



August 25, 2017

**VIA ELECTRONIC SUBMISSION**

The Honorable Ryan Zinke  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C St., NW  
Washington, DC 20240

**Attn: DOI-2017-0003-0003; DOI-2017-0003-0011**

**RE: Comments of Environmental Defense Fund on the Department of the Interior's  
Request for Public Input on Regulatory Reform**

Dear Secretary Zinke:

On behalf of its over two million members, the Environmental Defense Fund (EDF) submits these comments in response to the Department of the Interior's (DOI) request for public input on its review of existing regulations pursuant to Executive Order 13777, "Enforcing the Regulatory Reform Agenda."<sup>1</sup> EDF is a national non-partisan, non-profit organization that is dedicated to protecting human health and the environment by effectively applying science, economics, and the law. In furtherance of that mission, EDF has long engaged in advocating for and defending vital public protections to conserve our natural resources, leave a safer climate for our children, and protect the health of communities across America. Such vital safeguards include the Bureau of Land Management's (BLM) long-overdue standards to reduce waste and harmful pollution from oil and natural gas operations on public and tribal lands (Waste Rule).

EDF opposes efforts to roll back essential waste mitigation measures and public health protections—particularly when such efforts result from the rushed and misguided process that DOI has established under Executive Order 13,777 and are motivated by the false premise that health and environmental safeguards are in conflict with vibrant economic and job opportunity. DOI's protective land management practices and public health safeguards are a great American success story, with a long history of providing tremendous benefits to communities while

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<sup>1</sup> Regulatory Reform, 82 Fed. Reg. 28,429 (June 22, 2017). Note that EDF has also submitted a separate comment letter to this docket urging DOI to maintain and strengthen mitigation policies in order to fulfill DOI's obligation to manage public land responsibly, safeguard our air and water, and protect the ecosystems that support people and nature.

supporting economic vitality. As we detail below, DOI should be taking action to maintain and strengthen - not roll back – practices that manage our public land responsibly and safeguards that keep our air and water clean and protect public health.

These comments address three issues.<sup>2</sup> First, we are deeply concerned that various Executive Orders and Secretary's Orders issued under this Administration, which are supposed to guide DOI's regulatory review, are inconsistent with the principles that have historically guided management of our nation's public lands and that are enshrined in the statutes DOI is charged with implementing. Our nation's land management statutes – including the Federal Lands Policy and Management Act (FLPMA) and the statutes that govern the National Park Service (NPS) and the U.S. Fish and Wildlife Service (FWS) – either explicitly prioritize conservation and preservation, or require balanced management of public lands for multiple uses.<sup>3</sup> These mandates do not permit the prioritization of energy development over other uses of public lands, as the Administration has indicated it may do in a series of Executive Orders and Secretary's Orders.<sup>4</sup> To the extent DOI revises any protections as a result of the current regulatory review, it must act consistently with the directives that Congress has provided in land management statutes. These concerns are set forth in greater detail in a July 20, 2017 letter filed in this docket by a broad and diverse coalition of conservation, public health, and environmental organizations, and EDF supports those comments.

Second, EDF is concerned about the lack of transparency and meaningful public engagement that has accompanied DOI's regulatory review. Although EDF appreciates the opportunity to provide public input in this docket, DOI has not made clear whether or how it intends to consider or respond to public comments as it undertakes its regulatory review. DOI also opened this comment period well after it was scheduled to have completed certain critical regulatory reviews, such as its review of the Waste Rule,<sup>5</sup> which only further calls into question the extent to which

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<sup>2</sup> All documents cited in this comment letter are hereby incorporated by reference and should be considered part of the administrative record for this proceeding.

<sup>3</sup> See 43 U.S.C. § 1732(a) (requiring DOI to “manage the public lands under principles of multiple use and sustained yield”); 54 U.S.C. § 100101(a) (directing NPS “to conserve the scenery, natural and historic objects, and wild life in the System units and to provide for the enjoyment of the scenery, natural and historic objects, and wild life in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”); 16 U.S.C. § 668dd(a)(2) (directing FWS to manage the National Wildlife Refuge System “for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.”). See also *N.M. ex rel. Richardson v. BLM*, 565 F.3d 683, 710 (10th Cir. 2009) (“[i]t is past doubt that the principle of multiple use does not require BLM to prioritize development over other uses.”).

