



National Tribal
AIR ASSOCIATION

October 24, 2025

Honorable Lee M. Zeldin
Administrator
Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Reconsideration of the Greenhouse Gas Reporting Program, EPA-HQ-OAR-2025-0186

Dear Administrator Zeldin,

The National Tribal Air Association (NTAA) submits this letter regarding the U.S. Environmental Protection Agency's (EPA's) proposed rule entitled Reconsideration of the Greenhouse Gas Reporting Program, Docket No. EPA-HQ-OAR-2025-0186.

The NTAA is a member-based organization with 161 Member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaskan Natives. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaskan Natives.

The NTAA opposes reconsideration of the Greenhouse Gas Reporting Program (GHGRP). As stated in our previous public comment letters regarding the proposed rescission of the greenhouse gas (GHG) endangerment finding, the repeal of the Mercury Air Toxics Rule, the repeal of the GHG rules for power plants and others, NTAA is strongly opposed to current Agency efforts to dismantle the programs to address climate change. EPA itself acknowledges that "*Tribes are particularly vulnerable to the impacts of climate change...*"¹ and as NTAA has stated previously in its comments on the proposed rescission of the GHG Endangerment Finding:

"Perhaps no other community will or has experienced the adverse impacts of climate change more than the nation's Indian Tribes. Rising sea levels, coastal flooding and

¹ EPA Tribal Air and Climate Resources website, available at: www.epa.gov/tribal-air.

erosion, melting sea ice, loss of traditional hunting and fishing resources, extended drought, and unpredictable farming conditions threaten every aspect of indigenous cultures.”²

EPA’s proposed rescission of the GHGRP ignores these profound statements and the irrefutable basis for them. The current proposed action fails to appropriately consider the significant consequences the proposed actions will have on Tribal communities.

Impacts of GHG emissions and climate change on Tribal communities, including Alaskan Natives, have been chronicled extensively. One important compendium is *The Status of Tribes and Climate Change Report* (Institute for Tribal Environmental Professionals, Northern Arizona University, Marks – Merino, August 2021). EPA’s failure to acknowledge this extensive body of scientific and cultural knowledge and its relevance to the proposed rescission of the GHGRP demonstrates EPA’s ongoing failure to meet the challenge of addressing the impact of climate change on Tribes.

The NTAA believes this effort will remove access to information regarding emissions of pollutants that impact Tribes; and that it is an attempt to unlawfully block future regulation and policy development. Emissions information should be readily available and accessible to EPA and the public. Abolishing the collection of data necessary to evaluate GHG sources, and document the emissions that cause climate change, will impair the Agency’s, states and Tribes’ ability to protect Tribes and the public through the development of effective programs under the Clean Air Act (CAA). For example, the elimination of this important source of information that forms decisions about whether and how to use the CAA to establish new source performance standards, address mobile sources, and to inform improvements in non-regulatory strategies for preventing or reducing air pollutants.

The NTAA also disagrees with the Agency’s assertion that it has adequately discharged the Congressional requirement of the Fiscal Year 2008 Consolidated Appropriations Act,³ which authorized funding for and directed the EPA to “develop and publish a . . . [rule] to require mandatory reporting of GHG emissions above appropriate thresholds in all sectors of the economy of the United States.” Consolidated Appropriations Act, 2008, Public Law 110–161, 121 Stat 1844, 2128 (2008). The Rescission of the 2009 rule that implements this law would result in abdication of EPA’s statutory responsibility and prevent the development of information regarding emissions of pollutants that impact Tribal communities across the country. The rescission of this important congressional legislation should be reconsidered.

The NTAA disagrees with EPA’s current proposal and conclusion that CAA section 114 “does not authorize the GHGRP as presently constituted.”⁴ EPA promulgated the GHGRP under

² Letter from NTAA to EPA Administrator Zeldin re: Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards Docket No. EPA-HQ-OAR-2025-0194 (Aug. 28, 2025) available at: https://downloads.regulations.gov/EPA-HQ-OAR-2025-0194-0574/attachment_1.pdf

³ Reconsideration of the Greenhouse Gas Reporting Program, 90 Fed. Reg. 44591 at 44599 (Sept. 16, 2025).

