parent company, and report 100 percent ownership.

(vi) If the facility is partially owned by a foreign company and partially owned by one or more U.S. companies, provide the legal name and physical address of the foreign company's highest-level company based in the United States, along with the legal names and physical addresses of the other U.S. parent companies, and report the percent ownership of each of these companies.

(vii) If the facility is a federally owned facility, report ''U.S. Government'' and do not report physical address or percent ownership.

(viii) The facility must refer to the reporting instructions of the electronic GHG reporting tool regarding standardized conventions for the naming of a parent company.

* * * * *

(h) Annual GHG report revisions. This paragraph applies to the reporting years for which the owner or operator is required to maintain records for a facility according to the time periods specified in paragraph (g) of this section.

* * * * *

(i) Calibration accuracy requirements. The owner or operator of a facility that is subject to the requirements of this part must meet the applicable flow meter calibration and accuracy requirements of this paragraph (i). The accuracy specifications in this paragraph (i) do not apply where either the use of company records (as defined in § 98.6) or the use of ''best available information'' is specified in an applicable subpart of this part to quantify fuel usage and/or other parameters. Further, the provisions of this paragraph (i) do not apply to stationary fuel combustion units that use the methodologies in part 75 of this chapter to calculate CO_2 mass emissions.

(1) * * *

(ii) For facilities that become subject to this part after April 1, 2010, all flow meters and other measurement devices (if any) that are required by the relevant subpart(s) of this part to provide data for the GHG emissions calculations shall be installed no later than the date on which data collection is required to begin using the measurement device, and the initial calibration(s) required by this paragraph (i) (if any) shall be performed no later than that date.

* * * * *

(k) Revised global warming potentials and special provisions for reporting year 2013 and subsequent reporting years. This paragraph (k) applies to owners or operators of facilities that first become subject to any subpart of part 98 solely due to an amendment to table A–1 to this subpart.

(1) A facility that first becomes subject to part 98 due to a change in the GWP for one or more compounds in table A–1 to this subpart, Global Warming Potentials, is not required to submit an annual GHG report for the reporting year during which the change in GWPs is published in the **Federal Register** as a final rulemaking.

(2) A facility that was already subject to one or more subparts of part 98 but becomes subject to one or more additional subparts due to a change in the GWP for one or more compounds in table A–1 to this subpart, is not required to include those subparts to which the facility is subject only due to the change in the GWP in the annual GHG report submitted for the reporting year during which the change in GWPs is published in the **Federal Register** as a final rulemaking.

(3) Starting on January 1 of the year after the year during which the change in GWPs is published in the **Federal Register** as a final rulemaking, facilities identified in paragraph (k)(1) or (2) of this section must start monitoring and collecting GHG data in compliance with the applicable subparts of part 98 to which the facility is subject due to the change in the GWP for the annual greenhouse gas report for that reporting year, which is due by March 31 of the following calendar year.

(4) A change in the GWP for one or more compounds includes the addition to table A–1 to this subpart of either a chemical-specific or a default GWP that applies to a compound to which no chemical-specific GWP in table A–1 to this subpart previously applied.

(l) Special provision for best available monitoring methods in 2014 and subsequent years. This paragraph (l) applies to owners or operators of facilities that first become subject to any subpart of part 98 due to an amendment to table A–1 to this subpart, Global Warming Potentials.

* * * * *

■ 5. Amend § 98.4 by:

■ a. Revising and republishing paragraphs (a), (b), (c), (d), (e), (f), (g), (h), and (i).

■ b. Revising paragraphs (k), (m)(2)(iv), (m)(2)(v)(A), (n) introductory text, (n)(1), (n)(2), (n)(3)(i), and (n)(3)(ii).

The revisions read as follows:

§ 98.4 Authorization and responsibilities of the designated representative.

(a) *General.* Except as provided under paragraph (f) of this section, each facility that is subject to this part, shall have one and only one designated representative, who shall be responsible for certifying, signing, and submitting GHG emissions reports and any other

submissions for such facility respectively to the Administrator under this part. If the facility is required under any other part of title 40 of the Code of Federal Regulations to submit to the Administrator any other emission report that is subject to any requirement in 40 CFR part 75, the same individual shall be the designated representative responsible for certifying, signing, and submitting the GHG emissions reports and all such other emissions reports under this part.

(b) *Authorization of a designated representative.* The designated representative of the facility shall be an individual selected by an agreement binding on the owners and operators of such facility and shall act in accordance with the certification statement in paragraph (i)(4)(iv) of this section.

(c) *Responsibility of the designated representative.* Upon receipt by the Administrator of a complete certificate of representation under this section for a facility, the designated representative identified in such certificate of representation shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of such facility in all matters pertaining to this part, notwithstanding any agreement between the designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the designated representative by the Administrator or a court.

(d) *Timing.* No GHG emissions report or other submissions under this part for a facility will be accepted until the Administrator has received a complete certificate of representation under this section for a designated representative of the facility. Such certificate of representation shall be submitted at least 60 days before the deadline for submission of the facility's initial emission report under this part.

(e) *Certification of the GHG emissions report.* Each GHG emission report and any other submission under this part for a facility shall be certified, signed, and submitted by the designated representative or any alternate designated representative of the facility in accordance with this section and § 3.10 of this chapter.

(1) Each such submission shall include the following certification statement signed by the designated representative or any alternate designated representative: ''I am authorized to make this submission on behalf of the owners and operators of the facility, as applicable, for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.''

(2) The Administrator will accept a GHG emission report or other submission for a facility under this part only if the submission is certified, signed, and submitted in accordance with this section.

(f) *Alternate designated representative.* A certificate of representation under this section for a facility may designate one alternate designated representative, who shall be an individual selected by an agreement binding on the owners and operators, and may act on behalf of the designated representative, of such facility. The agreement by which the alternate designated representative is selected shall include a procedure for authorizing the alternate designated representative to act in lieu of the designated representative.

(1) Upon receipt by the Administrator of a complete certificate of representation under this section for a facility identifying an alternate designated representative.

(i) The alternate designated representative may act on behalf of the designated representative for such facility.

(ii) Any representation, action, inaction, or submission by the alternate designated representative shall be deemed to be a representation, action, inaction, or submission by the designated representative.

(2) Except in this section, whenever the term ''designated representative'' is used in this part, the term shall be construed to include the designated representative or any alternate designated representative.

(g) *Changing a designated representative or alternate designated representative.* The designated representative or alternate designated representative identified in a complete certificate of representation under this section for a facility received by the Administrator may be changed at any time upon receipt by the Administrator of another later signed, complete certificate of representation under this section for the facility. Notwithstanding any such change, all representations, actions, inactions, and submissions by the previous designated representative or the previous alternate designated representative of the facility before the time and date when the Administrator receives such later signed certificate of representation shall be binding on the new designated representative and the owners and operators of the facility.

(h) *Changes in owners and operators.* Except as provided in paragraph (n) of this section, in the event an owner or operator of the facility is not included in the list of owners and operators in the certificate of representation under this section for the facility, such owner or operator shall be deemed to be subject to and bound by the certificate of representation, the representations, actions, inactions, and submissions of the designated representative and any alternate designated representative of the facility, as if the owner or operator were included in such list. Within 90 days after any change in the owners and operators of the facility (including the addition of a new owner or operator), the designated representative or any alternate designated representative shall submit a certificate of representation that is complete under this section except that such list shall be amended to reflect the change. If the designated representative or alternate designated representative determines at any time that an owner or operator of the facility is not included in such list and such exclusion is not the result of a change in the owners and operators, the designated representative or any alternate designated representative shall submit, within 90 days of making such determination, a certificate of representation that is complete under this section except that such list shall be amended to include such owner or operator.

(i) *Certificate of representation.* A certificate of representation shall be complete if it includes the following elements in a format prescribed by the Administrator in accordance with this section:

(1) Identification of the facility for which the certificate of representation is submitted.

(2) The name, organization name (company affiliation-employer), address, email address (if any), telephone number, and facsimile transmission number (if any) of the designated representative and any alternate designated representative.

(3) A list of the owners and operators of the facility identified in paragraph (i)(1) of this section, provided that, if the list includes the operators of the facility and the owners with control of the

facility, the failure to include any other owners shall not make the certificate of representation incomplete.

(4) The following certification statements by the designated representative and any alternate designated representative:

(i) ''I certify that I was selected as the designated representative or alternate designated representative, as applicable, by an agreement binding on the owners and operators of the facility, as applicable.''

(ii) ''I certify that I have all the necessary authority to carry out my duties and responsibilities under 40 CFR part 98 on behalf of the owners and operators of the facility, as applicable, and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions.''

(iii) ''I certify that the owners and operators of the facility, as applicable, shall be bound by any order issued to me by the Administrator or a court regarding the facility.''

(iv) ''If there are multiple owners and operators of the facility, as applicable, I certify that I have given a written notice of my selection as the 'designated representative' or 'alternate designated representative', as applicable, and of the agreement by which I was selected to each owner and operator of the facility.''

(5) The signature of the designated representative and any alternate designated representative and the dates signed.

(6) A list of the subparts that the owners and operators anticipate will be included in the annual GHG report. The list of potentially applicable subparts is required only for an initial certificate of representation that is submitted after January 1, 2018 (*i.e.,* for a facility that previously was not registered under this part). The list of potentially applicable subparts does not need to be revised with revisions to the COR or if the actual applicable subparts change.

* * * * *

(k) *Binding nature of the certificate of representation.* Once a complete certificate of representation under this section for a facility has been received, the Administrator will rely on the certificate of representation unless and until a later signed, complete certificate of representation under this section for the facility is received by the Administrator.

* * * * *

(m) * * *

(2) * * *

(iv) For each type of electronic submission listed in accordance with paragraph (m)(2)(iii) of this section, the facility for which the electronic submission may be made.

(v) * * *

(A) ''I agree that any electronic submission to the Administrator that is by an agent identified in this notice of delegation and of a type listed, and for a facility designated, for such agent in this notice of delegation and that is made when I am a designated representative or alternate designated representative, as applicable, and before this notice of delegation is superseded by another notice of delegation under § 98.4(m)(3) shall be deemed to be an electronic submission certified, signed, and submitted by me.''

* * * * *

(n) *Alternative provisions for changes in owners and operators for industry segments with a unique definition of facility as defined in § 98.238.* When there is a change to the owner or operator of a facility required to report under the onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting, or onshore natural gas transmission pipeline industry segments of subpart W of this part, or a change to the owner or operator for some emission sources from the facility in one of these industry segments, the provisions specified in paragraphs (n)(1) through (4) of this section apply for the respective type of change in owner or operator.

(1) If the entire facility is acquired by an owner or operator that does not already have a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), then within 90 days after the change in the owner or operator, the designated representative or any alternate designated representative shall submit a certificate of representation that is complete under this section. If the new owner or operator already had emission sources specified in § 98.232(c), (j), or (m), as applicable, prior to the acquisition in the same basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting) as the acquired facility but had not previously met the applicability requirements in §§ 98.2(a) and 98.231, then per the applicable definition of facility in § 98.238, the previously owned applicable emission sources must be included in the acquired facility. The new owner or operator and the new designated representative shall be responsible for submitting the annual report for the facility for the entire reporting year beginning with the reporting year in which the acquisition occurred.

(2) If the entire facility is acquired by an owner or operator that already has a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), the new owner or operator shall merge the acquired facility with their existing facility for purposes of the annual GHG report. The owner or operator shall also follow the provisions of § 98.2(i)(6) to notify EPA that the acquired facility will discontinue reporting and shall provide the e-GGRT identification number of the merged, or reconstituted, facility. The owner or operator of the merged facility shall be responsible for submitting the annual report for the merged facility for the entire reporting year beginning with the reporting year in which the acquisition occurred.

(3) * * *

(i) If the purchasing owner or operator that acquires only some of the emission sources from the existing facility does not already have a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), the purchasing owner or operator shall begin reporting as a new facility. The new facility must include the acquired emission sources specified in § 98.232(c), (j), or (m), as applicable, and any emission sources the purchasing owner or operator already owned in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting). The designated representative for the new facility must be selected by the purchasing owner or operator according to the schedule and procedure specified in paragraphs (b) through (d) of this section. The purchasing owner or operator shall be responsible for submitting the annual report for the new facility for the entire reporting year beginning with the reporting year in which the acquisition occurred. The purchasing owner or operator shall continue to report under subpart W of this part for the new facility unless and until that facility meets one of the criteria in § 98.2(i).

(ii) If the purchasing owner or operator that acquires only some of the emission sources from the existing facility already has a reporting facility in the same industry segment and basin (for onshore petroleum and natural gas production or onshore petroleum and natural gas gathering and boosting), then

per the applicable definition of facility in § 98.238, the purchasing owner or operator must add the acquired emission sources specified in § 98.232(c), (j), or (m), as applicable, to their existing facility for purposes of reporting under subpart W. The purchasing owner or operator shall be responsible for submitting the annual report for the entire facility, including the acquired emission sources, for the entire reporting year beginning with the reporting year in which the acquisition occurred.

* * * * *

■ 6. Amend § 98.5 by revising paragraph (a).

§ 98.5 How is the report submitted?

(a) Each GHG report and certificate of representation for a facility must be submitted electronically in accordance with the requirements of § 98.4 and in a format specified by the Administrator.

* * * * *

■ 7. Amend § 98.6 by:

■ a. Removing the definitions for ''Acid Rain Program'', ''Agricultural by-products'', ''Air-injected flare'', ''Alkali bypass'', ''Anaerobic digester'', ''Anaerobic lagoon'', ''Anode effect'', ''Anode Effect Minutes per Cell Day (24 Hours)'', ''Asphalt'', ''Aviation Gasoline'', ''B0'', ''Basic oxygen furnace'', ''Blast furnace'', ''Bulk'', ''By-product coke oven battery'', ''Calcination'', ''Carbon dioxide production well'', ''Carbon dioxide production well facility'', ''Carbon dioxide stream'', ''Carbon share'', ''Carbonate'', ''Carbonate-based mineral'', ''Carbonate-based mineral mass fraction'', ''Carbonate-based raw material'', ''Catalytic cracking unit'', ''CBOB Summer (conventional blendstock for oxygenate blending)'', ''CBOB Winter (conventional blendstock for oxygenate blending)'', ''Cement kiln dust'', ''Chemical recovery combustion unit'', ''Chemical recovery furnace'', ''Chloride process'', ''Coal'', ''COD'', ''Cogeneration unit'', ''Coke burn-off'', ''Cokemaking'', ''Commercial applications'', ''Container glass'', ''Continuous glass melting furnace'', ''Conventional Summer'', ''Conventional Winter'', ''Cyclic'', ''Daily spread'', ''Decarburization vessel'', ''Deep bedding systems'', ''Degasification system'', ''Degradable organic carbon (DOC)'', ''Delayed coking unit'', ''Destruction'', ''Destruction device'', ''DIPE (diisopropyl ether, (CH3)2CHOCH(CH3)2)'', ''Direct liquefaction'', ''Direct reduction furnace'', ''Dry lot'', ''Electric arc furnace (EAF)'', ''Electric arc furnace steelmaking'', ''Electrothermic furnace'', ''Experimental furnace'', ''Exporter'', ''Feed'', ''Flat glass'', ''Furnace slag'', ''Glass melting furnace'', ''Glass'', ''Kiln'', ''Landfill'', ''Landfill gas'', ''Liberated'', ''Lime'', ''Makeup chemicals'', ''Manure composting'', ''Methane correction factor'', ''Midgrade gasoline'', ''Municipal solid waste landfill or MSW landfill'', ''Municipal solid waste or MSW'', ''Municipal wastewater treatment plant'', ''Nitric acid production line'', and ''Nitrogen excreted''.

■ b. Revising the definitions of ''North American Industry Classification System (NAICS) code(s)'', ''Operator'', and ''Owner''.

■ c. Removing the definitions of ''Pasture/Range/Paddock'', ''Petrochemical'', ''Petrochemical feedstocks'', ''Petroleum coke'', ''Pit storage below animal confinement (deep pits)'', ''Poultry manure with litter'', ''Poultry manure without litter'', ''Premium grade gasoline'', ''Pushing'', ''Raw mill'', ''RBOB-Summer'', ''RBOB-Winter'', ''Regular grade gasoline'', ''Rotary lime kiln'', ''SF_6'', ''Silicon carbide'', ''Spent liquor solids'', ''Spent pulping liquor'', ''Sulfur recovery plant'', ''Supplier'', ''Taconite iron ore processing'', ''TAME'', ''Transform'', ''Transhipment'', and ''Trona''.

■ d. Revising the definition of ''United States parent company(s)''.

■ e. Removing the definitions of ''Ventilation hole'', ''Ventilation system'', ''Volatile solids'', ''Wood residuals'', ''Wool fiberglass'', ''Working capacity'', and ''Zinc smelters''.

The revisions read as follows:

§ 98.6 Definitions.

* * * * *

North American Industry Classification System (NAICS) code(s) means the six-digit code(s) that represents the product(s)/activity(s)/service(s) at a facility as listed in the **Federal Register** and defined in ''North American Industrial Classification System Manual 2007,'' available from the U.S. Department of Commerce, National Technical Information Service, Alexandria, VA 22312, phone (703) 605–6000 or (800) 553–6847. *http://www.census.gov/eos/www/naics/.*

* * * * *

Operator means any person who operates or supervises a facility.

* * * * *

Owner means any person who has legal or equitable title to, has a leasehold interest in, or control of a facility, except a person whose legal or equitable title to or leasehold interest in the facility arises solely because the person is a limited partner in a partnership that has legal or equitable title to, has a leasehold interest in, or control of the facility shall not be considered an ''owner'' of the facility.

* * * * *

United States parent company(s) means the highest-level United States company(s) with an ownership interest in the facility as of December 31 of the year for which data are being reported.

* * * * *

■ 8. Remove and reserve table A–3 to Subpart A of Part 98.

■ 9. Amend table A–4 to Subpart A of Part 98 to read as follows:

TABLE A–4 TO SUBPART A OF PART 98—SOURCE CATEGORY LIST[a] FOR § 98.2(a)(2)

Source Categories[a] Applicable in Reporting Year 2034 and Future Years.
Petroleum and Natural Gas Systems (subpart W).

[a] Source categories are defined in each applicable subpart.

■ 10. Remove and reserve table A–5 to Subpart A of Part 98.

Subpart C—[Removed and Reserved]

■ 11. Remove and reserve subpart C, consisting of §§ 98.30 through 98.38 and tables C–1 and C–2 to subpart C of Part 98.

Subpart D—[Removed and Reserved]

■ 12. Remove and reserve subpart D, consisting of §§ 98.40 through 98.48.

Subpart E—[Removed and Reserved]

■ 13. Remove and reserve subpart E, consisting of §§ 98.50 through 98.58.

Subpart F—[Removed and Reserved]

■ 14. Remove and reserve subpart F, consisting of §§ 98.60 through 98.68 and tables F–1 and F–2 to subpart F of Part 98.

Subpart G—[Removed and Reserved]

■ 15. Remove and reserve subpart G, consisting of §§ 98.70 through 98.78.

Subpart H—[Removed and Reserved]

■ 16. Remove and reserve subpart H, consisting of §§ 98.80 through 98.88.

Subpart I—[Removed and Reserved]

■ 17. Remove and reserve subpart I, consisting of §§ 98.90 through 98.98, tables I–1 through I–21 to Subpart I of Part 98, and Appendix A to subpart I of Part 98.

Subpart K—[Removed and Reserved]

■ 18. Remove and reserve subpart K, consisting of §§ 98.110 through 98.118 and table K–1 to subpart K of Part 98.

Subpart L—[Removed and Reserved]

■ 19. Remove and reserve subpart L, consisting of §§ 98.120 through 98.128, table L–1 to Part 98, and Appendix A to subpart L of Part 98.

Subpart N—[Removed and Reserved]

■ 20. Remove and reserve subpart N, consisting of §§ 98.140 through 98.148 and table N–1 to subpart N of Part 98.

Subpart O—[Removed and Reserved]

■ 21. Remove and reserve subpart O, consisting of §§ 98.150 through 98.158 and table O–1 to subpart O of Part 98.

Subpart P—[Removed and Reserved]

■ 22. Remove and reserve subpart P, consisting of §§ 98.160 through 98.168.

Subpart Q—[Removed and Reserved]

■ 23. Remove and reserve subpart Q, consisting of §§ 98.170 through 98.178.

Subpart R—[Removed and Reserved]

■ 24. Remove and reserve subpart R, consisting of §§ 98.180 through 98.188.

Subpart S—[Removed and Reserved]

■ 25. Remove and reserve subpart S, consisting of §§ 98.190 through 98.198 and table S–1 to subpart S of Part 98.

Subpart T—[Removed and Reserved]

■ 26. Remove and reserve subpart T, consisting of §§ 98.200 through 98.208.

Subpart U—[Removed and Reserved]

■ 27. Remove and reserve subpart U, consisting of §§ 98.210 through 98.218 and table U–1 to subpart U of Part 98.

Subpart V—[Removed and Reserved]

■ 28. Remove and reserve subpart V, consisting of §§ 98.220 through 98.228.

Subpart W—Petroleum and Natural Gas Systems

■ 29. Amend § 98.230 by removing and reserving paragraph (a)(8).
■ 30. Amend § 98.231 by removing and reserving paragraph (a)(2).
■ 31. Amend § 98.232 by removing and reserving paragraphs (i) and (k).
■ 32. Amend § 98.233 by:
■ a. Revising paragraphs (a)(2)(ii) introductory text, (a)(2)(ix) introductory text, (a)(4) introductory text, (i) introductory text, (i)(1), (i)(2)(i), and (i)(2)(iv)(B);
■ b. Removing and reserving paragraphs (q)(1)(ii), (q)(1)(vii)(G), and (q)(1)(viii);
■ c. Revising paragraph (q)(2);
■ d. Removing and reserving paragraphs (q)(2)(x) and (q)(2)(xi);
■ e. Removing paragraph (q)(3)(viii);
■ f. Revising paragraph (r);
■ g. Removing and reserving paragraph (r)(6);
■ h. Revising paragraph (u)(2) introductory text;
■ i. Removing paragraph (u)(2)(vii); and
■ j. Revising paragraph (z)(5).
■ The revisions and additions read as follows:

§ 98.233 Calculating GHG emissions.

(a) * * *
(2) * * *

(ii) For facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments electing to use this Calculation Method 2, you must measure all natural gas pneumatic devices vented directly to the atmosphere at your facility each year or, if your facility has 26 or more pneumatic devices, over multiple years, not to exceed the number of years as specified in paragraphs (a)(2)(ii)(A) through (D) of this section. If you elect to measure your pneumatic devices over multiple years, you must measure approximately the same number of devices each year. You must measure and calculate emissions for natural gas pneumatic devices at your facility according to the provisions in paragraphs (a)(2)(iii) through (ix), as applicable.

* * * * *

(ix) For facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments, if you chose to conduct natural gas pneumatic device measurements over multiple years, ''n,'' according to paragraph (a)(2)(ii) of this section, then you must calculate the emissions from all pneumatic devices at your facility as specified in paragraph (a)(2)(ix)(A) through (E) of this section.

