

EPA Opens Comment Period on First Nationwide Greenhouse Gas Emission Reporting Rules: Comments Due June 9

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The Environmental Protection Agency (EPA) has officially opened the 60-day comment period on a proposed rule that would impose greenhouse gas emissions reporting requirements on industrial facilities that emit more than 25,000 tons of CO₂ equivalents per year. The [proposed rule](#) (.pdf) was released March 10 ([see our Client Alert for more information](#)), but was not published in the Federal Register until April 10.

The proposed rule affects some 13,000 facilities, which collectively account for 85% to 90% of greenhouse gases emitted in the U.S. In addition to facilities that annually emit 25,000 metric tons of CO₂e, the proposed rule requires suppliers of fossil fuels and industrial greenhouse gases, as well as manufacturers of vehicles and engines, to submit annual reports to EPA, which catalogue the potential emissions from the downstream use of their products for all greenhouse gases, i.e., carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF₆), and other fluorinated gases, including nitrogen trifluoride (NF₃) and hydrofluorinated ethers (HFE). The proposed rule does not require control or caps on emissions, but only that the sources monitor and report greenhouse gas emissions. EPA will use the data gathered from this reporting process to formulate and assess the impacts of future policies.

[EPA is holding public hearings on the proposed rule](#) in April, and is now accepting comments. Comments on the proposed rule should be labeled with docket identification number EPA-HQ-OAR-2008-0508 and must be submitted before June 9.