

111TH CONGRESS
1ST SESSION

H. R. 232

To provide for the creation of a Federal greenhouse gas registry, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 7, 2009

Ms. BALDWIN (for herself, Mr. INSLEE, Mr. HOLT, and Ms. LEE of California) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the creation of a Federal greenhouse gas registry, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Greenhouse Gas Reg-
5 istry Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

1 (2) CARBON DIOXIDE EQUIVALENT.—The term
2 “carbon dioxide equivalent” means, for each green-
3 house gas, the quantity of the greenhouse gas that
4 the Administrator determines, pursuant to section 4,
5 makes the same contribution to global warming as
6 1 metric ton of carbon dioxide.

7 (3) CLIMATE REGISTRY.—The term “Climate
8 Registry” means the greenhouse gas emission reg-
9 istry jointly established and managed by more than
10 40 States and Indian tribes to collect greenhouse
11 gas emission data from entities to support various
12 greenhouse gas emission reporting and reduction
13 policies for the member States and Indian tribes.

14 (4) COVERED ENTITY.—The term “covered en-
15 tity” means, for each calendar year—

16 (A) a facility within the electric power sec-
17 tor that contains a fossil fuel-fired electricity
18 generating unit or units that together emit
19 more than 10,000 carbon dioxide equivalents of
20 greenhouse gas in that year;

21 (B) an industrial facility that emits more
22 than 10,000 carbon dioxide equivalents of
23 greenhouse gas in that year;

24 (C) a facility that produces, or an entity
25 that imports or exports, in that year refined or

1 semirefined petroleum-based, or coal-based, liq-
2 uid fuel;

3 (D) a local distribution company that in
4 that year delivers natural gas;

5 (E) to the extent that the Administrator
6 considers necessary to achieve the purposes de-
7 scribed in section 3, an entity selling or distrib-
8 uting electric energy or an independent system
9 operator;

10 (F) a facility that produces for sale or dis-
11 tribution, or an entity that imports, in that year
12 more than 10,000 carbon dioxide equivalents of
13 hydrofluorocarbons, perfluorocarbons, sulfur
14 hexafluoride, any other anthropogenic gas des-
15 ignated by the Administrator as a greenhouse
16 gas under section 5, or any combination there-
17 of;

18 (G) a site at which carbon dioxide is geo-
19 logically sequestered on a commercial scale; and

20 (H) any other entity that the Adminis-
21 trator determines is appropriate in order to
22 carry out the purposes set forth in section 3.

23 (5) FACILITY.—The term “facility” means one
24 or more buildings, structures, or installations of an

entity on one or more contiguous or adjacent properties located in the United States.

(6) GEOLOGICALLY SEQUESTERED.—The term “geologically sequestered” means the isolation of greenhouse gases, without reversal, in geological formations, as determined by the Administrator.

(7) GREENHOUSE GAS.—The term “greenhouse gas” means any of—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) sulfur hexafluoride;

(E) a hydrofluorocarbon;

(F) a perfluorocarbon; or

(G) any other anthropogenic gas designated by the Administrator as a greenhouse gas under section 5.

(8) GREENHOUSE GAS EMISSION.—The term “greenhouse gas emission” means an emission of a greenhouse gas, including—

(A) stationary combustion source emissions emitted as a result of combustion of fuels in stationary equipment, such as boilers, furnaces, burners, turbines, heaters, incinerators, engines, flares, and other similar sources;

1 (B) process emissions consisting of emis-
2 sions from chemical or physical processes other
3 than combustion;

4 (C) fugitive emissions consisting of inten-
5 tional and unintentional emissions from equip-
6 ment leaks, such as joints, seals, packing, and
7 gaskets, or from piles, pits, cooling towers, and
8 other similar sources; and

9 (D) biogenic emissions resulting from bio-
10 logical processes, such as anaerobic decomposi-
11 tion, nitrification, and denitrification.

12 (9) INDUSTRIAL FACILITY.—The term “indus-
13 trial facility” means—

14 (A) any facility in the manufacturing sec-
15 tor (as defined in North American Industrial
16 Classification System codes 31, 32, and 33);

17 (B) any natural gas processing plant; and

18 (C) any other facility that produces petro-
19 leum-based or coal-based liquid fuel.

