



KEN PAXTON  
ATTORNEY GENERAL OF TEXAS

March 1, 2017

Hon. Scott Pruitt, Administrator  
U.S. Environmental Protection Agency  
Office of the Administrator, 1101A  
1200 Pennsylvania Avenue, N.W.  
Washington D.C. 20460

Re: Request to Suspend and Withdraw the Environmental Protection Agency's Information Collection Request for Existing Oil and Gas Facilities, EPA ICR No. 2548.01; from the State of Texas, from the State of Alabama, from the State of Arizona, from the State of Kansas, from the State of Kentucky, from the State of Louisiana, from the State of Mississippi (by and through the governor), from the State of Montana, from the State of Oklahoma, from the State of South Carolina, and from the State of West Virginia

Dear Administrator Pruitt:

We write to express our concern with the pending Information Collection Request (Request) for Oil and Gas Facilities, EPA ICR No. 2548.01, and request that it be suspended and withdrawn. The information request was issued on November 10, 2016 and requires oil and natural gas companies to provide voluminous information and survey responses in support of the Obama Administration's initiatives to impose onerous requirements upon industry to reduce emissions of greenhouse gasses, such as methane.

As you are aware, 15 States, as well as industry partners, challenged the Obama Administration's attempts to govern emissions of greenhouse gasses from a broad spectrum of new facilities within the oil and natural gas sector. *See North Dakota v. EPA*, Case No. 16-1242 (D.C. Cir.); *State of Texas v. EPA*, Case No. 16-1257 (D.C. Cir.); *State of West Virginia v. EPA*, Case No. 16-1242 (D.C. Cir.).<sup>1</sup> These matters were recently consolidated with pending challenges to the Obama Administration's earlier rules targeting emissions of other compounds from oil and natural gas facilities. *See Am. Petroleum Inst. v. EPA*, Case No. 13-1108, and consolidated cases. The litigation in these matters has just begun, but it relates to a common theme from the Obama Administration—the issuance of onerous regulations

<sup>1</sup> The States that are in this pending litigation are: Alabama, Arizona, Kansas, Kentucky, Louisiana, Michigan, Montana, North Carolina, North Dakota, Ohio, Oklahoma, South Carolina, Texas, West Virginia, and Wisconsin.

and requirements in support of an overall climate agenda targeting multiple industry sectors that will create an economic drag on our nation's economy with dubious environmental benefit. We also disagree with EPA's assumption that it possesses clear authority to regulate methane under section 111(d) of the Clean Air Act without a specific methane endangerment finding.

This information request furthers the previous administration's climate agenda and supports the next and most onerous phase of the Obama Administration's regulations targeting the oil and gas industry—the imposition of burdensome climate rules on existing sites, the cost and expense of which will be enormous. The burden of the Request is disproportionate to its benefit. We believe the EPA's requests to be an unnecessary and onerous burden on oil and gas producers that is more harassment than a genuine search for pertinent and appropriate information. Among the 114 inquiries of the Request, many state regulatory agencies already have up-to-date records and data available and responsive to many of the EPA requests. And yet the EPA has not adequately attempted to work with state agencies to develop less burdensome avenues to acquire much of the data sought. For other information sought in the Request, oil and gas producers are required to gather data and information that does not provide an environmental benefit.

The EPA's own estimates claim the industry cost of responding to the Request is about \$42 million: \$18 million to respond to the operator survey and \$24 million to respond to the more detailed facility survey, or between \$1,100 and \$5,800 for each company to respond to and complete the Request. Experience indicates that the true cost and burden is undoubtedly much higher and comes at a time when the oil and gas industry is recovering from its most significant economic downturn in decades. Many of the companies can ill-afford the time and expense to comply with yet another empty regulatory burden.

We hope that the burdensome Obama climate rules never see the light of day, which is why we ask that this Information Collection Request be suspended and withdrawn. At a minimum, we suggest that the EPA: (1) grant a 180-day extension for any required response; (2) take no enforcement against companies that do not respond; (3) allow companies to use "best estimate" data and information; and (4) work with state regulatory agencies to acquire pertinent and appropriate information.

We appreciate that the Administration has many priorities and that this request may require additional deliberation. Please consider an immediate suspension of the Information Collection Request pending internal review by the EPA concerning whether it should withdraw the Request.

We appreciate your prompt consideration to this matter.

Sincerely,



Ken Paxton  
Attorney General of Texas



Steven T. Marshall  
Attorney General of Alabama



Mark Brnovich  
Attorney General of Arizona



Derek Schmidt  
Attorney General of Kansas



Matt Bevin  
Governor of Kentucky



Jeff Landry  
Attorney General of Louisiana



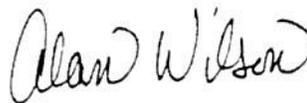
Phil Bryant  
Governor of Mississippi



Tim Fox  
Attorney General of Montana



Mike Hunter  
Attorney General of Oklahoma



Alan Wilson  
Attorney General of South Carolina



Patrick Morrisey  
Attorney General for West Virginia

Hon. Scott Pruitt  
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cc: Hon. Jeff Sessions, United States Attorney General

More information: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/oil-and-gas-industry-information-requests>

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**ICR Help Desk -- Phone Bank Outgoing Message.**

Thank you for calling the ICR help desk. As of DATE, EPA has stopped collecting information as part of the 2016 Information Request for the Oil and Gas Industry. If you received a letter requiring you to fill out a survey as part of this request, you are no longer required to submit information. EPA will send you a letter confirming this.

If you have questions, you may leave a voicemail at the tone, and someone will return your call by the close of the next business day. You also may send an email to [icr@epa.gov](mailto:icr@epa.gov).

**Website language to post to O&G pages**

**WITHDRAWN: Request for Information from the Oil and Natural Gas Industry**

DATE -- EPA has withdrawn the 2016 information request for the oil and gas industry, effective immediately. If you received a letter requiring you to fill out a survey, you are no longer required to respond. Survey recipients who have questions may contact the ICR help desk at 888-372-8696, or by email [icr@epa.gov](mailto:icr@epa.gov).

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**Withdrawal of Request for Information from the Oil and Gas Industry:  
Timeline for Sending Letters**

EPA/OAQPS will draft a letter to go to all recipients of the information request (one to recipients of the Part 1 Operator Survey; and another to recipients of the Part 2 Facility Survey).

Here is a draft schedule, tied to having the letter signed by Friday, March 3:

March 1 -3

- Draft letters – get OAR and OGC approval, send to AO for comments, address AO comments, get signature
- Working with OEX, load sample of letter into CMS per CMS requirements

Week of March 6 (we will contract with a mail distribution company)

- Secure contractor
- Prepare envelope address list (to account for corrected addresses and letters that were returned to sender)
- Begin printing letters and envelopes
- Begin mail-out at end of week.\*

\* Note - based on our experience, it will take at least two full weeks for the mail-out to be completed.