

January 19, 2024

Dr. Howard Shelanski, Director
Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget
Executive Office of The President
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500

Ref: Bureau of Land Management's Proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation Rule (Docket ID No. BLM-2022-0003; RIN: 1004-AE79)

Dear Dr. Shelanski,

Thank you for the opportunity to comment on BLM's proposed Waste Prevention, Production Subject to Royalties, and Resource Conservation Standard. I am the Federal Policy Specialist at the Evangelical Environmental Network, the largest evangelical Christian, environmental non-profit ministry with the mission of advocating for caring for God's creation and children.

While we are grateful for the progress made with the proposed rule, we urge you to strengthen the rule to more effectively eliminate the waste of our precious natural resources. Eliminating methane waste also has the added benefit of protecting the health and lives of vulnerable communities living near oil and gas operations.

Specifically, we strongly encourage BLM to move away from the royalty-based approach and adopt clear waste prevention standards resembling those in leading states like New Mexico and Colorado that eliminate venting and flaring except in emergency situations. Over 600,000 pro-life Christians have voiced support for strong standards on venting and flaring over the last decade.

Furthermore, during this finalization process, we urge you to ensure the rule is consistent with similar rules from other agencies. Specifically:

- EPA recently finalized strong flaring standards nationally based on a robust analysis that flaring abatement methods are cost-effective across various site types and sizes. EPA's new standard prohibits routine flaring at new sites, providing a two-year compliance phase-in period, and requires operators of existing wells to capture their gas unless they can demonstrate it is technically infeasible to do so. For existing sites, there's an exemption for those producing 40 tpy or less. While EPA's rule is strong, it doesn't prohibit routine flaring across all sites, and EPA's flaring standards for existing sites will not be in effect for 5 years. BLM can fill in these gaps using its independent authority by prohibiting routine flaring on federal lands as outlined in our comments.
- Further, the Inflation Reduction Act's waste emission charge can play a complimentary role to BLM's final rule by providing an economic incentive for operators to drive down waste and reduce flaring.
- Whether or not BLM chooses to primarily keep a royalty-based approach, we strongly encourage it to ensure there are no inconsistencies between its final rule and EPA's. This is critical to retaining legal durability in both rules. For example, BLM's proposal included a number of equipment standards for pneumatics, storage vessels, LDAR, and reporting. Ideally, these provisions should be removed. Prior

litigation indicates that courts view equipment standards as falling within EPA's jurisdiction; a BLM rule with equipment standards may appear to be encroaching on EPA's jurisdiction and put the entire BLM rule at risk.

- In addition, BLM should ensure that it is considering ways to ensure the waste rule is congruent with other agency rulemaking efforts, including its draft Public Lands Rule.

The strongest possible proposed rule from BLM is much needed, given EPA's methane standards will not take effect for another five years.

We urge BLM to finalize the strongest possible rule as soon as feasible in order to ensure that vulnerable communities do not have to wait five years for decent health and environmental protections.

Sincerely,

Matthew Lee

Federal Policy Specialist
Evangelical Environmental Network