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## Measurement Extension May Skew Greenhouse Gas Emission Data (/full-blog/2011/11/measurement-extension-may-skew.html)



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By: Phillip Robinette, Staff Member

In an attempt to better understand the quantity and origin of our country's greenhouse gas emissions, Congress enacted a mandatory reporting requirement for the oil and natural gas industry.[1] Oil and gas facilities emitting at least 25,000 metric tons are required to report their yearly Methane and Carbon Dioxide emissions from equipment leaks and venting and several other types of previously unreported emissions.[2] This reporting seemed crucial because the data on greenhouse gas emissions from the natural gas industry has been called into question in recent years. While some statistics show that natural gas only produces about half as much emissions as coal fired plants, that number may be significantly reduced if emissions were

measured during the entire process of gas production.[3] Because natural gas is seen by many as a possibility in cleaner burning energy, largely due to the new extraction method known as fracturing, this data collection seemed critical. The accuracy of this data could help determine the future of America's energy production and its effect on American's health. However, the implementation by the Environmental Protection Agency (EPA) has been criticized by the industry and generated a lawsuit.

The dispute arose in large part due to the fact the industry claimed it needed more time "in order to complete initial equipment inventories and to secure internal resources to report data to EPA in accordance with the rule requirements." [4] In response to the exhortations of the oil and natural gas industry, the EPA has altered the rules of its reporting and will grant an extension for the industry to use what is currently used in the industry, the "best available monitoring methods" (BAMM) until June 20, 2012. [5] The BAMM allows calculations from supplier data, engineering calculations, and even company records. [6]

The Environmental Defense Fund (EDF) has criticized the BAMM as a less reliable methodology that may hamper and skew data collection. [7] The EDF and the Sierra Club have also challenged the assertion that the oil and gas industry were not capable of complying with the new reporting methods in the time required. [8] They base this challenge on the fact that the EPA was largely relying on three industry letters which they allege provide no empirical data for why implementation would not be possible in the time required. There was also concern over the possibility of indefinite extension of the BAMM because of a change in the language of the regulation from allowing extensions only under "extreme circumstances", typically classified as safety threats or technical impossibilities, to "unique or unusual circumstances". [9] The criticism of the quality of the BAMM data may be apt but due to the brevity of the extension it seems that the concern of bad data will largely be circumvented when the more accurate method is implemented. However, this concern does seem more worrisome when compared to the lax standards used by the EPA to grant the current extensions and is only exacerbated by the change to looser language in the regulation.

[1] *See generally* 40 C.F.R. 98.

[2] *Id.*

[3] *Natural gas, electronics groups sue EPA over emission-reporting rules*, EENEWS(February 1, 2011), <http://www.eenews.net/public/Greenwire/2011/02/01/2>.

[4] 76 Fed. Reg. 37303.

[5] 76 Fed. Reg. 37300.

[6] *Mandatory Reporting of Greenhouse Gases - Petroleum and Natural Gas Systems, Revisions to Best Available Monitoring Method Provisions: EPA's Response to Public Comments*, EPA.gov, <http://www.epa.gov/climatechange/emissions/downloads11/documents/Subpart-W-response-to-comments.pdf> (<http://www.epa.gov/climatechange/emissions/downloads11/documents/Subpart-W-response-to-comments.pdf>).

[7] *Id.*

[8] *Id.*

[9] *Id.*

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