⁴ *Id.* at 44597.

CAA sections 114 and 208, which the Agency explained “provide EPA broad authority to require the information mandated by this rule because such data will inform and are relevant to EPA’s carrying out a wide variety of CAA provisions.”⁵ The statutory language is clear, as EPA previously acknowledged, section 114(a)(1) “authorizes the Administrator to require emissions sources, persons subject to the CAA, or persons whom the Administrator believes may have necessary information to monitor and report emissions and provide such other information the Administrator requests for the purposes of carrying out any provision of the CAA.”⁶ As stated previously, the proposed action will eliminate an important source of information that is necessary to inform decisions about whether and how to use the CAA to establish new source performance standards, address mobile sources, and to inform improvements in non-regulatory strategies for preventing or reducing air pollutants. EPA has acknowledged that “[a]ccurate and timely information on GHG emissions is essential for informing many future climate change policy decisions.”⁷ The Agency’s attempt to tie its own hands by abandoning its past interpretation and reading new constraints into the CAA is contrary to the statute’s intent and would impair its ability to carry out the provisions of the CAA.

In addition, NTAA disagrees with EPA’s claim that the information collected under the GHGRP has not been used to develop policy and regulation over the last 15 years.⁸ The Agency’s current deregulatory actions for power plants, methane sources, vehicle standards, and others are regulations that had been informed by data from the GHGRP. There should be no dispute that information collected under the GHGRP provides a significant public benefit. As EPA explained when promulgating the GHGRP, “using the rich data set provided by this rulemaking, EPA, States, and the public will be able to track emissions trends from industries and facilities over time, particularly in response to policies and potential regulations” and “the data collected by this rule will also improve the U.S. government’s ability to formulate climate policies, and to assess which industries might be affected by potential policies.”⁹

The NTAA also has serious concerns about EPA’s approach to the cost-benefit analysis regarding the impacts of eliminating the GHGRP. In what appears to be a pattern in its recent proposed actions, EPA puts its thumb on the scale by only quantifying the purported benefits to regulated entities, leaving the resulting costs and benefits to the public unquantified. Here, EPA acknowledges such public costs, noting that rescission of the GHGRP will impact “other Federal, state or local agencies or Tribes that may rely on the publicly available GHGRP data.”¹⁰ For example, the proposal would require the Internal Revenue Service (IRS) and other non-federal entities to develop their own programs to inform Tribal, state, and local government officials on progress towards renewable energy targets and greenhouse gas emission inventories.¹¹ Despite these impacts, EPA does not evaluate the burden of establishing state-by-state reporting systems,

⁵ Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. 56264 (Oct. 30, 2009).

⁶ 74 Fed. Reg. 56265.

⁷ *Id.*

⁸ *See* 90 Fed. Reg. 44596-97.

⁹ 74 Fed. Reg. 56265.

¹⁰ 90 Fed. Reg. 44595.

¹¹ *See* 90 Fed. Reg. 44598-99.

or quantify these impacts in its cost-benefit analysis. It is important to recognize that the cost of these systems will be a cost to the American and state taxpayers.

In closing, the NTAA looks forward to continuing to work with EPA in protecting growing Tribal economies as well as public health and air quality resources for American Indian Tribes and Alaskan Natives. However, there are serious concerns that the proposal to rescind the GHGRP fails to consider the harm such an action will cause and significantly impairs the Agency's future ability to develop scientifically sound policies and regulations regarding climate change. If you have any questions or would like additional information please contact Miranda O'Neill, NTAA Program Manager, Miranda.ONeill@nau.edu.

Respectfully,

Syndi Smallwood
Chair
National Tribal Air Association

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