<sup>4</sup> See Exec. Order No. 13766 (Jan. 24, 2017) (Expediting Environmental Reviews and Approvals for High Priority Infrastructure Projects); Exec. Order No. 13783 (Mar. 28, 2017) (Promoting Energy Independence and Economic Growth); Exec. Order No. 13795 (Apr. 28, 2017) (Off-shore Energy Strategy); Exec. Order No. 13792 (Apr. 26, 2017) (Review of Designations under the Antiquities Act); Ryan Zinke, U.S. Sec'y of Interior, Order No. 3349 (Mar. 29, 2017) (American Energy Independence); Ryan Zinke, U.S. Sec'y of Interior, Order No. 3352 (May 31, 2017) (National Petroleum Reserve – Alaska), Ryan Zinke, U.S. Sec'y of Interior, Order No. 3353 (June 7, 2017) (Greater Sage-Grouse Conservation and Cooperation with Western States); Ryan Zinke, U.S. Sec'y of Interior, Order No. 3354 (July 6, 2017) (Supporting and Improving the Federal Onshore Oil and Gas Leasing Program and Federal Solid Mineral leasing Program).

<sup>5</sup> See Ryan Zinke, U.S. Sec'y of Interior, Order No. 3349 (Mar. 29, 2017) (requiring that BLM review the Waste Rule within 21 days of the order, and report to the Assistant Secretary for Land and Minerals Management on “whether the rule is fully consistent with” the President's March 28, 2017 Executive Order on climate and energy issues).

public input will enter into DOI's regulatory review process. What is more, DOI has not disclosed any documentation associated with its completed or ongoing regulatory reviews – making it impossible for the public to understand and comment on the legal, policy, and factual determinations that DOI is making in this process. Accordingly, we urge DOI to immediately disclose all comments received in response to its call for public input on regulatory reform; publicly explain whether and how it intends to incorporate these comments in its regulatory reviews; and disclose all decision documents related to its regulatory review. Furthermore, we remind DOI that the current public comment period in no way replaces or diminishes the Department's obligation under the Administrative Procedure Act to provide adequate public notice and opportunity for public comment on proposed revisions to or repeals of specific regulatory protections.

Third, we strongly oppose DOI's recent actions to suspend and delay the Waste Rule,<sup>6</sup> as well as its planned effort to weaken or repeal the Waste Rule (recently disclosed in the Administration's Unified Regulatory Agenda). The Waste Rule establishes long-overdue and common-sense protections to minimize the waste of taxpayer-owned natural gas resources on public lands, help ensure a fair return to tribal governments, put our energy resources to good use, and reduce harmful oil and gas pollution that threatens our climate and human health. It was the result of years of careful deliberation and extensive public engagement by BLM, and responds to numerous analyses (including by the Government Accountability Office and DOI's Inspector General) finding that BLM's pre-existing policies for reducing waste were obsolete and inadequate.<sup>7</sup>

Far from being a “regulatory burden that encumbers American energy production, economic growth and job creation,”<sup>8</sup> the Waste Rule is based on highly cost-effective programs that leading oil and natural gas companies and several states, including Colorado, Wyoming, Ohio and Pennsylvania, have already successfully adopted to reduce the waste of valuable product and emissions of methane and other air pollution from the oil and gas industry. BLM itself concluded that the Waste Rule would enhance recovery of natural gas on federal lands, and would have minimal cost or employment impacts for the energy industry.<sup>9</sup>

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<sup>6</sup> EDF and a broad coalition of states, conservation organizations, and public health and environmental organizations have filed a legal challenge to DOI's June 15, 2017 notice suspending the Waste Rule under section 705 of the Administrative Procedure Act (APA). *Sierra Club v. Zinke*, No. 3:17-cv-03885-EDL (N.D. Cal. filed Jul. 10, 2017). We reaffirm here that this action clearly violated the APA because it was issued well after the effective date of the Waste Rule, did not include any of the required equitable analysis that must support a stay under section 705, and was not preceded by the public notice and comment that is required to make any substantive revisions to the Waste Rule.

<sup>7</sup> 81 Fed. Reg. 83,008, 83,009-10 (Nov. 18, 2016).

<sup>8</sup> Statement by Kate MacGregor, Acting Assistant Secretary of the Interior for Land and Minerals, on U.S. Senate Vote on the Waste Rule (May 10, 2017), available at <https://www.doi.gov/pressreleases/interior-statement-venting-and-flaring-rule-vote>.

