

EPA's Greenhouse Gas Reporting Rule Information Sheet for Tribal Governments

EPA is undertaking a rulemaking process that will require the mandatory reporting of greenhouse gas (GHG) emissions. The objective of this program is to collect comprehensive and accurate data relevant to future climate policy decisions, including potential future regulation under the Clean Air Act.

EPA is considering requiring reporting for emissions of six GHGs: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆). Emissions of these GHGs result from both "upstream" or energy production sites and "downstream" sources such as large industrial facilities.

EPA is planning to publish a proposed rule by September 2008 and a final rule by June 2009, in accordance with the deadlines established in the FY 2008 Omnibus Appropriations Act signed by President Bush on December 26, 2007.

Potential Impact on Tribal Governments

Because the thresholds for reporting will be defined during the rulemaking process, it is difficult to say at this time exactly which facilities will be reporting. It is possible that the proposed rulemaking could affect tribal governments that own or operate large emissions sources, assuming the facilities meet the thresholds. The rule is not expected to affect smaller operations where emissions are difficult to measure or where there are a large number of small sources.

EPA will be conducting a Regulatory Impact Analysis that will assess the total cost of the rule and identify potential impacts on affected facilities.

To the extent that any electric generating units operated by tribal governments are already subject to reporting CO₂ emissions under EPA's Acid Rain Program, the Agency has discretion to rely on those existing data and thus minimize any new requirements.

Background

On December 26, 2007, President Bush signed the FY2008 Omnibus Appropriations Act which authorized EPA to "...develop and publish a draft rule not later than 9 months after the date of enactment of this Act, and a final rule not later than 18 months after the date of enactment of this Act, to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy..."

In addition, the accompanying explanatory statement stated that EPA shall "...use its existing authority under the Clean Air Act" to develop a mandatory GHG reporting rule. "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."

The Administrator of EPA has flexibility in the rule in several areas, including:

- The threshold for reporting— EPA is reviewing the thresholds of existing mandatory and voluntary reporting programs to determine the appropriate trigger or threshold above which reporting will be required.
- The frequency of the reporting— EPA is reviewing the frequency of other reporting programs to determine the appropriate frequency for this program (e.g., annual or quarterly).

In addition, the Administrator of EPA has discretion to use existing reporting requirements for electric generating units under Section 821 of the Clean Air Act.

In developing the rule, EPA will build upon existing mandatory and voluntary reporting methods at the federal and state levels, such as The Climate Registry (www.theclimateregistry.org) and the California Air Resources Board (www.arb.ca.gov/cc/cc.htm) mandatory reporting programs.

Tribal Government Involvement

EPA welcomes input from tribal governments on key issues relating to the rulemaking (e.g., thresholds and reporting). In addition, following publication of the proposed rule, tribal governments are encouraged to comment during the public comment period (approximately 60-90 days) in accordance with existing EPA policies and obligations.

Timetable

January 2008 - September 2008	Establish EPA workgroup Develop draft rule and supporting analyses Conduct outreach Conduct inter- and intra-Agency review of the draft rule
September 2008	Propose and publish draft rule
October 2008 - June 2009	Conduct public comment period and hearings Review comments Develop final rule and supporting analyses Conduct inter- and intra-Agency review of the final rule
June 2009	Publish final rule

For More Information

Further information and current activities related to the GHG Reporting Rule will be posted on the EPA Web site at: www.epa.gov/climatechange/emissions/ghgrulemaking.html
The site will be updated as more information and materials become available.

Tribes can also contact Darrel Harmon (email at harmon.darrel@epa.gov or by phone 202-564-7416), or Katherine Sibold (email at sibold.katherine@epa.gov or by phone 202-343-9280).