

Obama-era Methane Waste Rule Withstands Senate Attack

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WASHINGTON, DC, May 11, 2017 (ENS) – By a two-vote margin, the U.S. Senate voted Wednesday to uphold an Obama-era regulation to control the the venting and flaring of the potent greenhouse gas methane from oil and gas wells on public lands.

Senators voted 51 to 49 to block consideration of a resolution to repeal the 2016 Interior Department rule to curb methane emissions.

Three Republican Senators: John McCain of Arizona, Lindsey Graham of South Carolina and Susan Collins of Maine, joined Democrats to defeat the resolution.

The vote was the first defeat of a resolution under the Congressional Review Act to undo regulations imposed late in the Obama administration. The Senate has disapproved more than a dozen such rules, including one protecting streams from coal waste and another allowing increased killing of wildlife.

Senator McCain explained his vote on the methane rule, saying, "Improving the control of methane emissions is an important public health and air quality issue, which is why some states are moving forward with their own regulations requiring greater investment in recapture technology. I join the call for strong action to reduce pollution from venting, flaring and leaks associated with oil and gas production operations on public and Indian land."

"While I am concerned that the BLM [Bureau of Land Management] rule may be onerous, passage of the resolution would have prevented the federal government, under any administration, from issuing a rule that is 'similar,' according to the plain reading of the Congressional Review Act," said McCain.

"I believe that the public interest is best served if the Interior Department issues a new rule to revise and improve the BLM methane rule."

Eliminating the rule was a major policy priority for the Trump administration and the oil and gas industry.

President Donald Trump had sent Vice President Mike Pence to the Senate floor to break a possible tie vote. But with three Republicans breaking from the party line, Pence could not act.

"People of America and people of the world can breathe a sigh of relief," said Senator Chuck Schumer of New York, leader of the Senate Democrats.

Senator Edward Markey of Massachusetts, a Democrat on the Environment and Public Works Committee, applauded the vote. Markey has introduced the Fuel Loss Abatement and Royalty Enhancement Act (FLARE Act), to direct the Interior Department to issue precisely these sorts of regulations on the waste of natural gas on public lands.

"Today's vote is a win for American taxpayers, a win for public health and a win for our climate," said Markey. "Rejecting this Republican attempt to allow oil and gas companies to continue wasting natural gas owned by the American people will ensure that American taxpayers will not get burned," Markey said. "And it will ensure that we don't lose control of managing methane emissions on public lands that contribute to climate change."

Methane is the primary component of natural gas. If methane is allowed to leak into the air before being used, it absorbs the sun's heat, warming the atmosphere. While carbon dioxide (CO₂) is the most abundant greenhouse gas, methane is roughly 30 times more potent.

Environmental groups, naturally, were pleased with the outcome of the vote.

League of Conservation Voters President Gene Karpinski said, "This is a huge win for our health, our clean air, and our climate, and shows that President Trump's plans to unravel hard-won environmental protections are not a foregone conclusion."

"The battle for a clean, safe environment is far from over, and we will continue to stay vigilant," said Karpinski, "but today is a victory for all those who are raising their voice in resistance to the anti-environmental Trump administration, Republican leadership and Congress."

The American Petroleum Institute, an industry lobby group, was disappointed in the vote and will continue its fight to upend a rule it considers unnecessary, redundant and technically flawed.

API Upstream and Industry Operations Group Director Erik Milito said, "America's natural gas and oil industry supports commonsense regulation, but the BLM's technically flawed rule on methane emissions is an unnecessary and costly misstep. The rule could impede U.S. energy production while reducing local and federal government revenues."

"The United States is a global leader in production and refining of natural gas and oil while cutting greenhouse gas emissions, the result of technological advances in hydraulic fracturing and horizontal drilling," said Milito. "It is through innovation – not unnecessary, costly and duplicative regulation – that we are able to achieve this success."

Milto maintains that the regulation overlaps with existing state and EPA regulations and could further reduce activity on federal lands where natural gas production is already down 18 percent from 2010 to 2015.

Analysis by Environmental Resources Management on the proposed rule found that the added cost of compliance could result in up to 40 percent of wells that flare on federal lands being permanently uneconomic to produce, said Milito. Based on 2016 royalties reported by the federal Office of Natural Resources Revenue, even a one percent loss of royalties due to loss of production would result in lost government revenues of more than \$14 million.

But North Dakota Senator Heidi Heitkamp, a Democrat, says this rule "would not get in the way of the work the state has already done, and many provisions in this rule were modeled after the regulations in our state and will only encourage further action while making sure other states follow North Dakota's lead."

"North Dakota has taken successful, proactive steps to decrease flaring and reduce greenhouse gas emissions, while supporting a successful energy industry and good jobs," she said.

The Environmental Law & Policy Center's Executive Director Howard Learner said his organization devote its year-long campaign to gaining Senator Heitkamp's support for the methane waste reduction standard.

"My concern with overturning this rule comes down to waste – waste of a resource that would power homes and businesses across the country, and waste of royalties that either the taxpayers or tribal communities aren't getting when methane is flared or vented," said Helkamp.

Heitkamp said that multiple tribes in North Dakota have expressed serious concerns with overturning this rule, including the Mandan, Hidatsa and Arikara Nation, whose reservation covers an area where one-fifth of natural gas production in the state occurs.

Similar regulations at the state level have proven successful in Colorado without harming the economy, yet state rules cannot control the urgent need to reduce methane waste on public lands.

"Reducing methane waste is in the interest of all Americans," said Erik Schlenker-Goodrich, executive director of the Western Environmental Law Center. "We're elated that the decade of blood, sweat, and tears that went into bringing BLM into compliance with its legal obligation to minimize public resource waste survived this misguided attack."

Schlenker-Goodrich says that by requiring oil and gas companies on public land to repair leaky infrastructure and waste less methane through venting and flaring, it is estimated the BLM methane rule could earn taxpayers \$800 million in royalties over the next decade and capture enough methane to power 740,000 households every year.

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Methane flaring from a fracking operation in Oxnard, California, Nov. 2016 (Photo by [haymarketrebel](#))



Methane flaring from a fracking operation on the Pawnee National Grasslands, Colorado, 2014 (Photo by [WildEarth Guardians](#))



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