Revisions/Confidentiality Determinations for Data Elements/Greenhouse Gas Reporting Rule: U.S. Environmental Protection Agency Proposed Rule



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") published a Supplemental Notice of Proposed Rulemaking ("Proposal") in the May 22nd Federal Register that would amend certain parts of the Greenhouse Gas Reporting Rule ("GGRR"). See 88 Fed. Reg. 32852.

EPA states that the purpose of the Proposal is to improve the quality and consistency of the GGRR through collection of improved data to better inform and be more relevant to a wider variety of Clean Air Act provisions.

The GGRR requires reporting of greenhouse gas ("GHG") data and other relevant information from:

- Large GHG emission sources
- Fuel and industry gas suppliers
- CO2 injection sites

Forty-one categories of reporters are encompassed by the GGRR. Facilities determine whether they are required to report based on the type of industrial operations located at the facility, emission levels, or other factors. See 40 CFR Part 98.

The specified facilities are generally required to submit annual reports if:

- GHG emissions from covered sources exceed 25,000 metric tons of CO2e per year
- Supply of certain products would result in over 25,000 metric tons of CO2e of GHG emissions if those products were released, combusted, or oxidized

EPA has previously estimated that approximately 7,600 direct emitting facilities are required to report their emissions annually.

EPA states in the May 22nd Proposal that it recently evaluated the requirements of the GGRR to identify areas of improvement such as:

- Including updates to the existing calculation, recordkeeping and reporting requirements
- Requested information for collection of additional data to understand new source categories in a rule proposed June 21, 2022

The Proposal includes amendments to the GGRR such as updates to the General Provisions. EPA states as their purpose an objective of reflecting revised global warning potentials.

Further, the Proposal requires reporting of GHG data from additional sectors which include:

- Energy consumption
- Coke calcining
- Ceramics production
- Calcium carbide production
- Caprolactam
- Glyoxal
- Glyoxylic acid production

The Proposal also includes:

- Updates to emissions calculation methodologies
- Revisions to reporting requirements
- Minor technical amendments, corrections, or clarifications

A copy of the Proposal can be downloaded here.