



Comments of Environmental Defense Fund at EPA's Listening Session on the Methane Emissions Reduction Program

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Good afternoon. My name is Edwin LaMair and I am an attorney at Environmental Defense Fund. Thank you for the opportunity to provide input on the design of the financial and technical assistance provisions of the Methane Emissions Reduction Program. I am going to focus on the spending decisions and technical assistance that EDF believes are important for effective implementation of the waste emissions charge, including updates to methane reporting under subpart W of the Greenhouse Gas Reporting Program (GHGRP). My colleague Grace Smith's testimony addresses funding expenditures more broadly.

In adopting the Methane Emissions Reduction Program, Congress recognized the importance accurate and empirically based methane reporting would have in effectuating the waste emissions charge. That is because the waste charge is only assessed on methane emissions reported to EPA through the GHGRP. If that reporting is not accurate and does not capture all of the emissions actually occurring, then the waste charge will not be as effective in incentivizing reductions as Congress intended. In recognition of the well-documented underreporting that currently occurs,¹ Congress required EPA to update methane reporting methods and provided direction and substantial resources for doing so. Funding is provided for EPA to "prepare inventories, gather empirical data, and track emissions," as well as for assisting operators in meeting their reporting obligations.²

To fulfill Congress's directive to ensure methane reporting is empirically based and accurately reflects total emissions from facilities, EPA should ensure the necessary funds are directed to gathering empirical emissions data, revising reporting methods, providing reporters with technical assistance, and auditing reported emissions to ensure accuracy.

In updating the reporting methods, EPA should move toward a site-level reporting and verification framework. To do this, EPA should begin developing site-level reporting methods using basin-specific measurement data and ensure reported emissions align with observed

¹ Alvarez et al., *Assessment of Methane Emissions from the U.S. Oil and Gas Supply Chain*, 361 Science 186 (2018), <https://science.sciencemag.org/content/361/6398/186>; Rutherford et al., *Closing the Methane Gap in US Oil and Natural Gas Production Emissions Inventories*, 12 Nature Comms. 4715 (2021), <https://www.nature.com/articles/s41467-021-25017-4#citeas>.

² 42 U.S.C. § 7436(a)(1), (4).

basin-wide totals. Funds should be used to gather empirical data through measurement studies and overflights, especially in regions where available data may be lacking. This data will also be useful to support mitigation efforts.

EPA should also develop clear protocols that would allow reporters to directly measure site level emissions periodically instead of using EPA's site-level empirical data. Using basin-specific empirical measurement data to develop reporting methods can ensure that reported emissions accurately reflect large and abnormal process emissions that are not currently captured, leading to significant inaccuracies. EPA should provide technical assistance to operators seeking to measure their emissions in the form of trainings, manuals, and other resources.

Auditing and verifying reported emissions will also be important for ensuring accuracy and effectuating the waste charge. EPA should likewise consider using funds for this purpose, including by regularly comparing reported emissions to observational data. With this funding and support from Congress, EPA has the opportunity to enhance the accuracy, reliability, and empirical grounding of methane reporting methods that will help effectuate the waste emissions charge and can likewise help to support other important EPA policies to reduce oil and gas sector pollution.

EPA should likewise ensure sufficient funds are available and used for implementing, assessing, and enforcing the waste emissions charge. Congress specified that the appropriations should be used to "cover all direct and indirect costs required to" administer the program.³ To timely and fully implement the waste charge and accurately assess the charge on applicable facilities will require significant agency resources and attention. EPA will need to ensure that all applicable facilities required to report are doing so completely and accurately. EPA will then need to calculate methane intensity, determine whether exemptions are available and apply, and collect the charge. Each of these steps will require adequate staff attention as well as technical assistance and outreach to operators of applicable facilities.

It is critical that EPA implement the Methane Emissions Reduction Program in a protective manner to fulfil Congress's mandate to significantly reduce methane emissions and protect communities from the harms caused by oil and gas development. Along with speedy and strong finalization of EPA's new and existing source oil and gas methane pollution rules, this program's waste charge and appropriations can cut methane, create jobs, and protect frontline communities.

Thank you for the opportunity to provide input on this important program.

³ *Id.* § 7436(a)(4).