



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

Greenhouse Gas Reporting Rule: National Association of Clean Air Agencies Comments Addressing Reconsideration

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The National Association of Clean Air Agencies ("NACAA") submitted November 3rd comments to the United States Environmental Protection Agency ("EPA") on the federal agency's September 16th proposed rule styled:

Reconsideration of the Greenhouse Gas Reporting Program ("Reconsideration Rule").

The Reconsideration Rule is found at 90 Fed. Reg. 44,591.

NACAA describes itself as the:

... national, non-partisan, non-profit association of 156 state and local air pollution control agencies in 40 states, including 117 local jurisdictions, the District of Columbia and five territories.

The Greenhouse Gas Reporting Program requires reporting of greenhouse gas data and other relevant information from large greenhouse gas emission sources, fuel and industrial gas suppliers, and CO₂ injection sites in the United States.

EPA previously estimated approximately 8,000 facilities are required to report their emissions annually.

NACAA's November comments state by way of introduction that:

... the Greenhouse Gas Reporting Program (GHGRP) is relied on as a foundational tool for emissions inventory development, compliance programs, and policy analysis.

The proposed Reconsideration Rule is stated to eliminate facility-level reporting requirements for 38 of 39 major industrial source categories. This is argued to limit the technical capacity of states and localities to plan, implement, and verify climate and air quality programs. Further, the Reconsideration Rule is stated to potentially:

... generate immediate, significant, and unfunded burdens for many of NACAA's member state and local agencies, which are charged with safeguarding public health under the federal Clean Air Act and a panoply of state air and climate laws.

NACAA identifies the emission reporting requirements that would be eliminated from major industrial sectors that are critical for state inventories and regulatory programs.

Concern is expressed that if the Reconsideration Rule is finalized agencies would be forced to develop and implement independent, mandatory reporting programs for thousands of facilities, create duplicative and potentially varied electronic reporting systems and public databases across dozens of states, establish replacement tiered calculation methods and verification protocols for emissions, and coordinate multi-state methodologies. This development is stated to potentially occur “without a clear pathway for securing adequate funding or technical support.”

The comments also note:

- Cities, counties, and states would need to fill immediate legal and planning deficits that rely on federally verified emission reductions.
- Supplier-level and process-specific emission factors crucial to emission reduction programs and multi-state initiatives would be lost.
- Businesses would incur expenditures needed to track system development, calculation methods, and reporting requirements in multiple states and localities to ensure they can comply with reporting programs across jurisdictions.
- Other important federal programs, including Section 45Q and 45V credits that depend on emissions verification for carbon capture and hydrogen could be compromised.

A copy of the comments can be downloaded [here](#).