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ENVIRONMENTAL PROTECTION AGENCY, MARYLAND DEPARTMENT OF THE
ENVIRONMENT, MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL
PROTECTION, NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION,
NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION,
OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY, VERMONT AGENCY
OF NATURAL RESOURCES**

October 31, 2025

Administrator Lee Zeldin
United States Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue N.W.
Washington D.C. 20460

Re: Request by States Pursuant to Subsection 103(a)(3) of the Clean Air Act for
Maintenance of the Greenhouse Gas Reporting Program

Dear Administrator Zeldin,

The undersigned state air pollution control agencies¹ in Washington, California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Massachusetts, New Jersey, New York, Oregon, and Vermont respectfully request, pursuant to Subsection 103(a)(3) of the Clean Air Act, 42 U.S.C. § 7403(a)(3), that the U.S. Environmental Protection Agency (EPA) maintain the Greenhouse Gas Reporting Program (GHGRP) in its current form to support our States' ongoing efforts to prevent and control dangerous air pollution.

As background, Section 103 generally directs the Administrator to “establish a national research and development program for the prevention and control of air pollution.” *See* Clean Air Act (CAA) § 103(a), 42 U.S.C. § 7403(a). As part of that program, the Administrator “shall conduct, and promote the coordination and acceleration of, research, investigations, . . . [and] surveys. . . relating to the causes, effects, . . . extent, prevention, and control of air pollution,” and shall “encourage, cooperate with, and render technical services. . . to air pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals.” CAA §§ 103(a)(1), (2), 42 U.S.C. §§ 7403(a)(1), (2). Subsection 103(b) further provides for the Administrator to “collect and make available, through publications and other appropriate means, the results of and other information. . . pertaining to such research and other

¹ *See* Clean Air Act § 302(b), 42 U.S.C. § 7602(b) (defining “air pollution control agency”).

activities,” and directs that EPA “collect and disseminate” with public and private organizations “basic data” “pertaining to air pollution.” CAA §§ 103(b)(1), (6), 42 U.S.C. §§ 7403(b)(1), (6).

As particularly pertinent to our request, Subsections 103(a) and 103(a)(3) more specifically direct that the Administrator “*shall*” “conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency. . . *if he is requested to do so by such agency.*” CAA §§ 103(a), (a)(3), 42 U.S.C. §§ 7403(a), (a)(3) (emphasis added). The GHGRP produces a uniquely valuable and comprehensive national inventory of greenhouse gas data that is being widely used by our States to consider, evaluate, and implement greenhouse gas reduction policies and programs. We are thus requesting, pursuant to Subsection 103(a)(3), that the GHGRP be maintained in its current form so our States may continue to use the valuable data generated by the Program to inform appropriate state actions to protect the health and welfare of our citizens.

As further background, EPA recently released a proposal to amend the GHGRP to remove program obligations for most source categories and to otherwise suspend its requirements. 90 Fed. Reg. 44591 (Sept. 16, 2025). Our States strongly oppose that proposal, which rests on badly flawed legal and factual premises, and our States intend to separately submit to the rulemaking docket a set of comprehensive comments. The purpose of this letter, however, is to more narrowly focus the Administrator’s attention on his nondiscretionary obligation under Subsection 103(a)(3) to continue to collect and make available to state air pollution control agencies survey data such as that generated through the GHGRP where a request like the instant one has been made.

Below we expand on the importance of the GHGRP program data to implementation of state programs and we further address why this request fits squarely within the contours of the federal-state cooperation Congress intended to promote through Subsection 103(a)(3).

The GHGRP and Its Importance to States

Not only is climate change a “problem of air pollution,” it is the most urgent such problem of our time. *See* CAA § 103(a)(3), 42 U.S.C. § 7403(a)(3). A vast body of scientific research confirms that anthropogenic emissions of greenhouse gases are driving a range of severe and worsening harms to public health and welfare across the United States. These harms include, among other things, rising sea levels that flood coastal population centers, and increasingly frequent and severe storms, heat waves, droughts, and wildland fires that threaten lives, disrupt communities, and destabilize local economies.

As a response to the emerging climate crisis, Congress in 2008 directed EPA to use its existing authority under the Clean Air Act to mandate reporting of greenhouse gas emissions across all sectors of the U.S. economy. The resulting GHGRP, codified at 40 C.F.R. Part 98, requires covered entities—including large emission sources, fuel and industrial gas suppliers and CO₂ injection sites—to report detailed greenhouse gas data. Widely recognized as a uniquely valuable national inventory of greenhouse gas data, it is considered the gold standard for facility-level GHG emissions reporting. The data it generates enables public agencies and private entities

to track and compare facility-level emissions, identify cost-effective pollution reduction opportunities and support informed decision-making.

