



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Collection Request (Request) for Oil and Gas Facilities, EPA ICR No. 2548.01, and request that it be suspended and withdrawn.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.).¹ 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

¹ 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



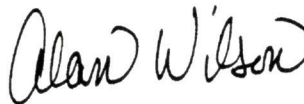
Phil Bryant
Governor of Mississippi



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

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cc: Hon. Jeff Sessions, United States Attorney General