* * * * *

(4) *Calculation Method 4.* For well-pads in the onshore petroleum and natural gas production industry segment, gathering and boosting sites in the onshore petroleum and natural gas gathering and boosting industry segments, or for facilities in the onshore natural gas processing, onshore natural gas transmission compression, or underground natural gas storage industry segments, you may elect to calculate CH_4 and CO_2 emissions from your natural gas pneumatic devices that are vented directly to the atmosphere at your site using the methods specified in paragraphs (a)(4)(i) and (ii) of this section except those that are measured according to paragraphs (a)(1) through (3) of this section. You must exclude the counts of devices measured according to paragraph (a)(1) of this section from the counts of devices to be monitored or for which emissions are calculated according to the requirements in this paragraph (a)(4). You may not use this Calculation Method 4 for those devices for which you elected to measure emissions according to paragraph (a)(1), (2), or (3) of this section.

* * * * *

(i) *Blowdown vent stacks.* Calculate CO_2 and CH_4 blowdown vent stack emissions from the depressurization of equipment to reduce system pressure for planned or emergency shutdowns resulting from human intervention or to take equipment out of service for maintenance as specified in either paragraph (i)(2) or (3) of this section. You may use the method in paragraph (i)(2) of this section for some blowdown vent stacks at your facility and the method in paragraph (i)(3) of this section for other blowdown vent stacks at your facility. Blowdowns of equipment with a unique physical volume of less than 50 cubic feet as determined in paragraph (i)(1) of this section are not subject to the requirements in paragraphs (i)(2) through (4) of this section. The requirements in this paragraph (i) do not apply to blowdown vent stack emissions from depressurizing to a flare, over-pressure relief, operating pressure control venting, blowdown of non-GHG gases, and desiccant dehydrator blowdown venting before reloading. If emissions from blowdown vent stacks are routed to a flare, you must calculate CH_4, CO_2, and N_2O annual emissions as specified in paragraph (n) of this section and report emissions from the flare as specified in § 98.236(n).

(1) *Method for calculating unique physical volumes.* You must calculate each unique physical volume (including pipelines, compressor case or cylinders, manifolds, suction bottles, discharge bottles, and vessels) between isolation valves, in cubic feet, by using engineering estimates based on best available data.

* * * * *

(2) * * *

(i) Calculate the total annual natural gas emissions from each unique physical volume that is blown down

using either equation W–14A or W–14B to this section.

$$E_{s,n} = N * \left(V \left(\frac{(459.67 + T_s) P_a}{(459.67 + T_a) P_s Z_a} \right) - V * C \right) \quad \text{(Eq. W-14A)}$$

Where:

$E_{s,n}$ = Annual natural gas emissions at standard conditions from each unique physical volume that is blown down, in cubic feet.

N = Number of occurrences of blowdowns for each unique physical volume in the calendar year.

V = Unique physical volume, in cubic feet, as calculated in paragraph (i)(1) of this section.

C = Purge factor is 1 if the unique physical volume is not purged, or 0 if the unique physical volume is purged using non-GHG gases.

T_s = Temperature at standard conditions (60 °F).

T_a = Temperature at actual conditions in the unique physical volume (°F). For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the temperature.

P_s = Absolute pressure at standard conditions (14.7 psia).

P_a = Absolute pressure at actual conditions in the unique physical volume (psia). For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure.

Z_a = Compressibility factor at actual conditions for natural gas. You may use either a default compressibility factor of 1, or a site-specific compressibility factor based on actual temperature and pressure conditions.

$$E_{s,n} = \sum_{p=1}^{N} \left[V_p \left(\frac{(459.67 + T_s)(P_{a,b,p} - P_{a,e,p})}{(459.67 + T_{a,p}) P_s Z_a} \right) \right] \quad \text{(Eq. W-14B)}$$

Where:

$E_{s,n}$ = Annual natural gas emissions at standard conditions from each unique physical volume that is blown down, in cubic feet.

p = Individual occurrence of blowdown for the same unique physical volume.

N = Number of occurrences of blowdowns for each unique physical volume in the calendar year.

V_p = Unique physical volume, in cubic feet, for each blowdown ''p.''

T_s = Temperature at standard conditions (60 °F).

$T_{a,p}$ = Temperature at actual conditions in the unique physical volume (°F) for each blowdown ''p''. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the temperature.

P_s = Absolute pressure at standard conditions (14.7 psia).

$P_{a,b,p}$ = Absolute pressure at actual conditions in the unique physical volume (psia) at the beginning of the blowdown ''p''. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure at the beginning of the blowdown.

$P_{a,e,p}$ = Absolute pressure at actual conditions in the unique physical volume (psia) at the end of the blowdown ''p''; 0 if blowdown volume is purged using non-GHG gases. For emergency blowdowns at onshore petroleum and natural gas production, onshore petroleum and natural gas gathering and boosting facilities, and onshore natural gas transmission pipeline facilities, engineering estimates based on best available information may be used to determine the pressure at the end of the blowdown.

Z_a = Compressibility at actual conditions for natural gas. You may use either a default compressibility factor of 1, or a site-specific compressibility factor based on actual temperature and pressure conditions.

* * * * *

(iv) * * *

(B) For the onshore natural gas transmission pipeline industry segment, pipeline segments or event types must be grouped into the following eight categories: Pipeline integrity work (*e.g.,* the preparation work of modifying facilities, ongoing assessments, maintenance or mitigation), traditional operations or pipeline maintenance, equipment replacement or repair (*e.g.,* valves), pipe abandonment, new construction or modification of pipelines including commissioning and change of service, operational precaution during activities (*e.g.* excavation near pipelines), emergency shutdowns including pipeline incidents as defined in 49 CFR 191.3, and all other pipeline segments with a physical volume greater than or equal to 50 cubic feet. If a blowdown event resulted in emissions from multiple categories and the emissions cannot be apportioned to the different categories, then categorize the blowdown event in the category that represented the largest portion of the emissions for the blowdown event.

* * * * *

(q) * * *

(2) *Calculation Method 1: Leaker emission factor calculation methodology.* If you elect not to measure leaks according to Calculation Method 2 as specified in paragraph (q)(3) of this section, you must use this Calculation Method 1 for all components included in a complete leak survey. For industry segments listed in § 98.230(a)(2) through (10), if equipment leaks are detected during surveys required or elected for components listed in paragraphs (q)(1)(i) through (vi) of this section, then you must calculate equipment leak emissions per component type per reporting facility, well-pad site, or gathering and boosting site, as applicable, using equation W–30 to this section and the requirements specified in paragraphs (q)(2)(i) through (x) and (xii) of this section.

$$E_{s,p,i} = GHG_i \times EF_{sp} \times \sum_{z=1}^{x_p} T_{p,z} \times k \qquad \text{(Eq. W-30)}$$

Where:

$E_{s,p,i}$ = Annual total volumetric emissions of GHGi from specific component type ''p'' (in accordance with paragraphs (q)(1)(i) through (vi) of this section) in standard (''s'') cubic feet, as specified in paragraphs (q)(2)(ii) through (x) and (xii) of this section.

x_p = Total number of specific component type ''p'' detected as leaking in any leak survey during the year. A component found leaking in two or more surveys during the year is counted as one leaking component.

$EF_{s,p}$ = Leaker emission factor as specified in paragraphs (q)(2)(iii) through (x) and (xii) of this section.

k = Factor to adjust for undetected leaks by respective leak detection method, where k equals 1.25 for the methods in § 98.234(a)(1), (3) and (5); k equals 1.55 for the method in § 98.234(a)(2)(i); and k equals 1.27 for the method in § 98.234(a)(2)(ii).

GHG_i = For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, concentration of GHG_i, CH_4 or CO_2, in produced natural gas as defined in paragraph (u)(2) of this section; for onshore natural gas processing facilities, concentration of GHG_i, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for onshore natural gas transmission compression and underground natural gas storage, GHG_i equals 0.975 for CH_4 and 1.1×10^{-2} for CO_2 or concentration of GHG_i, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for LNG storage and LNG import and export equipment, GHG_i equals 1 for CH_4 and 0 for CO_2; and for onshore natural gas transmission pipeline, GHG_i equals 1 for CH_4 and 1.1×10^{-2} for CO_2.

$T_{p,z}$ = The total time the surveyed component ''z,'' component type ''p,'' was assumed to be leaking and operational, in hours. If one leak detection survey is conducted in the calendar year, assume the component was leaking for the entire calendar year. If multiple leak detection surveys are conducted in the calendar year, assume a component found leaking in the first survey was leaking since the beginning of the year until the date of the survey; assume a component found leaking in the last survey of the year was leaking from the preceding survey through the end of the year; assume a component found leaking in a survey between the first and last surveys of the year was leaking since the preceding survey until the date of the survey; and sum times for all leaking periods. For each leaking component, account for time the component was not operational (*i.e.,* not operating under pressure) using an engineering estimate based on best available data.

* * * * *

(r) *Equipment leaks by population count.* This paragraph (r) applies to emissions sources listed in § 98.232(c)(21)(ii), (f)(7), (g)(5), (h)(6), (j)(10)(ii), (m)(3)(i), and (m)(4)(i) if you are not required to comply with paragraph (q) of this section and if you do not elect to comply with paragraph (q) of this section for these components in lieu of this paragraph (r). This paragraph (r) also applies to emission sources listed in § 98.232(j)(11) and (m)(5). To be subject to the requirements of this paragraph (r), the listed emissions sources also must contact streams with gas content greater than 10 percent CH_4 plus CO_2 by weight. Emissions sources that contact streams with gas content less than or equal to 10 percent CH_4 plus CO_2 by weight are exempt from the requirements of this paragraph (r) and do not need to be reported. Tubing systems equal to or less than one half inch diameter are exempt from the requirements of this paragraph (r) and do not need to be reported. Equipment leak components in vacuum service are exempt from the survey and emission estimation requirements of this paragraph (r) and only the count of these equipment must be reported. You must calculate emissions from all emission sources listed in this paragraph (r) using equation W–32A to this section.

$$E_{s,e,i} = Count_e * EF_{s,e} * GHG_i * T_e \qquad \text{(Eq. W-32A)}$$

Where:

$E_{s,e,i}$ = Annual volumetric emissions of GHG_i from the emission source type in standard cubic feet. The emission source type may be a major equipment (*e.g.,* wellhead, separator), component (*e.g.,* connector, open-ended line), gathering pipeline, transmission company interconnect metering-regulating station, farm tap and/or direct sale metering-regulating station, or transmission pipeline.

$Count_e$ = Total number of the emission source type at the facility. Onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities must count each major equipment piece listed in table W–1 to this subpart. Onshore petroleum and natural gas gathering and boosting facilities must also count the miles of gathering pipelines by material type (protected steel, unprotected steel, plastic, or cast iron). Underground natural gas storage facilities must count each component listed in table W–3 to this subpart. LNG storage facilities must count the number of vapor recovery compressors. LNG import and export facilities must count the number of vapor recovery compressors. Onshore natural gas transmission pipeline facilities must count the following, as listed in table W–5 to this subpart: (1) Miles of transmission pipelines by material type; (2) number of transmission company interconnect metering-regulating stations; and (3) number of farm tap and/or direct sale metering-regulating stations.

$EF_{s,e}$ = Population emission factor for the specific emission source type, as specified in paragraphs (r)(2) through (7) of this section.

GHG_i = For onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, concentration of GHG_i, CH_4 or CO_2, in produced natural gas as defined in paragraph (u)(2) of this section; for onshore natural gas transmission compression and underground natural gas storage, GHG_i equals 0.975 for CH_4 and 1.1×10^{-2} for CO_2 or concentration of GHGi, CH_4 or CO_2, in the total hydrocarbon of the feed natural gas; for LNG storage and LNG import and export equipment, GHG_i equals 1 for CH_4 and 0 for CO_2; and for onshore natural gas transmission pipeline, GHG_i equals 1 for CH_4 and 1.1×10^{-2} CO_2.

T_e = Average estimated time that each emission source type associated with the equipment leak emission was operational in the calendar year, in hours, using engineering estimate based on best available data.

* * * * *

(u) * * *

(2) For equation W–35 to this section, the mole fraction, M_i, shall be the annual average mole fraction for each sub-basin category or facility, as specified in paragraphs (u)(2)(i) through (vi) of this section.

* * * * *

(z) * * *

(5) Emissions from fuel combusted in stationary or portable equipment at onshore petroleum and natural gas production facilities and at onshore petroleum and natural gas gathering and boosting facilities that are calculated according to the procedures in either paragraph (z)(1)(ii) or (z)(2)(ii) of this section must be reported according to the requirements specified in § 98.236(z) rather than the reporting requirements specified in subpart C of this part.

* * * * *

■ 33. Amend § 98.236 by:
■ a. Removing and reserving paragraph (a)(8);
■ b. Revising paragraphs (b)(4)(ii) introductory text, (i)(1) introductory text, (i)(1)(ii), and (q) introductory text;
■ c. Removing and reserving paragraph (q)(1)(iii);
■ d. Revising paragraph (q)(1)(iv) introductory text and the first sentence of paragraph (q)(2) introductory text;
■ e. Removing paragraph (q)(3);
■ f. Removing and reserving paragraph (r)(2); and
■ g. Revising paragraph (z) introductory text.

The revisions and additions read as follows:

§ 98.236 Data reporting requirements.

* * * * *

(b) * * *

(4) * * *

(ii) For onshore natural gas processing facilities, onshore natural gas transmission compression facilities, and underground natural gas storage facilities:

* * * * *

(i) * * *

(1) *Report by equipment or event type.* If you calculated emissions from blowdown vent stacks by the seven categories listed in § 98.233(i)(2)(iv)(A) for onshore petroleum and natural gas production, onshore natural gas processing, onshore natural gas transmission compression, underground natural gas storage, LNG storage, LNG import and export equipment, or onshore petroleum and natural gas gathering and boosting industry segments, then you must report the information specified in paragraphs (i)(1)(i) through (v) of this section, as applicable. If a blowdown event resulted in emissions from multiple equipment or event types, and the emissions cannot be apportioned to the different equipment or event types, then you may report the information in paragraphs (i)(1)(ii) through (v) of this section for the equipment or event type that represented the largest portion of the emissions for the blowdown event. For the onshore petroleum and natural gas production and onshore petroleum and natural gas gathering and boosting industry segments, if a blowdown event is not directly associated with a specific well-pad site or gathering and boosting site (*e.g.,* a mid-field pipeline blowdown) or could be associated with multiple well-pad or gathering and boosting sites, then you may report the information in paragraphs (i)(1)(i) through (v) of this section for either the nearest well-pad site or gathering and boosting site upstream from the blowdown event or the well-pad site or gathering and boosting site that represented the largest portion of the emissions for the blowdown event, as appropriate. If you calculated emissions from blowdown vent stacks by the eight categories listed in § 98.233(i)(2)(iv)(B) for the onshore natural gas transmission pipeline industry segment, then you must report the information specified in paragraphs (i)(1)(ii) through (v) of this section, as applicable. If a blowdown event resulted in emissions from multiple equipment or event types, and the emissions cannot be apportioned to the different equipment or event types, then you may report the information in paragraphs (i)(1)(ii) through (v) of this section for the equipment or event type that represented the largest portion of the emissions for the blowdown event.

* * * * *

(ii) *Equipment or event type.* For the onshore petroleum and natural gas production, onshore natural gas processing, onshore natural gas transmission compression, underground natural gas storage, LNG storage, LNG import and export equipment, or onshore petroleum and natural gas gathering and boosting industry segments, use the seven categories listed in § 98.233(i)(2)(iv)(A). For the onshore natural gas transmission pipeline industry segment, use the eight categories listed in § 98.233(i)(2)(iv)(B).

* * * * *

(q) *Equipment leak surveys.* For any components subject to or complying with the requirements of § 98.233(q), you must report the information specified in paragraphs (q)(1) and (2) of this section. You must report the information specified in paragraphs (q)(1) and (2) of this section, as applicable, for each well-pad site (for onshore production), gathering and boosting site (for onshore petroleum and natural gas gathering and boosting), or facility (for all other applicable industry segments).

* * * * *

(1) * * *

(iv) Except for onshore natural gas transmission pipeline facilities, indicate whether any of the leak detection surveys used in calculating emissions per § 98.233(q)(2) were conducted for compliance with any of the standards in paragraphs (q)(1)(iv)(A) through (E) of this section. Report the indication per well-pad site, gathering and boosting site, or facility, not per component type, as applicable.

* * * * *

(2) You must indicate whether your facility contains any of the component types subject to or complying with § 98.233(q) that are listed in § 98.232(c)(21), (d)(7), (e)(7) or (8), (f)(5) through (8), (g)(4), (g)(6) or (7), (h)(5), (h)(7) or (8), (j)(10), (m)(3)(ii) or (m)(4)(ii) for your facility's industry segment.

* * * * *

(z) *Combustion equipment.* If your facility is required by § 98.232(c)(22) or (j)(12) to report emissions from combustion equipment, then you must indicate whether your facility has any combustion units subject to reporting according to paragraph (a)(1)(xx) or (a)(9)(xiii) of this section. If your facility contains any combustion units subject to reporting according to paragraph (a)(1)(xx) or (a)(9)(xiii) of this section, then you must report the information specified in paragraphs (z)(1) and (2) of this section, as applicable. You must report the information specified in paragraphs (z)(1) and (2) of this section, as applicable, for each well-pad site (for onshore petroleum and natural gas production) or gathering and boosting site (for onshore petroleum and natural gas gathering and boosting).

■ 34. Amend § 98.238 by:
■ a. Removing the definitions ''Facility with respect to natural gas distribution for purposes of reporting under this subpart and for the corresponding subpart A requirements'' and ''Meter/regulator run'';
■ b. Revising the definition ''Routed to combustion''; and
■ c. Removing the definition ''Transmission distribution (T–D) transfer station''.

The revisions read as follows:

§ 98.238 Definitions.

* * * * *

Routed to combustion means, for onshore petroleum and natural gas production facilities and onshore petroleum and natural gas gathering and boosting facilities, that emissions are routed to stationary or portable fuel combustion equipment specified in § 98.232(c)(22) or (j)(12), as applicable.

* * * * *

■ 35. Revising table W–1 to subpart W of Part 98 to read as follows:

TABLE W–1 TO SUBPART W OF PART 98—DEFAULT WHOLE GAS POPULATION EMISSION FACTORS

Industry segment	Source type/component	Emission factor (scf whole gas/hour/unit)
Population Emission Factors—Pneumatic Device Vents and Pneumatic Pumps, Gas Service [1]		
Onshore petroleum and natural gas production, Onshore petroleum and natural gas gathering and boosting.	Continuous Low Bleed Pneumatic Device Vents [2]	6.8
	Continuous High Bleed Pneumatic Device Vents [2]	21
	Intermittent Bleed Pneumatic Device Vents [2]	8.8
	Pneumatic Pumps [3]	13.3
Onshore natural gas processing, Onshore natural gas transmission compression, Underground natural gas storage.	Continuous Low Bleed Pneumatic Device Vents [2]	6.8
	Continuous High Bleed Pneumatic Device Vents [2]	30
	Intermittent Bleed Pneumatic Device Vents [2]	2.3
Population Emission Factors—Major Equipment, Gas Service [1]		
Onshore petroleum and natural gas production, Onshore petroleum and natural gas gathering and boosting.	Wellhead	8.87
	Separator	9.65
	Meters/Piping	7.04
	Compressor	13.8
	Dehydrator	8.09
	Heater	5.22
	Storage Vessel	1.83
Population Emission Factors—Major Equipment, Crude Service		
Onshore petroleum and natural gas production	Wellhead	4.13
	Separator	4.77
	Meters/Piping	12.4
	Compressor	13.8
	Dehydrator	8.09
	Heater	3.2
	Storage Vessel	1.91
Population Emission Factors—Gathering Pipelines, by Material Type [4]		
Onshore petroleum and natural gas gathering and boosting.	Protected Steel	0.93
	Unprotected Steel	8.2
	Plastic Composite	0.28
	Cast Iron	8.4

[1] For multi-phase flow that includes gas, use the gas service emission factors.
[2] Emission factor is in units of "scf whole gas/hour/device."
[3] Emission factor is in units of "scf whole gas/hour/pump."
[4] Emission factors are in units of "scf whole gas/hour/mile of pipeline."

■ 36. Revising table W–5 to subpart W of Part 98 to read as follows:

TABLE W–5 TO SUBPART W OF PART 98—DEFAULT METHANE POPULATION EMISSION FACTORS

Industry segment	Source type/component	Emission factor (scf methane/hour/component)
Population Emission Factors—LNG Storage Compressor, Gas Service		
LNG storage, LNG import and export equipment	Vapor Recovery Compressor [1]	4.17
Population Emission Factors—Interconnect, Direct Sale, or Farm Tap Stations [2 3]		
Onshore natural gas transmission pipeline	Transmission Company Interconnect M&R Station	166
	Direct Sale or Farm Tap Station	1.3
Population Emission Factors—Transmission Pipelines, Gas Service [4]		
Onshore natural gas transmission pipeline	Unprotected Steel	0.74
	Protected Steel	0.041
	Plastic	0.061
	Cast Iron	27

[1] Emission Factor is in units of "scf methane/hour/compressor."

[2] Excluding customer meters.
[3] Emission Factor is in units of "scf methane/hour/station."
[4] Emission Factor is in units of "scf methane/hour/mile."

■ 37. Revising table W–6 to subpart W of Part 98 to read as follows:

TABLE W–6 TO SUBPART W OF PART 98—DEFAULT METHANE LEAKER EMISSION FACTORS

Equipment components	Emission factor (scf methane/hour/component)		
	If you survey using Method 21 as specified in § 98.234(a)(2)(i)	If you survey using Method 21 as specified in § 98.234(a)(2)(ii)	If you survey using any of the methods in § 98.234(a)(1), (3), or (5)
Leaker Emission Factors—LNG Storage and LNG Import and Export Equipment—Storage Components and Terminals Components, LNG Service			
Valve	1.19	0.23	1.94
Pump Seal	4.00	0.73	6.54
Connector	0.34	0.11	0.56
Other[1]	1.77	0.99	2.9
Leaker Emission Factors—LNG Storage and LNG Import and Export Equipment—Storage Components and Terminals Components, Gas Service			
Valve[2]	14.84	9.51	24.2
Connector	5.59	3.58	9.13
Open-Ended Line	17.27	11.07	28.2
Pressure Relief Valve	39.66	25.42	64.8
Meter and Instrument	19.33	12.39	31.6
Other[3]	4.1	2.63	6.70

[1] "Other" equipment type for components in LNG service should be applied for any equipment type other than connectors, pumps, or valves.
[2] Valves include control valves, block valves and regulator valves.
[3] "Other" equipment type for components in gas service should be applied for any equipment type other than valves, connectors, flanges, open-ended lines, pressure relief valves, and meters and instruments, as specified in § 98.232(g)(6) and (7) and § 98.232(h)(7) and (8).

Subpart X—[Removed and Reserved]

■ 38. Remove and reserve subpart X, consisting of §§ 98.240 through 98.248.

Subpart Y—[Removed and Reserved]

■ 39. Remove and reserve subpart Y, consisting of §§ 98.250 through 98.258.