20 (10) LOCAL DISTRIBUTION COMPANY.—The
21 term “local distribution company” has the meaning
22 given that term in section 2(17) of the Natural Gas
23 Policy Act of 1978 (15 U.S.C. 3301(17)).

24 (11) REVERSAL.—The term “reversal” means
25 an intentional or unintentional release to the atmos-

1 phere of a significant quantity, as determined by the
2 Administrator, of greenhouse gas that was seques-
3 tered.

4 (12) SEQUESTERED.—The term “sequestered”
5 means the separation, isolation, or removal of green-
6 house gases from the atmosphere, as determined by
7 the Administrator.

8 **SEC. 3. PURPOSES.**

9 The purposes of this Act are—

10 (1) to establish a Federal greenhouse gas reg-
11 istry that—

12 (A) is national in scope;

13 (B) is complete, consistent, and trans-
14 parent; and

15 (C) will collect reliable and accurate data
16 that can be used by public and private entities
17 to design and implement efficient and effective
18 energy security initiatives and greenhouse gas
19 emission reduction strategies, including a man-
20 datory, multisector emissions trading scheme or
21 emissions reduction program; and

22 (2) to provide the Administrator better direc-
23 tion and clarity than has been provided in previous
24 laws with respect to the United States need for
25 greenhouse gas emission information.

1 **SEC. 4. DETERMINATION OF CARBON DIOXIDE EQUIVA-**
2 **LENT VALUE OF GREENHOUSE GASES.**

3 (a) INITIAL DETERMINATION.—Not later than 90
4 days after the date of enactment of this Act, the Adminis-
5 trator shall—

6 (1) determine the quantity of each greenhouse
7 gas that makes the same contribution to global
8 warming as 1 metric ton of carbon dioxide; and

9 (2) publish such determination in the Federal
10 Register.

11 (b) METHODOLOGY.—In determining the quantity of
12 a gas that makes the same contribution to global warming
13 as 1 metric ton of carbon dioxide under this section or
14 section 5, the Administrator shall take into account publi-
15 cations by the Intergovernmental Panel on Climate
16 Change or a successor organization under the United Na-
17 tions.

18 **SEC. 5. DESIGNATION OF GREENHOUSE GASES.**

19 The Administrator shall—

20 (1) designate as a greenhouse gas, for purposes
21 of this Act, any directly emitted anthropogenic gas
22 that is included in the Inventory of United States
23 Greenhouse Gases and Sinks, 1 metric ton of which
24 makes the same or greater contribution to global
25 warming as 1 metric ton of carbon dioxide, as deter-
26 mined by the Administrator; and

1 (2) publish, and update as necessary, in the
2 Federal Register such designation, including the
3 quantity of the gas that the Administrator deter-
4 mines makes the same contribution to global warm-
5 ing as 1 metric ton of carbon dioxide.

6 **SEC. 6. REPORTING OF GREENHOUSE GASES.**

7 Not later than July 1, 2011, and annually thereafter,
8 each covered entity shall report to the Administrator the
9 greenhouse gas emissions of the covered entity for the
10 prior calendar year, in accordance with the regulations
11 issued under section 7.

12 **SEC. 7. REGULATIONS.**

13 (a) IN GENERAL.—Not later than July 1, 2009, the
14 Administrator shall issue regulations establishing a Fed-
15 eral greenhouse gas registry that achieves the purposes de-
16 scribed in section 3. Such regulations shall—

17 (1) ensure the completeness, consistency, trans-
18 parency, accuracy, precision, and reliability of data
19 submitted by covered entities on—

20 (A) greenhouse gas emissions in the
21 United States; and

22 (B) the production and manufacture in the
23 United States, and importation into the United
24 States, of fuels and other products the uses of
25 which result in greenhouse gas emissions;

1 (2) take into account the best practices from
2 the most recent Federal, State, tribal, and inter-
3 national protocols for the measurement, accounting,
4 reporting, and verification of greenhouse gas emis-
5 sions, including protocols from the Climate Registry
6 and other mandatory State or multistate authorized
7 programs;

8 (3) take into account the latest scientific re-
9 search;

