



June 9, 2009

Environmental Protection Agency  
EPA Docket Center (EPA/DC)  
Mail 6102T  
Attention Docket ID No. EPA-HQ-OAR-2008-0508  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Attention: Docket ID No. EPA-HQ-OAR-2008-0508**

**Subject: Comments on Proposed Mandatory Rule for Greenhouse Gas Reporting Rule**

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Dear Sir or Madam:

The National Tribal Air Association (NTAA) is pleased to submit these comments to the U.S. Environmental Protection Agency (EPA) regarding the proposed mandatory rule for Greenhouse Gas Reporting Rule (hereinafter “proposed reporting rule”).

The NTAA is an autonomous organization of the National Tribal Environmental Council and has more than 50 principal member tribes. The NTAA’s mission is to advance air quality management and policies and programs, consistent with the needs, interests, and unique legal status of American Indian tribes and Alaskan Natives. As such, the NTAA provides its resources to support the efforts of all federally recognized tribes in protecting and improving the air quality within their respective jurisdictions.

With respect to the proposed reporting rule, the NTAA would like to take this opportunity to provide the EPA with comments about having the rule effectively interface with other national efforts such as The Climate Registry (TCR), and the need to provide for third-party verification regarding the greenhouse gas (GHG) emissions data collected for the facilities covered under the rule.

### **Effectively Interfacing with Other National Efforts**

Given that the proposed reporting rule will establish the foundation for future federal greenhouse gas (GHG) initiatives, and given the needs of states, Indian tribes and companies for comprehensive high quality GHG data to inform their decision-making, the NTAA believes that it is critical that the final rule works in concert with existing GHG programs as well as TCR’s voluntary program to continue to acknowledge, encourage and reinforce the activities outside the federal government which complement and enhance a mandatory national GHG reporting program. Our organization therefore recommends that the EPA:

- Support state and tribal initiatives to adopt GHG reporting requirements that exceed federal requirements, and provide states and tribes with information to craft innovative programs to address GHG emissions within their respective jurisdictions;
- Give states and tribes the option to collect the federal mandatory GHG data on behalf of the EPA, if desired; and
- Support reporting solutions that allow organizations to easily participate in valuable voluntary reporting programs as well as comply with state, tribal and federal mandatory reporting requirements.

The NTAA recognizes the opportunity for the EPA to partner with the TCR to develop information technology solutions that will ensure consistency in GHG accounting and reporting across jurisdictions and ease the burden on companies facing different reporting requirements at the tribal, state, provincial, regional, and federal levels.

The Registry was specifically created and designed to serve as a central repository of GHG data for companies operating in North America. By developing one comprehensive high-quality corporate-wide GHG inventory through the Registry, the goal is for corporations and organizations to be able to use that inventory to satisfy all of their mandatory GHG reporting requirements throughout North America, as well as support their own efforts to manage, reduce and publicly disclose their GHG emissions.

The Registry developed a web-based database application to support voluntary GHG reporting. This application is known as the Climate Registry Information System (CRIS). The Registry is now working with states, tribes and provinces to develop additional functionality by supporting voluntary and mandatory reporting programs thereby creating a “one-stop shop” reporting approach. This helps avoid duplication of reporting efforts and emphasizes reporter convenience while still supporting comprehensive GHG reporting.

The EPA should also not preempt other states and tribes from requiring regulated entities from reporting additional jurisdiction-specific data. Parties could then report all required (EPA and state/tribe) data in one location, thereby making it easier for the Agency to share its GHG data with states and tribes. The EPA could either share certain data fields with states and tribes that have Common Framework modules, or the Agency could transfer GHG data to states and tribes via an Exchange Network.

### **The Need for Third-Party Verification**

One of the most important aspects of TCR’s voluntary reporting program is its requirement of annual third-party verification of GHG data. Third-party verification is the systematic, independent, and documented process for the evaluation of a GHG emission report against agreed upon verification criteria. This process is similar to an

audit of financial statements—it is an external attestation to the quality and accuracy of the reported emissions.

Contrary to the Registry, the proposed GHG reporting rule relies on self-certification from affected facilities with the EPA conducting verification, an approach which the NTAA considers problematic as the data will be entered in a registry that will one day interface with a federal cap-and-trade program and possibly international programs as well. For these programs to be effective, they will require data that is fully vetted and accurate. Unfortunately, the Agency is already overtaxed by its day-to-day responsibilities, and to add to these responsibilities the verification of emissions from the more than 13,000 facilities covered under the rule, it's unlikely that the verification process will be very rigorous or of high quality. The NTAA therefore recommends that the EPA require third-party verification of these emissions, much like TCR, thereby providing better assurances that the registry data will be accurate and also freeing up the Agency to perform its current and very important day-to-day duties, many which impact the health and welfare of the nation's Indian tribes and Alaska Native villages.

### **Conclusion**

In summary, the NTAA is pleased to provide the aforementioned comments and recommendations concerning the proposed reporting rule. If you should have any questions or comments, please feel free to contact Bob Gruenig, NTAA Senior Policy Analyst, via phone at (505) 242-2175 or via e-mail at [bgruenig@ntec.org](mailto:bgruenig@ntec.org).

Respectfully submitted,

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Chairman  
National Tribal Air Association