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October 31, 2025

Submitted electronically via: <https://www.regulations.gov>

Jennifer Bohman
Greenhouse Gas Reporting Branch, Climate Change Division
Office of Atmospheric Protection (MC-6207A)
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

Re: *Proposed Rule: Reconsideration of the Greenhouse Gas Reporting Program*; Docket ID No. EPA-HQ-OAR-2025-0186

Dear Ms. Bohman,

The New Mexico Environment Department (NMED) appreciates the opportunity to submit the attached comments to the U.S. Environmental Protection Agency (EPA) on the *Proposed Rule: Reconsideration of the Greenhouse Gas Reporting Program*. The proposed rule was published in the Federal Register Vol. 90, No. 177 on September 16, 2025, under Docket ID No. EPA-HQ-OAR-2025-0186.

NMED strongly opposes the proposed rule for several reasons, outlined briefly here:

- Climate change is already harming our people, local governments, businesses, and environment.
- The negative impacts of climate change – from drought to fires to floods – will continue to increase and devastate our communities and our economy.
- The Greenhouse Gas Reporting Program data are integral to cooperative federalism and New Mexico’s efforts to mitigate climate change.
- The proposed repeal of the Greenhouse Gas Reporting Program will force New Mexico and other states to implement state-level reporting programs, in turn creating a burden on both states and regulated entities.

I appreciate the consideration of our comments so states like New Mexico can continue to make science-based decisions to mitigate climate change impacts.

Sincerely,

A handwritten signature in blue ink that reads "James C. Kenney".

James C. Kenney
Cabinet Secretary

Attachment (1)

cc: Melanie Kenderdine, Cabinet Secretary, Energy Minerals and Natural Resources Department
Courtney Kerster, Senior Advisor, Office of Governor Michelle Lujan Grisham
Michelle Miano, Director, Environmental Protection Division, NMED

Attachment

New Mexico Environment Department Comments to the U.S. Environmental Protection Agency on Proposed "Reconsideration of Greenhouse Gas Reporting Program" Rule

Overview

The New Mexico Environment Department opposes the proposed reconsideration of the Environmental Protection Agency's (EPA's) Greenhouse Gas Reporting Program (GHGRP) Rule (Docket Id. No. EPA-HQ-OAR-2025-0186). As articulated in our comment on the proposed reconsideration of the Endangerment Finding Rule submitted to EPA on September 19, 2025, the Department understands that climate change is a threat to the people, economy and ecosystems of New Mexico and is committed to reducing greenhouse gas (GHG) emissions in the state. The state's Executive Order 2019-003, "Addressing Climate Change and Energy Waste Prevention," established a statewide goal to reduce New Mexico's economy-wide emissions by 45% by 2030, compared to 2005 levels. The data gathered through the federal GHGRP are integral to the state's efforts to evaluate its progress towards achieving this goal. This comment proceeds in three parts: (1) the Department affirms the scientific consensus that climate change is occurring and threatens the people, economy and ecosystems of New Mexico; (2) articulates the importance of the data gathered through the GHGRP as part of cooperative federalism; and (3) highlights the challenges that will arise for the state and for regulated entities if EPA advances the proposed GHGRP Rule. The Department respectfully requests that the proposed reconsideration of the GHGRP Rule be withdrawn.

Comment 1: Climate change is occurring and threatens the people, economy and ecosystems of New Mexico.

Human activities that emit GHGs are undisputably leading to climate change. As the Department outlined in our comment submitted to EPA regarding the proposed reconsideration of the Endangerment Finding Rule as referenced above, the strength of the scientific consensus regarding the link between anthropogenic GHG emissions and resultant warming continues to increase with additional study of the planet's climate system. Here, we briefly summarize the current state of the scientific community's understanding of climate change. There is a strong connection between atmospheric GHG concentrations (particularly CO₂) and climate conditions on Earth over geologic (hundred-million-year) timescales.¹ The instrumental record of atmospheric CO₂ is characterized by a consistent concentration increase, and the isotopic composition of atmospheric carbon pinpoints fossil fuel combustion as a dominant source of atmospheric CO₂ emissions over the same interval.^{2,3} Recent surface temperature increases resulting from anthropogenic GHG emissions over the instrumental and proxy record are clear.⁴ Our ability to predict the warming that results from a given radiative forcing from GHG emissions

¹ Judd, Emily J., et al. "A 485-million-year history of Earth's surface temperature." *Science* 385.6715 (2024): eadk3705.