Subpart Z—[Removed and Reserved]

■ 40. Remove and reserve subpart Z, consisting of §§ 98.260 through 98.268 and table Z–1 to subpart Z of Part 98.

Subpart AA—[Removed and Reserved]

■ 41. Remove and reserve subpart AA, consisting of §§ 98.270 through 98.278 and tables AA–1 and AA–2 to subpart AA of Part 98.

Subpart BB—[Removed and Reserved]

■ 42. Remove and reserve subpart BB, consisting of §§ 98.280 through 98.288.

Subpart CC—[Removed and Reserved]

■ 43. Remove and reserve subpart CC consisting of §§ 98.290 through 98.298.

Subpart DD—[Removed and Reserved]

■ 44. Remove and reserve subpart DD, consisting of §§ 98.300 through 98.308.

Subpart EE—[Removed and Reserved]

■ 45. Remove and reserve subpart EE, consisting of §§ 98.310 through 98.318.

Subpart FF—[Removed and Reserved]

■ 46. Remove and reserve subpart FF, consisting of §§ 98.320 through 98.328.

Subpart GG—[Removed and Reserved]

■ 47. Remove and reserve subpart GG, consisting of §§ 98.330 through 98.338.

Subpart HH—[Removed and Reserved]

■ 48. Remove and reserve subpart HH, consisting of §§ 98.340 through 98.348 and tables HH–1 through HH–4 to subpart HH of Part 98.

Subpart II—[Removed and Reserved]

■ 49. Remove and reserve subpart II, consisting of §§ 98.350 through 98.358 and tables II–1 and II–2 to subpart II of Part 98.

Subpart JJ—[Removed and Reserved]

■ 50. Remove and reserve subpart JJ, consisting of §§ 98.360 through 98.368 and tables JJ–1 through JJ–7 to subpart JJ of Part 98.

Subpart LL—[Removed and Reserved]

■ 51. Remove and reserve subpart LL, consisting of §§ 98.380 through 98.388.

Subpart MM—[Removed and Reserved]

■ 52. Remove and reserve subpart MM, consisting of §§ 98.390 through 98.398 and tables MM–1 and MM–2 to subpart MM of Part 98.

Subpart NN—[Removed and Reserved]

■ 53. Remove and reserve subpart NN, consisting of §§ 98.400 through 98.408 and tables NN–1 and NN–2 to subpart NN of Part 98.

Subpart OO—[Removed and Reserved]

■ 54. Remove and reserve subpart OO, consisting of §§ 98.410 through 98.418.

Subpart PP—[Removed and Reserved]

■ 55. Remove and reserve subpart PP, consisting of §§ 98.420 through 98.428.

Subpart QQ—[Removed and Reserved]

■ 56. Remove and reserve subpart QQ, consisting of §§ 98.430 through 98.438.

Subpart RR—[Removed and Reserved]

■ 57. Remove and reserve subpart RR, consisting of §§ 98.440 through 98.449.

Subpart SS—[Removed and Reserved]

■ 58. Remove and reserve subpart SS, consisting of §§ 98.450 through 98.458.

Subpart TT—[Removed and Reserved]

■ 59. Remove and reserve subpart TT, consisting of §§ 98.460 through 98.468 and table TT–1 to subpart TT of Part 98.

Subpart UU—[Removed and Reserved]

■ 60. Remove and reserve subpart UU, consisting of §§ 98.470 through 98.478.

Subpart VV—[Removed and Reserved]

■ 61. Remove and reserve subpart VV, consisting of §§ 98.480 through 98.489.

Subpart WW—[Removed and Reserved]

■ 62. Remove and reserve subpart WW, consisting of §§ 98.490 through 98.498.

Subpart XX—[Removed and Reserved]

■ 63. Remove and reserve subpart XX, consisting of §§ 98.500 through 98.508.

Subpart YY—[Removed and Reserved]

■ 64. Remove and reserve subpart YY, consisting of §§ 98.510 through 98.518 and table YY–1 to subpart YY of Part 98.

Subpart ZZ—[Removed and Reserved]

■ 65. Remove and reserve subpart ZZ, consisting of §§ 98.520 through 98.528 and table ZZ–1 to subpart ZZ of Part 98.

[FR Doc. 2025–17923 Filed 9–15–25; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 250908–0149]

RIN 0648–BN55

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan. This framework would modify exemptions to the minimum mesh size requirements in the commercial summer flounder fishery. The purpose of this action is to increase flexibility for the commercial fishing industry.

DATES: Comments must be received by October 16, 2025.

ADDRESSES: A plain language summary of this proposed rule is available at *https://www.regulations.gov/docket/NOAA-NMFS-2025-0026.* You may submit comments on this document, identified by NOAA–NMFS–2025–0026, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit *https://www.regulations.gov* and type NOAA–NMFS–2025–0026 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *https://www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Copies of the draft Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, including the Environmental Assessment and the Regulatory Impact Review (EA/RIR) prepared in support of this action are available from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. The supporting documents are also accessible via the internet at: *https://www.mafmc.org/actions/summer-flounder-commercial-mesh-exemptions.*

FOR FURTHER INFORMATION CONTACT: Laura Deighan, Fishery Policy Analyst, (978) 281–9184, or *laura.deighan@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) cooperatively develop management measures for the summer flounder, scup, and black sea bass fisheries in state and Federal waters. Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) and Administrative Procedure Act, NMFS reviews and, after taking public comment, approves appropriate fishery management actions that apply in Federal waters.

The Council submitted draft Framework Adjustment 18 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan (FMP) (Summer Flounder Commercial Mesh Exemption Framework Action) to NMFS for consideration of approval. The Summer Flounder Commercial Mesh Exemption Framework Action proposes changes to the two exemptions from the minimum mesh size requirements in the commercial summer flounder fishery. The goal of this framework is to modernize the exemptions to be consistent with current gear use and fishing practices, providing the industry with better access to the exemptions and greater flexibility. The proposed changes are consistent with the primary original objective of the minimum mesh size exemptions, which was to reduce summer flounder discards in other fisheries without increasing the catch of smaller summer flounder.

The implementing regulations for the FMP are found at 50 CFR part 648 subpart G. Pursuant to Magnuson-Stevens Act section 303(b)(4), the summer flounder regulations at § 648.108(a) specify the minimum allowable mesh size when using an otter trawl in the commercial summer flounder fishery. To protect smaller summer flounder, summer flounder permit holders may retain no more than 100 pounds (lb; 45 kilograms (kg)) of summer flounder from May to October and 200 lb (91 kg) from November to April when using otter trawls with mesh below the minimum size. The regulations at § 648.108(b) provide two exemptions from the minimum mesh size requirements: (1) The Small-Mesh Exemption Program (SMEP), which provides exemptions within a defined geographical area from November through April for vessels holding a Letter of Authorization (LOA); and (2) the flynet exemption, which allows exemptions for vessels using a specific net configuration. These two

Attachment 3

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025, 91 Fed. Reg. 9712 (Feb. 27, 2026)

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text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov*. Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: Section 496 of the HEA of 1965, as amended. 20 U.S.C. 1099b.

David Barker,

Assistant Secretary for Postsecondary Education.

[FR Doc. 2026–03953 Filed 2–26–26; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

[Docket No. VA–2026–VBA–0067]

38 CFR Part 4

RIN 2900–AS49

Rescission of Interim Final Rule, Evaluative Rating: Impact of Medication

AGENCY: Department of Veterans Affairs (VA).

ACTION: Final rule; rescission of interim final rule.

SUMMARY: VA is rescinding the interim final rule, Evaluative Rating: Impact of Medication, published on February 17, 2026, and restoring the prior regulatory text. This rescission is effective immediately upon publication.

DATES: This final rule rescinding the interim final rule, published at 91 FR 7118 on February 17, 2026, is effective February 27, 2026.

FOR FURTHER INFORMATION CONTACT: Ethan Kalett, Executive Director, Office of Regulatory Oversight and Management, (202) 461–9700.

SUPPLEMENTARY INFORMATION: VA announces an immediate rescission of the interim final rule, Evaluative Rating: Impact of Medication, published in the **Federal Register** on February 17, 2026. 91 FR 7118. VA issued the rule to clarify existing policy and protect veterans' benefits in the wake of an ongoing court action. VA always takes veterans' concerns seriously and recognizes that many commenters construed the interim final rule as something that could result in adverse consequences.

VA remains committed to its mission of ensuring that every claimant applying for benefits—especially veterans who have earned disability compensation through their honorable service to the Nation—receives all benefits to which they are entitled under the law as expeditiously as possible. To ensure that VA can fulfill this mission while maintaining the trust and confidence of our Nation's veterans, as well as their families, caregivers, and survivors, the Department hereby advises that the interim final rule is rescinded effective immediately.

Good Cause Justification: Under 5 U.S.C. 553(b)(B) and (d)(3), VA finds that prior notice and comment for this rescission is impracticable and contrary to the public interest. Some stakeholders have expressed uncertainty about the interim final rule's effect on claims, and leaving the rule in place during a lengthy rulemaking process could undermine confidence in the benefits system. Immediate rescission ensures continuity in adjudication and preserves the status quo. This action does not resolve the legal questions now before the courts; it simply restores prior regulatory text to maintain stability.

List of Subjects in 38 CFR Part 4

Disability benefits, Veterans.

Signing Authority

Douglas A. Collins, Secretary of Veterans Affairs, approved this document on February 24, 2026, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Jennifer Williams,

Alternate Federal Register Liaison Officer, Department of Veterans Affairs.

For the reasons stated in the preamble, VA amends 38 CFR part 4 as set forth below:

PART 4—SCHEDULE FOR RATING DISABILITIES

■ 1. The authority citation for part 4 continues to read as follows:

Authority: 38 U.S.C. 1155, unless otherwise noted.

Subpart A—General Policy in Rating

■ 2. Revise and republish § 4.10 to read as follows:

§ 4.10 Functional impairment.

The basis of disability evaluations is the ability of the body as a whole, or of the psyche, or of a system or organ of the body to function under the ordinary conditions of daily life including employment. Whether the upper or lower extremities, the back or abdominal wall, the eyes or ears, or the cardiovascular, digestive, or other system, or psyche are affected, evaluations are based upon lack of usefulness, of these parts or systems, especially in self-support. This imposes upon the medical examiner the responsibility of furnishing, in addition to the etiological, anatomical, pathological, laboratory and prognostic data required for ordinary medical classification, full description of the effects of disability upon the person's ordinary activity. In this connection, it will be remembered that a person may be too disabled to engage in employment although he or she is up and about and fairly comfortable at home or upon limited activity.

[FR Doc. 2026–03940 Filed 2–26–26; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025–0186; FRL–12720.1–02–OAR]

RIN 2060–AW76

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is promulgating this final rule to extend the reporting deadline under the Greenhouse Gas Reporting Rule for reporting year 2025 from March 31, 2026 to October 30, 2026. This final rule changes only the reporting deadline for annual greenhouse gas (GHG) reports for reporting year 2025 in response to comments received on the proposed rescission of the Greenhouse Gas Reporting Program (GHGRP). The EPA anticipates addressing the remainder of the proposed rule in one or more subsequent final actions.

DATES: This rule is effective February 27, 2026.

ADDRESSES: The EPA established a docket for this action under Docket Id. No. EPA–HQ–OAR–2025–0186. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. This Docket Facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744 and the telephone number for the Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Emissions Data and Assessments Branch, Natural Resources Division, Office of Clean Air Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.*

SUPPLEMENTARY INFORMATION:

Preamble acronyms and abbreviations. Throughout this preamble, the use of ''we,'' ''us,'' or ''our'' is intended to refer to the EPA. We use multiple acronyms and terms in this preamble. While this list may not be exhaustive, to ease the reading of this preamble and for reference purposes, the EPA defines the following terms and acronyms here:

CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CO_2 carbon dioxide
CRA Congressional Review Act
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA U.S. Environmental Protection Agency
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
$MTCO_2e$ metric tons of CO_2 equivalent
NAICS North American Industry Classification System
NTTAA National Technology Transfer and Advancement Act
OAR Office of Air and Radiation
OMB Office of Management and Budget
PRA Paperwork Reduction Act
RFA Regulatory Flexibility Act
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

Background information. On September 16, 2025, the EPA proposed to permanently remove program obligations for 46 source categories of the GHGRP. Under the proposal, facilities, suppliers, and underground injection sites under these 46 source categories would no longer report to the EPA after reporting year (RY) 2024, meaning reporting would not be required for RY2025 and onward. For the petroleum and natural gas source category (subpart W), the EPA's proposed amendments consisted of two parts. First, the EPA proposed to permanently remove program obligations for facilities in the natural gas distribution segment. Under the proposal, facilities in the natural gas distribution segment of subpart W would no longer report to the EPA after RY2024. Second, for the remaining nine segments of subpart W, the EPA proposed to suspend program reporting requirements until reporting year 2034. Additionally, the EPA proposed to extend the March 31, 2026, reporting deadline for all 47 source categories until June 10, 2026. In this final rule, we are extending the reporting deadline under the Greenhouse Gas Reporting Program for reporting year 2025 and not taking final action on any other aspect of the proposed rule, which will be addressed in one or more subsequent final actions.

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I. General Information

A. Does this action apply to me?

Regulated entities. This final regulation affects entities that submit annual GHG reports pursuant to the GHGRP (40 CFR part 98). Entities affected by this action are owners or operators of facilities that are direct emitters or suppliers of GHGs or that sequester carbon dioxide (CO_2) gas underground. Regulated categories and entities include, but are not limited to, those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
General Stationary Fuel Combustion Sources.	.....	Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines.
	211	Extractors of crude petroleum and natural gas.
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
	622	Health services.
	611	Educational services.
Electric Power Generation	2211	Generation facilities that produce electric energy.
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects.	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production.	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Microelectro mechanical (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment.	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75.	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
Hydrochlorofluorocarbon (HCFC)-22 Production.	325120	Industrial gas manufacturing: HCFC gases manufacturing.
Hydrofluorocarbon (HFC)-23 destruction processes that are not collocated with a HCFC–22 production facility and that destroy more than 2.14 metric tons of HFC–23 per year.	325120	Industrial gas manufacturing: HFC gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere.	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification System (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
Suppliers of Industrial Greenhouse Gases.	325120	Industrial greenhouse gas manufacturing facilities.
Suppliers of Coal-based Liquid Fuels	211130	Coal liquefaction at mine sites.
Suppliers of Natural Gas and Natural Gas Liquids.	221210	Natural gas distribution facilities.
	211112	Natural gas liquid extraction facilities.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding entities likely affected by this action. This table lists the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities than those listed in the table could also be subject to this action. Many entities that are affected by 40 CFR part 98 have GHG emissions from multiple source categories listed in Table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the **FOR FURTHER INFORMATION CONTACT** section.

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this final rule will also be available through the internet. In accordance with 5 U.S. Code (U.S.C.) 553(b)(4), a brief summary of this rule may be found at *https://www.regulations.gov,* Docket ID No. EPA–HQ–OAR–2025–0186. Following the Administrator's signature, a copy of this final rule will be posted on the EPA's GHGRP website at *www.epa.gov/ghgreporting.* Following publication in the **Federal Register**, the EPA will post the **Federal Register** version at this same website.

II. Background

A. What is the statutory authority for this action?

The GHGRP was promulgated pursuant to Clean Air Act (CAA) section 114 and under CAA section 136 for certain segments of the petroleum and natural gas source category (subpart W).[1] Under this action, the EPA is amending the RY2025 regulatory reporting deadline of the GHGRP.

This final rule is effective immediately upon publication. Section 553(d)(1) of the Administrative Procedure Act, 5 U.S.C. 553(d)(1), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); *see also United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977). However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Absent this action, regulated entities would have insufficient time to prepare and submit annual reports in the e-GGRT system, and this action relieves that restriction. Therefore, the normal 30-day minimum period between this action's dates of publication and effectiveness is not required. Accordingly, EPA is making this rule effective immediately upon publication.

The Administrator has determined that this action is subject to the provisions of CAA section 307(d) (*see* section IV.M. of this preamble for further discussion). Section 307(d) of this CAA contains a set of procedures relating to the issuance and review of certain CAA rules.[2]

B. What is the Greenhouse Gas Reporting Program?

The Greenhouse Gas Reporting Program (codified at 40 CFR part 98) applies to certain industrial facilities that emit GHGs (primarily large facilities emitting at least 25,000 metric tons of carbon dioxide equivalents ($MTCO_2e$)), upstream suppliers of fossil fuels and industrial GHGs (such as CO_2 and hydrofluorocarbons (HFCs)), and industries that capture and sequester CO_2. Approximately 8,200 facilities, suppliers, and CO_2 injection sites submit data each year. Facilities calculate emissions using methodologies that are specified under the regulations and report data to the EPA using the electronic Greenhouse Gas Reporting Tool (e-GGRT). Annual reports covering emissions from the prior calendar year are due to the EPA by March 31st of each year. Once data are submitted, the EPA conducts a multi-step verification process to ensure reported data are accurate, complete, and consistent. If the EPA identifies potential errors, it will notify the reporter, who can resolve the issue either by providing an acceptable response describing why the flagged issue is not an error or by correcting the flagged issue and resubmitting their annual GHG report. The reported data are made available to the public

[1] 42 U.S.C. 7414, 7436.

[2] 42 U.S.C. 7607.

typically seven to eight months after the reporting deadline of each year through several available tools, resources, and factsheets accessible via the internet.

C. What changes did we propose for the GHGRP in our September 16, 2025, proposed rulemaking?

On September 16, 2025, the EPA issued a proposed rule to rescind GHGRP obligations promulgated under CAA section 114 and revise GHGRP reporting obligations in other respects, including aspects of subpart W promulgated or amended under CAA section 136, effective for RY2025 and onward (''GHGRP Reconsideration Proposal'').[3] As relevant here, we further proposed to extend the deadline for submitting the calendar year 2025 report (*i.e.,* ''the RY2025 reporting deadline'') from March 31, 2026, to June 10, 2026. In support of this proposal, we asserted that such an extension would be necessary to allow time for the EPA to issue a final rule prior to the RY2025 reporting deadline and to allow regulated entities to adjust compliance efforts accordingly.

The EPA subsequently received over 50,000 comments on the GHGRP Reconsideration Proposal by the comment deadline of November 3, 2025, including public input received in connection with a public hearing held on October 1, 2025. Relatively few commenters opined specifically on the deadline extension aspect of the proposal, and the comments received on this issue were universally supportive of an extension. After considering these comments and for the reasons set out below, the EPA has decided to finalize this aspect of the proposal separately by extending the reporting deadline for calendar year 2025 to October 30, 2026. The Agency intends to separately consider all other aspects of the GHGRP Reconsideration Proposal in one or more subsequent final actions.

III. What is included in this final rule?

A. What are the final rule amendments?

In this final action, the EPA is amending subpart A (General Provisions) at 40 CFR 98.3(b) to add a new paragraph that will extend the reporting deadline for calendar year 2025 (RY2025) to October 30, 2026. This extension applies only to the RY2025 reporting deadline. The extension will allow the EPA time to consider comments on the GHGRP Reconsideration Proposal and to take any final actions before the revised RY2025 reporting deadline of October 30, 2026. In addition, this extension ensures that entities subject to the GHGRP could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year in any separate final actions following the GHGRP Reconsideration Proposal and/or have adequate time to prepare and submit RY2025 reports.

B. Summary of Significant Comments and Response

In September 2025, the EPA proposed changes to the GHGRP and anticipated finalizing substantive GHGRP changes by March 2026. This timeline would have provided an appropriate time period for sources and EPA to implement any necessary adjustments in advance of the proposed RY2025 reporting deadline in June 2026. Many industry commenters supported this approach, including a commenter who indicated that additional time might be more appropriate if the overall schedule were modified. At this time, EPA anticipates finalizing the rule by July 2026, which would provide a similar time period from July 2026 through October 2026 for sources and EPA to adjust to any changes in the final rule. The following provides additional information on the comments we received and our responses to those comments.

Although the EPA received a substantial number of comments on a wide range of issues in the GHGRP Reconsideration Proposal, we received only a few comments specific to the RY2025 reporting deadline. Several commenters supported the proposal to extend the reporting deadline for calendar year 2025 to June 10, 2026. Some commenters requested that we expedite issuance of a final rule extending the deadline sufficiently in advance of the current deadline to provide certainty to the regulated community. Other commenters requested that we allow affected entities sufficient time to work in the e-GGRT system to prepare submissions and to avoid unnecessary costs and effort. Finally, at least one commenter argued that we may need to extend the reporting period past June 10, 2026, to allow even more time to prepare a final rule on other aspects of the GHGRP Reconsideration Proposal.

The EPA generally agrees with commenters that supported extending the reporting deadline for RY2025. The EPA further agrees with commenters that it should expedite action on the RY2025 reporting deadline. In response to comments received on this issue, the EPA is finalizing this discrete, limited aspect of the GHGRP Reconsideration Proposal by extending the reporting deadline for RY2025 to provide certainty to the regulated community. We note that extending the reporting deadline will also allow the Agency time to prepare and release the e-GGRT system if needed in advance of the revised RY2025 reporting deadline so that facilities have additional time to work in the e-GGRT system to prepare submissions, as requested by some commenters. Finally, the EPA agrees with the commenter's argument that we should extend the RY2025 reporting deadline beyond June 10, 2026. Although we proposed to extend the reporting deadline to June 10, 2026, and many commenters agreed with this date, we recognize that a longer extension to October 30, 2026, would better achieve the goal of providing greater certainty to the obligated stakeholders and provide appropriate compliance time without prejudicing the outcome of the remainder of the GHGRP Reconsideration Proposal.

The EPA anticipates that this longer extension will satisfy many of the concerns raised by commenters, such as providing sufficient notice of the extended reporting deadline and allowing time to prepare for the amended deadline. As previously stated, we note that extending the reporting deadline will also allow the Agency time if needed to prepare and release the e-GGRT system in advance of the revised RY2025 reporting deadline. Additionally, in a typical reporting year the Agency allows two months for reporters to compile and submit reports, so additional time following the GHGRP final decision(s) would be appropriate. Should we later take final action on the GHGRP Reconsideration Proposal by retaining all or many existing reporting obligations, this revised deadline would allow regulated entities to comply with sufficient time to react to that final decision and ensure that the data remains available for review. Conversely, should we later take final action on the GHGRP Reconsideration Proposal by finalizing all or most of the proposed rescissions and revisions, this revised deadline would allow regulated entities sufficient time to adjust their compliance efforts and avoid wasted time and effort.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *www.epa.gov/laws-regulations/laws-and-executive-orders.*

[3] 90 FR 44591 (September 16, 2025).

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. While we have not quantified any reduction in regulatory costs related to these changes, providing more time for compliance does provide entities with greater flexibilities related to how they use their workforce which could result in some savings.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection requirements contained in the existing regulation and has assigned OMB control number 2060–0629, OMB control number 2060–0748, and OMB control number 2060–0751. This action extends the deadline for submitting annual GHG reports for reporting year 2025 data from March 31, 2026, to October 30, 2026.

D. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the Agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule has no net burden on the small entities subject to the rule. In this final rule, we are confirming the EPA's decision to extend a reporting compliance date, after considering and responding to comments received on the 2025 proposed rule. This action does not change any other regulatory requirements. We have therefore concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any State, local, or Tribal governments or the private sector.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. The rule does not result in any changes to the requirements of 40 CFR part 98 other than extending the reporting deadline for submitting annual GHG reports for reporting year 2025 data until October 30, 2026. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. Therefore this action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

J. National Technology Transfer and Advancement Act (NTTAA)

This rule does not involve technical standards.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Determination Under CAA Section 307(d)

Pursuant to CAA section 307(d)(1)(V), the Administrator has determined that this action is subject to the provisions of CAA section 307(d). Section 307(d)(1)(V) of the CAA provides that the provisions of CAA section 307(d) apply to ''such other actions as the Administrator may determine.''

M. Judicial Review

Under CAA section 307(b)(1), judicial review of this final action is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by April 28, 2026. Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

CAA section 307(d)(7)(B) further provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for the EPA to convene a proceeding for reconsideration ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment, (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. Environmental Protection Agency, Room 3000, WJC South Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons set out in the preamble, the Environmental Protection Agency amends 40 CFR part 98 as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.3 by revising paragraph (b) to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

* * * * *

(b) *Schedule.* The annual GHG report for reporting year 2010 must be submitted no later than September 30, 2011. The annual report for reporting years 2011 and beyond must be submitted no later than March 31 of each calendar year for GHG emissions in the previous calendar year, except as provided in paragraphs (b)(1), (5), and (6) of this section.

(1) For reporting year 2011, facilities with one or more of the subparts listed in paragraphs (b)(1)(i) through (xi) of this section and suppliers listed in paragraph (b)(1)(xii) of this section are required to submit their annual GHG report no later than September 28, 2012. Facilities and suppliers that are submitting their second annual GHG report in 2012 and that are reporting on one or more subparts listed in paragraphs (b)(1)(i) through (xii) of this section must notify the EPA by March 31, 2012, that they are not required to submit their annual GHG report until September 28, 2012.

(i) Electronics Manufacturing (subpart I).

(ii) Fluorinated Gas Production (subpart L).

(iii) Magnesium Production (subpart T).

(iv) Petroleum and Natural Gas Systems (subpart W).

(v) Use of Electric Transmission and Distribution Equipment (subpart DD).

(vi) Underground Coal Mines (subpart FF).

(vii) Industrial Wastewater Treatment (subpart II).

(viii) Geologic Sequestration of Carbon Dioxide (subpart RR).

(ix) Manufacture of Electric Transmission and Distribution (subpart SS).

(x) Industrial Waste Landfills (subpart TT).

(xi) Injection of Carbon Dioxide (subpart UU).

(xii) Imports and Exports of Equipment Pre-charged with Fluorinated GHGs or Containing Fluorinated GHGs in Closed-cell Foams (subpart QQ).

(2) For a new facility or supplier that begins operation on or after January 1, 2010, and becomes subject to the rule in the year that it becomes operational, report emissions starting the first operating month and ending on December 31 of that year. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(3) For any facility or supplier that becomes subject to this rule because of a physical or operational change that is made after January 1, 2010, report emissions for the first calendar year in which the change occurs, beginning with the first month of the change and ending on December 31 of that year. For a facility or supplier that becomes subject to this rule solely because of an increase in hours of operation or level of production, the first month of the change is the month in which the increased hours of operation or level of production, if maintained for the remainder of the year, would cause the facility or supplier to exceed the applicable threshold. Each subsequent annual report must cover emissions for the calendar year, beginning on January 1 and ending on December 31.

(4) Unless otherwise stated, if the final day of any time period falls on a weekend or a Federal holiday, the time period shall be extended to the next business day.

(5) The annual GHG report for reporting year 2024 must be submitted no later than May 30, 2025.

(6) The annual GHG report for reporting year 2025 must be submitted no later than October 30, 2026.

* * * * *

[FR Doc. 2026–03995 Filed 2–26–26; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2023–0554; FRL–13184–01–OCSPP]

Pyridate; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation revises a use of pyridate on mint (with tolerances on mint, fresh leaves and mint, dried leaves); a crop group expansion to field corn subgroup 15–22C; and a crop group conversion to vegetable, *brassica,* head and stem, group 5–16, which includes a tolerance on orphan crop kohlrabi. The Interregional Project Number 4 (IR–4) requested this tolerance under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 27, 2026. Objections and requests for hearings must be received on or before April 28, 2026, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2023–0554, is available at *http://www.regulations.gov* or in-person at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP Docket is (202) 566–1744. For the latest status information on EPA/DC services, docket access, visit *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–1030; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance

Attachment 4

Environmental Defense Fund et al., Petition for Reconsideration of EPA's Final Rule: Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025, Docket No. EPA-HQ-OAR-2025-0186-1585 (Apr. 23, 2026)

Petition for Reconsideration of EPA's Final Rule: Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025

91 Fed. Reg. 9712 (Feb. 27, 2026)
Docket No: EPA-HQ-OAR-2025-0186

April 23, 2026

Via Email and Certified Mail

Pursuant to section 307(d)(7)(B) of the Clean Air Act,[1] Clean Air Task Force, Earthworks, Environmental Defense Fund, Environmental Integrity Project, Natural Resources Defense Council, and Sierra Club ("Petitioners"), respectfully petition the Environmental Protection Agency ("EPA") for reconsideration of its final rule extending the 2025 reporting deadline under the Greenhouse Gas Reporting Program ("Delay Rule").[2] This petition is timely filed within 60 days of publication of the rule on February 27, 2026.[3] Given that this petition for reconsideration is based on a time-sensitive issue—whether the Delay Rule improperly extended the reporting deadline beyond the proposed date of June 10, 2026—we request that EPA act on this petition before June 10. If the Agency fails to do so, we will treat the petition as having been constructively denied.

I. Introduction

In September 2025, EPA proposed to repeal and suspend the Reporting Program ("Proposed Rule").[4] EPA has yet to take final action on that proposal. Meanwhile, the existing requirements remain in effect, including for reporting year 2025 ("RY2025"). While the Proposed Rule would have extended the RY2025 annual reporting deadline from March 31, 2026, to June 10, 2026, the Delay Rule finalized a much longer extension to October 30, 2026, without any prior notice, and without modifying or repealing any other aspect of the Reporting Program.

The Proposed Rule's June 10 deadline extension mirrored the prior extension EPA finalized in 2025 for RY2024.[5] Even though regulated entities submitted their 2024 data to EPA, the Agency failed to publish that data—a stark departure from its past practice of releasing the data each fall for stakeholder use.[6] To address that shortfall, one of Petitioners, Environmental Integrity

[1] 42 U.S.C. § 7607(d)(7)(B).
[2] Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025, 91 Fed. Reg. 9712 (Feb. 27, 2026).
[3] 42 U.S.C. § 7607(d)(7)(B).
[4] Reconsideration of the Greenhouse Gas Reporting Program, 90 Fed. Reg. 44591 (proposed Sep. 16, 2026) ("Proposed Rule").
[5] Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2024 Data, 90 Fed. Reg. 13085 (Mar. 20, 2025). Environmental Defense Fund filed a petition for review in the D.C. Circuit challenging the extended RY2024 deadline. After reporting occurred pursuant to that extended deadline, the case was voluntarily dismissed.
[6] *See* EPA, *GHGRP Datasets* (last updated Feb. 6, 2026), https://www.epa.gov/ghgreporting/data-sets. The Clean Air Act, 42 U.S.C. § 7414(c), requires EPA to make emissions data publicly available.

Project, obtained the 2024 data through the Freedom of Information Act ("FOIA") and analyzed and published it.[7]

In the Delay Rule, EPA further extended the RY2025 reporting deadline from June 10 to October 30, 2026. Petitioners and others objected to the proposed repeal and suspension of the entire program in comments on the Proposed Rule, including objecting to any delay in reporting.[8] Although the Delay Rule purports to simply extend the RY2025 reporting deadline, it is apparent that it is actually an attempt to prevent RY2025 reporting altogether by providing the Agency time to complete the larger rulemaking to repeal and suspend the Reporting Program. The Delay Rule in essence prevents Petitioners or anyone else from obtaining and publishing the RY2025 data through FOIA requests or otherwise.

EPA must reconsider the Delay Rule. Reconsideration is warranted because the objections raised in this petition are of central relevance to the outcome of the Delay Rule, and they address a core aspect of the rule where EPA failed to provide adequate notice and opportunity for public comment. Our objections are of "central relevance" to the outcome of the Delay Rule,[9] because—consistent with EPA's interpretation of that term—they present "substantial support for the argument that the [Delay Rule] should be revised."[10] Indeed, our objections go to the core of the Delay Rule—when and whether the legally-required emission reporting for 2025 will occur.

Reconsideration is warranted under the Clean Air Act when concerns over a final rule could not have been raised during the public comment period, or where those concerns arose after the public comment period. Here, we raise objections to the new October 30 reporting deadline, which differed substantially from the June deadline set out in the Proposed Rule. Because Petitioners had no notice that EPA was considering extending the reporting deadline past June, "it was impracticable to raise such objection" during the public comment period.[11] Further, Petitioners concerns regarding the October 30 extension arose after the original public comment period because the October 30 extension did not appear in the Proposed Rule, but instead, appeared for the first time in the Delay Rule on February 27, 2026.[12]

II. The October 30, 2026 Reporting Deadline Is Not a Logical Outgrowth of EPA's Proposed Rule.

EPA did not indicate in any way in the Proposed Rule that the RY2025 reporting deadline might be extended beyond June 10. The Agency did not state that a longer or shorter reporting deadline

[7] Environmental Integrity Project, *EIP Releases 2024 Industrial Greenhouse Gas Data After Trump Halts Reporting Program* (Mar. 12, 2026), https://environmentalintegrity.org/news/eip-releases-2024-industrial-greenhouse-gas-data-after-trump-halts-reporting-program/.

[8] *See, e.g.*, Comments of EDF et al., Reconsideration of the Greenhouse Gas Reporting Program (Nov. 3, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0327; Comments of EDF, Reconsideration of the Greenhouse Gas Reporting Program (Oct. 15, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0210.

[9] 42 U.S.C. § 7607(d)(7)(B).

[10] *Chesapeake Climate Action Network, et al. v. EPA*, 952 F.3d 310, 322 (D.C. Cir. 2020).

[11] 42 U.S.C. § 7607(d)(7)(B).

[12] Although reconsideration and rescission of the reporting delay to October 30 is warranted, Petitioners reserve the right to seek judicial review on all of the issues raised herein, and do not concede that they failed to raise with reasonable specificity and exhaust any issues or claims during the public comment period.

was under consideration and did not even seek comment on its proposal to extend the reporting deadline to June. It is a core principle of administrative law that a final rule must be a "logical outgrowth" of the proposed rule.[13] The logical outgrowth requirement ensures that interested parties can reasonably anticipate changes from the proposal and provide meaningful comments during the notice-and-comment period.[14] A final rule is considered a logical outgrowth of the proposed rule if interested parties "should have anticipated that the change was possible" based on the proposed rule.[15] Conversely, a rule fails the logical outgrowth test if it is "surprisingly distant" from the proposed rule, requiring parties "to divine the agency's unspoken thoughts."[16] Moreover, "notice must come from the [proposed rule], not the comments arising out of it."[17]

In the Proposed Rule, EPA announced it would extend the RY2025 annual reporting deadline from March 31, 2026, to June 10, 2026. That portion of the Proposed Rule reads in full:

> The EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 reports for GHGRP reporters. As described in section II.C of this preamble, the EPA expects that the amendments in this preamble would be effective sixty days after publication. The EPA expects that there would not be enough time between the signature of the final amendments and March 31, 2026, the RY2025 reporting deadline. Therefore, the EPA is proposing to revise 40 CFR 98.3(b) to add a new paragraph that would extend the reporting deadline for RY2025 to June 10, 2026, for these amendments to be effective for RY2025.[18]

But in February, EPA took final action on a reporting deadline extension beyond the scope of what was proposed and *not* on any other aspect of the Proposed Rule. In the Delay Rule, EPA adopted an October 30, 2026, reporting deadline—four and half months longer than the proposed extension and nearly seven months longer than the original deadline. The Proposed Rule contained no indication that EPA was contemplating a longer extension, and EPA did not provide an opportunity to comment on such approach. While the Agency specifically solicited comment on a number of other issues, it did not do so for the reporting deadline. The fact that a small number of commenters supported the proposed extension to June 10 does not suggest that any commenter anticipated the possibility of a much longer delay.[19] As EPA acknowledges, it "received only a few comments specific to the RY2025 reporting deadline[,]" and EPA identified only one commenter that indicated more time might be appropriate.[20] The fact that only a few commenters out of thousands even mentioned the RY2025 reporting deadline demonstrates that EPA did not provide adequate notice of the possibility of any further extension.

The Proposed Rule's two-month extension was also materially different than the Delay Rule's seven-month extension. Our organizations and other stakeholders have an interest in timely

[13] *Envtl. Integrity Project v. EPA*, 425 F.3d 992, 996 (D.C. Cir. 2005).
[14] *CSX Transp., Inc. v. Surface Transp. Bd.*, 584 F.3d 1076, 1079-80 (D.C. Cir. 2009).
[15] *N.E. Md. Waste Disposal Auth. v. EPA*, 358 F.3d 936, 952 (D.C. Cir. 2004).
[16] *Clean Air Council v. Pruitt*, 862 F.3d 1, 10 (D.C. Cir. 2017) (quoting *CSX*).
[17] *Chesapeake Climate Action Network*, 952 F.3d at 320 (cleaned up).
[18] 90 Fed. Reg. at 44600.
[19] *See Chesapeake Climate Action Network*, 952 F.3d at 320.
[20] 91 Fed. Reg. at 9716.

emissions reporting and the subsequent data publication, which typically occurs in October or November after reports submitted in March are reviewed and verified by EPA. That typical cycle is impacted to a much greater extent by a lengthy seven-month delay. Such a delay means that emissions reported for 2025 are unlikely to be publicized until mid-2027 (if at all), up to two and a half years after those emissions occurred and impacted nearby communities. Delaying release of 2025 emissions data into 2027 would likewise undermine annual reports, analyses, data products, and other efforts undertaken by Petitioners and other stakeholders that rely on having timely access to reported emissions. And it would further delay efforts to obtain the reported data through FOIA in the event that the Agency fails to publish the data again as it failed to do last year.

EPA's failure to include any indication that it might finalize a reporting deadline extension three and a half times longer than what it proposed deprived stakeholders of the ability to comment on this issue and is not a logical outgrowth of the Proposed Rule. This error is "of central relevance to the outcome of the rule" and warrants reconsideration.[21]

III. The Delay Rule Is an Unlawful and Arbitrary Attempt to Eliminate 2025 Reporting Without Revising the Substantive Reporting Requirements.

If Petitioners had been afforded the opportunity to comment on the October reporting deadline, we would have explained that such a delay is arbitrary and capricious for the reasons described below. The explanation below "provides substantial support for the argument that the [Delay Rule] should be revised," demonstrating that the issues surrounding the reporting deadline are of central relevance and warrant reconsideration.[22]

EPA provided two rationales for delaying the reporting deadline to October, both of which are arbitrary and capricious. First, EPA claimed that the Delay Rule is necessary to give the Agency time to review comments and take final action on the remainder of the Proposed Rule before RY2025 reporting is required.[23] Here, EPA appears to be buying itself time to finalize the aspects of the Proposed Rule that would eliminate RY2025 reporting obligations altogether. But that is not a proper basis for delaying compliance with obligations that were, and still are, in effect for the 2025 reporting year.[24] If EPA wants to alter substantive reporting obligations for future years, it must do so by completing a notice-and-comment rulemaking process. Until then, it must enforce its rules as written. The Delay Rule is a naked attempt to shortcut the proper regulatory process and is therefore unlawful, arbitrary, and capricious.[25]

Second, the Agency stated that the Delay Rule will allow reporters to benefit from any burden reductions that EPA makes in a separate final action to revise substantive RY2025 reporting

[21] 42 U.S.C. § 7607(d)(7)(B).
[22] *Coal. for Responsible Regul. v. EPA*, 684 F.3d 102, 125 (D.C. Cir. 2012), *aff'd in part, rev'd in part on other grounds sub. nom. Util. Air Regul. Grp. v. EPA*, 573 U.S. 302 (2014).
[23] 91 Fed. Reg. at 9716.
[24] *See, e.g.*, *Clean Air Council*, 862 F.3d at 6.
[25] *See Air All. Houston v. EPA*, 906 F.3d 1049, 1066-69 (D.C. Cir. 2018) (finding EPA's extension of compliance deadlines for chemical disaster safety regulations arbitrary and capricious because the agency failed to provide a reasoned explanation for reversing its prior factual findings and policy judgments and did not adequately address the record evidence supporting the original rule's effective dates).

requirements.[26] EPA also states that the Delay Rule may provide reporters with adequate time to prepare and submit RY2025 reports.[27] But the fact is that well before EPA extended the reporting deadline into October, reporters had already incurred the vast majority of the costs and resources involved in monitoring emissions and collecting data over the course of 2025, in anticipation of the original deadline.[28] At this point, all that remains for them to do is plug that data into EPA's reporting platform and submit it. EPA has made no finding that this final step is a meaningful burden, much less one that is significant enough to support extending the deadline. EPA's burden reduction rationale is not anchored in fact or reality and is arbitrary and capricious.

Because reporters have already largely or entirely completed their 2025 data gathering efforts in accordance with the existing requirements, any retroactive change to the 2025 reporting methods would be unlawful and more burdensome for industry, not less. It is clear that EPA does not intend to retroactively amend or update reporting requirements, and instead, EPA's rationales for delaying 2025 reporting are merely pretext for EPA's plan to eventually eliminate the 2025 reporting requirements in their entirety.

* * *

The objections that Petitioners seek to present in reconsideration proceedings, as outlined above, are of central relevance to the rulemaking, and justify reconsideration of the Delay Rule.[29] Petitioners therefore request that EPA reconsider the Delay Rule by June 10, 2026.

[26] 91 Fed. Reg. at 9716.
[27] *Id.*
[28] *See, e.g.*, Comments of Carbon Capture Coalition, Reconsideration of the Greenhouse Gas Reporting Program (Nov. 3, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0442; Comments of SEMI, Reconsideration of the Greenhouse Gas Reporting Program (Oct. 27, 2025), https://www.regulations.gov/comment/EPA-HQ-OAR-2025-0186-0237.
[29] 42 U.S.C. § 7607(d)(7)(B); *see also Chesapeake Climate Action Network*, 952 F.3d at 322 (petitioners' issues are of central relevance if they "go to the very legality of the Final Rule[]").

Respectfully submitted,

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SUBMITTED VIA CERTIFIED AND ELECTRONIC MAIL

A copy of the foregoing Petition for Reconsideration and accompanying attachments is being sent on April 23, 2026, by email, and on April 23, 2026, by mail, to the following:

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Attachment 5

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027, 91 Fed. Reg. 65112 (Oct. 14, 2026) ("Delay Rule")

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TABLE 1 TO PARAGRAPH (e)—SPREADS—Continued

Maturity point	First quarter 2026 spreads (percent)	Second quarter 2026 spreads (percent)	Third quarter 2026 spreads (percent)	Fourth quarter 2026 spreads (percent)
13.0	0.34	0.36	0.40	0.44
13.5	0.31	0.32	0.36	0.39
14.0	0.31	0.32	0.36	0.39
14.5	0.28	0.28	0.32	0.35
15.0	0.28	0.28	0.32	0.35
15.5	0.25	0.24	0.28	0.30
16.0	0.25	0.24	0.28	0.30
16.5	0.22	0.21	0.23	0.26
17.0	0.22	0.21	0.23	0.26
17.5	0.19	0.17	0.19	0.21
18.0	0.19	0.17	0.19	0.21
18.5	0.16	0.13	0.15	0.16
19.0	0.16	0.13	0.15	0.16
19.5	0.13	0.10	0.11	0.12
20.0	0.13	0.10	0.11	0.12
20.5	0.11	0.07	0.08	0.08
21.0	0.11	0.07	0.08	0.08
21.5	0.08	0.04	0.04	0.04
22.0	0.08	0.04	0.04	0.04
22.5	0.06	0.01	0.01	0.01
23.0	0.06	0.01	0.01	0.01
23.5	0.04	−0.02	−0.02	−0.03
24.0	0.04	−0.02	−0.02	−0.03
24.5	0.02	−0.04	−0.05	−0.06
25.0	0.02	−0.04	−0.05	−0.06
25.5	0.00	−0.06	−0.07	−0.08
26.0	0.00	−0.06	−0.07	−0.08
26.5	−0.01	−0.08	−0.09	−0.10
27.0	−0.01	−0.08	−0.09	−0.10
27.5	−0.02	−0.09	−0.10	−0.12
28.0	−0.02	−0.09	−0.10	−0.12
28.5	−0.03	−0.10	−0.11	−0.12
29.0	−0.03	−0.10	−0.11	−0.12
29.5	−0.03	−0.10	−0.11	−0.13
30.0	−0.03	−0.10	−0.11	−0.13

Joseph Krettek,
Assistant General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2026–21019 Filed 10–13–26; 8:45 am]
BILLING CODE 7709–02–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 98

[EPA–HQ–OAR–2025- 0186; FRL–12720.2–01–OAR]

RIN 2060–AX07

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule; request for comment.

SUMMARY: The Environmental Protection Agency (EPA) is taking interim final action to extend the reporting deadline under the Greenhouse Gas Reporting Rule for reporting year 2025 data from October 30, 2026, to March 10, 2027. This final action only changes the reporting deadline for annual greenhouse gas reports for reporting year 2025 and makes no other changes to the rule. The EPA is requesting comments on all aspects of this interim final rule.

DATES: This interim final rule is effective on October 14, 2026. Comments on this rule must be received on or by November 30, 2026.

Public Hearing. If anyone contacts the EPA requesting a public hearing on or before October 19, 2026, the Agency will hold a virtual public hearing. See **SUPPLEMENTARY INFORMATION** section for information on requesting and registering for a public hearing.

ADDRESSES: You may send comments, identified by Docket Id. No. EPA–HQ–OAR–2025–0186, by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov* (our preferred method). Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2025–0186 in the subject line of the message.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA–HQ–OAR–2025–0186, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
- *Hand/Courier Delivery:* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday–Friday (except Federal Holidays).

Instructions: All submissions received must include the Docket ID No. for this rule. Comments received may be posted without change to *www.regulations.gov,* including any personal information provided. For detailed instructions on

sending comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Jennifer Bohman, Emissions Data and Assessments Branch, Natural Resources Division, Office of Clean Air Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 343–9548; email address: *GHGReporting@epa.gov.* For technical information, please go to the Greenhouse Gas Reporting Program (GHGRP) website, *www.epa.gov/ghgreporting.*

SUPPLEMENTARY INFORMATION:

Participation in virtual public hearing. To request a virtual public hearing, contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov.* If requested, the hearing will be held via virtual platform on October 29, 2026. The EPA will provide further information about the hearing on its website (*https://www.epa.gov/ghgreporting*) if a hearing is requested.