<sup>9</sup> BLM, Regulatory Impact Analysis for Waste Rule at 7, table 1-3e (Nov. 10, 2016) [hereinafter “RIA”] (estimating the Waste Rule's annual net benefits at \$46–204 million depending on the discount rate used, with \$20–157 million of these benefits coming from cost savings); *id.* at 119 (“The rule is not expected to impact the employment within the oil and gas extraction, drilling oil and gas wells, and support activities industries, in any material way.”).

Rolling back this vital waste reduction and clean air measure would be misguided and detrimental to public health, and would lead to unacceptable and unnecessary waste of a domestic energy resource. Moreover, such action would run contrary to BLM's mandate under the Mineral Leasing Act to ensure that all holders of federal oil and gas leases "use all reasonable precautions to prevent waste of oil or gas developed in the land."<sup>10</sup> It would also flout the wishes of the seventy percent of Americans nationwide who support the Waste Rule,<sup>11</sup> as well as the will of Congress – which recently rejected an effort to invalidate the Waste Rule under the Congressional Review Act. And it would go against your own statements during your confirmation hearing acknowledging the "troubling" extent of natural gas waste on federal leases,<sup>12</sup> and your statements to Senators indicating that you agree with 80 to 90 percent of the Waste Rule.<sup>13</sup>

The Attachment to this comment letter provides more detailed information on the urgent need for the Waste Rule, the highly cost-effective benefits it secures, and the strong legal foundation for these measures. BLM's standards are needed to achieve further reductions in natural gas waste, protect taxpayers and provide consistency and confidence that the entire industry is using sound practices. Accordingly, we urge DOI to withdraw its June 15, 2017 suspension of the Waste Rule and to abandon its pending proposed rule to delay the Waste Rule compliance deadlines until July 2019. DOI should commit to immediately implement and enforce these vital protections for communities and taxpayers, not seek to weaken or repeal them. With over \$1.7 billion in gas wasted on public and tribal lands since 2013,<sup>14</sup> and continuing impacts to climate and public health from these uncontrolled losses of gas, the public cannot afford any further delay in implementing these vital protections.

Thank you for considering these comments.

Respectfully submitted,

Tomás Carbonell  
Environmental Defense Fund  
1875 Connecticut Ave., 6th Floor  
Washington, D.C., 20009  
[tcarbonell@edf.org](mailto:tcarbonell@edf.org)  
[\(202\) 572-3610](tel:(202)572-3610)

Peter Zalzal  
Rachel Fullmer

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<sup>10</sup> 30 U.S.C. § 225.

<sup>11</sup> Mason-Dixon Polling & Research, *Americans Support Reducing Natural Gas Leaks on Federal Land, Oppose Weakening Regulations That Require It* 3 (2017), available at [http://www.edfaction.org/sites/edactionfund.org/files/edf\\_uspollsummary117.pdf](http://www.edfaction.org/sites/edactionfund.org/files/edf_uspollsummary117.pdf).

<sup>12</sup> Ellen Gilmer, *Zinke Touts Balanced Approach on Resources, Development*, Energywire (Jan. 18, 2017).

<sup>13</sup> Heidi Heitkamp, *Heitkamp Explains Vote on Methane Rule*, Bismarck Tribune (May 17, 2017).

<sup>14</sup> See EDF, *Needless waste of American energy resources*, <https://www.edf.org/energy/needless-waste-american-energy-resources> (last visited August 24, 2017) (running counter of natural gas waste on public and tribal lands).

Environmental Defense Fund  
2060 Broadway, Ste. 300  
Boulder, CO 80302  
[pzalzal@edf.org](mailto:pzalzal@edf.org)  
rfullmer@edf.org  
(303) 447-7214

## **ATTACHMENT**

### **SUPPLEMENTAL COMMENTS IN SUPPORT OF BLM'S RULE ON WASTE PREVENTION, PRODUCTION SUBJECT TO ROYALTIES, AND RESOURCE CONSERVATION**

#### **The Waste Rule is Urgently Needed to Address Unacceptable Waste of Publicly-Owned Natural Gas, and to Protect Our Climate and Public Health**

