November 22, 2019

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460


Dear Administrator Wheeler:

On behalf of the State of Washington, I write to express my deep opposition to the Environmental Protection Agency’s (EPA) proposed rule eliminating protections against methane pollution from new oil and gas operations, and urge that it be withdrawn.

Significant reductions in methane and other greenhouse gas (GHG) emissions are urgently needed to slow the rate of climate change and mitigate the potential for catastrophic climate impacts. The impacts of global climate change are already affecting communities across the U.S. in the form of drought, wildfire, sea-level rise, and more frequent and severe extreme weather events. Instead of recognizing this crisis and taking action to protect Americans from increased air pollution, the EPA’s sweeping proposal would increase GHG emissions, degrade air quality, and adversely affect public health and welfare across the country.

The EPA’s dangerous proposal would remove the transmission and storage segments from the oil and natural gas source category, and rescind the emission limits in the 2012 and 2016 new source performance standards (NSPS) for methane and volatile organic compounds (VOCs) that currently apply to those sources. It would also eliminate methane emission limits for the production and processing segment of the oil and gas source category, which would remove EPA’s obligation to regulate methane emissions from existing oil and natural gas sources under section 111(d) of the federal Clean Air Act.

Oil and natural gas sources — including production, processing, transmission, and storage — contribute 29 percent of U.S. anthropogenic methane emissions.\(^1\) Methane is a potent greenhouse gas with a global warming potential nearly 30 times that of carbon dioxide. In 2009, EPA found that GHG emissions endanger the public health and welfare of current and future generations.\(^2\)

\(^2\) EPA, 2009, Endangerment and Cause of Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act.
The EPA’s proposal to remove federal methane emission limits from the oil and natural gas sector is an indefensible reversal and an abdication of the agency’s legal and moral obligation to protect public health and the environment. The EPA has already made an endangerment and significant contribution finding for methane from the oil and gas sector and therefore has a nondiscretionary duty under section 111(b) of the Clean Air Act to regulate those emissions. The EPA’s proposed rule ignores its own science and rigorous public process supporting regulation of methane in favor of an ill-advised rollback that provides dubious benefits and generates substantial harm.

Oil and natural gas sources are also a significant source of VOCs, which are key contributors to the formation of ground-level ozone and secondary fine particulate matter (PM$_{2.5}$). Ground-level ozone, or smog, degrades air quality and is linked to a variety of serious public health effects, including asthma, reduced lung function, emergency room visits, and premature death from respiratory and cardiovascular causes. The EPA’s proposal would drive ozone formation upwards in many parts of the country and would make it harder for many areas in the U.S. to meet the health-based ozone National Ambient Air Quality Standard (NAAQS). Ground-level ozone is a short-lived greenhouse gas that further traps heat in the atmosphere and contributes to climate change. The EPA’s proposal would also increase hazardous air pollutants (HAPs) that cause cancer and other serious health effects.

Washington opposes EPA’s proposal to remove the transmission and storage segments from the oil and natural gas source category. Rescinding the regulation of the transmission and storage segments contradicts EPA’s endangerment and significant contribution finding and substantially increases public health and environmental risk.

The EPA’s own Regulatory Impact Analysis (RIA) estimates that removal of the transmission and storage segments from the oil and natural gas source category would increase emissions from facilities affected by the proposed rule.\(^3\) Between 2019 and 2025, the RIA estimates that the proposal would:

- Increase methane emissions by 370,000 short tons, or 8.4 million metric tons of carbon dioxide equivalent;
- Increase emissions of VOCs by 9,700 tons; and
- Increase emissions of HAPs by 290 tons.\(^4\)

However, the RIA substantially underestimates the full impacts from emissions increases under this proposed rule by relying solely on a quantification of the domestic social cost of methane. The EPA should conduct further evaluation of the potential adverse air quality and health impacts from increases in exposure to ozone, PM$_{2.5}$ and HAPs, and develop a proposal consistent with 111(b) and its existing endangerment finding.

\(^3\) EPA, 2019, Regulatory Impact Analysis for the Proposed Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review.

\(^4\) Ibid., Compared to the current regulatory baseline, RIA 1-12.
Washington is also deeply concerned that EPA’s proposal to eliminate methane requirements for new and modified oil and natural gas sources under CAA section 111(b) will remove EPA’s obligation to regulate methane emissions from existing oil and natural gas sources under CAA section 111(d). The EPA claims that lack of regulation of existing oil and gas sources will have limited environmental impact for several reasons:

- Many existing sources will shut down or undergo modification and regulation under 111(b);
- Market incentives and voluntary programs result in a downward trend of emissions; and
- Many sources are subject to state requirements to reduce methane.

The EPA fails to present convincing evidence to support their claim that the lack of regulation of existing oil and natural gas sources will have limited environmental impact. The EPA’s rationale that many sources will shut down over time or be subject to regulation under 111(b) relies on inconclusive evidence. As Governor of a state with more than 41,000 miles of oil and natural gas pipelines and 3,200 acres of underground natural gas storage, I reject EPA’s assertion that delaying or avoiding emission controls for existing sources will have little emissions impacts. Such a determination cannot reasonably be made until the agency has analyzed the information it is only starting to collect. Moreover, the claim that market incentives and voluntary programs are sufficient to reduce emissions is not adequately supported by any evidence. The EPA’s abdication of its responsibility to protect public health and the environment improperly pushes the burden to states to develop regulatory frameworks to protect public health from methane, VOCs, and toxic air pollution emitted by this growing industry.

The EPA has a legal and moral obligation to protect public health and the environment. This reckless proposal falls short of that on multiple counts. I strongly urge EPA to withdraw this rule and retain transmission and storage sources in the oil and natural gas source category. The EPA should also maintain the methane requirements for the oil and natural gas source category, and immediately start the process to regulate methane emissions from existing oil and natural gas sources under section 111(d) of the Clean Air Act.

If you have any questions, please contact the Director of my Washington, D.C. Office, Casey Katims, at Casey.Katims@gov.wa.gov. Thank you.

Very truly yours,

Jay Inslee
Governor

CC: Chris Hladick, EPA Region 10 Administrator

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5 See proposed rule at 84 FR 50,271.