The EPA will begin pre-registering speakers for the hearing no later than one business day after a request has been received. To register to speak at the virtual hearing, please use the online registration form available at *https://www.epa.gov/ghgreporting* or contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov.* The last day to pre-register to speak at the hearing will be October 26, 2026. Prior to the hearing, the EPA will post a general agenda that will list pre-registered speakers at: *https://www.epa.gov/ghgreporting.*

The EPA will make every effort to follow the schedule as closely as possible on the day of the hearing; however, please plan for the hearings to run either ahead of schedule or behind schedule. The EPA may close the hearing 15 minutes after the last pre-registered speaker has testified if there are no additional speakers. Each commenter will have four minutes to provide oral testimony. The EPA encourages commenters to submit a copy of their oral testimony as written comments electronically to the rulemaking docket. The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as oral testimony and supporting information presented at the public hearing.

Please note that any updates made to any aspect of the hearing will be posted online at *https://www.epa.gov/ghgreporting.* While the EPA expects the hearing to go forward as set forth above, please monitor our website or contact the public hearing team at (888) 372–8699 or by email at *NRDpublichearing@epa.gov* to determine if there are any updates. The EPA does not intend to publish a document in the **Federal Register** announcing updates.

If you require special accommodation such as audio description, please pre-register for the hearing with the public hearing team and describe your needs by October 21, 2026. The EPA may not be able to arrange accommodations without advance notice.

Docket. The EPA has established a docket for this rulemaking under Docket ID No. EPA–HQ–OAR–2025–0186. All documents in the docket are listed at *https://www.regulations.gov.* Although listed, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The EPA does not place certain other material, such as copyrighted material, on the internet; this material is publicly available only as Portable Document Format (PDF) versions and accessible only on EPA computers in the docket office reading room. The public cannot download certain databases and physical items from the docket but may request these items by contacting the docket office by telephone at (202) 566–1744. The docket office has 10 business days to respond to such requests. Except for these items, publicly available docket materials are available electronically at *https://www.regulations.gov.*

Written Comments. Direct your comments to Docket ID No. EPA–HQ–OAR–2025–0186. The EPA's policy is that the public docket will contain all comments received without change and made available online at *https://www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be CBI or other information for which a statute restricts disclosure. Do not submit electronically to *https://www.regulations.gov* any information that you consider to be CBI or other information for which a statute restricts disclosure. You should submit this type of information as described in the *Submitting CBI* section of this preamble.

The EPA may publish any comment received to its public docket. A written comment must accompany multimedia submissions (audio, video, *etc.*). The EPA considers the written comment to be the official comment, and it should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the Web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

The *https://www.regulations.gov* website allows you to submit your comment anonymously, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *https://www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any digital storage media you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should not include special characters or any form of encryption and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *https://www.epa.gov/dockets.*

Submitting CBI. Do not submit information containing CBI to the EPA through *www.regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on any digital storage media that you mail to the EPA, mark the outside of the digital storage media as CBI and then identify electronically within the digital storage media the specific information that is claimed as CBI. In addition to one complete version of the comments that includes information claimed as CBI, you must submit a copy of the comments that does not contain the information claimed as CBI directly to the public docket through the procedures outlined in the *Instructions* section above. If you include other information whose disclosure is restricted by statute in your comment, clearly mark your submission as including that information. If you submit any digital storage media that does not contain CBI, mark the outside of the digital storage media clearly that

it does not contain CBI and note the docket ID. Information not marked as CBI will be included in the public docket and the EPA's electronic public docket without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 Code of Federal Regulations (CFR) part 2. Information whose disclosure is otherwise restricted by statute will be processed by the EPA Docket Center in accordance with the applicable statute.

Our preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol (FTP), or other online file sharing services (*e.g.,* Dropbox, OneDrive, Google Drive). Electronic submissions must be transmitted directly to the Office of Clean Air Programs (OCAP) CBI Office at the email address *ocapcbi@epa.gov,* and as described above, should include clear CBI markings and note the docket ID. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble to receive instructions.

Acronyms and Abbreviations. The following acronyms and abbreviations are used in this document.

CAA Clean Air Act
CBI confidential business information
CFR Code of Federal Regulations
CH_4 methane
CO_2 carbon dioxide
e-GGRT electronic Greenhouse Gas Reporting Tool
EPA U.S. Environmental Protection Agency
ET Eastern time
E.O. Executive Order
FR Federal Register
GHG greenhouse gas
GHGRP Greenhouse Gas Reporting Program
HCFC hydrochlorofluorocarbon
HFC hydrofluorocarbon
$MTCO_{2e}$ metric tons of CO_2 equivalent
N_2O nitrous oxide
NAICS North American Industry Classification System
OAR Office of Air and Radiation
OMB Office of Management and Budget
RFA Regulatory Flexibility Act
U.S. United States
UMRA Unfunded Mandates Reform Act of 1995

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I. General Information

A. Executive Summary

The Greenhouse Gas Reporting Program (GHGRP, codified at 40 CFR part 98) applies to certain industrial facilities that emit greenhouse gases (GHG) (primarily facilities emitting at least 25,000 metric tons of carbon dioxide equivalents ($MTCO_2e$)), upstream suppliers of fossil fuels and industrial GHGs (such as carbon dioxide (CO_2) and hydrofluorocarbons (HFCs)), and industries that capture and sequester CO_2 as a means of reducing CO_2 emissions. Under the GHGRP, approximately 8,200 facilities, suppliers, and CO_2 injection sites submit data each year. Facilities calculate emissions using methodologies that are specified under the regulations and report data to the EPA using the electronic Greenhouse Gas Reporting Tool (e-GGRT). Annual reports covering emissions from the prior calendar year are due to the EPA by March 31st of each year. Once data are submitted, the EPA conducts a multi-step verification process to ensure reported data are accurate, complete, and consistent. If potential errors are identified, the EPA will notify the reporter, who can resolve the issue either by providing an acceptable response describing why the flagged issue is not an error or by correcting the flagged issue and resubmitting their annual GHG report.

On September 16, 2025, the EPA issued a proposed rule that reconsidered the GHGRP (90 FR 44591, here in after referred to as the ''GHGRP Reconsideration Proposal''). Among other things, the EPA proposed that no industries would need to submit annual GHG reports for calendar year 2025. The EPA also proposed to extend the deadline for submitting the calendar year 2025 report (*i.e.,* the reporting year 2025 reporting deadline) from March 31, 2026, to June 10, 2026. The EPA subsequently received over 50,000 comments on the GHGRP Reconsideration Proposal. On February 27, 2026, the EPA issued a final rule that extended the reporting deadline (hereinafter ''deadline'') for the GHGRP for reporting year 2025 from March 31, 2026, to October 30, 2026 (91 FR 9712). In this action, the EPA is further extending the deadline for reporting year 2025 to March 10, 2027, to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action before the further extended reporting year 2025 deadline.

B. Does this action apply to me?

This interim final regulation affects entities that submit annual GHG reports pursuant to the GHGRP (40 CFR part 98). Entities affected by this action are owners or operators of facilities that are direct emitters or suppliers of GHGs or that sequester CO_2 underground. Regulated categories and entities include, but are not limited to, those listed in Table 1 of this preamble:

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
General Stationary Fuel Combustion Sources.	.....	Facilities operating boilers, process heaters, incinerators, turbines, and internal combustion engines.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
	211	Extractors of crude petroleum and natural gas.
	321	Manufacturers of lumber and wood products.
	322	Pulp and paper mills.
	325	Chemical manufacturers.
	324	Petroleum refineries, and manufacturers of coal products.
	316, 326, 339	Manufacturers of rubber and miscellaneous plastic products.
	331	Steel works, blast furnaces.
	332	Electroplating, plating, polishing, anodizing, and coloring.
	336	Manufacturers of motor vehicle parts and accessories.
	221	Electric, gas, and sanitary services.
	622	Health services.
	611	Educational services.
Electric Power Generation	2211	Generation facilities that produce electric energy.
Adipic Acid Production	325199	All other basic organic chemical manufacturing: Adipic acid manufacturing.
Aluminum Production	331313	Primary aluminum production facilities.
Ammonia Manufacturing	325311	Anhydrous ammonia manufacturing facilities.
Calcium Carbide Production	325180	Other basic inorganic chemical manufacturing: calcium carbide manufacturing.
Carbon Dioxide Enhanced Oil Recovery Projects.	211120	Oil and gas extraction projects using carbon dioxide enhanced oil recovery.
Caprolactam, Glyoxal, and Glyoxylic Acid Production.	325199	All other basic organic chemical manufacturing.
Cement Production	327310	Cement manufacturing.
Ceramics Manufacturing	327110	Pottery, ceramics, and plumbing fixture manufacturing.
	327120	Clay building material and refractories manufacturing.
Coke Calcining	299901	Coke; coke, petroleum; coke, calcined petroleum.
Electronics Manufacturing	334111	Microcomputers manufacturing facilities.
	334413	Semiconductor, photovoltaic (PV) (solid-state) device manufacturing facilities.
	334419	Liquid crystal display (LCD) unit screens manufacturing facilities; Microelectromechanical (MEMS) manufacturing facilities.
Electrical Equipment Manufacture or Refurbishment.	33531	Power transmission and distribution switchgear and specialty transformers manufacturing facilities.
Electricity generation units that report through 40 CFR part 75.	221112	Electric power generation, fossil fuel (*e.g.,* coal, oil, gas).
Electrical Equipment Use	221121	Electric bulk power transmission and control facilities.
Electrical transmission and distribution equipment manufacture or refurbishment.	33361	Engine, Turbine, and Power Transmission Equipment Manufacturing.
Ferroalloy Production	331110	Ferroalloys manufacturing.
Fluorinated Greenhouse Gas Production	325120	Industrial gases manufacturing facilities.
Geologic Sequestration	NA	CO_2 geologic sequestration sites.
Glass Production	327211	Flat glass manufacturing facilities.
	327213	Glass container manufacturing facilities.
	327212	Other pressed and blown glass and glassware manufacturing facilities.
Hydrochlorofluorocarbon (HCFC)–22 Production.	325120	Industrial gas manufacturing: HCFC gases manufacturing.
Hydrofluorocarbon (HFC)–23 destruction processes that are not collocated with a HCFC–22 production facility and that destroy more than 2.14 metric tons of HFC–23 per year.	325120	Industrial gas manufacturing: HFC gases manufacturing.
Hydrogen Production	325120	Hydrogen manufacturing facilities.
Industrial Waste Landfill	562212	Solid waste landfill.
Industrial Wastewater Treatment	221310	Water treatment plants.
Injection of Carbon Dioxide	211	Oil and gas extraction.
Iron and Steel Production	333110	Integrated iron and steel mills, steel companies, sinter plants, blast furnaces, basic oxygen process furnace (BOPF) shops.
Lead Production	331	Primary metal manufacturing.
Lime Manufacturing	327410	Lime production.
Magnesium Production	331410	Nonferrous metal (except aluminum) smelting and refining: Magnesium refining, primary.
Nitric Acid Production	325311	Nitrogenous fertilizer manufacturing: Nitric acid manufacturing.
Petroleum and Natural Gas Systems	486210	Pipeline transportation of natural gas.
	221210	Natural gas distribution facilities.
	211120	Crude petroleum extraction.
	211130	Natural gas extraction.
Petrochemical Production	324110	Petrochemicals made in petroleum refineries.
Petroleum Refineries	324110	Petroleum refineries.
Phosphoric Acid Production	325312	Phosphatic fertilizer manufacturing.

TABLE 1—EXAMPLES OF AFFECTED ENTITIES BY CATEGORY—Continued

Category	North American Industry Classification Cystem (NAICS)	Examples of facilities that may be subject to 40 CFR part 98
Pulp and Paper Manufacturing	322110	Pulp mills.
	322120	Paper mills.
	322130	Paperboard mills.
Miscellaneous Uses of Carbonate	Facilities included elsewhere	
Municipal Solid Waste Landfills	562212	Solid waste landfills.
	221320	Sewage treatment facilities.
Silicon Carbide Production	327910	Silicon carbide abrasives manufacturing.
Soda Ash Production	325180	Other basic inorganic chemical manufacturing: Soda ash manufacturing.
Suppliers of Carbon Dioxide	325120	Industrial gas manufacturing facilities.
Suppliers of Industrial Greenhouse Gases.	325120	Industrial greenhouse gas manufacturing facilities.
Suppliers of Coal-based Liquid Fuels	211130	Coal liquefaction at mine sites.
Suppliers of Natural Gas and Natural Gas Liquids.	221210	Natural gas distribution facilities.
	211112	Natural gas liquid extraction facilities.
Suppliers of Petroleum Products	324110	Petroleum refineries.
Titanium Dioxide Production	325180	Other basic inorganic chemical manufacturing: Titanium dioxide manufacturing.
Underground Coal Mines	212115	Underground coal mining.
Zinc Production	331410	Nonferrous metal (except aluminum) smelting and refining: Zinc refining, primary.
Importers and Exporters of Pre-charged Equipment and Closed-Cell Foams.	423730	Air-conditioning equipment (except room units) merchant wholesalers.
	333415	Air-conditioning equipment (except motor vehicle) manufacturing.
	423620	Air-conditioners, room, merchant wholesalers.
	449210	Electronics and Appliance retailers.
	326150	Polyurethane foam products manufacturing.
	335313	Circuit breakers, power, manufacturing.
	423610	Circuit breakers and related equipment merchant wholesalers.

Table 1 of this preamble is not intended to be exhaustive but rather provides a guide for readers regarding entities likely affected by this action. This table lists the types of entities that could potentially be affected by this action. Other types of entities than those listed in the table could also be subject to this action. Many entities that are affected by 40 CFR part 98 have GHG emissions from multiple source categories listed in Table 1 of this preamble. If you have questions regarding the applicability of this action to a particular facility, consult the **FOR FURTHER INFORMATION CONTACT** section.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket (Docket ID No. EPA–HQ–OAR–2025–0186), an electronic copy of this action will be available on the internet at *https://www.epa.gov/ghgreporting.*

II. Background

A. What is the statutory authority for this action?

The EPA is extending the regulatory deadline of the GHGRP for reporting year 2025, which was promulgated pursuant to Clean Air Act (CAA) section 114 and under the authority provided in CAA section 136 for certain segments of the petroleum and natural gas source category (subpart W).

The EPA's authority for the rulemaking procedures followed in this interim final rule is provided by Administrative Procedure Act (APA) section 553(b)(B), 5 U.S.C. 553(b)(B), which allows an agency to forego prior notice and comment ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' This interim final rule is being issued without prior notice or opportunity for public comment because the EPA finds that prior notice and comment would be impracticable and contrary to the public interest under the current circumstances.

As discussed in section II.B of this preamble, this interim final rule amends the GHGRP to extend the reporting year 2025 deadline from October 30, 2026, to March 10, 2027, to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action on that proposal. The EPA finds that it is impracticable and contrary to the public interest for the Agency to provide notice and comment prior to issuing this interim final rule because there is not adequate time for the notice-and-comment process prior to the October 30, 2026 deadline that this interim final rule extends.

Additionally, in a typical reporting year the Agency allows six weeks for reporters to work within the e-GGRT system to prepare and submit reports. Should the EPA later take final action on the GHGRP Reconsideration Proposal by retaining all or many existing reporting obligations, this revised deadline would allow regulated entities sufficient time to react to that final decision and work in the e-GGRT system to prepare and submit reports. Conversely, should the EPA later take final action on the GHGRP Reconsideration Proposal by finalizing all or most of the proposed rescissions and revisions, this revised deadline would allow regulated entities sufficient time to adjust their compliance efforts and avoid wasted time and effort.

As previously stated, the EPA notes that extending the reporting deadline will also allow the Agency time if needed to prepare and release the e-GGRT system in advance of the revised

RY2025 reporting deadline. In addition, the EPA notes that the GHGRP requires facilities to submit reports electronically in a format specified by the Administrator.[1] The EPA developed the e-GGRT for facilities to use to prepare and submit reports in accordance with this requirement. The e-GGRT system performs thousands of internal electronic validation and consistency checks, and appropriately safeguards information, including controlled unclassified information such as protects sensitive business information/confidential business information (SBI/CBI). Typically, the EPA would release e-GGRT six weeks in advance of the deadline so that facilities would have ample time to prepare and electronically submit reports prior to the deadline. As there is not adequate time for the EPA to have the electronic reporting tool prepared in time for the October 30, 2026, reporting year 2025 deadline that this rule extends, this also supports EPA's finding that it is impracticable and contrary to the public interest for the Agency to provide notice and comment prior to issuing this interim final rule.

Furthermore, this action serves the public benefit by reducing risk of harm to regulated entities from inadvertently or hastily reporting erroneous or unnecessary information that could later be made public. This extension also ensures that entities subject to the GHGRP could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year in any separate final action following the GHGRP Reconsideration Proposal and/or have adequate time to prepare and submit reporting year 2025 reports.

This final rule is effective immediately upon publication. Section 553(d)(1) of the Administrative Procedure Act, 5 U.S.C. 553(d)(1), provides that final rules shall not become effective until 30 days after publication in the **Federal Register** ''except . . . a substantive rule which grants or recognizes an exemption or relieves a restriction.'' The purpose of this provision is to ''give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' *Omnipoint Corp.* v. *Fed. Commc'n Comm'n,* 78 F.3d 620, 630 (D.C. Cir. 1996); see also *United States* v. *Gavrilovic,* 551 F.2d 1099, 1104 (8th Cir. 1977). However, when the agency grants or recognizes an exemption or relieves a restriction, affected parties do not need a reasonable time to adjust because the effect is not adverse. Absent this action, regulated entities would have insufficient time to prepare and submit annual reports in the e-GGRT system, and by extending the deadline, this action relieves that restriction. Therefore, the normal 30-day minimum period between this action's dates of publication and effectiveness is not required. Accordingly, the EPA is making this rule effective immediately upon publication.

B. Description of Final Regulatory Amendments and Rationale

In this final action, the EPA is amending subpart A (General Provisions) at 40 CFR 98.3(b)(6) to extend the reporting year 2025 deadline to March 10, 2027. As explained in the GHGRP Reconsideration Proposal, the deadline is set in the regulation, and the only way that the EPA can alter the deadline for any year is through a regulatory amendment. This extension only applies to the reporting year 2025 deadline. This action will further extend the reporting year 2025 deadline to allow the EPA additional time to consider comments on the GHGRP Reconsideration Proposal and to take any final action before the further extended reporting year 2025 deadline of March 10, 2027. This extension ensures that entities subject to the GHGRP could benefit from any burden reduction revisions that the EPA may make for the 2025 reporting year in any separate final actions following the GHGRP Reconsideration Proposal and/or have adequate time to prepare and submit reporting year 2025 reports. Additionally, at this point the EPA cannot have the electronic reporting tool prepared in time for the October 30, 2026, reporting year 2025 deadline, consistent with the GHGRP requirements that facilities submit reports electronically in a format specified by the Administrator.[2]

III. Request for Comment

As explained in section II.A of this preamble, the EPA finds good cause to issue this interim final rule without prior notice or opportunity for public comment. However, the EPA is providing an opportunity for the public to comment on the EPA's action to extend the deadline under the GHGRP for reporting year 2025 data from October 30, 2026, to March 10, 2027. The EPA intends to review comments received and consider whether this action should be revised, if appropriate, in response to comments received. If the EPA takes additional action on this interim final rule, as described in Section IV.L of this preamble, the Administrator has determined that subsequent final action will be subject to the requirements of CAA section 307(d), pursuant to section 307(d)(1)(V).

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is a significant regulatory action under section 3(f) of Executive Order 12866. Accordingly, it was submitted to the Office of Management and Budget (OMB) for review. Any changes made in response to OMB recommendations have been documented in the docket.

B. Executive Order 14192: Unleashing Prosperity Through Deregulation

This action is considered an Executive Order 14192 deregulatory action. This final rule provides burden reduction by extending the reporting deadline to March 10, 2027.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. OMB has previously approved the information collection requirements contained in the existing regulation and has assigned OMB control number 2060–0629, OMB control number 2060–0748, and OMB control number 2060–0751. This interim final rule extends the deadline for submitting annual GHG reports for reporting year 2025 data from October 30, 2026, to March 10, 2027.

D. Regulatory Flexibility Act (RFA)

I certify that this final action will not have a significant economic impact on a substantial number of small entities under the RFA. In making this determination, the EPA concludes that the impact of concern for this rule is any significant adverse economic impact on small entities and that the agency is certifying that this rule will not have a significant economic impact on a substantial number of small entities because the rule relieves regulatory burden on the small entities subject to the rule. This action relieves regulatory burden, as it extends the reporting year 2025 deadline and provides entities more time to prepare annual GHG reports for that reporting year. We have therefore concluded that this action will relieve regulatory burden for all directly regulated small entities.

[1] 40 CFR 98.5.

[2] 40 CFR 98.5.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538 and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or Tribal governments. Requirements for the private sector do not exceed $100 million in any one year.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

G. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have Tribal implications as specified in Executive Order 13175. The rule does not result in any changes to the requirements of Part 98 other than extending the deadline for submitting annual GHG reports for reporting year 2025 data from October 30, 2026, to March 10, 2027. Thus, Executive Order 13175 does not apply to this action.

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action solely extends the reporting year 2025 deadline.

Therefore, this action is not subject to Executive Order 13045, because it does not concern an environmental health risk or safety risk. Since this action does not concern human health, EPA's Policy on Children's Health also does not apply.

I. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This action solely moves a reporting deadline from October 30, 2026, to March 10, 2027, and makes no changes that affect the supply, distribution, or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

L. Determination Under CAA Section 307(d)

Pursuant to CAA section 307(d)(1)(V), the Administrator has determined that any subsequent final action on this interim final rule will be subject to the provisions of CAA section 307(d). Section 307(d)(1)(V) of the CAA provides that the provisions of CAA section 307(d) apply to ''such other actions as the Administrator may determine.''

M. Judicial Review

Under CAA section 307(b)(1), any petition for review of this final rule must be filed in the U.S. Court of Appeals for the District of Columbia Circuit by December 14, 2026. This rulemaking revises the submission deadline for submitting annual GHG reports for reporting year 2025, which applies to owners and operators of facilities and suppliers for all source categories of 40 CFR part 98. These facilities and suppliers are located across the United States and therefore this rulemaking is ''nationally applicable'' within the meaning of CAA section 307(b)(1). Under CAA section 307(b)(2), the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce the requirements.

List of Subjects in 40 CFR Part 98

Environmental protection, Administrative practice and procedure, Greenhouse gases, Reporting and recordkeeping requirements.

Lee Zeldin,

Administrator.

For the reasons stated in the preamble, the Environmental Protection Agency amends 40 CFR part 98 as follows:

PART 98—MANDATORY GREENHOUSE GAS REPORTING

■ 1. The authority citation for part 98 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart A—General Provision

■ 2. Amend § 98.3 by revising paragraph (b)(6) to read as follows:

§ 98.3 What are the general monitoring, reporting, recordkeeping and verification requirements of this part?

* * * * *

(b) * * *

(6) The annual GHG report for reporting year 2025 must be submitted no later than March 10, 2027.

