Congress of the United States
Washington, DC 20515

October 21, 2026

The Honorable Scott Bessent
Secretary of the Treasury
U.S. Department of the Treasury
1500 Pennsylvania Ave, NW
Washington, DC 20220

The Honorable Chris Wright
Secretary of Energy
Department of Energy
1000 Independence Ave, SW
Washington, DC 20585

Dear Secretary Bessent and Secretary Wright,

Thank you for your leadership and your efforts to restore American energy dominance, strengthen our domestic energy and manufacturing base, and ensure that Americans benefit from our nation's abundant energy resources. We applaud the important steps the Department of Energy and the Department of the Treasury have taken to implement the Section 45Z Clean Fuel Production Tax Credit and advance the Administration's broader energy and economic priorities.

Last year, we wrote to the Department of Energy urging an update to the 45ZCF-GREET model to calculate Coal Mine Methane (CMM) emissions using the weighted national average of management practices reported to the Environmental Protection Agency (EPA), rather than assuming all mines flare waste gas. We appreciate the Administration's continued work to implement Section 45Z and write to reaffirm the importance of this revision and highlight a second update that will ensure American coal communities can fully benefit from the credit as Congress intended.

We respectfully reiterate the importance of updating the 45ZCF-GREET model's CMM baseline assumptions. The current model assumes that all CMM is flared, despite data from EPA's Greenhouse Gas Reporting Program, Subpart FF, showing that a significant portion is vented. This assumption overstates CMM emissions and, in turn, creates unnecessary economic barriers to otherwise viable project development. We appreciate DOE and Treasury's continued efforts to ensure the 45Z framework accurately reflects real-world emissions and provides a strong foundation for investment in American energy and coal communities. Argonne National Laboratory's updated R&D GREET 2025 model already incorporates reported EPA data to account for waste methane. Aligning 45ZCF-GREET with this established, peer-reviewed methodology builds on that important work and provides an opportunity to improve the accuracy and effectiveness of the 45Z credit.

Additionally, we encourage Treasury to build on its work to provide a clear pathway for CMM to be utilized as a process fuel through pipeline delivery. While CMM qualifies under Section 45Z, delivery through the common carrier pipeline system, the only commercially viable option for many projects, remains unresolved. Greater certainty would help unlock investments in waste methane capture and strengthen economic opportunities in America's coal-producing regions before the crediting window closes in 2029.

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Treasury has already established a framework for pipeline delivery using a "Qualified gas EAC registry or accounting system" (§ 1.45V-4(f)(ix)), and stakeholders have indicated that existing registries can meet Treasury's standards. We encourage Treasury to build on this framework to enable pipeline delivery through gas EAC registries or other robust oversight solutions.

The opportunity for American communities is significant. A Virginia Coalfield Economic Development Authority analysis found that CMM and natural gas production generated $481.7 million in economic impact and supported 1,115 jobs in 2024 alone. EPA has also identified more than 60 CMM project opportunities nationwide, representing significant potential for high-paying jobs, private investment, and economic growth in coal-producing communities across the country.

As the Department of the Treasury and the Department of Energy continue its important work to implement 45Z, we encourage the departments to take these additional steps by adopting a 45ZCF-GREET baseline that accurately reflects venting and flaring practices and by providing timely guidance confirming that CMM may be delivered through the common carrier pipeline system. Taking these steps now would provide the certainty needed to move projects forward, attract investment, and ensure American coal communities can fully realize these benefits.

Sincerely,

Guy Reschenthaler
Member of Congress

David H. McCormick
United States Senator

Jim Justice
United States Senator

Carol D. Miller
Member of Congress

H. Morgan Griffith
Member of Congress

Mike Kelly
Member of Congress

Mike Carey
Member of Congress

Darin LaHood
Member of Congress

CC: The Honorable Audrey Robertson, Assistant Secretary of Energy, Office of Critical Minerals and Energy Innovation

CC: Mr. Don Snyder, Deputy Assistant Secretary for Energy, Strategic Initiatives, and Tax Administration, U.S. Department of the Treasury