

Frequently Asked Questions



Final Action to Defer Reporting of Certain Data Elements Under the Mandatory Reporting of Greenhouse Gases Rule

What is the purpose of this final action?

The purpose of this rule is to address concerns that possible public availability of certain data elements reported under the Greenhouse Gas Reporting Program may cause substantial competitive harm. EPA is deferring reporting of data elements that are used as inputs to emission equations for calendar years starting in 2010 through 2013 for some data elements and 2015 for others. This reporting deferral is necessary for EPA to have sufficient time to evaluate the sensitivity of these data elements and finish promulgating any related actions.

Who is affected by this action?

The deferral affects emitters that are required to report greenhouse gas (GHG) emissions for calendar years 2010 and 2011, and some that are required to report GHG emissions for calendar years 2012 and 2013. In particular, it affects facilities that are subject to subparts C through JJ¹ and subparts RR, SS, and TT, including any subparts that EPA finalizes in future actions.

Are suppliers of fuels and industrial GHGs affected by this action?

No, this action does not affect suppliers of fuels and industrial GHGs.

Does the action defer reporting of emissions totals?

No. The action defers reporting only of data elements that are used as inputs to emission equations under the Reporting Program and does not affect reporting of emissions totals.

Is reporting of any data elements other than inputs to emission equations being deferred?

No. All other data elements must be reported on schedule.

Which specific data elements are affected?

The affected data elements and their rule citations are listed in Tables A-6 and A-7 in the final deferral rule (available on our website at <http://www.epa.gov/climatechange/emissions/CBI.html>).

Why is EPA creating two different reporting deadlines for these data elements?

EPA has developed a process to determine whether public availability of each input is likely to cause substantial competitive harm and, if so, how to develop an alternative calculation methodology and/or verification approach that is not likely to cause this harm. In this final notice, we have decided to defer the deadline for reporting of certain inputs for less time than proposed, only through March 31, 2013. These data elements are those for which EPA either is further along or able to proceed more quickly in the process outlined in the preamble to this rule and in a memorandum to the rule docket. EPA has also decided to defer reporting of certain inputs for more time than proposed, through March 31, 2015. These inputs are those for which EPA either is less far along or the process is more time-consuming.

During the deferral period, do the reporting rule recordkeeping requirements still apply to data elements that are inputs to emission equations?

Yes, during the deferral period, facilities still are required to maintain records of all inputs to emissions equations in a form that is suitable for expeditious inspection and review.

¹ EPA will not be implementing subpart JJ due to a Congressional restriction prohibiting the expenditure of funds for this purpose. As a result, 40 CFR part 98, subpart JJ is not included in the scope of this notice.

Will EPA ever collect inputs to emission equations for calendar years 2010 and 2011 (and for inputs deferred until 2015, calendar years 2012 and 2013)?

Yes. The rule only defers collection of inputs for these years until either 2013 or 2015; it does not cancel reporting of these data elements. If EPA determines that any data elements are likely to cause substantial competitive harm if made publicly available, we will consider approaches to calculate or verify emissions that do not require reporting of these inputs. Any such amendments to the Reporting Rule would be proposed with public notice and opportunity to comment.

How will EPA perform robust verification of emissions data without collecting inputs to emission equations during the deferral period?

Although we will not be collecting data that are inputs to equations, we will still collect several different types of data that will be used for verification. These data include the calculation methodologies used, specific test methods that were used to determine equation inputs, an indication of whether missing data procedures were used, and various operating characteristics such as plant and equipment capacities and production rates. These data will be used in the electronic verification process. In addition to electronic verification, EPA will emphasize direct follow-up with facilities during the deferral period, which will include conducting on-site audits when potential errors, discrepancies, or questions arise from the electronic review results. EPA is confident that electronic verification coupled with more robust direct follow-up will achieve verification for the deferral period.

Are other Clean Air Act programs affected by this action?

No, this action affects only 40 CFR Part 98, Mandatory Reporting of Greenhouse Gases.

Will this action have an economic impact on industry?

No. The proposal only temporarily allows facilities to keep certain data elements as records, rather than report them under the Reporting Program.

Did EPA consider public comment in developing this final action?

Yes. EPA had a 70-day comment period on the proposal to this final rule (extended by separate *Federal Register* notice). No public hearing was requested on the deferral proposal, but we had a hearing on a Call for Information that was published concurrently with the proposal and that solicited comments that helped us to develop this final rule. EPA took the comments that we received into account in developing this rule.