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November 3, 2025

Administrator Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Reconsideration of the Greenhouse Gas Reporting Program (GHGRP), Docket No. EPA-HQ-OAR-2025-0186

Dear Administrator Zeldin:

Thank you for the proposed rule to reconsider the GHGRP. EPA correctly states in the proposal that EPA lacks statutory authority to collect greenhouse gas (GHG) emissions data from sectors other than the petroleum and natural gas source category (subpart W) segments, and then only for compliance with the Waste Emissions Charge (WEC) as revised by the One Big Beautiful Bill Act. As collection of the WEC was suspended for a decade by Congress, EPA is correct to likewise suspend GHGRP for the Subpart W segments.

Multiple-Use Advocacy strongly supports the proposed rule. Having been engaged in EPA air issues on behalf of the oil and natural gas industry for twenty years, we have seen how EPA overregulation inhibits economic growth and prosperity, as regulatory costs must inevitably be passed onto the consumer. Further, past administrations have purposefully used climate change regulation as a means to make energy more expensive in an effort to replace abundant, reliable oil, natural gas, and coal with intermittent, expensive, and unreliable sources of energy. Their ultimate goal was to make energy so expensive that it must be rationed in the name of climate change and to make so-called "green" energy appear more affordable.[1] The Trump Administration is wholly correct in its efforts to overturn such schemes in order to unleash American energy, lower costs for consumers, and strengthen national security.

[1] For example, President Obama stated, "Under my plan of a cap-and-trade system, electricity rates would necessarily skyrocket, regardless of what I say about whether coal is good or bad, because I'm capping greenhouse gases. Coal power plants, natural gas, whatever the industry was, they would have to retrofit their operations. That will cost money. They will pass that money onto consumers." Quoted in "FLASHBACK: Obama Promised Electricity Costs Would Skyrocket," *Washington Free Beacon*, June 2, 2014. Also, Energy Secretary Chu stated in 2008 that, "we have to boost the price of gasoline to the levels in Europe." Quoted in "Energy Secretary Chu And The Price You Are Paying For Gasoline," *HuffPost,* April 16, 2012.

Efforts to Retain Reporting

Just as strongly as we support EPA's actions in this proposed rule, we likewise strongly disapprove of efforts within the oil and natural gas industry itself to retain Subpart W reporting over the next decade despite postponement of the WEC. Major segments of the industry are calling on EPA to continue requiring GHG reporting for the oil and natural gas sector in the absence of a statutory and regulatory requirement, or even authorization. We find it regrettable that an industry would seek continued regulation in spite of actions to deregulate from the regulator itself. With our background working in and with oil and natural gas trade associations, we understand the dynamic that prevails and urge EPA to ignore such calls to continue requiring reporting. Our opposition to those who urge the government to continue to burden the industry with regulatory requirements is twofold.

The first reason some in industry seek to compel the federal government to regulate is one of competitiveness and market share, an unprincipled game for any industry actor to play. Frankly, the majors and large independent, publicly traded companies have the financial resources and large regulatory staffs to absorb the GHGRP burden and small independent companies do not. Large companies that advocate for regulation, no matter how onerous, increase the cost burden on other companies and either crowd them out of the marketplace or force them to sell their assets at lower prices. Using regulation is not an honorable means to gain market share, and EPA should not allow itself to be used to pick winners and losers in the marketplace. Further, Subpart W reporting requires many small companies to go through the full reporting exercise only to determine that they are under the reporting threshold.

Secondly, those within industry calling for continued reporting advance five reasons: 1) the desire to retain 45Q carbon storage credits; 2) the need to show foreign purchasers that U.S. natural gas has a clean profile; 3) anticipation of climate change regulation by a future administration; 4) fear of shareholder activism; and 5) use of EPA GHG reporting to preempt disparate state reporting requirements.

Might we suggest to the companies and trade associations that are calling for continued reporting under Subpart W to instead do so voluntarily? They could report as part of their ESG reporting to shareholders or they could band together and develop a voluntary third-party reporting mechanism. The American Petroleum Institute, one of the large associations calling for continued reporting, has established the very successful Environmental Partnership. Companies that join the Partnership commit to actions to control and reduce methane emissions. The Partnership or a similar voluntary structure could serve as a platform for companies to report their GHG emissions for the next decade.

Voluntary reporting mechanisms would address points 2) through 4) above. Voluntary efforts would show future administrations, foreign buyers, and shareholders that these companies are committed to reducing GHGs, thereby currying the favor they so desire. With respect to the credits, EPA is right to point out in the preamble that the Treasury Department would need to find another mechanism for determining 45Q and 45V. The credits do not compel nor authorize EPA to regulate under Section 114. The companies and trades urging EPA to continue regulatory reporting could instead turn their focus to

the Treasury Department and provide an alternative source of information for the credits. A simple redirection of their regulatory focus could solve the issue for all companies. Certainly smaller companies should not be burdened with the compliance cost and liability of reporting to EPA just because some very large companies wish to continue taking advantage of carbon capture subsidies.