* * * * *

[FR Doc. 2026–20982 Filed 10–13–26; 8:45 am]

BILLING CODE 6560–50–P

Attachment 6

Edwin LaMair, Testimony Opposing EPA's Interim Final Rule Extending the RY2025 Reporting Deadline to March 10, 2027, Hearing on Delay Rule, EPA, Docket No. EPA-HQ-OAR-2025-0186 (Oct. 29, 2026)

Testimony Opposing EPA's Interim Final Rule Extending the RY2025 Reporting Deadline to March 10, 2027, 91 Fed. Reg. 65112

October 29, 2026

Good morning. My name is Edwin LaMair, and I am a Senior Attorney with Environmental Defense Fund (EDF). Thank you for the opportunity to provide testimony regarding EPA's interim final rule extending the Reporting Year (RY) 2025 deadline to March 10, 2027. On behalf of EDF and our three and a half million members and supporters, I testify today in strong opposition to EPA's latest action in a series of efforts by this Administration to undermine the public transparency and robust data provided by the Greenhouse Gas Reporting Program. Since its inception a decade and a half ago, the Reporting Program has provided comprehensive information that is foundational to effective climate policy and the protection of public health and welfare. Its broad utility and benefits far outweigh the minimal cost and effort for reporting companies—a point that is underscored by the widespread opposition from nearly all stakeholders to EPA's proposed repeal.

This delay action is the latest in a series of problematic efforts to undermine the Reporting Program. In early 2025, EPA failed to launch the electronic greenhouse gas reporting tool (e-GGRT) ahead of the March 31 reporting deadline (which has been in place for over a decade). Just eleven days before the deadline, EPA issued an interim final rule extending RY2024 reporting to May 30, 2025.

After the RY2024 reporting deadline passed without further extension, EPA failed to publish the reported data as required by Section 114(c) of the Clean Air Act. Environmental Integrity Project obtained the RY2024 data through the Freedom of Information Act and undertook the analytical work usually done by EPA to compile and publish it in a user-friendly format.

In September 2025, EPA proposed to largely eliminate the Reporting Program. In that action, EPA proposed to extend the RY2025 reporting deadline to June 10 to allow itself time to complete its rulemaking, which, if finalized, would eliminate RY2025 reporting altogether.

In 2026, as it had the year before, EPA failed to launch e-GGRT ahead of the March 31 reporting deadline. EPA instead issued a final rule just four weeks before the deadline extending it not to June 10 as proposed, but instead, all the way to October 30.

With October 30 now approaching and EPA still having not taken any action to repeal the Reporting Program or to launch e-GGRT, EPA issued *another* extension of the RY2025 reporting deadline. This latest action extends the deadline all the way to March 2027—roughly an entire year after reporting should have occurred and over two years from when pollution to be reported was released impacting nearby communities.

EPA's series of delays harms the many stakeholders who rely on the Reporting Program. Reporting Program data underpin key EPA policies—including standards for power plants, oil and gas facilities, and landfills. EPA's actions to delay reporting of this data hamstring the agency's own efforts to implement and administer these programs while making the development of future policies more burdensome and harming many other stakeholders.

Federal Agencies. Numerous other federal policies rely on timely annual data from the Reporting Program. These include the AIM Act, Section 45Q Carbon Sequestration Tax Credits, Section 45V Clean Hydrogen Tax Credits, and Section 45Y Clean Electricity Tax Credits. Federal agencies are already needlessly expending resources to develop alternative approaches.[1] EPA's delay puts the integrity of these policies and tax credits in jeopardy, at the expense of the American people.

State and Local Governments. State governments have built their own reporting programs and climate policies, often incorporating EPA's methods and data. Delaying reporting is already causing disruption, forcing states and stakeholders to develop and navigate a patchwork of inconsistent reporting schemes, undermining regulatory certainty and increasing costs and inefficiencies.[2]

Companies and Investors. Delaying reporting harms companies and investors by impeding access to the transparent, standardized data they rely on to assess emissions performance and climate risk. The lack of centralized and reliable data weakens the credibility of U.S. companies' climate commitments and performance, and stakeholders are already expending resources developing alternative approaches.[3] EPA's actions also jeopardize U.S. competitiveness in carbon-sensitive export markets, undermining billions in low-carbon investments in hydrogen, carbon capture, and other sectors.

The Public and Communities. The Reporting Program and associated FLIGHT Tool have empowered communities, academics, and public interest organizations with access to emissions data that is foundational for holding companies and polluters accountable to their climate pledges and environmental commitments. Delaying reporting obscures

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[1] *See, e.g.*, IRS and Department of the Treasury, Notice 2026-50, Safe Harbor for the Credit for Carbon Oxide Sequestration under Section 45Q for Qualified Carbon Oxide Reported under Subpart RR (Docket No. IRS-2026-0728) (seeking comment on and extending a safe harbor for the 45Q tax credit in response to EPA's failure to implement Subpart RR of the Greenhouse Gas Reporting Program).

[2] *See e.g.*, Beveridge & Diamond, *With Federal Greenhouse Gas Reporting in Limbo, States Expand GHG Reporting* (July 9, 2026), https://www.bdlaw.com/publications/with-federal-greenhouse-gas-reporting-in-limbo-states-expand-ghg-reporting/ (describing efforts by numerous states to decouple their reporting program's from EPA's).

[3] *See, e.g.*, Center for Energy and Environmental Systems Analysis at The University of Texas at Austin, *openGHGRP*, https://www.openghgrp.com/about-us ("openGHGRP is a voluntary, university-hosted program designed to serve as a reliable interim solution that preserves continuity in greenhouse gas emissions reporting during this period of [federal] uncertainty.").

pollution from public view and leads to needless expenditures of resources to replicate efforts that should be undertaken by EPA.[4]

EPA should promptly launch e-GGRT and reinstate an RY2025 reporting deadline immediately. EPA's delay and failure to implement the Reporting Program harm numerous stakeholders with legitimate reliance interests, including other federal agencies, state governments, companies, investors, communities, and many others. We strongly oppose EPA's actions and urge the Agency to immediately reinstate reporting obligations.

[4] *See, e.g.*, Environmental Integrity Project, *EIP Releases 2024 Industrial Greenhouse Gas Data After Trump Halts Reporting Program* (Mar. 12, 2026), https://environmentalintegrity.org/news/eip-releases-2024-industrial-greenhouse-gas-data-after-trump-halts-reporting-program/.

Attachment 7

David Lyon, Testimony Opposing EPA's Interim Final Rule Extending the RY2025 Reporting Deadline to March 10, 2027, Hearing on Delay Rule, EPA, Docket No. EPA-HQ-OAR-2025-0186 (Oct. 29, 2026)

Testimony Opposing EPA's Extension of the Greenhouse Gas Reporting Program Reporting Deadline for RY2025

October 29, 2026

My name is Dr. David Lyon, and I am a Senior Methane Scientist at the Environmental Defense Fund. I am testifying in opposition to EPA's proposal to extend the Greenhouse Gas Reporting Program (GHGRP) deadline for reporting year 2025 from October 30, 2026, to March 10, 2027.

As a scientist researching the quantification and mitigation of greenhouse gas emissions from the oil and gas industry and other sectors, I have extensively used GHGRP data, particularly Subpart W for Petroleum and Natural Gas Systems, for numerous purposes including the development of regional methane emission estimates, tracking and comparing the methane intensity of oil and gas companies, and helping design effective voluntary and regulatory programs to measure and reduce methane emissions. The GHGRP data are invaluable due to characteristics of the program that assure reported data are rigorous and consistent: facilities emitting over 25,000 metric tons CO_2e must report annually using defined, transparent methods and their detailed data are made publicly available for review and analysis. Typically, companies must report their annual emissions to GHGRP by March 31 of the following year, then EPA reviews and posts the public data in October. Stakeholders are already experiencing harm from EPA's previous extension of the reporting deadline from March 31 to October 30, 2026. Data from reporting year 2025, which would have been released earlier this month absent the extensions, is not available, preventing important data analyses to understand recent patterns in emissions and help companies and regulators reduce emissions.

Despite EPA's claims, this extension will not reduce company burden. I have worked with many oil and gas companies that use GHGRP data to both understand their emissions profile and provide credible data to stakeholders such as regulators, investors, and customers. As a former EPA staff member who worked on updates to the GHGRP, I am proud of EPA's former efforts to improve the accuracy and flexibility of GHGRP reporting requirements. Delaying or eliminating GHGRP reporting actually will increase burden to companies because their stakeholders still need the data, but without a consistent, federal program, companies may be required to submit data to multiple, possibly conflicting greenhouse gas reporting programs. Although voluntary reporting programs may collect and report emissions data similar to the GHGRP, stakeholders likely will have less trust in the data since reporting is not mandatory and there are no legal penalties for falsifying data.

In summary, GHGRP data are critical to numerous stakeholders, and the previous extension of the reporting deadline has already caused harm by preventing important data analyses that can help companies quantify and reduce emissions. The reporting delay also harms U.S. companies by complicating their efforts to provide credible emissions data to regulators, investors, and consumers, potentially restricting their ability to sell products to markets with a demand for low carbon intensities. EPA should not further delay 2025 emissions reporting to March 10, 2027. Furthermore, EPA should abandon its attempts to repeal and delay the GHGRP, which provides critical data to stakeholders while minimizing burden on reporters.

Attachment 8

Declaration of David Lyon, Environmental Defense Fund

DECLARATION OF DAVID LYON

I, David Lyon, declare as follows:

1. I am a Senior Scientist on Environmental Defense Fund's ("EDF's") Science and Innovation team. I have worked at EDF since 2025, and previously from 2012 to 2023. I am also a member of the organization. From February 2023 to February 2024, I worked at the Environmental Protection Agency as a Special Advisor for Implementation in the Greenhouse Gas Reporting Program Branch. I hold a Doctor of Philosophy in Environmental Dynamics from the University of Arkansas, a Master of Science in Forestry from the University of Kentucky, and a Bachelor of Arts in Biology from Hendrix College. My curriculum vitae is attached as Exhibit A.

2. My duties at EDF include researching and advising on science and policy on the quantification and mitigation of methane emissions from the oil and gas industry. I focus in particular on methane emissions in the U.S. My work requires me to be familiar with EPA's Greenhouse Gas Reporting Program ("GHGRP") data and the platforms and databases through which that data can be accessed and used by members of the public and organizations like EDF. I

regularly download and use data gathered under the GHGRP, which is publicly accessible through EPA's FLIGHT and Envirofacts databases.[1]

3. EDF is a membership organization incorporated under the laws of the State of New York. It is recognized as a not-for-profit corporation under section 501(c)(3) of the United States Internal Revenue Code.

4. EDF is an organization dedicated to protecting public health and the environment. EDF's mission is to secure a vital earth for everyone. Guided by science and economics, EDF pursues practical and lasting solutions to the most serious environmental problems. EDF employs hundreds of scientists, economists, policy analysts, engineers, business school graduates, lawyers, and other professionals to help solve environmental problems in a scientifically sound, cost-effective, and pragmatic way.

5. EDF's work covers climate, air pollution, and energy, as well as ecosystems, public health, and resilience. Since these topics are intertwined, we take a multidisciplinary, solutions-based approach, working alongside other organizations—as well as with businesses, governments, and communities.

6. EDF seeks to bend the curve on global greenhouse gas emissions by 2030, cleanly and equitably. We do this through cutting-edge research and

[1] *See* EPA, Facility Level Information on GreenHouse gases Tool (FLIGHT), https://ghgdata.epa.gov/ghgp/main.do?site_preference=normal.

advocacy, wide-ranging partnerships, and a focus on strengthening laws and policies that protect health, air, water, and make food and household products safer. We take a science-based approach, rooting our advocacy in data and analytics, including those developed using GHGRP data.

7. Reducing greenhouse gas emissions, including from oil and gas facilities, landfills, power plants, and other industrial sources, is one of EDF's top organizational priorities. EDF seeks to achieve this by leveraging scientific data and economic analysis to support policy actions that reduce greenhouse gas pollution, including methane which is a highly potent greenhouse gas. We also build support for policy actions among our members and the public by creating and disseminating materials on climate change, air pollution, as well as interventions and solutions. These materials regularly incorporate data from the GHGRP and EPA's Greenhouse Gas Emissions Inventory ("GHGI"), which is developed based in part on the GHGRP.

8. I am aware that EPA has been collecting greenhouse gas emissions information under the GHGRP for more than 15 years. I further understand that data collected under the GHGRP is required to be made publicly available under section 114 of the Clean Air Act. While EPA may determine certain data elements are confidential, emissions data is specifically excluded from confidentiality by

section 114. EDF utilizes this publicly disclosed data and advocates for greater and more accurate data disclosure.

9. I understand that last year, EPA issued a final action attempting to delay the reporting deadline under GHGRP for reporting year 2024. *Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2024 Data*, 90 Fed. Reg. 13085 (Mar. 20, 2025). Environmental Integrity Project ("EIP") obtained the data through public records requests and published it itself.[2] EPA also refused to release the GHGI. EDF obtained the inventory through public records requests and published it itself.[3] Last September, EPA proposed to repeal the GHGRP, with the exception of subpart W, which it proposed to delay until 2034. *Reconsideration of the Greenhouse Gas Reporting Program*, 90 Fed. Reg. 44591 (Sep. 16, 2025).

10. I am further aware that, earlier this year, EPA published a final action entitled *Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025*, 91 Fed. Reg. 9712 (Feb. 27, 2026), which extended the reporting deadline under the GHGRP for reporting year 2025 from March 31, 2026, to October 30, 2026. I am likewise aware that EPA recently published a second final

[2] *See* EIP, *EIP Releases 2024 Industrial Greenhouse Gas Data After Trump Halts Reporting Program* (Mar. 12, 2026), https://environmentalintegrity.org/news/eip-releases-2024-industrial-greenhouse-gas-data-after-trump-halts-reporting-program/.

[3] *See* EDF, *Freedom of Information Act Documents for the EPA's Greenhouse Gas Inventory* (May 8, 2025), https://www.edf.org/freedom-information-act-documents-epas-greenhouse-gas-inventory.

action entitled *Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027*, 91 Fed. Reg. 65112 (Oct. 14, 2026), further extending the reporting deadline for reporting year 2025 to March 10, 2027.

11. EDF has a strong organizational interest, and a strong interest based in its members' recreational, aesthetic, professional, educational, public health, environmental, consumer, and economic interests, in robust and timely greenhouse gas reporting. Reducing greenhouse gases, which requires accurate emissions data, is one of EDF's top organizational priorities and something EDF dedicates significant resources toward and has for over a decade.

12. EDF scientists have studied methane emissions for over a decade, publishing numerous scientific papers on the topic. In 2023, EDF scientists measured methane emissions across the United States, creating new data that EDF is leveraging in policy advocacy. In March 2024, EDF launched a satellite to monitor global methane emissions to measure progress on reducing methane and provide insights about emission sources. We continue to analyze U.S. greenhouse gas emissions data collected from the satellite between 2024 and June of 2025—data which we intend to compare to the 2025 GHGRP data to draw scientific insights that can inform mitigation policies and improvements to reporting methods.

13. EDF studies have uncovered a significant difference between emissions reported to the GHGRP and those measured and observed from various sources.[4] The underestimation in emissions reported to the GHGRP has led EDF to expend significant resources, including the 2023 measurements and 2024 satellite described above, to develop a more accurate understanding of greenhouse gas emissions. On the basis of these and other analyses, EDF has likewise advocated for improvements to the GHGRP with the goal of bringing emissions reported to EPA into better alignment with emissions we have observed through our scientific work—including by participating as a stakeholder through the rulemaking processes to update the GHGRP, submitting written comments and analysis to the

[4] *See, e.g.,* EDF, *Major Studies Reveal 60% More Methane Emissions* (2018), https://www.edf.org/climate/methane-studies#:~:text=Extensive%20research%20led%20by%20EDF,than%20the%20government's%20estimate%20suggests.

record and participating in pre-rulemaking stakeholder forums.[5] EDF has also participated in litigation defending the Reporting Rule.[6]

14. In addition, EDF has extensively advocated for subpart W of the GHGRP through past rulemakings dating back to its inception.[7] With EPA's failure to collect emissions data for 2025, I have engaged on behalf of EDF in a stakeholder effort organized by the University of Texas Austin to replicate subpart W and subpart C reporting for 2025, as well as potential additional sectors. EDF is a formal participant in this effort, known as "openGHGRP," and has provided funding and significant staff time to support voluntary, accurate reporting that

[5] *See* EDF et al., Comments on EPA's Proposed Greenhouse Gas Reporting Rule Revisions, 88 Fed. Reg. 50282 (Oct. 4, 2023), EPA Docket No. EPA-HQ-OAR-2023-0234-0413; EDF et al., Comment on EPA's Supplemental Proposed Revisions and Confidentiality Determinations for Data Elements under the Greenhouse Gas Reporting Rule: Subpart HH, 88 Fed. Reg. 32852 (July 20, 2023), EPA Docket No. EPA-HQ-OAR-2019-0424-0330; EDF, Comment on Request for Information – Methane Emissions Reduction Program (Jan. 19, 2023), EPA Docket No. EPA-HQ OAR-2022-0875-0048; EDF, Comment on EPA's proposed Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule, 87 Fed. Reg. 36920 (Oct 8, 2022), EPA Docket No. EPA-HQ-OAR-2019-0424-0241.

[6] *See, e.g.*, *IPAA v. EPA*, D.C. Cir. Case No. 24-1242 (filed July 12, 2024).

[7] *See* EDF, Comments on Proposed 2013 Revisions to the Greenhouse Gas Reporting Rule and Proposed Confidentiality Determinations for New or Substantially Revised Data Elements, 78 Fed. Reg. 19802 (April 2, 2013), EPA Docket No. EPA-HQ-OAR-2012-0934-0100; EDF, Comments on Mandatory Reporting of Greenhouse Gases: Petroleum and Natural Gas Systems: Revisions to Best Available Monitoring Method Provision, 76 Fed. Reg. 37,300 (June 27, 2011), EPA Docket No. EPA-HQ-OAR-2011-0417-0013.

attempts to replicate portions of the GHGRP.[8] This stakeholder effort was initiated in direct response to EPA's failure to administer the GHGRP as required by law.

15. EDF regularly relies on GHGRP data to develop and update materials and analyses that support our organizational efforts and that we disseminate to our members to help them keep informed and understand pollution trends and sources of pollution near them. EDF has been planning to use and rely on reporting year 2025 data in particular because EPA made important updates to make reporting more accurate that first take effect for reporting year 2025. Specifically, EPA made important methodological changes to subparts A (general provisions), W (petroleum and natural gas systems), and HH (municipal solid waste landfills). We intend to analyze the 2025 reported data to understand how EPA's updated methods changed reported emissions and to compare the accuracy to EDF's own observational data, among other things.

16. EDF relies on timely and up-to-date GHGRP data in the peer-reviewed papers and internal and public analyses it regularly publishes, updates, and supports.[9] For example, EDF regularly creates analyses estimating the impacts

[8] *See* Center for Energy and Environmental Systems Analysis at The University of Texas at Austin, *openGHGRP*, https://www.openghgrp.com/about-us.
[9] *See, e.g.,* James P. Williams et al., *Methane Intensity and Emissions across Major Oil and Gas Basins and Individual Jurisdictions Using MethaneSAT Observations*, Atmospheric Chemistry and Physics (2026), https://acp.copernicus.org/articles/26/5961/2026/ (comparing regional emission

of oil and gas regulations on methane emissions using GHGRP data. EDF also relies on GHGRP and GHGI data to understand total U.S. emissions and inform how we prioritize our efforts and advocate to reduce emissions from various sectors.[10] As we try to maximize the impact of our work, knowing the sectors and sources with the greatest emissions and potential for reductions is critical for effectively allocating resources and staff time.

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estimates using GHGRP data); Katlyn MacKay et al., *Assessment of Methane Emissions from US Onshore Oil and Gas Production Using MethaneAIR Measurements*, Atmospheric Chemistry and Physics (2026), https://acp.copernicus.org/articles/26/1179/2026/ (same); Matthieu Dogniaux et al., *Global Satellite Survey Reveals Uncertainty in Landfill Methane Emissions*, Nature (2025), doi:10.1038/s41586-025-09683-8 (using GHGRP data as point of comparison for observed emissions); Arvind P. Ravikumar et al., *Developing Measurement-Informed Methane Emissions Inventory Estimates at Midstream Compressor Stations*, ACS ES&T Air (2025) doi:10.1021/acsestair.4c00237 (same); James D. East et al., *Worldwide Inference of National Methane Emissions by Inversion of Satellite Observations with UNFCCC Prior Estimates*, Nature Communications (2025), doi:10.1038/s41467-025-67122-8 (using GHGI data in comparison to observed emissions to understand global progress toward climate goals); James P. Williams et al., *Small Emission Sources in Aggregate Disproportionately Account for a Large Majority of Total Methane Emissions from the US Oil and Gas Sector*, Atmospheric Chemistry and Physics (2025), doi:10.5194/acp-25-1513-2025 (using GHGI data as baseline for comparison).

[10] *See, e.g.*, EIP et al., *Petition for Rulemaking to Revise the New Source Performance Standards and Emission Guidelines for Municipal Solid Waste Landfills* (2023), https://environmentalintegrity.org/wp-content/uploads/2023/06/FINAL-Petition-for-Rulemaking-CAA-111-Landfills.pdf; EDF, *Recapturing U.S. Leadership on Climate* (March 2021), https://www.edf.org/sites/default/files/documents/Recapturing%20U.S.%20Leadership%20on%20Climate.pdf. EDF, *Joint CATF-EDF Principles on Methane Reporting for 45V* (2024), https://blogs.edf.org/energyexchange/2024/07/01/joint-catf-edf-principles-on-methane-reporting-for-45v/.

17. EDF relies on timely and up-to-date GHGRP data in mapping tools it creates and updates. For example, EDF created and maintains an interactive landfill emission map.[11] This map currently incorporates 2023 GHGRP data. EDF is currently working on updates to incorporate the 2024 GHGRP data obtained by EIP that EPA failed to publish. EDF is further planning updates to incorporate the 2025 subpart HH data that would for the first time reflect important methodological changes regarding assumptions about waste decomposition and gas capture efficiency at landfills. EDF also created and maintains a map of all the facilities the Trump EPA offered Presidential exemptions to avoid complying with hazardous air pollution standards.[12] The map currently incorporates the now outdated 2023 GHGRP data because EPA has failed to publish the 2024 and 2025 data.

18. Further, EDF has an ongoing project comparing MSAT data to GHGRP reported emissions.[13] While MSAT was lost in June 2025, EDF is still

[11] EDF, *America's Hidden Landfill Emissions* (last visited Oct. 30, 2026), landfills.edf.org.
[12] EDF, *Trump EPA Pollution Pass Map* (last visited Oct. 30, 2026), https://www.edf.org/maps/epa-pollution-pass/.
[13] *See* EDF, *New Methane Emissions Insights Will Continue as MethaneSAT Data Catalogue is Processed* (July 15, 2025), https://www.methanesat.org/project-updates/new-methane-emissions-insights-will-continue-methanesat-data-catalogue-processed; EDF, *New Data Show U.S. Oil and Gas Methane Emissions over Four Times Higher than EPA Estimates* (July 31, 2024), https://www.methanesat.org/project-updates/new-data-show-us-oil-and-gas-methane-emissions-over-four-times-higher-epa-estimates.

analyzing observation data from the first half of 2025 and intends to compare that data to 2025 GHGRP reported data. The 2025 GHGRP data is particularly important given the updates to subpart W to reflect for the first time "large release events"—defined as emission events exceeding 100kg/hr. For years, EDF has studied large release events and advocated for their inclusion into official emission estimates. The 2025 data would be the first to reflect this, allowing EDF to more accurately understand emissions and evaluate the impact of our efforts.

