

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** POLITICO Pro Energy Whiteboard  
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**Subject:** Industry backs EPA legal push on methane rule

By Alex Guillén

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A coalition of industry groups today backed EPA's request for a federal court to lift its July 3 order striking down Administrator Scott Pruitt's 90-day stay of the 2016 methane rule for new oil and gas wells.

The industry groups echoed EPA's arguments that the court should have waited longer to formally order EPA to resume enforcing the rule. Courts typically wait 45 days or longer for that step to allow for appeals, but the 90-day stay would have expired around that time.

The groups also pointed to EPA's forthcoming plan to issue a two-year stay of the methane rule's requirements, on which EPA is taking comment now. That could mean regulatory whiplash for oil and gas drillers, they argued.

"It is unreasonable to require immediate compliance with the 2016 Rule when the requirements may again be stayed shortly after being implemented," they wrote, adding that there would be little environmental benefit but "very significant" costs to industry.

Meanwhile, coalitions of environmentalists and states supportive of the rule urged the court not to reinstate Pruitt's stay. The rule had been in effect since August, and if the court had not acted immediately, the stay would have remained effectively unchanged despite being ruled unlawful, they argued.

Any risk faced by industry "is due to the Administrator's own dilatory and irregular approach to suspending these protections, as well as some companies' failure to take advantage of the extensive lead time" for compliance, the green groups added.

**WHAT'S NEXT:** EPA's response is due by Wednesday at 10 a.m. The court could decide shortly after whether to reverse its order. EPA's separate two-year stay of the rule is expected to take weeks or months to finalize.

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