Just in time for Halloween, EPA has served up a trick for the public and a treat for polluters. Methane is an invisible gas that haunts the air we breathe, and EPA's latest attempt to dismantle crucial pollution protections would make the biggest leaks even harder to see. Worse, by scrapping the Methane Super Emitter Program, it would leave no one to call when the ghost appears. And it is the product of a much broader industry campaign that this administration has not merely tolerated but championed.

EPA wants it both ways on its climate authority, and a court is likely to notice.

When President Trump told a Lubbock, Texas campaign rally on October 27 that he was "officially terminating" the Biden-era methane rules, he overstated the law. EPA released only a proposal, and the 2024 standards stay on the books through notice and comment. That is where the legal vulnerabilities will surface, and the D.C. Circuit has already appeared skeptical of EPA's rationale for earlier delays of these same standards.

Six weeks earlier, EPA proposed to conclude that Clean Air Act Section 111 does not authorize it to regulate power plant greenhouse gas emissions, reasoning that those

emissions cannot meaningfully affect global climate and so do not "contribute significantly" to dangerous air pollution.

Yet the oil and gas proposal still relies on Section 111 to regulate methane, a greenhouse gas, under a rule EPA itself calls a "Climate Review." EPA simply defers the question, saying oil and gas has "its own regulatory history." Tellingly, it also invites comment on whether to stop regulating oil and gas methane altogether. The deferral is less a reasoned distinction than a placeholder for the next rollback.

Any legal distinction EPA might draw is one it has not made and may not be able to make.

To be clear, Section 111 *does* work one source category at a time, as EPA's own oil and gas proposal explains. And oil and gas has its own history: EPA added methane standards in 2016, and in 2021 Congress used the Congressional Review Act to disapprove the rule rescinding them, a strong signal that Congress expects this sector's methane to be regulated. The problem is that EPA's power plant theory rests on global futility and on the major questions doctrine and builds on its February 2026 rescission of the Endangerment Finding. Those arguments do not stop at the power plant fence line.

An agency that changes position must acknowledge the change and explain it, as the *State Farm* and *Fox* precedents EPA itself cites require. Treating similar pollutants under the same statute differently, with no stated reason or evidence, is the very definition of arbitrary and capricious decision-making. States have already sued over the power plant repeal, as have health and environmental groups, and they can and should attack this inconsistency too.

Eliminating the Super Emitter Program removes the public's independent check on the largest leaks.

Technology can help notify the public about methane super-emitters. The ability of satellite instruments to detect these kinds of methane releases is an especially promising development, as my Emmett Institute colleagues have been focusing on with UCLA's STOP Methane Project. (See their recent report on the highest-emitting oil & gas operations in Texas, New Mexico, and other U.S. states here.)

The Super Emitter Program lets EPA-certified independent parties use satellites, aircraft, and mobile sensors to detect methane releases of 100 kilograms per hour

or more. EPA verifies each report, notifies the operator, and posts the event publicly; the operator then has to investigate and, where required, repair the leak. EPA now proposes to rescind the program, whose implementation had already been delayed to January 2027. Bowing to shameful industry objections to independent monitors helping find major leaks, EPA would eliminate it outright, even though any legitimate data-accuracy concerns could easily be fixed through better verification.

Without it, outside detections of major leaks would carry no federal requirement to follow up. California says its own satellite methane program and leak rules will stay in place, but communities in states that lack the resources or will to protect them would be left exposed.

Written by industry, delivered by Washington.

The industry is not monolithic, which makes this rollback all the more revealing. Large producers have supported federal methane regulation. Operators of low-producing wells, which account for roughly half of the sector's methane emissions, lead the opposition, and that EPA is rushing to accommodate them.

Consider how the proposal reached the public. Administrator Zeldin previewed it at a closed-door meeting of the New Mexico Oil and Gas Association. President Trump unveiled it at a rally for Ken Paxton, the Texas attorney general who led the legal charge against the very rule being rolled back. Oil executives, including some of the President's top donors, pressed for exactly this result. This is not a regulator weighing evidence. The federal government is acting as the industry's advocate, handing out regulatory decisions as campaign favors.

The pattern extends well beyond this rule:

- In *Suncor v. Boulder County*, oil companies are asking the Supreme Court to shield them from state-law claims that they knowingly contributed to climate change while concealing the risks, and the Justice Department has argued on their side.
- EPA's proposal to scale back its broader Greenhouse Gas Reporting Program points the same way, and the agency just pushed this year's reporting deadline to March 2027.

In each arena, emissions information stays with the companies that produce it, and the federal government is helping keep it there. Satellite monitoring, litigation

discovery, and public disclosure generate exactly the evidence that regulators, courts, and communities leverage. These are not separate technical fixes but a coordinated retreat from accountability for climate pollution, driven by industry and championed by the officials charged with protecting the public. That is the real trick this Halloween. The comment period, and ultimately the courts, are where the public and principled state governments can still insist on accountability.