² <https://gml.noaa.gov/ccgg/trends/>. "Trends in Atmospheric Carbon Dioxide (CO₂), Manua Loa, Hawaii." Accessed August 6, 2025.

³ Graven, Heather, et al. "Compiled records of carbon isotopes in atmospheric CO₂ for historical simulations in CMIP6." *Geoscientific Model Development* 10.12 (2017): 4405-4417.

⁴ National Research Council, et al. *Surface temperature reconstructions for the last 2,000 years*. National Academies Press, 2007.

is robust.⁵ Conservative estimates of warming that will occur this century are between 2 and 3 degrees Celsius (3.6 to 5.4 degrees Fahrenheit [°F]).⁶ The effects of climate change and projected future warming on humans and the environment are overwhelmingly negative, which highlights the urgency with which GHGs emissions should be monitored and reduced.⁷

The State of New Mexico has a vested interest in slowing climate change, through abatement of greenhouse gas emissions, to protect its people, economy and ecosystems. The people and ecosystems of New Mexico are already being negatively affected by climate change, and these impacts will become more severe as climate change worsens. In a 2013 report, the U.S. Bureau of Reclamation found that from 1971 through 2011, temperatures in the Upper Rio Grande Basin, covering New Mexico and Southern Colorado, rose at a rate of just under 0.7 °F per decade, a rate double the global rate of temperature increase which is unprecedented over the last 11,300 years.⁸ The U.S. Bureau of Reclamation projected that temperatures in the Basin may rise by an additional 4–6 °F by the end of the 21st century. Associated impacts include hotter temperatures, scarcer water resources, less predictable precipitation, increased wildfire risk, stressed ecosystems, and challenges to agriculture, infrastructure, and public health. The economic consequences of these impacts will be costly. A 2010 analysis by Sandia National Laboratories estimated the economic costs of climate change across the country from 2010–2050. For New Mexico, they estimate a loss in 2008 dollars of \$26.1 billion using a discount rate of 0.0%, a loss of \$17.9 billion using a discount rate of 1.5%, and a loss of \$12.7 billion using a discount rate of 3.0%. Additionally, they estimate an employment loss of 217,600 labor years and a population loss of 8,300 people.⁹

Comment 2: GHGRP data are integral to cooperative federalism and state efforts to mitigate climate change.

The State of New Mexico and the federal government share a commitment to cooperative federalism, in which federal and state governments jointly implement federal mandates. The federal government has a mandate under the Clean Air Act, per the 2007 Supreme Court case, *Massachusetts v. EPA*, to regulate GHG emissions. The State of New Mexico is committed to mitigating climate change through reduction of greenhouse emissions. New Mexico’s Executive Order 2019-003 requires the reduction of statewide GHG emissions by at least 45% by 2030 as compared to 2005 levels. Accurate GHG emissions data are essential to monitoring progress toward and achieving this goal. A vital element of state–federal cooperation is a shared effort in aggregating GHG data. Since 2010, the GHGRP has enabled the EPA to collect nationwide GHG data and provide access to these data to states and the public. Annual reporting

⁵ Hausfather, Zeke, et al. “Evaluating the performance of past climate model projections.” *Geophysical Research Letters* 47.1 (2020): e2019GL085378.

⁶ Pielke Jr, Roger, Matthew G. Burgess, and Justin Ritchie. “Plausible 2005-2050 emissions scenarios project between 2 and 3 degrees C of warming by 2100.” *Environmental Research Letters* (2022).

⁷ IPCC, 2022: Summary for Policymakers [H.-O. Pörtner, D.C. Roberts, E.S. Poloczanska, K. Mintenbeck, M. Tignor, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem (eds.)]. In: *Climate Change 2022: Impacts, Adaptation, and Vulnerability. Contribution of Working Group II to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change* [H.-O. Pörtner, D.C. Roberts, M. Tignor, E.S. Poloczanska, K. Mintenbeck, A. Alegría, M. Craig, S. Langsdorf, S. Löschke, V. Möller, A. Okem, B. Rama (eds.)]. Cambridge University Press, Cambridge, UK and New York, NY, USA, pp. 3-33, doi:10.1017/9781009325844.001.

⁸ Roach, J. D., & Llewellyn, D. (2013). *West Wide Climate Risk Assessment Upper Rio Grande Impacts Assessment Executive Summary April 17 2013* (No. SAND2013-3404P). Sandia National Lab.(SNL-NM), Albuquerque, NM (United States).

