

# **Greenhouse Gas Reporting Program**

**Actions to Defer Reporting of  
Certain Part 98 Data Elements and  
Associated Call for Information**



# Disclaimer



*This document is provided solely for informational purposes. It does not provide legal advice, have legally binding effect, or expressly or implicitly create, expand, or limit any legal rights, obligations, responsibilities, expectations, or benefits in regard to any person.*

# Background



- October 30, 2009 – EPA promulgates GHG Reporting Rule (74 FR 56260)
- July 7, 2010 – EPA proposes CBI determinations for all Part 98 reporting requirements (referred to as “data elements”)(75 FR 39094)
- July 27, 2010 – EPA publishes a supplemental notice proposing CBI determinations for revisions to existing Part 98 data elements.

# Background



- EPA categorized data elements into 22 data categories (11 for direct emitters and 11 for suppliers) and proposed CBI determinations for each category.
- EPA categorized data elements that are used as inputs to emission equations as “emission data” that, under the Clean Air Act, would not qualify for protection as CBI.
- Many commenters expressed concerns regarding public availability of data elements used as inputs to emission equations, including that:
  - Data are trade secrets or otherwise sensitive business information.
  - Public availability of data would cause serious competitive harm.

# Actions



- In response to concerns, EPA is taking three actions:
  1. *Interim Final Regulation Deferring the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule.*
  2. *Proposed rule: Change to the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule.*
  3. *Call for Information on Inputs to Emission Equations Under the Mandatory Reporting on Greenhouse Gases Rule.*

# 1. Interim Final Rule Deferring Reporting Date for Certain Part 98 Data Elements



- Purpose: Defers the reporting deadline for calendar year 2010 data elements that are inputs to emission equations until August 31, 2011.
- Reason for Action: Gives EPA time to promulgate, through notice and comment, a rule deferring reporting of inputs to emission equations until March 31, 2014.
- Affected Entities: Direct emitters required to report calendar year 2010 GHG emissions. Suppliers of fuels or industrial gases are not affected. The rule takes effect upon publication in the *Federal Register*.

## 2. Proposed Rule Deferring Reporting Date for Certain Part 98 Data Elements



- Purpose: Proposes to defer reporting of inputs to emission equations for calendar years 2010, 2011, and 2012 until March 31, 2014 .
- Reason for Action: Gives EPA time to evaluate the sensitivity of data elements used as inputs to emission equations and take appropriate final actions.
- Affected Entities: Direct emitters required to report calendar year 2010, 2011, and/or 2012 GHG emissions. Suppliers of fuels or industrial gases are not affected.

# Which Data Elements are Deferred?



- Interim Final Rule: Defers reporting of data elements used as inputs to emission equations for calendar year 2010 reporting (listed in Table A-6 in the Interim Final Rule Notice).
- Deferral Proposal: Defers reporting of data elements used as inputs to emission equations for calendar years 2010, 2011, and 2012 reporting (listed in amended Table A-6 in the deferral proposal).
- No change to the reporting requirements for data elements that are not used as inputs to emission equations.
- No change to the reporting deadline for suppliers.
- No change to record-keeping requirements for data elements used as inputs to equations.



### 3. Call for Information



- Purpose: Requests information to help EPA evaluate the sensitivity of each data element used as an input to emission equations and develop a long-term approach that balances data quality and transparency with reporting businesses' need to protect sensitive business data.
- EPA may consider additional approaches to emissions calculation and verification that do not use sensitive data elements.
- EPA is not taking further comment on the interpretation of “emission data,” CAA section 114(c), or the proposed CBI determinations for Part 98 data elements.

### 3. Call for Information



EPA is specifically requesting information on the following topics:

- How public availability of any data elements used as inputs to emission equations would cause business harm to any reporter.
- Data elements used as inputs to emission equations that are already publicly available, discernable from other publicly available data, or otherwise not sensitive.
- Additional calculation or measurement approaches for a particular subpart that do not use sensitive data elements.
- Additional verification approaches that do not use sensitive data elements.

# Next Steps and Implementation



- Notices will be published in the *Federal Register* and made available at: [www.regulations.gov](http://www.regulations.gov).
- Prepublication versions of each notice are available at: <http://www.epa.gov/climatechange/emissions/CBI.html>.
- Interim Final Rule
  - Takes effect upon publication in the *Federal Register*.
- Proposed Deferral
  - 30-day public comment period (after publication in the *Federal Register*) or 45 days if a hearing is requested.
- Call for Information
  - 60-day comment period (after publication in the *Federal Register*).

# For Further Information



- [www.epa.gov/climatechange/emissions/CBI.html](http://www.epa.gov/climatechange/emissions/CBI.html)
  - Overview and links
- [http://epa.gov/climatechange/emissions/downloads10/CBI\\_defer-Factsheet.pdf](http://epa.gov/climatechange/emissions/downloads10/CBI_defer-Factsheet.pdf)
  - Factsheet
- Email: [GHGMRR@epa.gov](mailto:GHGMRR@epa.gov)