



November 3, 2025

Submitted via regulations.gov

Aaron Szabo
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U.S. Environmental Protection Agency
Office of Air and Radiation
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

**RE: RECONSIDERATION OF THE GREENHOUSE GAS REPORTING PROGRAM
(DOCKET No. EPA-HQ-OAR-2025-0186)**

Dear Administrator Zeldin:

The undersigned organizations (Commenters) oppose the Environmental Protection Agency's (EPA) proposal to gut the Greenhouse Gas Reporting Program (GHGRP) by, among other things, removing reporting obligations for all but one source category.¹ Commenters are particularly concerned that EPA proposes to continue capitulating to the corporate animal agriculture industry by removing greenhouse gas (GHG) reporting requirements for the manure management source category. This would hamstring EPA and other regulators from meeting nondiscretionary duties to regulate air emissions from the corporate animal agriculture industry and address the climate crisis. EPA cannot finalize the Proposed Rule—to do so would be arbitrary, capricious, and otherwise contrary to law.

I. Commenters

The Animal Legal Defense Fund (ALDF) is a national nonprofit organization founded in 1979 to protect the lives and advance the interests of animals through the legal system. ALDF has more than 300,000 members and supporters nationwide. One of ALDF's central goals is advocating for effective oversight and regulation of

¹ Reconsideration of the Greenhouse Gas Reporting Program, 90 Fed. Reg. 44,591 (Sep. 16, 2025) (to be codified at 40 C.F.R. Part 98) ("Proposed Rule").

industrial animal agriculture. ALDF achieves this goal by filing lawsuits, administrative comments, and rulemaking petitions. Through these efforts, ALDF is deeply invested in ensuring transparency in the agricultural system.

The Center for Biological Diversity is a national 501(c)(3) nonprofit conservation organization with 1.8 million members and supporters dedicated to the protection of endangered species and wild places since 1989. The Center uses public policy, legal actions, and campaigns to protect environmental interests and build a more just and sustainable food and agriculture system.

Food & Water Watch (FWW) is a national, nonprofit membership organization that mobilizes regular people to build political power to move bold and uncompromised solutions to the most pressing food, water, and climate problems of our time. FWW uses grassroots organizing, media outreach, public education, research, policy analysis, and litigation to protect people's health, communities, and democracy from the growing destructive power of the most powerful economic interests. Factory farming's impact on climate change is a priority issue for FWW.

Animal Outlook is a national nonprofit 501(c)(3) animal advocacy organization based in Washington, DC and Los Angeles, CA. Our mission is to strategically challenge animal agribusiness through undercover investigations, legal advocacy, corporate and food system reform, and disseminating information about the many harms of animal agriculture, empowering everyone to choose vegan.

II. Background

A. Manure Management GHG Emissions and Their Contribution to the Climate Crisis

The World Meteorological Association reports that methane and nitrous oxide—two short-lived climate pollutants—have soared to their highest levels in human history.² Compared to carbon dioxide over a twenty-year period, methane is eighty times more potent and nitrous oxide is 280 times more potent.³ Methane is the second-biggest driver of climate change after carbon dioxide and is responsible for about one-third of global warming.⁴ The IPCC has concluded that deep cuts to

² Ex. 1, WORLD METEOROLOGICAL ORGANIZATION, WMO GREENHOUSE GAS BULLETIN (Oct. 16, 2025), <https://perma.cc/V7E8-ZXRW>.

³ Ex. 2, *5 things you should know about the greenhouse gases warming the planet*, UN NEWS (Jan. 8, 2022), <https://perma.cc/4MP3-74R5>.