Nationwide, the U.S. loses about \$2 billion worth of natural gas every year through methane leaks and intentional releases (like venting) throughout the oil and gas system.<sup>15</sup> BLM has estimated that on federal and tribal lands alone, oil and gas companies vent and flare an estimated \$444 million worth of natural gas annually.<sup>16</sup> In the Waste Rule, BLM estimated that federal oil and gas lessees vented or flared more than 462 billion cubic feet of natural gas between 2009 and 2015 – enough gas to serve over 6.2 million homes for a year.<sup>17</sup>

This waste of publicly-owned natural gas not only represents a misuse of a precious natural resource that BLM is charged with conserving – it also deprives federal taxpayers of royalty revenues, and harms state and tribal governments who share in those revenues and use them to fund education, infrastructure, and other vital public programs. If waste of natural gas on federal and tribal lands continues unabated, the American taxpayer could lose out as much as \$800 million in lost royalties over the next decade, according to the Western Values Project.<sup>18</sup>

The same leaks that lead to natural gas waste also release methane, the primary constituent of natural gas and a highly potent climate pollutant. BLM estimated that the Waste Rule will prevent 175,000 to 180,000 tons of methane emissions from oil and gas development on federal and Indian land per year.<sup>19</sup> In addition to these alarming and easily avoidable climate impacts, leaking natural gas also contains toxic and smog-forming pollutants such as volatile organic compounds, benzene, toluene, ethylbenzene, and xylene. The same technologies that reduce natural gas waste also limit these other harmful pollutants, preventing asthma attacks and other smog-induced respiratory problems.

#### **BLM is Required to Ensure That Operators Take Reasonable Steps to Minimize Natural Gas Waste**

The Waste Rule is firmly grounded in our nation's mineral leasing and land management statutes, which require BLM to ensure that holders of federal oil and gas leases take reasonable steps to prevent waste and protect our environment. Under the Mineral Leasing Act (MLA), BLM is required to ensure that lessees “use *all reasonable precautions* to prevent waste of oil or

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<sup>15</sup> EDF, Defending Standards to Cut Methane Waste, available at <https://www.edf.org/energy/defending-standards-cut-methane-waste> (last visited July 31, 2017).

<sup>16</sup> RIA at 3.

<sup>17</sup> 81 Fed. Reg. at 83,015.

<sup>18</sup> Western Values Project, *Up in Flames: Taxpayers Left Out in the Cold as Publicly Owned Natural Gas is Carelessly Wasted* 11 (May 2014), available at <http://westernvaluesproject.org/wp-content/uploads/2014/05/Up-In-Flames.pdf>.

<sup>19</sup> RIA at 5.

gas.”<sup>20</sup> Moreover, the MLA requires that all leases “contain provisions for the purpose of insuring the exercise of reasonable diligence, skill, and care in the operation of said property . . . and such other provision as [DOI] may deem necessary . . . for the protection of the interest of the United States . . . and for the safeguarding of the public welfare.”<sup>21</sup> The MLA vests BLM with broad authority to fulfill these mandates through “necessary and proper rules and regulations” and to “do any and all things necessary to carry out and accomplish the purposes of [the MLA]. . . .”<sup>22</sup> For decades, BLM has carried out these authorities through policies that distinguish between avoidable and unavoidable forms of natural gas waste, and require operators to pay royalties on natural gas that is lost through unapproved forms of venting and flaring.<sup>23</sup>

BLM also has an independent statutory obligation to protect climate and air resources on public lands by imposing reasonable standards on operators of oil and gas facilities. Under FLPMA, BLM “*shall*, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands.”<sup>24</sup> BLM has interpreted the phrase “unnecessary or undue degradation” to embrace protection of air quality along with other environmental values.<sup>25</sup> This is consistent with FLPMA’s declaration of policy that “the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, *environmental*, *air and atmospheric*, water resource, and archeological values.”<sup>26</sup>

Opponents of the Waste Rule have alleged that BLM lacks authority to require oil and gas operators to minimize waste, because EPA has issued similar standards for new and modified oil and gas facilities under the Clean Air Act. The Waste Rule, however, addresses a number of sources of waste that are not regulated at all under EPA’s current standards (including flaring of associated gas, and losses from equipment leaks and avoidable venting from existing facilities). Moreover, EPA’s responsibility for protecting public health and welfare against air pollution under the Clean Air Act does not relieve BLM of its independent statutory duties to minimize waste and protect “air and atmospheric” resources on public lands. Rather, limiting BLM’s authority on that basis would subvert clear congressional commands. As the Supreme Court has recognized in a related context where EPA’s regulatory responsibilities overlapped with those of another agency, “[t]he two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency.”<sup>27</sup> So too here, the Waste Rule is carefully aligned to avoid overlapping with Clean Air Act standards and to fulfill BLM’s independent mandates under the MLA and other federal statutes.<sup>28</sup>

## **The Waste Rule Reflects Common Sense Measures to Stop Natural Gas Waste**

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<sup>20</sup> 30 U.S.C. § 225 (emphasis added).

