



441 G St. N.W.
Washington, DC 20548

B-338307

May 6, 2026

The Honorable Shelley Moore Capito
Chairman
The Honorable Sheldon Whitehouse
Ranking Member
Committee on Environment and Public Works
United States Senate

The Honorable Brett Guthrie
Chairman
The Honorable Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce
House of Representatives

Subject: *Environmental Protection Agency: Reconsideration of Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Environmental Protection Agency (EPA) entitled “Reconsideration of Standards of Performance for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review” (RIN: 2060-AW35). We received the rule on April 8, 2026. It was published in the *Federal Register* on April 9, 2026. 91 Fed. Reg. 18056. The stated effective date of the rule is June 8, 2026.

According to EPA, this rule finalizes amendments to the New Source Performance Standards and Emission Guidelines for Existing Sources for the Crude Oil and Natural Gas Source Category in response to petitions for reconsideration of a March 8, 2024, final rule (89 Fed. Reg. 16820). More specifically, EPA stated the rule finalizes discrete technical changes to (1) the temporary flaring provisions for associated gas in certain situations and (2) the vent gas net heating value continuous monitoring requirements and alternative performance test option for flares and enclosed combustion devices.

The Congressional Review Act (CRA) requires a 60-day delay in the effective date of a major rule from the date of publication in the *Federal Register* or receipt of the rule by Congress, whichever is later. 5 U.S.C. § 801(a)(3)(A). This rule was published in the *Federal Register* on April 9, 2026. 91 Fed. Reg. 18056. The House of Representatives received the rule on April 8, 2026. 172 Cong. Rec. H3089 (daily ed. Apr. 23, 2026). The Senate received the rule on April 13, 2026. 172 Cong. Rec. S2125 (daily ed. Apr. 29, 2026). The stated effective date of the rule is June 8, 2026. Therefore, the stated effective date is less than 60 days from the date of receipt by Congress.

Enclosed is our assessment of EPA's compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact me (202) 512-8156.

A handwritten signature in black ink that reads "Shirley A. Jones". The signature is written in a cursive style with a large initial 'S' and a long, sweeping tail on the 'J'.

Shirley A. Jones
Managing Associate General Counsel

Enclosure

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
ENVIRONMENTAL PROTECTION AGENCY
ENTITLED
“RECONSIDERATION OF STANDARDS OF PERFORMANCE FOR NEW,
RECONSTRUCTED, AND MODIFIED SOURCES AND EMISSIONS GUIDELINES FOR
EXISTING SOURCES: OIL AND NATURAL GAS SECTOR CLIMATE REVIEW”
(RIN: 2060-AW35)

(i) Cost-benefit analysis

The Environmental Protection Agency (EPA) prepared an analysis of the costs and benefits for this rule. 91 Fed. Reg. 18056, 18058–18059, 18090–18091 (Apr. 9, 2026). EPA estimated the present value of the rule’s compliance cost savings from 2024 to 2038 to be \$2.48 billion at a three percent discount rate and \$1.90 billion at a seven percent discount rate, with an equivalent annualized value of \$208 million and \$209 million, respectively. *Id.* at 18091.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603–605, 607, and 609

The EPA Administrator certified that this rule will not have a significant economic impact on a substantial number of small entities. 91 Fed. Reg. at 18091.

(iii) Agency actions relevant to sections 202–205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532–1535

EPA determined that this rule does not contain an unfunded mandate of \$100 million or more and does not significantly or uniquely affect small governments. 91 Fed. Reg. at 18091–18092. EPA also stated that the rule imposes no enforceable duty on any state, local, or tribal governments, or the private sector. *Id.* at 18092.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On November 15, 2021, EPA published a proposed rule. 86 Fed. Reg. 63110. It published a supplemental proposed rule on December 6, 2022. 87 Fed. Reg. 74702. On March 8, 2024, EPA published a final rule. 89 Fed. Reg. 16820. EPA stated it received multiple petitions for reconsideration, granted reconsideration, and issued a proposal on January 15, 2025, 90 Fed. Reg. 3734, on which it received comments. 91 Fed. Reg. at 18057. EPA summarized and responded to significant comments in the rule. *Id.* at 18065–18090. EPA stated its full responses to comments on the proposal are available in its Response to Comment document in this rulemaking’s docket. *Id.* at 18066.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501–3520

EPA determined that this rule contains information collection requirements under the Act. 91 Fed. Reg. at 18091. EPA also stated that the Office of Management and Budget (OMB) has approved the information collection activities contained in the rule. *Id.*

Statutory authorization for the rule

EPA promulgated this rule pursuant to section 7411 of title 42, United States Code.

Executive Order No. 12866 (Regulatory Planning and Review)

EPA stated that this rule is significant under the Order and was submitted to OMB for review. 91 Fed. Reg. at 18090.

Executive Order No. 13132 (Federalism)

EPA determined that this rule does not have federalism implications. 91 Fed. Reg. at 18092.