⁴ Ex. 3, *Better data driving action on methane emissions, but more work needed*, UNITED NATIONS ENV'T PROGRAMME (Oct. 22, 2025), <https://www.unep.org/news-and-stories/press-release/better-data-driving-action-methane-emissions-more-work-needed>.

methane are crucial in the near-term to mitigate the worst consequences of climate change due to methane's much shorter atmospheric lifetime (7 to 12 years) relative to carbon dioxide's hundreds of years; methane cuts can actually reduce GHG pollutants in the atmosphere in the near term, "bending the curve," instead of just trying to maintain carbon levels for centuries with carbon dioxide cuts.⁵

EPA has acknowledged that animal agriculture is the largest source of methane in the United States, contributing 36.6% of total anthropogenic methane emissions in 2022.⁶ Emissions from manure management have skyrocketed since 1990, with methane emissions increasing 65% and nitrous oxide emissions increasing 27%, even as those GHGs have dipped slightly across other agricultural sources over the past few years.⁷ Manure management accounts for approximately 5% of nitrous oxide emissions in the United States.⁸

A recent report concludes that the carbon footprint of meat production alone in the United States—not including dairy products—is equivalent to emissions from fossil fuel combustion in the United States.⁹ Another recent report found that the forty-five largest meat and dairy agribusinesses were responsible for 1.02 billion tons of CO₂e GHG emissions in 2023/2022—which, if they were a country, would make them the ninth-highest GHG-emitting country in the world.¹⁰ The top five meat and dairy agribusinesses combined emitted more than the reported emissions of Chevron, Shell, or BP.¹¹ Methane from livestock accounted for the largest percentage of GHG emissions across the meat and dairy companies and totaled more than the methane emissions of all twenty-seven European Union countries and the United Kingdom combined.¹² These estimates were conducted using a 100-year timeframe (GWP100), but because methane is far more potent in the short-term, had they used a twenty-year timeframe (GWP20), the global warming effect of the companies' GHG emissions would be approximately double.¹³

⁵ Ex. 28, IPCC, SUMMARY FOR POLICYMAKERS (2018), <https://perma.cc/4BNG-SGFW>.

⁶ Ex. 4, U.S. ENV'T PROT. AGENCY, INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS, 1990-2022 [EPA 430R-24004] ES-18 (2024), <https://perma.cc/G8UA-3S4X>.

⁷ *Id.*

⁸ Ex. 5, CONG. RSCH. SERV., AIR QUALITY ISSUES AND ANIMAL AGRICULTURE: A PRIMER 3–4 (updated June 6, 2016).

⁹ Ex. 6, Benjamin P. Goldstein et al., *The carbon hoofprint of cities is shaped by geography and production in the livestock supply chain*, NATURE CLIMATE CHANGE, Oct. 20, 2025, <https://perma.cc/NHH3-DXMN>.

¹⁰ Ex. 7, GREENPEACE ET AL., ROASTING THE PLANET: BIG MEAT AND DAIRY'S BIG EMISSIONS 5 (2025), <https://perma.cc/RSW7-EFS2>.

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

Purported efforts to mitigate manure management GHG emissions with anaerobic digesters have not been effective and amount to greenwashing. In fact, a recent report by Food & Water Watch found that twenty-eight mega-dairies with anaerobic digesters in California are emitting enough methane to be seen from satellites and imaging aircraft.¹⁴ The mega-dairies, which are profiting from California’s Low Carbon Fuel Standard pollution trading scheme, installed digesters to supposedly recycle their manure methane into fuel, but the visible methane plumes all appeared at significant rates *after* the digesters were installed.¹⁵ One hour of pluming at these rates is equivalent to carbon dioxide released by driving a passenger car over two million miles.¹⁶

Swift and aggressive regulation of manure management GHG emissions—rather than ineffective, voluntary measures—is required to address the climate crisis. In 2021, the United States co-led the creation and launch of the United Nations’ Global Methane Pledge, which aimed to reduce global methane emissions by at least 30% by 2030, noting that the rapid reduction of methane emissions is “the single most effective strategy to keep the goal of limiting warming to 1.5°C.”¹⁷ However, a recent progress report found that the world is not moving fast enough to meet the target.¹⁸ Interventions have largely focused on oil, gas, and steel industries, without attention to agriculture, even though it’s responsible for 40% of global anthropogenic methane emissions.¹⁹