As pertinent here, the data collected by the GHGRP is uniquely valuable to our States. We use the program's resources and data as a foundational resource for developing climate policy, regulating greenhouse gas emissions, and tracking emissions under our own state programs. The GHGRP inventories provide a robust and reliable national dataset, and its electronic reporting infrastructure provides consistent, transparent, and efficient emissions oversight.

For example, our States routinely access GHGRP data—whether through the EPA Facility Level Information on Greenhouse Gases Tool (FLIGHT) or platforms that draw from the GHGRP data—to develop and refine statewide greenhouse gas inventories, conduct quality control on state-level emission reports, and evaluate the adequacy of underlying methodologies and data coverage. Likewise, our States utilize EPA's Inventory of Greenhouse Gas Emissions and Sinks—which draws from the GHGRP—to contextualize the data in our own emission reporting programs and to assess how state-level emissions align with and contribute to the evolving national emissions profile.

The emission calculation methodologies developed in the GHGRP are also important to our states, with some states even adopting them for use in their own GHG reporting programs. Some states also use EPA's electronic greenhouse gas reporting tool as a key aspect of their electronic reporting infrastructure and process. For example, in Washington, facility emission reporters are directed to enter their emissions into EPA's electronic reporting tool and to export a report file for submission to the State. The result is that reporters already subject to EPA's GHGRP can simply build on their existing federal electronic reporting outputs to report their emissions and save significant time and expense.

In short, our States and others derive substantial and multifaceted benefits from the GHGRP. The program serves as a cornerstone for data-driven responses to climate change threats at the state level. We are thus requesting, pursuant to Subsection 103(a)(3), that the Administrator fully maintain the GHGRP in its present form, to preserve the substantial and multifaceted benefits that accrue to states from the operation of this program.

Granting This Request Comports with Congress' Direction

Granting our request will fully comport with Congress' intent and direction in the Clean Air Act. As Congress made clear, the core purposes of the Act are:

- (1) to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare and the productive capacity of its population;
- (2) to initiate and accelerate a national research and development program to achieve the prevention and control of air pollution;

(3) to provide technical and financial assistance to State and local governments in connection with the development and execution of their air pollution prevention and control programs; and

(4) to encourage and assist the development and operation of regional air pollution prevention and control programs.

CAA § 101(b), 42 U.S.C. § 7401(b). Each of these core purposes would be furthered by maintaining the GHGRP, thereby enabling EPA and states to continue to make use of program data for the purpose of developing and implementing their own pollution prevention programs.

Likewise, granting this request falls squarely within the scope of Congress' more particular direction within Subsection 103(a). Subsection 103(a)(2) encourages the Administrator to "cooperate with" state air pollution control agencies and to provide "technical services" to them. CCA § 103(a)(2), 42 U.S.C. 7403(a)(2). Subsection 103(a)(3) further directs the Administrator to "conduct investigations and research and make surveys concerning any specific problem of air pollution in cooperation with any air pollution control agency," when "requested to do so."² CCA § 103(a)(3), 42 U.S.C. 7403(a)(3).

Here, the GHGRP program constitutes a "survey" of greenhouse gas emissions concerning a "specific problem of air pollution"—namely, climate change. Maintaining the GHGRP and continuing to provide the requested data furthers federal-state cooperation and delivers a "technical service" by supporting states' ability to implement and enforce their own air pollution programs. CAA §§ (a)(2), (3), 42 U.S.C. §§ 7403(a)(2), (3).

For these reasons, our respective state air pollution control agencies respectfully request the continued collection and publication of greenhouse gas emissions data through ongoing maintenance of the GHGRP program. We appreciate your consideration of this request.

Sincerely,

s/ Casey D. Sixkiller

Casey D. Sixkiller, Director
Washington State Department of Ecology

s/ Steven S. Cliff

Steven S. Cliff, Ph.D.
Executive Officer
California Air Resources Board

² Subsection 103(b)(6) likewise authorizes the Administrator to "collect and disseminate," in cooperation with states or other entities, "information pertaining to air pollution." CAA § 103(b)(6), 42 U.S.C. § 7403(b)(6).

s/ Jill Ryan

Jill Hunsaker Ryan, Executive Director
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s/ Katie Dykes

Katie Dykes, Commissioner
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s/ Marianne F. Rossio

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s/ Christopher R. Hoagland

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s/ Bonnie Heiple

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s/ Peg Hanna

Peg Hanna, Director
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s/ Amanda Lefton

Amanda Lefton, Commissioner
New York State Department of
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s/ Leah Feldon

Leah Feldon, Director
Oregon Department of Environmental Quality

s/ Julia S. Moore

Julia S. Moore, P.E., Secretary
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By Certified United States Postal Service Mail, and by E-mail
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