

Message

From: Raftery, Becky [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=██████████]
Sent: 05/04/2019 17:28:38
To: Nolan, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Ryan, Jason [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Streett, Mary [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Stout, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Ellis, Joe [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Alves, Nuno F [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Lucas, Sarah [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Sidoti, Elizabeth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Clanton, Brett [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Swink, Suzanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Williams, Lance [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Walker, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Magallanes, Downey [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Keller, Heidi [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Phillippe, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]
CC: Staton, Austin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]; Ragland, Kelley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=██████████]
Subject: RE: Privileged: Houston Chronicle: Regulating methane emissions now means suing the EPA [Opinion]

Redacted - Privilege

Best
Becky

Rebecca Raftery
Managing Counsel
██████████
██████████
██████████

Confidential

From: Nolan, James [REDACTED]@bp.com>
Sent: Friday, April 5, 2019 8:23 AM
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Ellis, Joe [REDACTED]@bp.com>; Alves, Nuno F <nuno.alves1@bp.com>; Lucas, Sarah [REDACTED]@bp.com>; Sidoti,
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Cc: Staton, Austin [REDACTED]@bp.com>; Ragland, Kelley [REDACTED]@bp.com>
Subject: Privileged: Houston Chronicle: Regulating methane emissions now means suing the EPA [Opinion]

Redacted - Privilege

Confidential

From: Ryan, Jason [REDACTED]@bp.com>
Sent: Thursday, April 4, 2019 11:24 PM
To: Streett, Mary [REDACTED]@bp.com>; Stout, Robert [REDACTED]@bp.com>; Ellis, Joe [REDACTED]@bp.com>; Nolan,
James [REDACTED]@bp.com>; Alves, Nuno F [REDACTED]@bp.com>; Lucas, Sarah [REDACTED]@bp.com>; Sidoti,
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[REDACTED]@uk.bp.com>; Phillippe, John [REDACTED]@bp.com>
Cc: Staton, Austin [REDACTED]@bp.com>; Ragland, Kelley [REDACTED]@bp.com>
Subject: FYI: Houston Chronicle: Regulating methane emissions now means suing the EPA [Opinion]

FYI: A snarky op-ed from two Harvard law professors in the Houston Chronicle tonight. We'll see if this makes the print edition. Thanks to Austin for flagging tonight. Best, Jason

Regulating methane emissions now means suing the EPA [Opinion]

By Joseph Goffman and Hana Veselka Vizcarra April 4, 2019

Comments



Activists from ProgressNow Colorado, grassroots organizations and stakeholders join forces in 2018 to demonstrate outside the United States headquarters of BP in Denver.

Photo: David Zalubowski, STF / Associated Press

Kudos to BP America for company chairman and president Susan Dio's bold call on these pages for the Environmental Protection Agency to regulate methane, a highly potent greenhouse gas, emitted by both new and existing oil and gas operations. Double kudos to BP for walking the talk by setting methane emissions reduction targets and taking active steps to reach them in its own operations.

BP's actions, in fact, deliver a double bonus: they cut methane emissions, and they demonstrate what kinds of pollution-cutting technologies and strategies are effective and affordable. This provides lessons for other companies, and if and when the EPA heeds BP's call and regulates methane, the agency will look carefully at BP's experiences and successes in reducing emissions.

Unfortunately, BP's leadership so far just means that the company is having a great spring training, but the regular season is not a lock. While the company's call for regulation and its investment in cleaning up its emissions are truly valuable, none of its statements or initiatives counts in the standings. They are almost sure to do nothing to prompt EPA to regulate methane. To notch a "W" that counts, BP needs to take the one step that could actually make a difference, a step that 14 states and two cities have already taken: sue the EPA to compel the agency to regulate.

The Trump EPA deeply opposes what BP is calling for it to do. In March 2016, President Obama committed the United States to regulating methane emissions from existing oil and gas sources. Then, in June 2016, by finalizing methane emissions standards for new and modified oil and gas facilities the EPA triggered the legal obligation to regulate existing sources. The EPA then began collecting information from oil and gas operators and facilities critical to setting regulations for existing methane-emitting operations. Two years ago, however, then-EPA Administrator Scott Pruitt took the decisive step of ordering a halt to this information-collection activity, shutting the door on regulation of methane emissions from existing operations.

This move followed President Trump's order, a mere two months after taking office, to conduct a sweeping review of a wide range of environmental regulations affecting fossil fuel industries. Beyond halting the progression toward regulating methane emissions of existing operations, the EPA has also proposed loosening Obama-era standards on methane emissions from new sources. (For more detail on the EPA's actions on methane regulation during the Obama and Trump administrations, visit the Harvard Law School Environmental and Energy Law Program's Rollback Tracker page on the subject.)

BP and other companies that have likewise made recent statements in support of methane regulation are not helpless, and they can do something far more consequential than issuing statements and taking voluntary actions (as great as those things are). Now that the EPA has set standards for methane emitted by new oil and gas sources, the Clean Air Act does not just obligate the EPA to regulate methane emissions from existing sources. It also empowers individuals, states and companies to go to court to ensure the EPA fulfills this obligation.

Last spring, 14 states, the District of Columbia, and the city of Chicago did just that, asking the District Court for the District of Columbia to compel the EPA to carry out its Clean Air Act mandate to regulate methane emissions from existing oil and gas sources.

If BP and other companies supportive of uniform, national regulation of methane emissions in oil and gas operations want to play in the big leagues of methane regulation, they have the perfect opportunity to do so by asking to join in support of the states' and cities' legal action to compel the EPA to fulfill its regulatory duties. Engaging in this lawsuit as a party is the single most effective action BP can take to achieve regulation of methane emissions from existing oil and gas operations.

Goffman is executive director of Harvard Law School's environmental and energy law program and former associated assistant administrator for air and radiation at EPA. Vizcarra is a staff attorney for Harvard Law School's environmental & energy law program and a native Houstonian.

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