

 **Columbia Law School** | COLUMBIA CLIMATE SCHOOL
SABIN CENTER FOR CLIMATE CHANGE LAW

July 11, 2025

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Via *regulations.gov*

Re: Carboniferous, Inc. Research Project: Proposed Permit No. EPA-HQ-MPRSA-2025-001

Dear Director Jensen:

Columbia Law School’s Sabin Center for Climate Change Law (“Sabin Center”) respectfully submits these comments on the Environmental Protection Agency’s (“EPA”) memorandum on proposed updates to the application submitted by Carboniferous, Inc. under the Marine Protection, Research, and Sanctuaries Act (“MPRSA”).¹ In these brief comments, we clarify that EPA has authority under the MPRSA to permit mCDR research projects, including those using agricultural wastes, so long as the project meets the criteria set out in the MPRSA and associated regulations.

EPA is acting well within its authority to permit mCDR research under the MPRSA. EPA is expressly authorized “to regulate the dumping of all types of materials into ocean waters.”² The definition of “dumping” in the MPRSA is broad, referring to any “disposition of material” (subject to limited exceptions that do not apply here).³ The MPRSA definition of “material” is similarly broad, encompassing “matter of any kind or description” (again with limited exceptions that are not applicable here). The definition of “material” expressly includes “agricultural... waste” like that proposed to be discharged by Carboniferous, Inc.⁴ There has been some confusion in other comments about whether the MPRSA prohibits *any* dumping of agricultural wastes. It does not. Rather, the MPRSA prohibits the dumping of agricultural wastes “[e]xcept as may be authorized by a permit,”⁵ like EPA proposes to issue here. The proposed Carboniferous, Inc. project involves a release of agricultural waste substances—i.e., briquettes made up of sugarcane bagasse, or

¹ Env’tl. Prot. Agency, Memorandum of Docket Posting for MPRSA Proposed Research Permit No EPA-HQ-MPRSA-2025-001 June 2025, Docket ID EPA-HQ-OW-2025-0198.

² 33 U.S.C. § 1401(b).

³ *Id.* § 1402(f).

⁴ *Id.* § 1402(c).

⁵ *Id.* § 1411(a).

agricultural residue remains after the sugar extraction process—into ocean waters and thus is clearly covered by the MPRSA.

Under the MPRSA, EPA is authorized to issue dumping permits “where the Administrator determines that such dumping will not unreasonable degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities.”⁶ One of the factors EPA must consider is “[t]he need for the proposed dumping.”⁷ For a research permit under the MPRSA, as EPA tentatively authorizes here, EPA must determine that “the scientific merit of a proposed project outweighs the potential environmental or other damage that may result from dumping.”⁸ In its fact sheet, EPA “tentatively determines that the proposed research project would not result in an unacceptable adverse impact to human health, the marine environment or other ocean uses, and that the scientific merit of the research project would outweigh the potential adverse environmental or other impacts.”⁹ While the fact sheet includes detailed information on the reasons EPA has determined that the project will not degrade or endanger the marine environment, it does not include similarly detailed information on the scientific merit of the project. EPA should more clearly articulate why it considers that this project is scientifically sound.

Thank you for the opportunity to submit these comments.

Sincerely,

/s/ Korey Silverman-Roati

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⁶ *Id.* § 1412(a).

⁷ *Id.* § 1412(a)(A).

⁸ 40 C.F.R. § 220.3(e).

⁹ EPA Fact Sheet for Proposed MPRSA Research Permit No. EPA-HQ-MPRSA-2025-001 34 (June 2025), Proposed MPRSA Research Permit No. EPA-HQ-MPRSA-2025-001.