B. EPA’s Historical Capitulation to the Corporate Animal Agriculture Industry and Its Resulting Unlawful Failures to Regulate Manure Management GHG Emissions

EPA has long failed to meaningfully regulate air emissions from corporate animal agriculture—despite the fact that this industry’s air pollution kills 12,700

¹⁴ Ex. 8, Carbon Monitoring Shows Massive Emissions at CA’s Mega-Dairies FOOD & WATER WATCH (Oct. 16, 2025), <https://perma.cc/58S3-MMC3>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Ex. 9, *Fast action on methane to keep a 1.5°C future within reach*, About the Global Methane Pledge, GLOBAL METHANE PLEDGE (2021), <https://perma.cc/T2GU-GL9R>.

¹⁸ Ex. 10, UNITED NATIONS ENVIRONMENT PROGRAMME, AN EYE ON METHANE 2025, FROM MEASUREMENT TO MOMENTUM vii (2025), <https://www.unep.org/resources/eye-methane-2025-measurement-momentum>.

¹⁹ Ex. 11, *Methane, The world’s second-largest contributor to global warming after carbon dioxide and a key ingredient in ground-level ozone pollution*, CLIMATE & CLEAN AIR COALITION, <https://perma.cc/W9LU-BMHD>.

people in the United States every year.²⁰ EPA's capitulation to this wealthy, powerful industry comes at the expense of rural communities, family farmers, and all who depend on breathable air and a livable climate. Farmers are especially vulnerable to the ongoing effects of the climate crisis, including degraded soils, altered precipitation patterns, increased agricultural pests and diseases, reduced yields, and disrupted growing seasons.²¹

There are many examples of EPA's capitulation. In 2005, EPA secretly negotiated and signed the Air Compliance Agreement (ACA) with industry representatives, which purported to excuse thousands—but not all²²—of the country's largest animal feeding operations (AFOs) and concentrated animal feeding operations (CAFOs) from EPA enforcement of the Clean Air Act (CAA) and other critical clean air and public disclosure laws in favor of conducting an industry-funded National Air Emissions Monitoring Study (NAEMS).²³ In so doing, EPA ignored the legion negative impacts of AFO air emissions.²⁴ In 2022, a coalition of organizations petitioned the Oregon Department of Environmental Quality (DEQ) to regulate CAFO air emissions in the state, detailing the negative impacts of CAFO air emissions and explaining that the state has a legal obligation under the CAA to

²⁰ Approximately 12,300 of those deaths result from ammonia acting as a PM_{2.5} precursor. Ex. 12, Nina G. G. Domingo, Air Quality-Related Health Damages of Food, 118 PNAS e2013637118, 1 (2021), <https://perma.cc/2X45-Z7KU>. EPA has known for decades that the largest CAFOs significantly exceed permitting thresholds. *See* Ex. 13, Comments of Env't Integrity Project et al. on Draft AP-42 Chapter 9, Section 4 – Livestock and Poultry Feed Operations and Air Emissions Estimating Methodologies for Animal Feeding Operations 4, n.17 (Aug. 18, 2025) (citing Ex. 14, U.S. ENV'T PROT. AGENCY OFFICE OF INSPECTOR GEN., IMPROVING AIR QUALITY: ELEVEN YEARS AFTER AGREEMENT EPA HAS NOT DEVELOPED RELIABLE EMISSIONS ESTIMATION METHODS TO DETERMINE WHETHER ANIMAL FEEDING OPERATIONS COMPLY WITH CLEAN AIR ACT AND OTHER STATUTES, Report No. 17-P-0396, 17 (Sept. 19, 2017), <https://perma.cc/HR6C-QYNA>)).

²¹ Ex. 15, U.S. GLOB. CHANGE RSCH. PROGRAM, FIFTH NATIONAL CLIMATE ASSESSMENT, CH. 11: AGRICULTURE, FOOD SYSTEMS, AND RURAL COMMUNITIES at 11-4 (2023), <https://perma.cc/VQ8M-9R4V>.

