

Final Rule: Addition of Global Warming Potentials to the General Provisions and Amendments and Confidentiality Determinations for Fluorinated Gas Production

Action

- The Environmental Protection Agency (EPA) is adding chemical-specific and default global warming potentials (GWPs) for a number of fluorinated greenhouse gases (F-GHGs) and fluorinated heat transfer fluids (F-HTFs) to the general provisions of the Greenhouse Gas Reporting Rule.
- Currently, these fluorinated GHGs and HTFs are not assigned GWPs under the rule. The changes will increase the completeness and accuracy of the carbon dioxide (CO₂)-equivalent emissions calculated and reported by suppliers and emitters of fluorinated GHGs and HTFs.
- In addition, the EPA is amending certain provisions of the Fluorinated Gas Production (subpart L) source category to reduce the level of detail in which emissions are reported, eliminate the mass-balance emission calculation method, and clarify the emission factor method.
- This action also establishes confidentiality determinations for certain data reporting requirements of subpart L as well as an alternative verification approach for this source category in lieu of collecting certain data elements for which the EPA has identified disclosure concerns and for which the reporting deadline was deferred until March 31, 2015.

Background

- Today's action includes certain revisions and confidentiality determinations that have been under consideration since 2012.
- The amendments and confidentiality determinations related to subpart L were proposed in three separate actions and the amendments to GWPs were proposed in a fourth action. Due to the overlap in the proposals and facilities subject to the provisions, we are finalizing these provisions in one action.
- The four actions include, in chronological order:
 - The proposed rule entitled "Proposed Confidentiality Determinations for Data Elements Under the Mandatory Reporting of Greenhouse Gases Rule" (hereinafter referred to as "2012 Proposed Confidentiality Determinations"), published on January 10, 2012 (77 FR 1434).
 - The subpart L – related provisions in the proposed rule entitled "Revisions to Reporting and Recordkeeping Requirements, and Proposed Confidentiality Determinations Under the Greenhouse Gas Reporting Program" (hereinafter referred to as the "Proposed Inputs Rule"), published on September 11, 2013 (78 FR 55994).
 - The proposed rule entitled "Greenhouse Gas Reporting Program: Amendments and Confidentiality Determinations for Fluorinated Gas Production" (hereinafter referred to as "Proposed Amendments to Subpart L"), published on November 19, 2013 (78 FR 69337).
 - The proposed rule entitled "Greenhouse Gas Reporting Program: Addition of Global Warming Potentials" (hereinafter referred to as "Proposed Rule to Add GWPs"), published on July 31, 2014 (79 FR 44332).

Changes to Reporting Requirements

- The EPA is amending the General Provisions of the Greenhouse Gas Reporting Rule (subpart A) as well as certain provisions of the rule that affect Fluorinated Gas Production facilities (subpart L). The EPA is also making conforming changes to subpart L and Electronics Manufacturing (subpart I).
- Changes to subpart A and Conforming Changes to subparts I and L:
 - Revision of Table A-1 to subpart A of 40 CFR part 98 (Table A-1), the compendium of GWPs used to calculate CO₂^e under the GHGRP, to add chemical-specific GWPs for approximately 100 fluorinated GHGs. The chemical-specific GWPs were published by the Intergovernmental Panel on Climate Change (IPCC) in their Fifth Assessment Report (AR5) in 2013.
 - Revision of Table A-1 to add default GWPs for fluorinated GHGs and fluorinated HTFs for which peer-reviewed GWPs are not available. These default GWPs are calculated and assigned based on fluorinated GHG group and are based on the chemical-specific GWPs for the compounds in Table A-1 as revised by this rule; that is, on a combination of GWPs published by the Intergovernmental Panel on Climate Change (IPCC) in their Fourth Assessment Report (AR4) and AR5.
 - Conforming changes to subparts I and L, which include their own default GWPs for purposes of certain CO₂^e calculations.
- The amendments to Table A-1 apply to reporting that occurs in calendar year 2015 and subsequent years. For all subparts except subpart L, discussed below, this is limited to the reporting of data gathered in 2014 (i.e., RY 2014) and future years.
- Changes to Fluorinated Gas Production (subpart L):
 - Revision of the reporting requirements of subpart L to allow more aggregated reporting as compared to the 2010 Subpart L rule to address potential disclosure concerns (see Section II.B.1 of this preamble).
 - Addition of a requirement to use an EPA-provided inputs verification tool (IVT) for certain inputs to subpart L emission equations for which reporting was deferred to 2015 and for which disclosure concerns have been identified.
 - Removal of the requirement to report certain inputs to subpart L emission equations for which reporting was deferred to 2015 and for which disclosure concerns have been identified.
 - Removal of the requirement to report certain inputs to subpart L emission equations for which reporting was deferred to 2015 due to their not being useful for data verification or informing future GHG policy development in the absence of other deferred inputs for which the reporting requirements are being removed.
 - Specification of the format for maintaining records of data entered into IVT so that all such records are maintained in a consistent format; and for each facility subject to the IVT requirement, lengthening the record retention period from 3 to 5 years for all data entered into IVT and for other records maintained by the reporting facility under Part 98.
 - Removal of the option to use the mass-balance approach.
 - Clarification of the emission factor approach.
 - Various technical corrections.
- With the exception of the IVT-related changes, the subpart L amendments apply to reporting that occurs in calendar year 2015 and subsequent years. This includes reporting of information for RY 2014 and subsequent reporting years (RYs). It also includes reporting of certain information for RYs 2011, 2012, and 2013. The requirement to enter inputs to subpart L emission equations into IVT applies to RY 2015 and all subsequent reporting years.

More Information

- For additional information on the GHGRP and a prepublication version of this action please visit our Web site at: www.epa.gov/climatechange/emissions/ghgrulemaking.html.