

# NATIONAL TRIBAL AIR ASSOCIATION FACT SHEET

## EPA Proposes Emissions Guidelines to Reduce Methane from the Oil and Natural Gas Industry

### OVERVIEW

To combat the climate crisis and protect public health, on **November 2, 2021**, the U.S. EPA proposed a rule that would expand and strengthen New Source Performance Standards (NSPS) for methane and VOCs from new, modified, and reconstructed sources and establish the first Emission Guidelines requiring regulation of methane from hundreds of thousands of existing sources nationwide. The proposal would secure major climate and health benefits by leveraging innovative technologies that major oil- and gas-producing states and companies use to minimize or eliminate this harmful pollution. It is known that the oil and natural gas industries are the nation's largest industrial source of methane. **Methane is a highly potent greenhouse gas and a major contributor to climate change** and is responsible for approximately one-third of the current warming from human activities.<sup>1</sup> According to the American Lung Association, “over the next two decades, methane will trap 80 times more heat in the atmosphere than the same amount of carbon dioxide”<sup>2</sup>.

The oil and natural gas sector are also a leading source for other harmful air pollutants, including volatile organic compounds (VOCs) that contribute to ground-level ozone, i.e., smog, and air toxics such as benzene. The toxins emitted, along with methane, affect public health, especially in communities who live and work near oil and gas facilities. The smog and air toxin emissions from oil and natural gas facilities can be cut in half by implementing cost-effective tools and technologies. **NTAA supports EPA's im-**



*Flares burn off excess methane at an oil and gas field. Credit: [Pacific Northwest National Laboratory](#)*

**provements over the 2012 and 2016 standards and acknowledges EPA's assistance in making many important technological advancements in the oil and natural gas sector over the past few years.**

### ENVIRONMENTAL JUSTICE INITIATIVES

Communities with environmental justice concerns, including Tribal nations, often bear an unequal burden of environmental risk and harm – both from climate change and air pollution. Therefore, members from NTAA participated in a two-day training

1. <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/epa-proposes-new-source-performance>  
2. <https://www.edf.org/climate/methane-crucial-opportunity-climate-fight>

November 16th and 17th. The training provided:

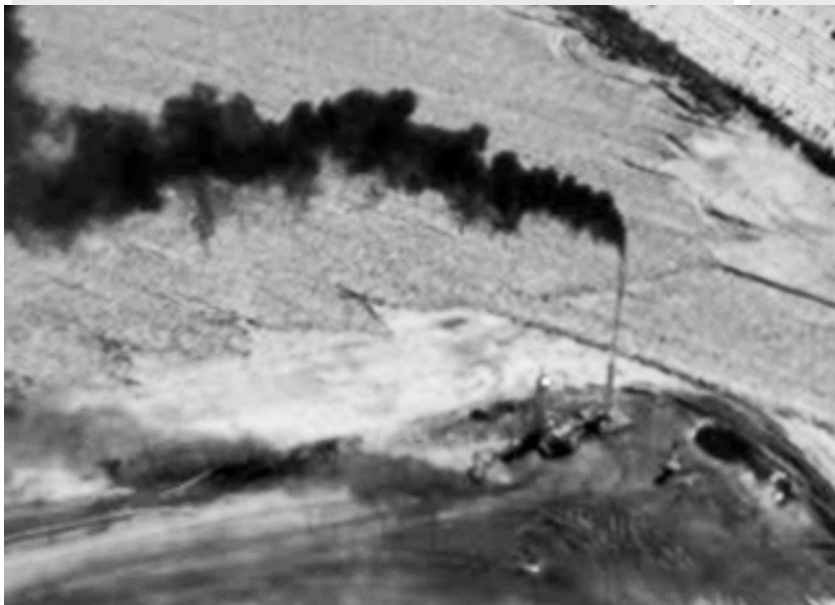
- Background information on the oil and natural gas production process
- An overview of the proposed rule
- A panel discussion with environmental justice communities and Tribal nations members

More information and the recording is available [here](#).

## **OIL AND NATURAL GAS IMPACTS ON TRIBAL NATIONS**

An EPA analysis found that 112 unique Tribal lands are located within 50 miles of an affected oil and natural gas source, and 32 Tribes have one or more oil or natural gas sources on their lands. However, to provide information on the potential impacts of the oil and natural gas industry on communities with environmental justice concerns, including many Tribal nations, EPA conducted “baseline” analyses to determine if certain environmental justice concerns existed. These analyses included impacts of the oil and natural gas industry, not just the equipment and activities covered by EPA’s rules.

Those analyses showed that Native Americans, Hispanic populations, and children aged 17 years and younger might experience disproportionate exposure to ozone pollution from VOC emissions from the oil and natural



Aerial view of methane leaks detected by an infrared camera. Environmental Defense Fund Blog Post: <https://blogs.edf.org/energyexchange/2021/11/09/heres-what-you-need-to-know-about-epas-landmark-methane-proposal/>

gas industry. The analyses also showed that more Hispanic people, and slightly more children ages 17 and younger, may live in communities with potentially elevated cancer risk from oil- and gas-related air toxics emissions compared to the national population (the term elevated risk means that 1 in 10,000 people may develop cancer being exposed to air toxics 24 hours a day for 70 years).

Because Tribes are impacted not only at the production site but also in the transmission process, Tribal health and culture are both directly impacted. It should also be noted that Tribes are most directly impacted by climate change. Thus, it is important not to understate the impacts and implications for Tribes in this proposal. Read the EPA Fact Sheet on [Addressing Tribal Concerns](#) for more information.

## **ELIGIBILITY FOR TRIBES TO CREATE THEIR OWN EMISSION GUIDELINES**

Following the Clean Air Act, which assigns states to develop plans that establish standards for existing sources, the EPA’s proposal will set out to create Emission Guidelines with procedures requiring states to undertake meaningful outreach and engagement with overburdened and underserved communities they develop

their plans. Tribes can also develop plans that establish standards for existing sources on their Tribal lands. Existing sources located in Indian country would not be included in a state’s plan. Under EPA’s Tribal Authority Rule implementing section 301 (d) of the Clean Air Act, Tribal nations may seek the authority to implement their plans under section 111(d) of the Clean Air Act. An eligible Tribal nation with one or more designated facilities located in its area of Indian country would have the opportunity, but not the obligation, to develop plans that establish standards for existing sources on their Tribal lands.

**The Agency intends to issue a supplemental proposal in 2022** and is seeking information about additional sources of pollution that may help the Agency further reduce methane and VOC emissions from the oil and natural gas sector.

## **WHERE CAN I LEARN MORE AND COMMENT ON THE DRAFT?**

- EPA will take written comments at <https://www.regulations.gov/document/EPA-HQ-OAR-2021-0317-0001> until **January 31st, 2022**. Deadline Extended from January 14th.
- To read the proposed rule, additional fact sheets, and other technical materials, visit: <https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry>
- To access NTA’s Policy Resource Kit to help you and/or your Tribe submit comments, visit [www.ntatribalair.org](http://www.ntatribalair.org)