



The Climate Registry

Federal Update: S. 2191, The Lieberman-Warner Climate Security Act of 2007 Registry-Related Aspects

On December 5, 2007, the Senate Environment and Public Works Committee spent over nine hours marking up S. 2191. Over 50 amendments were considered. The Committee favorably reported out the bill with a vote of 11-8. The bill will be brought to the Senate during this Congressional session.

The bill creates a cap-and-trade program for greenhouse gas emissions in the U.S. that covers 80% of U.S greenhouse gas emissions, and requires reductions in those emissions by 2012 and 2050.

In its current form, the bill references The Climate Registry in several places, as follows:

In section 1102, Definitions, the term "Climate Registry" is defined as the registry "jointly established and managed by more than 40 States and Indian tribes to collect high-quality greenhouse gas emission data... to support various greenhouse gas emission reporting and reduction policies for the member States and Indian tribes."

In section 1104, Data Quality and Verification, the EPA Administrator is directed to take into account "the work done by the Climate Registry" as EPA establishes protocols and methods "to ensure the accuracy, completeness, consistency, and transparency of data on greenhouse gas emissions..."

In section 1105, Federal Greenhouse Gas Registry, the EPA Administrator is directed to "provide coordination and technical assistance for the development of proposed protocols and methods, taking into account the duties carried out by the Climate Registry, to be published by the Administrator."

In section 2408, Timing and the Provisions of Offset Allowances, the EPA Administrator may allow for "the transition into the [federal] Registry of offset projects and banked offset allowances that... are registered under or meet the standards of the Climate Registry... or any other Federal State, or private reporting programs or registries" if the Administrator



determines that such offsets or allowances comport with applicable requirements.

The bill intends to establish a “complete, consistent, transparent, and accurate” registry that can be used by public and private entities. As currently drafted, notable aspects of the proposed federal registry include:

- It appears to be designed to primarily handle emissions from power sector facilities of a certain size¹. The bill also provides the EPA Administrator broad authority to require other sources to report to the registry. Furthermore, it specifically mentions that EPA may include certain vehicle fleets. Small businesses may be exempt from reporting.
- While affected facilities would be determined by their level of direct emissions, the bill requires affected facilities to provide emissions data for electricity consumption (indirect emissions). Emissions data would be reported as aggregates of each greenhouse gas, as well as mass and tonnage aggregates of carbon dioxide equivalents. The bill makes no mention of the level of data (e.g., entity, facility-wide, unit-specific) at which the reporters must report.
- The EPA Administrator is directed to produce protocols in accordance with industry best practices for emissions data collection and establish a rule for the exemption or simplified calculation of emissions from certain sources. The Administrator must also design a method for indicating the measurement and calculation methods used.
- The EPA Administrator must establish an electronic method for reporters to submit emissions data on an annual and quarterly basis, and publish non-confidential emissions data on the internet.
- Reporters must provide emissions data for the period of 2004 through 2007 by March 31, 2009, thus establishing their baselines.
- Reporters must certify the veracity of submissions and retain records that support their data submissions for a period of five years. The EPA Administrator is instructed to develop a missing data protocol and take enforcement action if data is not submitted. The Administrator may use third-party verifiers to assess the quality of the data.

¹ This would include facilities that use more than 5,000 tons of coal in a calendar year, natural gas processing plants or importers, facilities that produce or import certain fossil fuels that can emit group 1 greenhouse gases, facilities that produce for sale or distribution or import more than 10,000 carbon dioxide (CO₂) equivalents of group 1 greenhouse gas chemicals in a year, facilities that produce hydrochlorofluorocarbons (HFC) that emit greater than 10,000 CO₂ equivalents of HFC as a byproduct.