

Final Amendments to the National Emissions Standards for Hazardous Air Pollutants for Oil and Natural Gas Operations

Fact Sheet

ACTION

- On October 16, 2024, the U.S. Environmental Protection Agency issued final amendments to two air toxics regulations that apply to oil and natural gas operations: the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Oil and Natural Gas Production and the NESHAP for Natural Gas Transmission and Storage. Air toxics, also called hazardous air pollutants, are known or suspected to cause cancer and other serious health effects.
- The final rule removes affirmative defense provisions from the rules to make them consistent with a 2014 decision from the U.S. Court of Appeals for the District of Columbia (D.C.) Circuit. It is separate from EPA's [final rule to reduce emissions of methane](#) and smog-forming volatile organic compounds (VOCs) from oil and gas operations.
- EPA had included the affirmative defense provisions in 2012 amendments to the two NESHAPs, allowing owners and operators to avoid civil penalties for a violation if they provide evidence that the violation was caused by a malfunction, could not have been predicted or prevented, and was not part of a recurring pattern that indicates inadequate design, operation, or maintenance.
- However, in a 2014 decision, the U.S. Court of Appeals for the D.C. Circuit vacated the affirmative defense in a Clean Air Act rule establishing emission standards for Portland cement kilns. That led EPA to reevaluate affirmative defense provisions across Clean Air Act regulations.
- EPA proposed to remove the affirmative defense provision from the oil and gas NESHAPs in December 2023. The Agency received one comment on the proposal.
- The final action is not expected to change the emission reductions in either of the rules.

FOR MORE INFORMATION

- To read a copy of the final rule, visit [EPA's oil and natural gas website](#).