State Preemption

Twenty states already require GHG reporting, several of which rely on EPA GHGRP data. They did so even during the Biden Administration, which pursued a "whole-of-government" approach to addressing climate change and pulled every regulatory lever in the federal arsenal. Such is the clear proof that the GHGRP is not preventing disparate state reporting requirements nor will the lack thereof. In fact, EPA has the opportunity with this rulemaking to thwart state efforts by making a stronger statement in the final rule regarding how federal law preempts state regulation and reporting requirements. EPA made a strong statement in the proposed Endangerment Finding revision and should make a similar one here. This is particularly important as many states unconstitutionally attempt to use GHG reporting requirements to engage in international climate change policies. Article II of the Constitution clearly grants the federal government the sole responsibility for foreign policy, treaty negotiations, and national security. States purporting to engage in foreign policy, such as with the Paris climate accord that the United States has withdrawn from and the U.S. Senate never ratified, are deluding themselves.

Legal Authority

We agree with EPA that CAA 114(a)(1) does not give EPA authority for a sweeping, annual GHGRP. Section 114 is expressly focused on the very distinct purposes of developing state implementation plans, setting performance standards, and establishing compliance with specific statutory requirements. Sec. 114 does not authorize continuous, economy-wide GHG reporting for broad policy objectives. We agree with EPA's legal rationale, as laid out in Section I.D. of the preamble, that its authority under Sec. 114 is limited. We also agree that its authority under Sec. 114 is discretionary, as laid out in the alternative rationale. Those that urge EPA to retain the GHGRP by twisting its discretionary authority into a mandate are simply incorrect, and EPA should reject such contorted logic.

We will leave it to those lawyers developing comments that support EPA's legal rationale to provide greater details, but wish to highlight the following language in the preamble, Sec. I.D.:

> "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." (emphasis added).

We suggest that EPA include in the final rule similar legal justification that was used in the Endangerment Finding regarding landmark Supreme Court rulings that address the major questions doctrine and

Chevron deference. EPA should explicitly articulate the major questions and non-delegation doctrines whereby EPA cannot assume regulatory powers without clear direction from Congress. EPA should cite the Supreme Court's decision in *West Virginia v. EPA* which solidified the major questions doctrine that requires agencies to act only once Congress confers the power to do so. Because Congress has not directly mandated the GHGRP, EPA is correct in not taking an expansive reading of the Clean Air Act. In *Loper Bright Enterprises v. Raimondo*, the Supreme Court again confirmed that agencies cannot assume broad regulatory powers that are not found in statute. The GHGRP stretched EPA's authority under Sec. 114 beyond the best reading of the Clean Air Act. In the quote from the preamble we highlight above, we suggest that besides reference to *Michigan v. EPA,* EPA add *Loper Bright* and *West Virginia* to footnote 14.

Neither can CAA Section 136 be read as a requirement for continued reporting, per the plain language of the statute. One cannot plausibly interpre Sec. 136 as a requirement to report before 2034. We fully agree with EPA's interpretation of Sec. 136.

Regulatory Costs Are Underestimated

EPA's estimate of a $303 million annual burden on the regulated community is woefully low. Unfortunately, the small entities we represent with these comments do not have economic data compiled that reflects a large sample of companies. EPA approximates 8,000 reporting entities, which amounts to about $38,000 per entity. That number defies logic, as reporting requires many weeks if not months of gathering data before entering it into EPA's reporting systems. One company estimates it spent about a quarter of a million dollars for Subpart W reporting in 2024. That estimate as well as EPA's estimate does not include lost opportunity costs. Instead of using those resources for actual environmental improvements that ensure compliance and reduce methane and other emissions, those resources are expended on reporting, an activity that in and of itself delivers no environmental benefit.

Infringement of Free Speech

Finally, the GHGRP violates the First Amendment by forcing companies to report data on the basis of a narrative that their operations harm the climate, without regard to the huge positive benefits oil and natural gas confer on humanity. The First Amendment protects against compelled speech, and EPA should not compel companies to endorse a controversial, progressive narrative that aims to ultimately curtail all use of their products. GHGRP reports other than those for the WEC are designed for public consumption rather than neutral fact-finding and regulatory purposes, and therefore, constitute compelled speech. Look no further than ExxonMobil's recently filed lawsuit against the State of California regarding 2023 climate change disclosure laws as an infringement on their free speech rights, as the law seeks to force the company, "…to embrace the message that large companies are uniquely to blame for climate change."[2]

[2] "ExxonMobil sues California over climate disclosure laws," Janie Har, *AP,* October 25, 2025.

We urge EPA to disregard calls for continued GHGRP reporting. Thank you for this bold proposal to rid the economy of counterproductive and expensive regulation that aims to make energy more expensive and unreliable. We fully support the efforts of President Trump and Administrator Zeldin to unleash American energy by finalizing the rule as proposed.

Sincerely,

Kathleen M. Sgamma
Principal, Multiple-Use Advocacy