

RE: H.J. Res. 36

May 3, 2017

Dear Senators,



We write to urge you to pass H.J. Res. 36, a resolution providing for congressional disapproval of the final rule of the Bureau of Land Management relating to “Waste Prevention, Production Subject to Royalties, and Resource Conservation.” This regulation should be repealed via the Congressional Review Act.



In the final days of the Obama Administration, the Bureau of Land Management issued a final rule regulating methane venting and flaring practices from oil and natural gas production operations.<sup>1</sup> The rule requires the oil and gas sector to reduce methane emissions by up to 45 percent by 2025. The BLM estimates the rule would reduce global greenhouse gas emissions by 0.0092 percent.



This regulation comes with a high price tag. The American Action Forum estimates that this rule will cost roughly \$297 million per year (\$1.8 billion in total).<sup>2</sup> The methane rule will decrease energy production on federal lands, leading to fewer revenues from royalties and higher energy costs, not to mention lost jobs. This regulation runs completely counter to the pro-growth agenda many of you ran upon in the 2016 elections.



The rule is entirely unnecessary. The EPA found that methane emissions fell by 13 percent from 2011-2014.<sup>3</sup> The EPA also found that methane emissions from hydraulic fracturing fell 81 percent between 2012 and 2014.<sup>4</sup> This drop in methane emissions occurred even as U.S. oil and gas production has significantly increased due to the shale revolution.



The oil and gas sector has been so successful in reducing methane emissions from venting and flaring, in part, because methane itself is a valuable resource that producers capture and sell. It is in their best interests to reduce methane emissions. Forcing this one-size-fits-all regulation on an industry that is already substantially reducing methane emissions is unnecessary and costly.



<sup>1</sup>The Bureau of Land Management, “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” 2016 <https://www.regulations.gov/docket?D=BLM-2016-0001>

<sup>2</sup>American Action Forum, “Regulation Rodeo,” 2016 <http://regrodeo.com/?year%5B0%5D=2016&agency%5B0%5D=Environmental%2BProtection%2BAgency&agency%5B1%5D=Interior&regulation=Waste%20Prevention%2C%20Production%20Subject%20to%20Royalties%2C%20and%20Resource%20Conservation--2016--1800000000>

<sup>3</sup>The Environmental Protection Agency “2011-2012-2013-2014 GHGRP Industrial Profiles, Petroleum and Natural Gas Systems,” 2014 [www.epa.gov/sites/production/files/2015-10/documents/subpart\\_w\\_2014\\_data\\_summary\\_10-05-2015\\_final.pdf](http://www.epa.gov/sites/production/files/2015-10/documents/subpart_w_2014_data_summary_10-05-2015_final.pdf)

<sup>4</sup> *Ibid*





Some Senators have voiced concerns that CRA method precludes future regulations. This concern is misplaced. The rule, as written, is meant to regulate methane emissions for air quality. However, BLM only has the authority to regulate waste—the EPA regulates air quality and already has a methane regulation in place. Regardless of your position on the regulation, it is clear that the BLM is far afield from its jurisdiction.

The CRA also allows Congress to act in the future if necessary. 5 U.S.C. §801(b)(2) states that a rule “may not be reissued in substantially the same form, and a new rule that is substantially the same as such a rule may not be issued, *unless the reissued or new rule is specifically authorized by a law enacted after the date of the joint resolution disapproving the original rule*” (*emphasis added*). Thus, approving this CRA will not only stop a harmful and unnecessary regulation from taking effect, but will also empower Congress to act in the future should it be necessary. Every Senator, regardless of party, should agree this is far superior to bureaucratic overreach.

The American people expect you to promote pro-growth policies that support affordable energy, jobs, and economic freedom. The BLM methane rule is not one of those policies. H.J. Res. 36 must be undone, and the CRA is the ideal method for doing so. We ask the Majority Leader to bring this resolution to the floor and urge all Senators to vote yes.

Sincerely,

Thomas Pyle, American Energy Alliance

Myron Ebell, Competitive Enterprise Institute

Grover Norquist, Americans for Tax Reform

Chrissy Harbin, Americans for Prosperity

Phil Kerpen, American Commitment

Wayne Brough, FreedomWorks

David Williams, Taxpayers Protection Alliance

Tom Brinkman, Coalition Opposed to Additional Spending and Taxes (COAST)

George Landrith, Frontiers of Freedom

Andrew Langer, Institute for Liberty