19. In addition, I am aware that EDF relies on up-to-date GHGRP data in its regulatory and legal advocacy. For example, EDF has a pending rulemaking petition and recently filed a Notice of Intent to compel EPA to update the Municipal Solid Waste landfill emission standards.[14] This advocacy relies on subpart HH reported data to support arguments that landfill emission standards require updates, and EDF needs the 2025 data, expected to more accurately reflect actual emissions from landfills, to advance these efforts.

[14] EIP et al., Petition for Rulemaking to Revise the New Source Performance Standards and Emission Guidelines for Municipal Solid Waste Landfills (2023), https://environmentalintegrity.org/wp-content/uploads/2023/06/FINAL-Petition-for-Rulemaking-CAA-111-Landfills.pdf.

20. In addition, EDF regularly uses and relies on up-to-date GHGRP emissions data in EDF's corporate engagement work to assess the emissions performance of companies and identify mitigation opportunities.[15]

21. Further, subparts RR and VV of the GHGRP provide for important transparency around sequestered carbon and the integrity of the 45Q tax credit. Due to EPA's failure to administer the GHGRP and provide reporting year 2025 data, the U.S. Department of Treasury is now undertaking rulemaking efforts to create an alternative approach.[16] EDF has had to expend significant staff time and advocacy effort to engage in those rulemakings.[17]

22. For another example, EDF intervened in a Utah Public Service Commission docket where Enbridge Gas applied to acquire properties for their subsidiary Wexpro, in the Piceance Basin in Colorado. EDF is negotiating a settlement stipulation agreement with Enbridge Gas for ratepayer protections. EDF is also expending significant time and effort to secure data transparency safeguards

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[15] *See, e.g.,* Sean Hackett, *Credibility, Predictability, and Competitiveness: Why Businesses Support EPA's Greenhouse Gas Reporting Program and Oppose its Rollback* (Nov. 20, 2025), https://business.edf.org/insights/credibility-predictability-and-competitiveness-why-businesses-support-epas-greenhouse-gas-reporting-program-and-oppose-its-rollback/.

[16] Internal Revenue Service, Safe Harbor for the Credit for Carbon Oxide Sequestration under Section 45Q for Qualified Carbon Oxide Reported under Subpart RR, Notice 2026-50 (Aug. 13, 2026).

[17] *See, e.g.*, EDF, Comments on 45Q Subpart RR Safe Harbor Notice 2026-50 (Oct. 30, 2026), https://www.regulations.gov/comment/IRS-2026-0728-0019.

for greenhouse gas emissions due to the Delay Rule and proposed reconsideration.[18]

23. EDF as an organization, as well as EDF's members that rely on EDF's information and publications, have a strong interest in ensuring GHGRP data from reporting year 2025 is collected and published so that more accurate emissions data is gathered, made publicly available, and used to support future mitigation actions. If the Delay Rule remains in effect, EDF and our members would continue to suffer from the lack of access to the most up-to-date, comprehensive, and accurate emissions data that we rely on to advance scientific and advocacy objectives, to better understand the sources and scope of emissions, and to advance our organizational purposes and inform our members.

I declare that the foregoing is true and correct.

David Lyon

David Lyon

Executed on November 5, 2026.

[18] *See* Redacted Settlement Stipulation, *In the Matter of the Application of Enbridge Gas for Approval of the Piceance III Properties as a Wexpro II Property*, Docket No. 26-057-16, Public Service Commission of Utah (Oct. 26, 2026).

Exhibit A

David R. Lyon, Ph.D.

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Summary

I am an environmental scientist with a Ph.D. and 15 years of professional experience in oil and gas methane emissions, including emissions inventory development, methane detection and quantification, mitigation technologies, and voluntary and regulatory policies to report and reduce emissions. I have managed several multi-million dollar research studies on oil and gas methane emissions, authored and co-authored over 30 peer-reviewed papers, communicated science and policy to diverse stakeholders, and helped advance methane science and mitigation by fostering collaboration among my peers.

Experience

Environmental Defense Fund (EDF), Boulder, CO

Senior Methane Scientist II

March 2025 – present

- Provide technical expertise to EDF staff and external partners to advance the quantification and mitigation of oil and gas methane emissions
- Facilitate the preservation of the U.S. Greenhouse Gas Inventory and other federal climate programs at risk for termination.

University of Texas at Austin – Energy Emissions Modeling and Data Lab, Austin, TX
Senior Research Scientist
February 2024 – February 2025

- Provide science and policy expertise to advance EEMDL's mission of providing reliable, science-based, transparent, and measurement-based greenhouse gas emissions assessments of global oil and gas supply chains
- Manage project to develop a greenhouse gas inventory for the State of Texas

United States Environmental Protection Agency, Remote (Austin, TX)
Special Advisor for Implementation (GS-15)
February 2023 – February 2024

- Provide technical expertise on oil and gas methane emissions monitoring and mitigation
- Advise EPA and DOE on implementation of the Methane Emissions Reduction Program
- Assist EPA on development of the Greenhouse Gas Reporting Program Subpart W revisions and Waste Emissions Charge

Environmental Defense Fund (EDF), Austin, TX
Senior Scientist
May 2021 – January 2023

- Participate in strategic planning and organizational design of programs for quantifying methane emissions
- Develop new methods and approaches in planning, integrating, and evaluating programs related to use of empirical data to quantify oil and gas methane emissions

- Assist in EDF's long- and short-range program planning and strategy development
- Communicate knowledge of statutes, laws, and regulations related to oil and gas methane emissions to stakeholders including regulators and media
- Analyze U.S. federal, state, and international environmental policies related to methane emissions reporting and mitigation
- Write peer-reviewed papers and reports summarizing scientific research and policies
- Oral communication including testifying to U.S. Congressional committees, providing expertise to policymakers, presenting at scientific conferences and stakeholder groups, and giving interviews to national and international media
- Manage EDF's Permian Methane Analysis project using multiple measurement approaches to quantify oil and gas methane emissions and rapidly publish data online at PermianMAP.org
- Provide thought leadership on technologies and policies to detect, quantify, and mitigate oil and gas methane emissions to EDF staff and external stakeholders
- Supervise staff (1 post-doc/scientist, 1 research analyst)

Environmental Defense Fund, Austin, TX
Scientist
March 2014 – April 2021

- Duties listed previously under EDF Senior Scientist
- Contribute to the design, planning, execution, and analysis of EDF-sponsored research studies on quantifying methane emissions from the oil and gas supply chain
- Advise internal and external projects on innovative approaches for leak detection and mitigation
- Provide comments to EPA on proposed updates to the Greenhouse Gas Inventory
- Prepare and review manuscripts for submission to peer-reviewed journals
- Communicate science and advocacy through presentations, briefings, and media interviews
- Provide scientific expertise to other EDF programs and external groups

Environmental Defense Fund, Austin, TX
Research Analyst
June 2012 – March 2014

- Organized a top-down/bottom-up methane emissions reconciliation research campaign in the Barnett Shale with a dozen research teams
- Research, analyze, synthesize, and interpret data related to oil and gas methane emissions
- Analyze, interpret, and communicate data to policymakers, industry, the scientific community, and other stakeholders in support of EDF advocacy on environmental policy
- Write reports, blogs, and other communication materials for general audiences

University of Arkansas at Little Rock, Little Rock, AR
Part-time Lecturer
January 2012 – May 2012

- Taught a senior-level environmental science course *Fundamentals of Air Pollution*

Arkansas Department of Environmental Quality, North Little Rock, AR
Environmental Program Coordinator
January 2009 – May 2012

- Obtained EPA funding, managed project, and authored report on a study to develop an emissions inventory and monitor air quality impacts of natural gas development in the Fayetteville Shale
- Managed a $500,000 project to develop and implement a web-based emissions inventory reporting system for a multi-state consortium of environmental agencies
- Led the state's air pollution emissions inventory program, which included approximately 175 regulated facilities and several nonpoint emission source categories
- Analyzed emissions data and produced reports for the agency and public
- Analyzed current and proposed federal air regulations to assist agency planning
- Supervised up to four staff

Education

University of Arkansas, Fayetteville, AR
Ph.D. in Environmental Dynamics
Graduation May 2016

- Dissertation: *Quantifying, Assessing, and Mitigating Methane Emissions from Super-emitters in the Oil and Gas Supply Chain*
- Honors: 4.0 GPA; Doctoral Academy Fellowship

University of Kentucky, Lexington, KY
M.S. in Forestry
Graduation May 2004

- Thesis: *Persistent Effects of Eastern Redcedar on Calcareous Glade Soils and Plant Community*
- Honors: 4.0 GPA; Garden Club of America 2003 Fellowship in Ecological Restoration

Hendrix College, Conway, AR
B.A. in Biology with Chemistry Minor
Graduation June 2002

- Honors: 3.95 GPA; Summa Cum Laude with Distinction; Phi Beta Kappa

Select Testimony and Presentations

Congressional Hearing Testimony (June 8, 2022; remote)
U.S. House of Representatives Committee on Science, Space, and Technology
Detecting and Quantifying Methane Emissions from the Oil and Gas Sector
https://science.house.gov/hearings/detecting-and-quantifying-methane-emissions-from-the-oil-and-gas-sector

Congressional Oversight Field Hearing Testimony (April 15, 2019; Santa Fe, NM)
U.S. House of Representatives Committee of Natural Resources, Subcommittee on Energy and Mineral Resources
Oil and Gas Development: Impacts on Air Pollution and Sacred Sites
https://naturalresources.house.gov/hearings/oil-and-gas-development-impacts-on-air-pollution-and-sacred-site

EPA Workshop invited speaker (August 23, 2021; remote)
Methane Detection Technology Virtual Workshop
PermianMAP: EDF's Campaign Using Multiple Technologies to Measure Oil and Gas Methane

Emissions and Facilitate Mitigation in the Permian Basin
https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-methane-detection-technology-workshop

EPA conference invited plenary speaker (July 30, 2019; Dallas, TX)
2019 International Emissions Inventory Conference
A new paradigm of measurement-based emission inventories
https://www.epa.gov/sites/default/files/2019-08/documents/lyon_epa_nei_plenary_final.pdf

Publications

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Lyon, D. R. (2016). Methane emissions from the natural gas supply chain. In: Kaden, D.A. and Rose, T.L. eds. *Environmental and Health Issues in Unconventional Oil and Gas Development*. Elsevier. pp. 33-48.

Lyon, D. R., Alvarez, R. A., Zavala-Araiza, D., Brandt, A. R., Jackson, R. B., & Hamburg, S. P. **(2016)**. Aerial surveys of elevated hydrocarbon emissions from oil and gas production sites. Environmental Science & Technology, 50 (9), pp 4877–4886, DOI: 10.1021/acs.est.6b00705.

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Lyon, D. R., & Ziegler, S. E. **(2009).** Carbon cycling within epilithic biofilm communities across a nutrient gradient of headwater streams. Limnology and Oceanography, 54(2), 439-449.

Yu, J., Hmiel, B., **Lyon, D. R.**, Warren, J., Cusworth, D. H., Duren, R. M., Chen, Y., Murphy, E., & Brandt, A. R. **(2022)**. Methane Emissions from Natural Gas Gathering Pipelines in the Permian Basin. Environmental Science & Technology Letters, DOI: 10.1021/acs.estlett.2c00380

Cusworth, D. H., Thorpe, A. K., Ayasse, A. K., Stepp, D., Heckler, J., Asner, G. P., ..., **Lyon, D. R**., … & Duren, R. M. **(2022)**. Strong methane point sources contribute a disproportionate fraction of total emissions across multiple basins in the United States. Proceedings of the National Academy of Sciences, 119(38), e2202338119.

Monteiro, V. C., Miles, N. L., Richardson, S. J., Barkley, Z., Haupt, B. J., **Lyon, D. R.**, ... & Davis, K. J. **(2022)**. Methane, carbon dioxide, hydrogen sulfide, and isotopic ratios of methane observations from the Permian Basin tower network. Earth System Science Data, 14(5), 2401-2417.

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Robertson, A.M., Edie, R., Field, R.A., **Lyon, D. R.,** McVay, R., Omara, M., Zavala-Araiza, D. and Murphy, S.M., (**2020)**. New Mexico Permian Basin measured well pad methane emissions are a factor of 5–9 times higher than US EPA estimates. Environmental Science & Technology, 54(21), pp.13926-13934.

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Attachment 9

Declaration of Jennifer Duggan, Environmental Integrity Project

DECLARATION OF JENNIFER DUGGAN

I, Jennifer Duggan, declare and state as follows:

1. My name is Jennifer Duggan, and I am the Executive Director of the Environmental Integrity Project ("EIP"). I am over 18 years of age and suffer from no impairment or disability affecting my ability to give truthful testimony.

2. I have worked for EIP for approximately twelve years and currently serve as EIP's Executive Director.

3. EIP is a non-profit organization based in Washington, D.C. dedicated to ensuring the effective enforcement of state and federal environmental laws to protect public health and the environment. EIP's main office is located at 888 17th St. NW, Suite 810, Washington, DC 20006.

4. EIP's mission is to protect public health and our natural resources by holding polluters and government agencies accountable under the law, advocating for tough but fair environmental standards, and empowering communities fighting for clean air and clean water.

5. To further this mission, EIP advocates for regulations to protect public health and the environment from air and water pollution from industrial sources of pollution. As part of its efforts to ensure effective enforcement of environmental laws, EIP participates in federal rulemakings and permit proceedings related to air

pollution from industrial facilities and brings lawsuits to enforce the Clean Air Act on behalf of community and environmental groups that are harmed by pollution.

6. In addition, EIP uses public data generated pursuant to federal regulation or obtained through public records requests to analyze emissions and air quality trends and develop reports, internet-based tools and other materials to educate impacted residents, the general public, and decision-makers about air pollution from industrial facilities.

7. I am aware that the EPA extended the deadline for reporting 2025 greenhouse gas emissions data twice in 2026, first in February, and then again in an "interim final rule" that it promulgated on October 14, 2026.

8. In the October interim final rule, though the rule was presented as final, EPA solicited comments. EIP commented on the interim final rule on October 21, 2026 (attached hereto as Attachment A).

9. EIP routinely uses greenhouse gas reporting program data to analyze industrial facilities that release pollution, educate communities and our supporters, and inform the news media. In 2025, after EPA refused to publish the 2024 greenhouse gas reporting program data that companies had submitted, EIP analysts obtained the data through a Freedom of Information Act request and published it to an interactive map and database. *See* https://environmentalintegrity.org/2024-greenhouse-gas-reporting-program-data/. We intend to update this map with

company submissions representing the 2025 reporting year. Since EPA is not publishing this data to its website, the web map EIP maintains and updates is one of the only tools available for accessing these data in an easy-to-use format.

10. EIP also uses greenhouse gas reporting data to inform our analyses of industrial sectors. For example, in 2016 we published a report analyzing greenhouse gas emissions from petrochemical plants. *See* https://environmentalintegrity.org/wp-content/uploads/2016/11/Greenhouse-gas-report-1.pdf. And in 2023 we published a report analyzing greenhouse gas emissions from municipal solid waste landfills. *See* https://environmentalintegrity.org/wp-content/uploads/2023/05/Trashing-the-Climate-report-5.18.23-updated.pdf. EIP also uses the data to advance advocacy efforts, and we intend to do so with the 2025 data. For example, EIP has a pending rulemaking petition requesting that EPA update emission standards for municipal solid waste landfills. https://environmentalintegrity.org/news/groups-petition-epa-for-stronger-controls-on-methane-from-landfills/. The 2025 data, which would for the first time reflect updated reporting methodologies for landfills, would be an important component of our advocacy efforts to secure stronger emission standards.

11. Our ability to carry out our mission, and specifically our ability to build informational tools like our greenhouse gas reporting dashboard and

industry-specific reports, is directly dependent on the air quality data that Congress instructed EPA to collect and publish through the greenhouse gas reporting program. Further delays to the reporting deadline hinder our ability to update our public information tools and reports. Moreover, these delays rob the public and taxpayers of our access to public information that should be submitted to the federal government.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on this 5th day of November, 2026



Jennifer Duggan, Executive Director
Environmental Integrity Project

Attachment A

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027	)	**Docket ID No. EPA-HQ-OAR-2025-0186** *Submitted via regulations.gov*
91 Fed. Reg. 65112 (October 14, 2026)	)	

COMMENTS OF ENVIRONMENTAL INTEGRITY PROJECT

October 21, 2026

The Environmental Integrity Project (EIP) opposes the U.S. Environmental Protection Agency's (EPA's) October 14, 2026 extension of the Greenhouse Gas Reporting Rule deadline. This extension arbitrarily, with no serious justification, adds more than four months to the already-delayed deadline for reporting greenhouse gas emissions data from 2025. The extension is rendered even more arbitrary by the fact that it comes merely two weeks before the prior deadline (October 30, 2026), meaning that many emitters could have submitted, and perhaps did submit, the required emissions data.

1. Background

EIP is a national, nonpartisan organization whose mission is to protect public health and our natural resources by holding polluters and government agencies accountable under the law, advocating for tough but fair environmental standards, and empowering communities fighting for clean air and clean water. EIP uses greenhouse gas reporting program data in our daily work. We use the data to understand industrial facilities that release pollution, educate communities and our supporters, and inform the news media. In 2025, after EPA refused to publish the 2024 greenhouse gas reporting program data that companies had submitted, EIP analysts obtained the data through a Freedom of Information Act request and published it to an interactive map and database. We intend to update this map with company submissions representing the 2025 reporting year. Since EPA is not publishing this data to its website, the web map EIP maintains and updates is one of the only tools available for accessing these data in an easy-to-use format. Further delays to the reporting deadline hinder our ability to update our public information tools. Moreover, these delays rob the public and taxpayers of their access to public information submitted to the federal government.

EPA is required to collect greenhouse gas reporting data, and EIP and other members of the public have a right to see the data. EPA issued and implemented the Reporting Program directly

in response to instructions from Congress in the 2008 and 2009 Consolidated Appropriations Acts.[1] In these Acts, Congress required EPA to promulgate and implement a greenhouse gas reporting rule covering "all sectors of the economy." Congress has never rescinded this directive, and EPA's obligation to maintain reporting requirements for all sectors of the economy still stands. Under the Clean Air Act, EPA is required to make publicly available the emissions data that companies report.[2]

2. EPA's deadline extension is unjustified and irrational

EPA has already extended this deadline with no serious justification. After proposing in late 2025 to extend the reporting deadline from March 31, 2026 to June 10, 2026, EPA finalized something it did not propose, and in February 2026 extended the deadline from March 31, 2026 to October 30, 2026. With the additional extension created by the present "interim final rule," EPA will have effectively delayed reporting for an entire year. Because the reporting deadlines for 2026 data are unchanged, emitters will now have to report on 2025 emissions a few weeks before they are scheduled to report on 2026 emissions.

EPA does not argue that reporting places a significant burden on emitters of greenhouse gases. Instead, EPA attempts to justify this additional extension with its own desire to complete a "reconsideration." This clearly puts the cart before the horse. It appears that the Agency is saying, in effect, that greenhouse gas emitters should not report their 2025 emissions by October 30, 2026 because they are never going to have to report their 2025 emissions and/or because EPA doesn't want the data, and that EPA has already decided to repeal the greenhouse gas reporting rule. This is not merely a deadline extension, then, but a de facto waiver in lieu of formal rulemaking. EIP opposes this unlawful sleight of hand.

EIP also objects to EPA's use of the "interim final rule" mechanism, which omits formal notice and comment. The Agency claims that it is "impracticable and contrary to the public interest" for it to provide notice and comment because there is not enough time between the interim final rule and the deadline being extended.[3] This is obviously a problem of EPA's creation. EPA could have attempted to extend this rule last month, or three months ago, or could have extended the deadline to March 10, 2027 instead of October 30, 2026 when it initially extended the deadline last February. EPA cannot make an end-run around required notice and comment by waiting until the last minute and creating an artificially rushed timeline.

EPA also claims that it takes six weeks for companies to prepare and report data and argues that this lead time justifies an extension. The Agency is wrong – the purported six-week lead time does not justify an extension. EPA presents two hypotheticals. If EPA decides to keep most or all reporting obligations in place, then this extension "would allow regulated entities sufficient time

[1] Consolidated Appropriations Act, 2008, Pub. L. 110-161, 121 Stat. 1844, 2128 (2007); Omnibus Appropriations Act, 2009, Pub. L. 111–8, 123 Stat. 524, 729 (2009).
[2] 42 U.S.C. § 7414(c).
[3] 91 Fed. Reg. at 65116.

to react." This is irrational. If EPA doesn't change the rule, the status quo is unchanged, and there is nothing to react to. Companies will simply have to report what they were already legally required to report. In the alternative hypothetical, EPA claims that if it rescinds the reporting rule, the extension will allow companies to "avoid wasted time and effort." Except that it won't, at least not if EPA's estimate of six weeks to prepare and submit data is true. If companies really need that much lead time, then they must have started the process of preparing and reporting data four weeks ago. This delay will plainly not avoid that time and effort. EPA's discussion of the e-GGRT system also fails to justify this extension. EPA claims that it "typically . . . would release e-GGRT six weeks in advance of the deadline," and that now it doesn't have enough time to do that. Again, this is clearly a problem of EPA's making. It should have released e-GGRT at least four weeks ago. But regardless of whether EPA creates that vehicle, greenhouse gas emitters should still be preparing to report their emissions data, and this late extension will not really avoid wasted effort.

3. Conclusion

In short, EPA has failed to justify a further extension of the greenhouse gas emissions reporting deadline. Four weeks into a purported six-week reporting window, when greenhouse gas emitters should be most of the way toward preparing and submitting their 2025 greenhouse gas emissions data, EPA is telling them not to bother. This does not save any significant resources for any regulated entity. It does, however, deprive EIP and the public of important pollution data to which they are entitled. For these reasons, EIP strongly opposes the interim final rule and urges EPA to reverse course.

Sincerely,

Abel Russ
Director of Law and Policy
Environmental Integrity Project
888 17th St. NW, Suite 810
Washington, DC 20006
802-482-5379
aruss@environmentalintegrity.org

Attachment 10

Declaration of Francis Don Schreiber, Environmental Defense Fund

DECLARATION OF FRANCIS DON SCHREIBER

I, Francis Don Schreiber, declare as follows:

1. I am currently a member of the Environmental Defense Fund ("EDF"). I am a rancher and landowner in Gobernador, New Mexico. My wife, Jane, and I own the Devil's Spring Ranch ("Ranch") on 480 deeded acres in Rio Arriba County, and have a permit to graze cattle, sheep and horses for approximately 2,800 additional acres of land adjacent to the Ranch. We graze our own horses and raise chickens on the Ranch. We previously ran cattle but stopped in 2015 to focus our resources on mitigating oil and gas impacts on our property.