10 (4) require that, wherever feasible, submitted
11 data are monitored using monitoring systems for
12 fuel use, fuel flow, or emissions, such as continuous
13 emission monitoring systems or systems of equiva-
14 lent precision, reliability, accessibility, and timeli-
15 ness;

16 (5) require that, if a covered entity is already
17 using a continuous emission monitoring system to
18 monitor mass greenhouse gas emissions under a pro-
19 vision of law in effect as of the date of enactment
20 of this Act that is consistent with this Act, that sys-
21 tem be used to monitor submitted data;

22 (6) require reporting at least annually, begin-
23 ning with reporting on the emission of greenhouse
24 gases during calendar year 2010;

1 (7) include methods for minimizing double re-
2 reporting and avoiding irreconcilable double reporting
3 of greenhouse gas emissions;

4 (8) include protocols to prevent covered entities
5 from avoiding reporting requirements;

6 (9) include strict protocols for verification of
7 submitted data;

8 (10) establish a means for electronic reporting;

9 (11) ensure verification and auditing of sub-
10 mitted data;

11 (12) establish consistent policies for calculating
12 carbon content and greenhouse gas emissions for
13 each type of fossil fuel reported;

14 (13) provide for immediate public dissemination
15 on the Internet of all verified data reported under
16 this Act that are not—

17 (A) vital to the national security of the
18 United States, as determined by the President;
19 or

20 (B) confidential business information that
21 cannot be derived from information that is oth-
22 erwise publically available and that would cause
23 significant calculable competitive harm if pub-
24 lished (except that information relating to
25 greenhouse gas emissions shall not be consid-

1 ered to be confidential business information);
2 and

3 (14) prescribe methods by which the Adminis-
4 trator shall, in cases in which satisfactory data are
5 not submitted to the Administrator for any period of
6 time—

7 (A) replace the missing data with a best
8 estimate of emission levels that may have oc-
9 curred during the period for which data are
10 missing, in order to ensure that emissions are
11 not underreported or overreported and to create
12 a strong incentive for meeting data monitoring
13 and reporting requirements; and

14 (B) take appropriate enforcement action.

15 (b) INFORMATION GATHERING AUTHORITIES.—For
16 purposes of carrying out this Act and the regulations
17 under this section, the Administrator shall have the same
18 authority as the Administrator has under section 114 of
19 the Clean Air Act.

20 **SEC. 8. INTERRELATIONSHIP WITH OTHER SYSTEMS.**

21 (a) IN GENERAL.—The regulations issued under sec-
22 tion 7 shall take into account the work done by the Cli-
23 mate Registry and other mandatory State or multistate
24 authorized programs, and shall explain the major dif-

1 ferences in approach between the system established under
2 the regulations and the respective registries or programs.

3 (b) NO PREEMPTION.—Nothing in this Act preempts
4 any State or regional greenhouse gas registry efforts.

5 **SEC. 9. ENFORCEMENT.**

6 (a) CIVIL ACTIONS.—The Administrator may bring
7 a civil action in a United States district court against any
8 entity that fails to comply with any requirement promul-
9 gated pursuant to section 7.

10 (b) PENALTY.—Any person that has violated or is
11 violating regulations promulgated pursuant to section 7
12 shall be subject to a civil penalty of not more than \$25,000
13 per day for each violation.

14 (c) PENALTY ADJUSTMENT.—For each fiscal year
15 after the fiscal year in which this Act is enacted, the Ad-
16 ministrator shall, by regulation, adjust the penalty speci-
17 fied in subsection (b) to reflect changes for the 12-month
18 period ending the preceding November 30 in the Con-
19 sumer Price Index for All Urban Consumers published by
20 the Bureau of Labor Statistics of the Department of
21 Labor.

22 **SEC. 10. EFFECT ON OTHER PROVISIONS.**

23 Nothing in this Act, or regulations issued pursuant
24 to this Act, shall affect or be construed to affect the regu-
25 latory status of carbon dioxide or any other greenhouse

1 gas, or to expand or limit regulatory authority regarding
2 carbon dioxide or any other greenhouse gas, for purposes
3 of the Clean Air Act. The previous sentence shall not af-
4 fect implementation and enforcement of this Act.

