

March 3, 2011

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 2822 T
1200 Pennsylvania Avenue, NW
Washington, DC 20004
Attention: Docket ID No. OAR-2010-0929
Docket ID No. OAR-2010-0964

Re: Proposed Rule – Change to the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule

Dear Administrator Jackson:

The Northeast States for Coordinated Air Use Management (NESCAUM) offers the following comments on the U.S. Environmental Protection Agency's (EPA's) proposal, published on December 27, 2010 in the Federal Register, entitled *Change to the Reporting Date for Certain Data Elements Required Under the Mandatory Reporting of Greenhouse Gases Rule* (75 Fed. Reg. 81350). NESCAUM is the regional association of air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

NESCAUM supports EPA's efforts to implement the Mandatory Greenhouse Gas (GHG) Reporting Rule. A robust GHG inventory provides the cornerstone data for developing, monitoring, and evaluating climate policies and regulatory programs.

NESCAUM does not support EPA's response to comments received on the Mandatory GHG Reporting Rule (74 Fed. Reg. 56260) in which certain entities asserted some data they would be required to report as inputs to emissions equations are confidential. In response, EPA proposes to defer the reporting date for inputs to emission equations for *all* direct emitters. The NESCAUM states believe this approach is too broad, and that widespread and indiscriminate deferral of *all* reporting input data used in emissions equations is unwarranted. Selective deferrals should be limited to entities with specific demonstrated confidentiality concerns. Furthermore, sources that already report these data inputs to the National Emissions Inventory or other federal, state, and public programs should be ineligible for deferrals.

We emphasize that the burden should be placed on the reporting entity to demonstrate that data inputs are confidential, not reported to any other public agency, and deserving of alternative calculation methodology. States should not be asked to demonstrate that information claimed to be confidential is already publicly available.

EPA also proposes to defer the reporting date for inputs to emission equations for up to three years while EPA issues final confidentiality determinations. The result would be that reporting of these data elements for years 2010-2012 may not occur until 2014. This delay would prevent the proper verification of emissions reports by EPA in a timely manner. The verified data, as well as the inputs to emissions equations, were expected to be released by summer 2011, and some NESCAUM states anticipated using these data in state GHG emissions inventories, for tracking GHG reduction targets, for identifying major sources of GHGs, and for use in general climate change program planning.

In addition, EPA issued a call-for-information to aid in confidentiality determinations (75 Fed. Reg. 81366), with responses to the notice due by an extended deadline of March 7, 2011 (76 Fed. Reg. 3062). For entities with reasonable confidentiality concerns only, the NESCAUM states request that EPA take, at most, one year to review the information submitted, issue confidentiality determinations, begin collecting the inputs to emission equations, verify emissions reports, and release these data to the public. For all other entities, NESCAUM recommends that EPA proceed with the timeline established in the promulgated rule.

In sum, the NESCAUM states want to underscore that we value GHG reporting requirements to support and inform state and national climate efforts. We also understand that a balance must be struck between robust reporting and verification for use in program planning and protecting entities with reasonable confidentiality concerns. NESCAUM urges EPA to require reporting of the 2010 inputs to emission equations for all entities, unless there are reasonable confidentiality concerns, by March 31, 2011 per the original schedule. The burden of proof should be placed on the reporting entities to demonstrate that they have reasonable confidentiality concerns.

Greenhouse gas emissions data are fundamental for informed climate policy decisions, and the NESCAUM states are poised to work with EPA to ensure the success of the national reporting program. If you or your staff has any questions regarding the issues raised in this letter, please contact Allison Reilly-Guerette at NESCAUM (ph: 617-259-2012).

Sincerely,



Arthur N. Marin
Executive Director

Cc: NESCAUM Directors
Carole Cook, EPA Climate Change Division, Office of Atmospheric Programs