²² For example, three massive CAFOs in Oregon—TMCF Sixmile Dairy, TMCF Columbia River Dairy, and Farmland Reserve Inc.—are not among the CAFOs that signed onto the ACA. *See* Ex. 16, Letter from Emily Miller, Food & Water Watch, to Michael Regan, EPA, at n.13 (Apr. 5, 2023) (citing EPA, Summary of the AFO Air Compliance Agreement Participants (Feb. 23, 2009)).

²³ Notice of Animal Feeding Operation Consent Agreement & Final Order, 70 Fed. Reg. 4957 (Jan. 31, 2005).

²⁴ *See, e.g.*, Ex. 17, Animal Legal Defense Fund et al., Petition to Rescind the Air Consent Agreement and Enforce Clean Air Laws against Animal Feeding Operations (Oct. 26, 2021).

regulate CAFOs.²⁵ But DEQ denied that petition, erroneously citing in part the existence of the ACA’s NAEMS process as a reason for the denial.²⁶ The NAEMS process continues to drag on, incomplete, more than two decades later.²⁷

In 2021, the Biden Administration recognized the urgent need to reduce methane emissions yet continued the capitulation to industry by proposing only “incentive-based and voluntary partnership efforts” to reduce methane emissions from agriculture while at the same time proposing updated regulations for oil and gas methane sources.²⁸

In recent months, the Trump Administration has torpedoed methane reduction efforts. In April, the administration blocked the release of EPA’s annual Inventory of Greenhouse Gas Emissions and Sinks, which estimates the sources and amounts of GHG pollution and is required as a condition of the United States’ participation in the United Nations’ Framework on Climate Change.²⁹ The Environmental Defense Fund had to submit a Freedom of Information Act request to gain access to the 2024 Inventory of Greenhouse Gas Emissions and Sinks.³⁰ In May, the administration also put “under review” the United States Department of Agriculture’s Greenhouse Gas Inventory and Assessment Program’s website, which collected and reported data about agricultural emissions.³¹

III. EPA has the authority and the duty to collect manure management GHG emissions data because EPA and other regulators need such data to address pollution from the corporate animal agriculture industry and mitigate the climate crisis.

In the Proposed Rule, EPA proposes to continue capitulating to the corporate animal agriculture industry by removing methane and nitrous oxide reporting

²⁵ Ex. 18, Petition to Adopt a Dairy Air Emissions Program to Quantify and Regulate Large Dairy CAFO Air Emissions (Aug. 17, 2022).

²⁶ See Ex. 19, OREGON DEPT OF ENV’T QUALITY, OREGON ENVIRONMENTAL QUALITY COMMISSION SPECIAL MEETING (Nov. 9, 2022), <https://perma.cc/2S5N-2M7M>.

²⁷ See Ex. 13, *supra* note 19.

²⁸ Ex. 20, THE WHITE HOUSE OFFICE OF DOMESTIC CLIMATE POLICY, U.S. METHANE EMISSIONS REDUCTION ACTION PLAN 6, 11 (Nov. 2021), <https://perma.cc/PF24-4DKT>.

²⁹ Ex. 21, *Freedom of Information Act documents for the EPA’s greenhouse gas inventory*, ENV’T DEFENSE FUND (May 8, 2025), <https://perma.cc/K8VD-DFJ2>; Ex. 22, U.S. ENV’T PROTECTION AGENCY, INVENTORY OF U.S. GREENHOUSE GAS EMISSIONS AND SINKS, 1990-2023 (2025), <https://perma.cc/B75Q-W5PP>.

³⁰ Ex. 21, *supra* note 29.