2. The Ranch is located in the San Juan Basin in northwestern New Mexico. The San Juan Basin is at times one of the most active areas in the country for oil and gas production, with roughly 20,000 active oil and gas wells. The Ranch is subject to a split estate—I own the surface rights to my land, and the mineral rights are owned by the federal government. There are currently about 122 oil and gas wells on and immediately adjacent to the Ranch emitting harmful pollution.

3. Jane and I bought our land in 1999, with the goal of developing a model for sustainable agriculture with cattle and passing the Ranch down to our children and grandchildren. At that time there were about 75 wells operating or in construction on the land. We have since curtailed our ranching activities. Although we continually work on rangeland improvements, including developing and

improving water supply, wildlife-friendly fencing, invasive and noxious plant control, and erosion control, these activities are primarily done to mitigate the impacts of oil and gas activity. While we used to run cattle, we stopped in 2015 because ConocoPhillips, which had paid for the use of our cattle to restore lands damaged by the company, withdrew financial support, and because we needed to devote more time to defending the Ranch against oil and gas impacts. This left Jane with increasing responsibility for ranch work. Eventually, we could not do both and decided that working to hold the oil and gas industry accountable for the damage they were causing to our land, water, and air was more important.

4. I am aware that oil and natural gas facilities emit significant amounts of harmful air pollution, both through designed releases and unintentionally leaking equipment. I understand that this pollution includes a mixture of methane, volatile organic compounds ("VOCs"), carcinogenic hazardous air pollutants ("HAPs") such as benzene and toluene, and other dangerous air pollutants. I understand that methane is a highly potent greenhouse gas, capable of warming the climate at a rate over 80 times that of carbon dioxide over a 20-year period. I also understand that VOCs contribute to the formation of ground-level ozone, or smog, which is harmful to human health and can cause respiratory disease and premature death. I am aware that the best practices that reduce methane and VOCs also help mitigate other harmful air pollutants.

5. I have personally experienced air emissions associated with venting, flaring, process controllers, and leaking wells on the Ranch. I've seen flaring and venting hundreds of times since 1999 and within 1-5 miles of the Ranch. Well construction or maintenance, which can cause flaring and venting, happens every 2-3 months near my property. In June 2023, I caught a recompletion flare occurring about 5 miles from my home on camera (*see* Exhibit A) and I witnessed a separator fire on October 25, 2022 (*see* Exhibit B). So many people called in about the flare that the fire department responded. We hear venting daily from wells close by. We know that its sound represents harmful and potentially toxic emissions escaping directly into the atmosphere, and into the air we breathe as we live and work here at the Ranch. These emissions endanger not only us, but our livestock and wildlife that we have pledged to protect.

6. As I ride, walk and drive around the Ranch, I can often see vapors escaping from leaking wells distorting the air and creating shadows. There is a group of several wells on the Ranch located less than a third of a mile from our house. On five separate occasions over the last several years, we have visited these wells with Optical Gas Imaging ("OGI") cameras. On all five occasions, we observed and recorded leaks at these wells. When we observe leaking wells we report them to the well operator. For example, when using an OGI camera several years ago on a well that we can see from our home, we discovered a large methane

leak. An OGI image of that leak is below. I also recorded a valve box leak on May 11, 2023, a screenshot of which is below. This happens repeatedly, but we do not have the resources or ability to monitor all of the wells on the Ranch.





7. Jane and I have devoted considerable resources—including time and retirement money—to defend our land from the impacts of oil and gas activity. We have travelled to Santa Fe and Washington, D.C., for example, to tell our story and advocate for more stringent regulations on the industry. Recently, my wife and I created the Open Space Pilot Project (OSPP), which brings federal agencies, energy companies, and landowners in the region together to reduce oil and gas

impacts on the land, water, and soil. We also conduct regular air and water testing and pay an analyst to understand oil and gas impacts to our Ranch that we can then bring to regulators. The resources going into these projects would have gone into developing a sustainable agricultural farm on our Ranch, familial support, or retirement.

8. Emissions from oil and gas operations in the San Juan Basin contribute to elevated smog levels in the Four Corners region, including in our part of northwestern New Mexico. While the Four Corners is a sparsely populated rural region, we have similar ozone levels to urban areas, like Washington, D.C. I am aware that people with cardiovascular disease are at higher risk from breathing ozone. In 2014, I had open heart surgery for congestive heart failure, and have post-operative residual congestive heart failure. I am constantly concerned about the impact of the air quality on my heart condition. I worry that ozone levels in my county will cause respiratory or cardiovascular problems for myself and my family.

9. Jane and I have five grown children, and ten grandchildren. Although we had hoped the Ranch would be a place we would share with our grandkids, the oil and gas operations in our area limit our ability to enjoy it with them. We worry about their exposure to air pollutants from oil and gas development, and are always careful to keep them away from wells and above-ground pipeline equipment. I am

aware that scientific studies have found that proximity to oil and gas operations has negative impacts on health, particularly for children and pregnant women.[1] Protecting our grandchildren from the negative health effects of oil and gas emissions is a constant concern when they come to visit us.

10. The impacts of climate change caused by greenhouse gases such as methane are evident on the Ranch. We have experienced monsoons and an increase in torrential downpours that have resulted in unprecedented runoff and catastrophic flooding. At the same time, our property has experienced extreme drought. Our land is getting drier and dustier each year. I have noticed tree death, including the death of pinions and junipers, which I did not witness when we first moved to the Ranch. Weeds flourish in the warmer weather and inhibit the growth of essential native grasses. Changes in temperature and weather patterns, including drought, increased wind, severity of rainstorms, and increased erosion, have required a shift

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[1] *See* Stacy, et al., *Perinatal Outcomes and Unconventional Natural Gas Operations in Southwest Pennsylvania*, PLoS ONE (June 3, 2015), https://doi.org/10.1371/journal.pone.0126425; Casey et al., *Unconventional Natural Gas Development and Birth Outcomes in Pennsylvania, USA,* Epidemiology (March 2016), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4738074/; McKenzie et. al., *Birth Outcomes and Maternal Residential Proximity to Natural Gas Development in Rural Colorado,* Envtl. Health Perspectives (Jan. 28, 2014), https://ehp.niehs.nih.gov/1306722/; Currie, et al., *Hydraulic Fracturing and Infant Health: New Evidence from Pennsylvania*, Science Advances, American Association for the Advancement of Science (Dec. 1, 2017), advances.sciencemag.org/content/3/12/e1603021.

in the timing of ranch operations, such as when cows should be bred.

11. Since February 2025, my wife and I have been working at the southern end of our ranch in Encierro Canyon, which is part of our BLM grazing permit land, and which we access through our private land. We started running cattle there on August 1st and have been there daily for months to prepare. The route there, approximately 7 miles, is covered with active well sites, and the canyon, which is over 2 miles long, has numerous active wells, some of which we must drive through on our way back and forth to get to Encierro Canyon, or work near for 5 or 6 hours per day. In July, there was a tremendous release of methane and fracking waste at a well that was drilled very recently about a mile and half from our home; it was so loud that we heard it from inside our house. On July 20, at 7:30 AM there was a recompletion of a well that occurred resulting in major venting and leaks. *See* Exhibit C. On July 30, when working in the Canyon, I saw two wells that bisect the road emitting methane that caused me nausea. *See* Exhibit D.

12. Because of the oil and gas operations on and near my property, I closely follow regulatory developments concerning federal oil and gas regulations, including through communications that I receive from EDF. I also know that methane emissions from oil and gas facilities, including those on and near my property, are required to be reported by operators to the Environmental Protection Agency

("EPA") under the Greenhouse Gas Reporting Program ("GHGRP"). The various emissions sources that operators must report include many that I have personally witnessed and that I am concerned about, such as emissions from flaring and venting, storage tank emissions, and emissions from recompletion activities. I am aware, including from my own research and from materials shared with me by EDF and other organizations, that the operator on my property is a major methane polluter and reports very high emissions to EPA. I use this information to take actions to protect my own health, safety, and wellbeing, as well as to advocate for greater controls and standards to reduce those emissions.

13. I am aware that EPA finalized updates to subpart W of the Greenhouse Gas Reporting Program in May 2024 that require oil and gas facilities to report their annual emissions using revised methodologies to improve accuracy. *Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations for Petroleum and Natural Gas Systems*, 89 Fed. Reg. 42062 (May 14, 2024). I understand these updates go into effect for reporting year 2025 and will improve the accuracy of emissions reported by oil and gas companies. Specifically, I am aware that the new updates include a requirement to report "large release events" that did not previously exist. These large release events include methane plumes detected by satellites.

14. I am also aware that EPA recently published a final action entitled

Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027, 91 Fed. Reg. 65112 (Oct. 14, 2026) ("Delay Rule"), extending the deadline for reporting 2025 emissions to March 10, 2027.

15. I have a strong interest in the 2025 emissions data, the first data that will be generated and publicized under the updated reporting requirements, including information about large release events. I know that existing studies, satellite observations, and EDF's methane overflight data show there is a large gap between observed emissions and EPA estimates based on the prior reporting requirements. I have an interest in understanding the methane emissions of the sites on my property and near me, and how the companies operating those sites are performing with respect to their methane emissions. I am likewise very interested in data on large release events that may have occurred on my property or from nearby facilities owned by the same company in 2025. Such events can be very dangerous, releasing flammable and health-harming gases and pollution, and I would like to know about them if they are happening near me or from sites on my property.

16. I am aware that emissions data gathered under subpart W is publicly accessible and that I can access information about methane emissions in my

vicinity.[2] I have likewise read reports from EDF and other organizations that incorporate or are based on subpart W emissions data. I intend to track and view reporting of large release events that will be included in the 2025 reported emissions data, including those on my property or near me. For example, the main operator of sites on my ranch is also one of the highest emitters according to previous subpart W data. I also track satellite data, such as Carbon Mapper, and they have found methane plumes in my area.[3] That kind of information, information on "large release events" the operator had on my property or nearby, would have been collected and published in the 2025 GHGRP data by now if absent EPA's delay.

17. I am eager to see the benefits that the updated reporting requirements will have in improving reporting data. However, because of the Delay Rule, I will be unable to stay informed of methane emissions happening around the Ranch, data which I use to ensure a safe environment for my family; know how surrounding emissions are contributing to climate-based changes on the Ranch; and fight for stronger regulations. I am adversely impacted by the Delay Rule

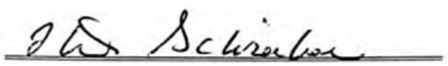
[2] The well sites and associated emissions on my property are reported as part of the operator's San Juan Basin facility report, which is available here: https://ghgdata.epa.gov/flight/details/1007484/2023/O.

[3] For example, Carbon Mapper has detected numerous methane plumes in my vicinity: https://data.carbonmapper.org/?details=CH4_1B2_250m_-107.39241_36.72378%3Fstatus%3Dnot_deleted&plume_id=tan20260618t191828c68s4001-A#13.49/36.72515/-107.37382.

limiting and preventing the greater and more accurate data on methane pollution from being gathered. I have an interest in ensuring methane data is accurately disclosed, made publicly available, and can be used by members or the public and organizations like EDF to advocate for policies to reduce that pollution.

I declare the foregoing is true and correct.

Francis Don Schreiber



Dated: November 5, 2026

Exhibit A

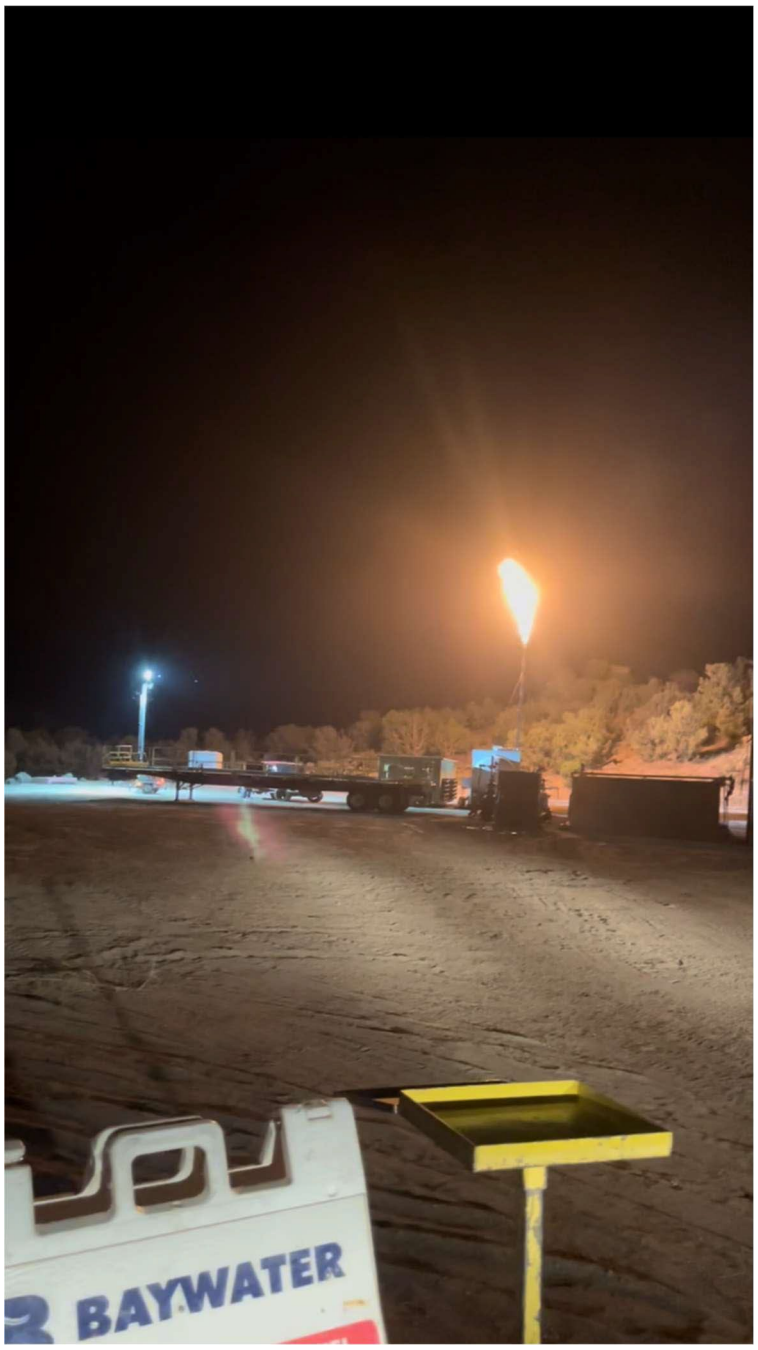


Exhibit B



Exhibit C



Exhibit D





Attachment 11

Declaration of Trisha Dello Iacono, Environmental Defense Fund

DECLARATION OF TRISHA DELLO IACONO

I, Trisha Dello Iacono, declare as follows:

1. I am currently a member of the Environmental Defense Fund (EDF) and have been involved with EDF since 2012. I also previously worked as the Senior Legislative Manager with Moms Clean Air Force, a special project of EDF where I managed the field staff and volunteers from across the country to develop and deploy strategic plans to increase grassroots advocacy on key environmental issues at the local, state, and federal level.

2. I support EDF's efforts to protect the health and futures of our children from climate change and dangerous air pollution because as a parent to four children, I want them to have a safe and healthy world to grow up in.

3. I currently live in Mullica Hill in Gloucester County, New Jersey with my nine- and sixteen-year-old sons, and my daughter who is six. We have lived at our current location for about eight years, and lived in Haddon Heights in Camden County, New Jersey, for two years prior to that.

4. Our home is approximately three miles as the crow flies from the Gloucester County Solid Waste Complex, a municipal solid waste ("MSW") landfill located at 493 Monroeville Rd., Swedesboro, New Jersey.[1] I frequently

[1] *See* EPA, Enforcement and Compliance History Online (ECHO), Detailed Facility Report, Glouster County Solid Waste Complex, https://echo.epa.gov/detailed-facility-report?fid=110014004692.

drive my kids to and from sports activities and other events, which often brings me in even closer proximity to this landfill.

5. In addition, my oldest son has played soccer on the outdoor fields located at 1865 Harrison Avenue in Camden, New Jersey 08105, which is only four miles as the crow flies from the Pennsauken Sanitary Landfill, another MSW landfill which is located at 9600 River Road, Pennsauken Township in Camden County, New Jersey.[2]

6. I am aware that landfills are the third largest source of methane emissions in the United States, and that methane is a greenhouse gas that exacerbates climate change. I also know that alongside methane, in a mixture of pollutants referred to as "landfill gas," landfills release nonmethane organic compounds ("NMOCs"), which can include volatile organic compounds ("VOCs") that contribute to ground-level ozone formation as well as organic hazardous air pollutants ("HAPs") like benzene, which is a known carcinogen.

7. I understand that EPA in 2024 finalized updated greenhouse gas reporting requirements for landfills and other sources under the Greenhouse Gas Reporting Program ("GHGRP"). *Revisions and Confidentiality Determinations for Data Elements Under the Greenhouse Gas Reporting Rule*, 89 Fed. Reg. 31802

[2] *See* EPA, Facility Level Information on Greenhouse Gases Tool (FLIGHT), Pennsauken Sanitary Landfill, https://ghgdata.epa.gov/flight/details/1000429/2023/E.

(April 25, 2024). I am familiar with the GHGRP from my work and environmental advocacy, and I understand that it plays an important role in guiding policy and providing transparency into sources of U.S. greenhouse gas emissions. I regularly read reports and other materials from EDF that incorporate or are based on data from the GHGRP.[3] I am also aware that this data is published publicly, and that I have access to information about emissions from the landfills and other sources of greenhouse gas emissions in my vicinity through EPA's FLIGHT database.

8. From my work with Moms Clean Air Force, I also understand that in 2016, EPA established national emission guidelines to reduce methane emissions and other air pollution from existing MSW landfills, through submission of state plans or a federal plan for states without an approved plan. I understand that EPA projected that, by 2025, the guidelines would reduce methane emissions by 290,000 tons per year and NMOC emissions by 1,810 tons annually. I am aware that data gathered through the GHGRP can be used to track the progress and implementation of the guidelines, as well as to support future updates to air pollution standards—standards that reduce pollution from landfills and other sources near my home and in my community.

[3] For example, EDF has a landfill mapping tool that includes information and emissions from the Glouster County Solid Waste Complex and many others: https://landfills.edf.org/.

9. I am aware that the Gloucester County Solid Waste Complex, close to my home, is one of the landfills that reports emissions to the GHGRP. I understand that in 2022, this landfill reported 23,591 metric tons of climate pollution.[4] I also understand that recent analyses have shown GHGRP data may underestimate actual emissions, and that the updated reporting requirements adopted in 2024, and first taking effect for reporting year 2025, are designed to more accurately reflect emissions from landfills, including those near my home.

10. I am also aware that the Pennsauken Sanitary Landfill reports to the GHGRP, and in 2023, reported 71,990 metric tons of climate pollution.[5] The more accurate emissions data reporting year 2025 would provide from these and other landfills would allow me to better understand the pollution near me as well as progress being made in reducing emissions.

11. I am further aware that earlier this year, EPA published a final action entitled *Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for 2025*, 91 Fed. Reg. 9712 (Feb. 27, 2026), which extended the reporting deadline under the GHGRP for reporting year 2025 from March 31, 2026, to

[4] EPA FLIGHT Database, Gloucester County Solid Waste Complex, https://ghgdata.epa.gov/ghgp/service/facilityDetail/2022?id=1004235&ds=P&et=&popup=true.
[5] EPA, FLIGHT Database, Pennsauken Sanitary Landfill, https://ghgdata.epa.gov/ghgp/service/facilityDetail/2022?id=1000429&ds=E&et=&popup=true.

October 30, 2026. I am likewise aware that EPA published a second final action entitled *Extending the Reporting Deadline Under the Greenhouse Gas Reporting Rule for Reporting Year 2025 to March 10, 2027,* 91 Fed. Reg. 65112 (Oct. 14, 2026) ("Delay Rule"), further extending the reporting deadline for reporting year 2025 to March 10, 2027.

12. The Delay Rule, by preventing the collection and publication of emissions data using the updated reporting methods for 2025, deprives me of more accurate emissions data—information that I understand must be made public by law. Without that information, I am unable to see whether the landfills near me increased or decreased emissions, and I cannot use that information to advocate for stronger protections.

13. I am aware that Gloucester County, New Jersey, where my family resides, is in nonattainment with the 2015 national health-based standard for ground-level ozone. I understand there is well-established scientific research linking ozone pollution with serious health problems such as respiratory disease, asthma attacks, and impaired lung function. I know that being outside during high ozone days can be dangerous for children and adults. I know that living in an area that is in nonattainment with the 2015 ozone standard only adds to the risks and makes me even more concerned about my daughter. I understand that pollution from landfills, including methane and NMOCs, contributes to ozone problems.

14. I know that landfills also emit hazardous air pollution, including known carcinogens such as benzene. Risks from exposure to these hazardous air pollutants can include serious health risks, such as cancer, reproductive impacts, or birth defects, as well as serious adverse environmental impacts. I really worry about my children's exposure to these chemicals because I know there is no safe level of exposure and even brief exposures can have impacts on the neurological system or cause genetic changes in humans.

15. In addition to these health threats posed by localized and regional pollution like ground-level ozone, I am aware that methane and other climate pollutants are rapidly changing our climate.

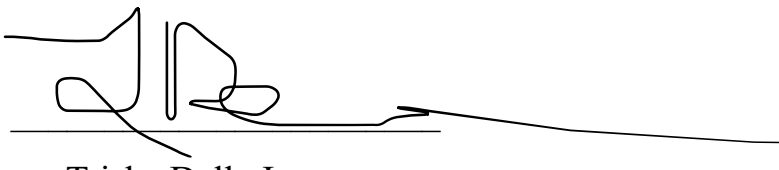
16. I grew up in Southern New Jersey, where my parents farm over 5,000 acres of land. My children and I still live in the area and will visit this farm regularly. I have personally watched the impacts of climate change affect my parents' farming business. Increased heavy downpours and higher temperatures mean a decrease in crop yield and an increase in pesticide and fungicide use. Higher temperatures have required increased water use and resulted in a reduced yield when daytime temperatures exceed 90 degrees for even short periods of time. Warmer temperatures and higher carbon dioxide concentration also contribute to an increase in crop disease, resulting in higher concentrations and more frequent spraying of toxic chemical pesticides.

17. I hope that my children will be able to continue operating our family farm, and I am concerned that the impacts of climate change will negatively affect our family business and decrease the chances that my children can continue operating our farm in the future.

18. I am concerned that if landfills and other sources do not reduce their pollution and greenhouse gas emissions, my health and the health of my family will be adversely impacted and that my children and I will be unable to engage in the recreational activities that we enjoy.

19. I am adversely impacted by the lack of data, including the greater and more accurate data from landfills and other sources that will be gathered under the GHGRP updates for reporting year 2025. I have an interest in ensuring greenhouse gas data is accurately disclosed, made publicly available, and can be used by members of the public and organizations like EDF to advocate for policies to reduce that pollution.

I declare that the foregoing is true and correct.



Trisha Dello Iacono

Dated: November 5, 2026