<sup>21</sup> 30 U.S.C. § 187

<sup>22</sup> 30 U.S.C. § 189; *Arch Mineral Corp v. Lujan*, 911 F.2d 408, 415 (10<sup>th</sup> Cir. 1990) (calling § 189 a “broad grant of authority”).

<sup>23</sup> See 81 Fed. Reg. at 83,017 (discussing BLM regulation under Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-4A), 44 Fed. Reg. 76,600 (Dec. 27, 1979)).

<sup>24</sup> 43 U.S.C. § 1732(b) (emphasis added).

<sup>26</sup> 43 U.S.C. § 1701(a)(8) (emphasis added).

<sup>27</sup> *Massachusetts v. EPA*, 549 U.S. 497, 532 (2007).

<sup>28</sup> See 81 Fed. Reg. at 83,013 (discussing interaction between the Waste Rule and existing EPA and state standards).

The Waste Rule establishes common-sense standards for operators that address some of the most significant sources of waste on federal and tribal lands. These standards incorporate well-established, highly cost-effective measures – such as regularly scheduled leak detection and repair - that have long been deployed by leading oil and gas companies, and are now required in major energy-producing states such as Colorado and Wyoming. To minimize cost and facilitate compliance planning, the standards phase in gradually: most of the major requirements in the Waste Rule do not take effect until January 2018 (over a year after the rule was finalized), and the limitations on flaring phase in gradually through 2025.

BLM determined in its Regulatory Impact Analysis that the Waste Rule will have significant benefits in terms of enhanced resource recovery and royalty payments, and reduced risks to climate and public health. Among other things, the rule is expected to reduce methane emissions by 175,000 to 180,000 tons per year (a reduction of 35% from 2014 levels);<sup>29</sup> reduce smog-forming VOC emissions by 250,000-267,000 tons per year;<sup>30</sup> and reduce emissions of hazardous air pollutants. The Waste Rule is also expected to increase production of natural gas and generate additional royalties for the federal government, tribes, states and private landowners. These additional royalty payments would amount to approximately \$65 to 82 million over the first ten years of implementation.<sup>31</sup>

BLM was not able to monetize some of the Waste Rule's most significant benefits – such as reductions in VOC and hazardous air pollutant emissions. Even so, the climate benefits and enhanced production associated with the Waste Rule alone “would outweigh [the rule's] costs by a significant margin,” yielding *net* benefits of approximately \$46-199 million per year.<sup>32</sup>

In evaluating the benefits of the Waste Rule, BLM reasonably relied upon estimates of the social cost of methane reported by Marten et al in 2014.<sup>33</sup> These values have been published in the peer-reviewed literature; were closely scrutinized by the twelve federal agencies in the Interagency Working Group on Social Cost of Greenhouse Gases (IWG);<sup>34</sup> were subjected to additional internal and external peer review conducted by EPA; and reflect a highly conservative estimate of the harms associated with methane.<sup>35</sup> Moreover, the value has already been used in

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<sup>29</sup> 81 Fed. Reg. at 83,014.

<sup>30</sup> RIA at 110.

<sup>31</sup> RIA at 117.

<sup>32</sup> 81 Fed Reg at 83,013.

<sup>33</sup> Marten, *et. al.*, Incremental CH<sub>4</sub> and N<sub>2</sub>O mitigation benefits consistent with the US Government's SC-CO<sub>2</sub> estimates, *Climate Policy* (2014), available at <http://www.tandfonline.com/doi/abs/10.1080/14693062.2014.912981>.

<sup>34</sup> Interagency Working Group On Social Cost Of Greenhouse Gases, United States Government, Addendum to Technical Support Document on Social Cost of Carbon for Regulatory Impact Analysis under Executive Order 12866: Application of the Methodology to Estimate the Social Cost of Methane and the Social Cost of Nitrous Oxide (August 2016), available at [https://www.epa.gov/sites/production/files/2016-12/documents/addendum\\_to\\_sc-ghg\\_tsd\\_august\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-12/documents/addendum_to_sc-ghg_tsd_august_2016.pdf).