³¹ Ex. 23, *Greenhouse gas inventory and assessment program*, U.S. DEP’T OF AGRIC., <https://perma.cc/TQ2K-FK9K>.

requirements from the manure management source category in subpart JJ of 40 C.F.R. Part 98 (“subpart JJ”).³² These existing reporting requirements already apply only to facilities that emit 25,000 metric tons of CO₂e or more per year, so removing these requirements benefits only the largest facilities.³³ EPA’s proposal is indefensible, legally and otherwise.

As one purported justification for the Proposed Rule, EPA claims that it lacks authority to implement the GHGRP.³⁴ But as EPA acknowledged when it promulgated the GHGRP in 2009, section 114 of the CAA gives EPA broad authority to require reporting because the resulting data are necessary to EPA’s ability to administer the CAA.³⁵ Indeed, it specifically “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.”³⁶ EPA admits in the Proposed Rule that section 114 authorizes the collection of such information on a continuous basis.³⁷ Accordingly, EPA has authority to implement the GHGRP and to collect data from manure management.

Further, EPA has authority to use information collected under section 114(a) to assist states in the development of any implementation plan for protecting National Ambient Air Quality Standards under section 110 or implementing Emissions Guidelines under section 111(d). EPA also has a duty to make any information collected under section 114(a) available to the public pursuant to section 114(c), except in exceptional circumstances. As EPA describes, the GHGRP data collected under section 114 can also help industry identify opportunities for emissions reductions.³⁸ Thus, states, industry, and the public also benefit from EPA’s authority

³² Proposed Rule, 90 Fed. Reg. at 44,617.

³³ Ex. 24, U.S. ENV’T PROTECTION AGENCY, GUIDE FOR THE AGRICULTURE AND LIVESTOCK SECTORS: FINAL RULE: MANDATORY REPORTING OF GREENHOUSE GASES 2 (2009), <https://perma.cc/5QH4-JMMC>.

³⁴ Proposed Rule, 90 Fed. Reg. at 44,596.

³⁵ Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. 56,260, 56,264 (Oct. 30, 2009) (codified at 40 C.F.R. Parts 86, 87, 89, 90, 94, 98, 1033, 1039, 1042, 1045, 1048, 1051, 1054, 1065); see Ex. 25, Carrie Jenks & Sara Dewey, *EPA Proposes to End Greenhouse Gas Reporting 2*, ENV’T & ENERGY L. PROGRAM, HARVARD L. SCH. (Sep. 30, 2025), <https://perma.cc/Z8WL-87DK>.

³⁶ Mandatory Reporting of Greenhouse Gases, 74 Fed. Reg. at 56264–56265.

³⁷ Proposed Rule, 90 Fed. Reg. at 44596–44597.

³⁸ Ex. 29, *GHGRP and the U.S. Inventory of Greenhouse Gas Emissions and Sinks*, EPA (Oct. 3, 2025), <https://perma.cc/G4PU-BRDS> (“The GHGRP data set is an important resource for developing the Inventory, providing annual emissions information and other annual information, such as activity data and emissions

and obligations under section 114, and EPA disregards its duties in claiming that it does not have authority to implement the GHGRP. Because of the importance of this data and the need for its use to meet statutory requirements, EPA's gutting of the GHGRP will not spare resources, but will require states to develop their own inventory tools at great expense and resource commitment, given that most states do not have the staff or experience necessary to build a reporting system from scratch and may not have full authority to procure the necessary data.

Another of EPA's purported justifications for the Proposed Rule is that it has not used most of the data collected under the GHGRP.³⁹ But this justification is baseless,⁴⁰ especially when it comes to manure management. EPA admits in the Proposed Rule that it has never collected such data for the manure management source category in subpart JJ due to the 2024 Consolidated Appropriations Act and previous congressional funding restrictions.⁴¹ As soon as that restriction is removed, EPA will need to implement subpart JJ and finally act to address GHG air emissions from industrial animal agriculture in order to meet its nondiscretionary duties. Nothing in the Proposed Rule supports a claim that EPA would not use data collected pursuant to subpart JJ given the opportunity.

