

## **Advocacy Comments on EPA’s proposed Oil and Gas Production Methane Rule**

On November 15, 2021, the Environmental Protection Agency (EPA) published a proposed rule titled “Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review.” This proposed rule would directly regulate methane emissions from new and modified sources (NSPS) and establish standards for state regulation of methane emissions from existing sources (EG). Existing sources includes some sources subject to EPA regulation under the 2012 NSPS (Subpart OOOO) and the 2016 NSPS (Subpart OOOOa) for this industry and some sources never before subject to EPA regulations. EPA also proposed a new Appendix K, which establishes requirements for Optical Gas Imaging (OGI) to detect methane leaks. The Federal Register notice of proposed rulemaking included only a preamble describing a proposed rule but did not include proposed rule text for either the NSPS or the EG.

On January 31, 2022, the Office of Advocacy (Advocacy) filed public comments on EPA’s proposed rule. Advocacy is concerned that EPA is out of compliance with the Regulatory Flexibility Act and has not fully considered the impact that this proposed rule will have on small businesses. In the supplemental proposal EPA intends to issue for this rulemaking, it should ensure that it has analyzed the costs of every provision of its proposal, recognize that small entities often face disproportionate costs for similar regulatory requirements, and consider a broader range of regulatory flexibilities to reduce the cost to small businesses, including the following.

- EPA should propose additional thresholds for reduced monitoring frequency.
- EPA should rewrite Appendix K to reduce the burden on small Optical Gas Imaging operators.
- EPA should propose a phase-in for zero-emitting pneumatic controllers and a hardship extension for small entities.
- EPA should propose that liquids unloading operation are clearly within the best professional judgment of the operator.
- EPA should provide an exemption from OOOO and OOOOa for any source subject to state regulation under the proposed 111(d) Emission Guidelines.

A complete copy of Advocacy’s [letter to EPA](#) is available. For more information, please contact Dave Rostker, Assistant Chief Counsel, at [david.rostker@sba.gov](mailto:david.rostker@sba.gov).