<sup>35</sup> See, e.g., Comment submitted by Institute for Policy Integrity, Environmental Defense Fund, Natural Resources Defense Council, and Union of Concerned Scientists supporting the soundness of methodologies that EPA utilized to value the social cost of methane for the 2016 Rule, EPA-HQ-OAR-2010-0505-6945 at 19-22; Comment submitted by Environmental Defense Fund, the Institute for Policy Integrity, and the Natural Resources Defense Council on BLM's use of the SC-CH<sub>4</sub> and SC-CO<sub>2</sub> for BLM's 2016 Waste Management Rule, BLM-2016-0001-9091.



several other rulemakings to support regulatory analysis.<sup>36</sup> Indeed, these values are based on the same modeling techniques and assumptions used to derive the social cost of carbon – which itself has been utilized by a variety of federal agencies in regulatory analyses, and has been upheld by the courts as a reasonable estimate of the true costs of harmful climate pollution.<sup>37</sup>

Although Executive Order 13,783 disbanded the IWG and withdrew the IWG’s technical documents, the courts have held that federal agencies cannot ignore the costs of climate pollution in their decision-making under basic principles of administrative law.<sup>38</sup> The Executive Order itself recognizes that federal agencies will continue to monetize the impacts of climate pollution, and directs agencies to do so consistent with the longstanding guidance in the Office of Management and Budget (OMB) Circular A-4. Nothing in the Executive Order prevents agencies from relying on the IWG documents or their underlying analysis, all of which are fully consistent with Circular A-4.<sup>39</sup> And for the reasons described above, the social cost of methane (and social cost of carbon) adopted by the IWG remains the most scientifically and economically sound estimate of the costs of climate pollution. Accordingly, BLM should continue to use these values in evaluating any changes to the Waste Rule.

### **The Waste Rule Will Enhance Natural Gas Production and Have Minimal Cost Impacts**

The Regulatory Impact Analysis also affirms that these standards will have very modest costs and negligible adverse impacts on energy production and employment. As noted above, the measures included in the Waste Rule have long been utilized within the industry and, in many cases, result in increased recovery of natural gas that helps offset their costs. BLM determined that “cost impacts on individual operators would be small,” even for smaller operators with less than 500 employees.<sup>40</sup> According to the Regulatory Impact Analysis, the average annual costs for a representative small operator would increase by about \$55,200 as a result of the Waste Rule, amounting to a reduction in profit margin of just 0.15 percentage points.<sup>41</sup>

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<sup>36</sup> Standards of Performance for Municipal Solid Waste Landfills, 81 Fed. Reg. 59332 (August 29, 2016); Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills, 81 Fed. Reg. 59276 (August 29, 2016); Waste Prevention, Production Subject to Royalties, and Resource Conservation, 81 Fed. Reg. 83008 (November 18, 2016).

<sup>37</sup> See *Zero Zone v. Dept. of Energy*, No. 14-2147, at 44 (7<sup>th</sup> Cir., Aug. 8, 2016).

<sup>38</sup> See, e.g., *Sierra Club v. FERC*, No. 16-1329, slip op. at 24-27 (D.C. Cir. Aug. 22, 2017); *Center for Biological Diversity v. NHTSA*, 538 F.3d 1172, 1203 (9<sup>th</sup> Cir. 2008); *Montana Environmental Information Center v. U.S. Office of Surface Mining*, CV 15-106-M-DWM at 46-47 (D. Mont. Aug. 14, 2017).

<sup>39</sup> See Comments of the Institute for Policy Integrity, Docket ID No. EPA-HQ-OAR-2010-0505-11337 (Aug. 9, 2017) (explaining that agencies retain the ability to rely on IWG documents and analysis, that the social costs of climate pollution adopted by the IWG are consistent with Circular A-4, and that “the IWG’s work continues to represent the best available estimates of the social cost of greenhouse gases...”). See also Comments of the Institute for Policy Integrity, Environmental Defense Fund, Natural Resources Defense Council, Sierra Club, and Union of Concerned Scientists on Failure to Use the Social Cost of Greenhouse Gases in the Supplemental Draft Environmental Impact Statement for Coal Lease Modifications COC-1362 and COC-67232 (July 24, 2017), available at [http://policyintegrity.org/documents/2017-07-24\\_Joint\\_Comments\\_Forest\\_Service\\_EIS\\_SCC.pdf](http://policyintegrity.org/documents/2017-07-24_Joint_Comments_Forest_Service_EIS_SCC.pdf)

<sup>40</sup> *Id.*

<sup>41</sup> RIA, at 124, 130.