⁹ Backus, G. A. et al. (2010). *Assessing the Near-Term Risk of Climate Uncertainty: Interdependencies Among the US States* (No. SAND2010-2052). Sandia National Lab.(SNL-NM), Albuquerque, NM (United States).

is mandatory for entities that are subject to the rule. The federal government has the resources and authority to ensure that these data are accurately reported, checked for quality, aggregated, and made publicly available. The resulting data have become the gold standard of national GHG data for their comprehensiveness, accuracy, and temporal reliability. States rely on these data to build state-level emissions inventories, generate baseline emissions, and track emissions over time.

New Mexico has published two economy-wide GHG emissions inventories and two oil and gas sector GHG emissions inventories over the past five years, relying in part on GHGRP data.¹⁰ The state is developing two additional inventories currently; these inventories will summarize economy-wide and oil and gas sector emissions in New Mexico in 2023. New Mexico's economy-wide emissions inventories rely on EPA's national disaggregated emissions inventory, which in turn relies on data gathered through the GHGRP. Specific GHGRP data used to develop New Mexico's official state GHG inventories include data for the waste sector (landfill emissions reported by GHGRP Subpart HH), coal mines (Subpart FF), and industrial or downstream oil and gas emissions (Subparts C, I, H, P, Y, MM, NN, and PP). In addition, upstream and midstream emissions reported by the oil and gas sector in Subpart W are the primary data source used by New Mexico for its oil and gas sector emissions inventories. New Mexico-specific adjustments are made to these data to reflect regional operational practices and to include emissions from sources that do not meet the GHGRP reporting threshold. In the absence of GHGRP data, New Mexico's ability to conduct GHG emissions inventories will be significantly impacted.

The GHGRP enables both the federal government and states to track GHG emissions over time. Reliable year-over-year emissions data enable regulators to track the impacts of mitigation policies. Thus, these data are the foundation of climate change mitigation: tracking policy impacts through analysis of the relationship between policy provisions and emissions data is the means by which regulators know whether the policies they have adopted have the intended effects. For example, in 2021 the State of New Mexico adopted a Methane Waste Rule, which limits routine venting and flaring of methane from oil and gas sector upstream and midstream operations. To understand whether this rule has been effective in reducing methane emissions, the state requires accurate reporting on methane emissions before and after the implementation of the rule. The same is true for tracking GHG emission mitigation statewide and nationwide. New Mexico uses GHGRP data to build state-level GHG emissions inventories, which then are compared across time to determine whether the state is reducing emissions at a sufficient rate to achieve the state emissions reduction goal. These data are essential for measuring state progress in climate change mitigation.

Comment 3: Replacing the federal GHGRP with state-level reporting programs will create a burden on states and regulated entities.

As articulated in comment 2, the federal government and states work together to implement federal mandates through their shared commitment to cooperative federalism. The federal government contributes its resources and authority to assist states in achieving federal mandates. But there is another important benefit of federal efforts—the federal government is able to standardize programs and processes nationwide. This holds true for the collection of GHG data. The GHGRP creates a standardized, nationwide reporting platform for regulated entities to report GHG data. This platform benefits regulated entities because the existence of a single reporting platform minimizes the costs of reporting. With the loss of the GHGRP, states will have no choice but to develop their own state-level reporting programs, which will necessitate the allocation of significant resources for developing,

¹⁰ <https://www.env.nm.gov/climate-change-bureau/greenhouse-gas-emissions-inventories/>. Accessed September 26, 2025.

maintaining, and staffing these programs. Regulated entities that operate in multiple states will then face the reality of responding to numerous, state-specific reporting programs with different platforms and processes. This variability in reporting increases costs for regulated entities, as they will have to dedicate resources to complying with different state parameters. There are obstacles to states working together to create a shared state-level reporting program to partially replace the GHGRP, including differing state laws about reporting content and deadlines, liability concerns related to access to data, and differing resources available to develop and maintain a shared platform. The GHGRP obviated these challenges through the provision of a centralized, nationwide platform. Given the aforementioned challenges, the GHGRP is unlikely to be replicated through a state partnership. The burden will then fall on regulated entities as they endeavor to comply with myriad state reporting programs. The Administration has emphasized its commitment to reduce burdens on industry; the cessation of the GHGRP increases these burdens.

Conclusion

In conclusion, we strongly recommend that the EPA retain the GHGRP. New Mexico has a vested interest in mitigating climate change. The GHGRP provides essential information to the state for this purpose. If the GHGRP is terminated, the burden of replicating it will fall on states, which will, in turn, create a greater burden on regulated entities to comply with multiple state programs.