Indeed, EPA and state regulators need such manure management emissions data for various purposes, including CAA rulemakings, permitting, and enforcements, the U.S. Inventory of GHG Emissions, the National Emissions Inventory, state programs, tax credits, and more.⁴² Data on manure management GHG emissions are critical—as the Center for Biological Diversity recently explained, EPA correctly and incontrovertibly concluded in 2009 that GHGs endanger public health and welfare.⁴³ Accordingly, as explained in further detail below, EPA must prepare to meet its nondiscretionary duties to regulate manure management

factors, that can improve and refine national emission estimates and trends over time. GHGRP information can also help industry identify opportunities for reduction and help communities identify nearby sources of greenhouse gas emissions. These data can be used to compare facilities or industries, track emissions from one year to the next, inform policy at the state and local levels, and provide important information to the finance and investment communities.”).

³⁹ Proposed Rule, 90 Fed. Reg. at 44,597.

⁴⁰ EPA immediately flipflops, acknowledging that it has indeed used the data collected to develop certain emissions standards under section 111 of the CAA. *Id.* at 44,598.

⁴¹ *Id.* at 44,595, n. 7.

⁴² Ex. 25, Jenks et al., *supra* note 35; Ex. 30, U.S. ENV'T PROTECTION AGENCY, 2023 NEI PLAN: FINAL, JULY 2023 30 (2023), <https://perma.cc/BH63-TNUX>.

⁴³ See Ex. 26, Center for Biological Diversity et al., Comments on EPA's Reconsideration of 2009 Endangerment Finding and Greenhouse Gas Vehicle Standards (Sep. 22, 2025).

methane and nitrous oxide emissions—both short-lived climate pollutants—by requiring GHGRP reporting from this source category.

In particular, EPA and the states need manure management GHGRP data to fulfill nondiscretionary duties to identify and regulate the CAFOs that are sources of regulated air pollutants. For example, regulators need this data to administer Title V permitting for CAFOs that are major sources of nitrous oxide and volatile organic compounds (VOCs)—both precursors to ozone formation—and particulate matter.⁴⁴ Regulators will also need this data to administer Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR) permitting for CAFOs.⁴⁵ EPA and the states must also regulate methane and nitrous oxide from such CAFOs with Title V and/or PSD/NNSR permits, as they constitute “anyway sources.”⁴⁶ State regulators also rely on GHGRP data to develop emissions inventories, required under the CAA for purposes of attaining and maintaining the National Ambient Air Quality Standards, and to develop other CAA-required elements of state implementation plans.⁴⁷ Moreover, EPA has an additional nondiscretionary duty under section 130 of the CAA to establish emission factors for estimating the quantity of emissions of VOCs and oxides of nitrogen, including nitrous oxide, and collecting manure management GHGRP data for VOCs, and nitrous oxide would be a critical part of that effort.⁴⁸

IV. Conclusion

EPA must retain reporting requirements for the manure management source category in subpart JJ and begin collecting data on manure management GHG emissions as soon as possible. EPA and the states will need this data to meet their nondiscretionary duties under the CAA and to prevent climate collapse. To do otherwise would be arbitrary, capricious, and otherwise contrary to law.

⁴⁴ 42 U.S.C. §§ 7661–7661f; *id.* § 7661(2) (defining “major source”); *id.* § 7602(j) (defining “major stationary source”).

⁴⁵ 42 U.S.C. §§ 7470–7492.

⁴⁶ Prevention of Significant Deterioration and Title V Permitting for Greenhouse Gases: Removal of Certain Vacated Elements, 80 Fed. Reg. 50,199 (Aug. 19, 2015) (codified at 40 C.F.R. Parts 51, 52, 70, and 71).

⁴⁷ E.g., 42 U.S.C. § 7502.

⁴⁸ Ex. 27, Letter from Benjamin Rankin, Center for Biological Diversity, to Michael Regan, EPA, Notice of Intent to Sue (June 8, 2024).

Sincerely,

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