The RIA found that the Waste Rule would result in *increased* natural gas production of 9-41 Bcf per year (0.03-0.15% of total U.S. production), and a negligible reduction in crude oil production ranging from 0-3.2 million barrels per year (approximately 0.07% of total U.S. production). BLM concluded that “Since the relative changes in production are expected to be small, we do not expect that the rule would significantly impact the price, supply, or distribution of energy.”<sup>42</sup>

Prior experience with implementing similar standards at the state level confirms that the measures in the Waste Rule are feasible and cost-effective. After Colorado adopted the nation’s first-ever rule to cut methane waste and pollution with support from both environmental advocates and oil and gas operators three years ago, the state’s oil and gas industry has continued to grow. Oil and natural gas production in the state has increased in the three years since these standards were adopted,<sup>43</sup> even as emissions from equipment leaks have fallen by 75 percent.<sup>44</sup> Will Allison, Director of Colorado’s Air Pollution Control Division said, “Candidly, we really haven’t heard concerns about the cost or any difficulty with implementation.”<sup>45</sup>

Indeed, efforts to cut methane waste have put American entrepreneurs to work creating innovative, cutting-edge technologies to make it economically feasible for the oil and gas companies achieve reductions. A 2014 report by Datu Research found that the emerging methane mitigation sector now comprises jobs in over 500 locations, across 46 states. More than half of those companies are small businesses, and the median hourly wage for jobs in the methane mitigation industry is \$30.88— about 20% higher than today’s national median wage.<sup>46</sup> A national rule to cut methane waste on public and tribal lands helps to deepen investment and create more jobs in this industry.

## **The Waste Rule Has Broad Support**

Rolling back the Waste Rule would contravene the wishes of the vast majority of Americans. A recent poll commissioned by EDF found that over 70 percent of Americans support the common-sense measures in the Waste Rule.<sup>47</sup> Similarly, a bipartisan poll by Colorado College found that 81 percent of Westerners support action to cut natural gas waste on public lands.<sup>48</sup> A broad and diverse array of Western stakeholders support the BLM natural gas waste rule, including: Latino organizations such as Hispanic Access Foundation and HECHO, Rocky Mountain Farmers Union, Vet Voice Foundation, Taxpayers for Common Sense, Partnership for Responsible

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<sup>42</sup> RIA at 115.

<sup>43</sup> See EIA, *Crude Oil Production*

<sup>44</sup> Colorado Public Radio, *Methane Hunt: Tech Helps Colorado Oil and Gas Operators Lead the Way* (May 9, 2016), available at <https://www.cpr.org/news/story/methane-hunt-tech-helps-colorado-oil-and-gas-operators-lead-way>.

<sup>45</sup> *Id.*

<sup>46</sup> Datu Research, *The Emerging U.S. Methane Mitigation Industry 5*, available at [https://www.edf.org/sites/default/files/us\\_methane\\_mitigation\\_industry\\_report.pdf](https://www.edf.org/sites/default/files/us_methane_mitigation_industry_report.pdf).

<sup>47</sup> Mason-Dixon Polling & Research, *Americans Support Reducing Natural Gas Leaks on Federal Land, Oppose Weakening Regulations That Require It 3* (2017), available at [http://www.edfaction.org/sites/edactionfund.org/files/edf\\_uspollsummary117.pdf](http://www.edfaction.org/sites/edactionfund.org/files/edf_uspollsummary117.pdf).

<sup>48</sup> Colorado College, State of the Rockies Project, *2017 Conservation in the West Poll: Energy 3* (Jan. 2017), available at [https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2017/Energy\\_Topic\\_17.pdf](https://www.coloradocollege.edu/other/stateoftherockies/conservationinthewest/2017/Energy_Topic_17.pdf).

Business, American Lung Association, sportsmen organizations, more than 60 public health professionals, tribal grassroots organizations and officials, among others.

Further underscoring the broad support for strong federal action to curb waste and harmful emissions on public lands, Congress has also expressed its opposition to rolling back the Waste Rule – recently rejecting a Congressional Review Act resolution that would have invalidated these vital protections.