

**Comments of Max Lopez, Attorney at Environmental Law & Policy Center, Public hearing
on U.S. Environmental Protection Agency's Reconsideration of the Greenhouse Gas
Reporting Program**

Docket ID No. EPA-HQ-OAR-2025-0186

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Hello, my name is Max Lopez. I am an attorney at the Environmental Law and Policy Center ("ELPC"). ELPC works to protect the environment and public health from the Great Lakes to the Great Plains.

ELPC strongly opposes EPA's proposed rule to remove crucial greenhouse gas reporting requirements across virtually all major industry sectors. The EPA's Greenhouse Gas Reporting Program is a vital resource for public utility commissions, ELPC and many other stakeholders. Utility commissions must consider many factors in rate cases to ensure that consumers have a reliable and affordable grid. Greenhouse gas emissions data is an integral factor in that decision-making process, especially for the purpose of maintaining consistency with state law climate initiatives and long-term grid reliability planning. Removing GHGRP data from the equation would make it more difficult for public utility commissions to make informed decisions for consumers.

As a stakeholder in rate cases before public utility commissions, ELPC is dependent on facility-level and sector-level data for analyses. The data provided under Subpart W: Petroleum and Natural Gas Systems is essential for ELPC experts to quantify upstream emissions from gas production and processing facilities. Data provided under Subpart C: General Stationary Fuel Combustion Sources is crucial to analyzing utility operations, customer end-use emissions, and midstream emissions from gas distribution systems. Data provided under Subpart D: Electricity Generation is useful in calculating overall grid emissions. Without this baseline data across subparts, it would be more difficult for ELPC and any other stakeholder to conduct lifecycle emissions comparisons between gas infrastructure and electrification alternatives thereby inhibiting the ability to rationally plan for the long term.

ELPC's Energy Team utilized GHGRP data to quantify methane leakage from gas infrastructure in a recent rate case in Illinois. ELPC testimony highlighted the fact that Ameren emitted 92,479 metric tons of CO₂e, of which 90,686 metric tons were from system leaks of methane gas. This is a lose-lose scenario wherein energy resources are wasted, grid reliability is weakened, and needless greenhouse gases are emitted further exacerbating climate change. The GHGRP data was essential in identifying and quantifying the methane leak issue. It is crucial that all stakeholders maintain the ability to identify these types of issues. By removing GHGRP data, the EPA would simply make it more difficult to do so.

In the proposed rule, EPA claims it "does not have the authority to collect GHGRP data under CAA section 114(a)(1)... because the reporting requirements do not serve an underlying statutory purpose" and further states that there must be "a closer nexus between continuous reporting obligations and an underlying statutory purpose." 90 Fed. Reg. 44596, September 16,

2025. This reading of the statute would fundamentally impede the purpose of the CAA and contradict many years of EPA practice which have effectuated emissions standards and implementation plans across the country.

First to address authority, CAA Section 114(a)(1) specifically authorizes the Administrator to collect, maintain, and report emissions data for the types of sources covered by the GHGRP. *See* 42 U.S.C. § 7414(a)(1)(A). Second, this authorization is closely tied to the statutory purpose of the CAA. Section 114(a) notes that the maintenance of this data is “for the purpose of (i) developing or assisting in the development of” a variety of crucial CAA programs including “state implementation plan[s]... standard[s] of performance, [and] emission[s] standards.” 42 U.S.C. § 7414(a). These three categories of provisions are the bedrock of the statute, without which the CAA could not execute its purpose “to protect and enhance the quality of the Nation’s air resources.” 42 U.S.C. § 7401(b)(1).

For example, standards of performance mandated under CAA Section 111 require the EPA to regulate industries that “contribute[] significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare.” 42 U.S.C. § 7411(b)(1)(A). The GHGRP provides the emissions data necessary to make that preliminary determination of endangerment for new highly polluting industries that may need to be added to the list of regulated categories in the future. Additionally, the GHGRP provides a baseline for what is technically and economically feasible at existing regulated facilities, which in turn, provides the basis for determining the best system of emission reduction (“BSER”) for any given source category. The GHGRP is both authorized and highly integral to effectuating the purpose of the CAA and implementing its most basic provisions like standards of performance.

ELPC requests that the EPA abandon this proposed rule and maintain the GHGRP.