

### **EPA Issues its Mandatory Green House Gas Emissions Reporting Rule**

On April 10, 2009 EPA released its proposed new rule on mandatory monitoring of green house gas (GHG) emissions. The new reporting requirements would apply to suppliers of fossil fuel and industrial chemicals, manufacturers of motor vehicles and engines, electric generation facilities, and other large direct emitters of greenhouse gases with emissions of 25,000 metric tons or more per year. According to EPA, this threshold is roughly equivalent to the annual GHG emissions from about 4,500 passenger vehicles or 2200 homes.

The proposed rule is not expected to apply to small businesses, or operations such as schools, hospitals, or wastewater treatment plants. It generally should not apply to commercial buildings such as office buildings and retail operations, as they should be well under the reporting threshold. Only the very largest of the direct “downstream” emitters will be captured under this rule.

The rule does not apply to motor vehicles, including bus or trucking companies with large fleets of vehicles. Instead, the “upstream” suppliers of the fuels and the manufacturers of engines will be required to report on those projected emissions. Out of the millions of homes and businesses throughout America, EPA estimates that only 13,000 entities would be required to report. Through its use of the downstream reporting requirement for only the largest of emitters, and upstream reporting for all other emissions, EPA estimates it will capture data on almost 90 percent of total US GHG emissions.

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All electric generation facilities that are subject to the Acid Rain Program reporting requirements will be included under this new rule, without regard to the volume of emissions of GHGs. In addition, all landfills that generate 25,000 tons or more of GHGs, even if methane is captured and destroyed, will also be subject to the reporting rule.

The gases covered by the proposed rule are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), hydrofluorocarbons (HFC), perfluorocarbons (PFC), sulfur hexafluoride (SF<sub>6</sub>), and other fluorinated gases. Monitoring would begin in calendar year 2010, with the first annual report due by March 31, 2011. The rule is intended to collect meaningful and accurate data on GHG emissions to support the development of future climate policies and regulations, like a national cap and trade program, as proposed in the recently released Waxman-Markey bill, the [American Clean Energy and Security Act](#).

According to EPA, the particular gases selected for monitoring were chosen because they are the most abundantly emitted GHGs resulting from human activity (anthropogenic), with CO<sub>2</sub> being by far the largest volume of GHG and the most significant driver of climate change. All the other GHGs to be monitored under the rule in the aggregate have about 40% of the anthropogenic heating effects of CO<sub>2</sub>.

For more information on EPA's mandatory reporting rule, [click here](#).

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