



CLIMATE  
ACTION  
RESERVE

## **SUMMARY OF COMMENTS & RESPONSES DRAFT U.S. NITRIC ACID PRODUCTION PROTOCOL VERSION 3.0**

Two sets of comments were received during the public comment period for the Climate Action Reserve (Reserve) draft Nitric Acid Production Protocol Version 3.0 (NAP). Staff from the Reserve have provided responses to all comments received. The public comment period for the draft protocol was April 29, 2025, to May 29, 2025.

The comments received are summarized below. The submitted comment can be viewed on the Reserve's website at:

### **RECEIVED COMMENTS:**

1. Carl Reid (**ClimeCo LLC**)
2. Travis Kunnemann (**CF Industries Nitrogen LLC**)

## Section 3.3 Project Crediting Period

1. **COMMENT:** We recommend changing the wording around when a renewal may be requested (only after final campaign) adds additional uncertainty for organizations and their partners on continuation of projects with the Reserve. Suggest reverting language back or allowing a renewal to be requested within the last 6 months or following completion of the final campaign to allow more flexibility and provide better clarity to organizations. (CF Industries Nitrogen LLC)

**RESPONSE:** The intent of the revised language is to prevent the submittal of a renewed crediting period when the final campaign has not been completed. Thus, the start date of the renewed crediting period cannot be established. Project developers will not know when the catalyst gauze will run out, so the final reporting period end date would be unknown at the time of requesting a renewed crediting period. The Reserve would be unable to approve a renewed crediting period until the completion of the final reporting period. By revising the timeline, the listing form will have accurate dates during the original submittal rather than requiring the document to be resubmitted.

## Section 3.5 Regulatory Compliance

2. **COMMENT:** The added statement of “Project developers are required to disclose in writing to the verifier any and all instances of non-compliance of the project with any law” is overly broad. All U.S. states have requirements to submit annual or semi-annual compliance reports. We believe that a verifier review of reports should be sufficient to address this requirement. If non-compliance does occur, then it should be reported to the Reserve no more frequently or sooner than reported to regulatory authorities. (CF Industries Nitrogen LLC)

**RESPONSE:** Disclosure of any and all instances of non-compliance by the project with any law, regulation, or mandate during verification is a requirement across all Reserve protocols, as outlined in the Reserve Offset Program Manual. By disclosing violations during the verification process, the verification body and the Reserve can assess whether the project or project activities caused a material violation that would impact credit issuance.

## Section 3.6 Social and Environmental Safeguards

3. **COMMENT:** Suggest removal of the dispute resolution social safeguard. Regulatory Compliance is already required, and that has a well-defined public comment period associated with it. The inclusion of Social and Environmental Safeguards in this protocol on top of those processes may open CAR to liability for either holding up (or not) a project based on comments received during this process based on CAR’s interpretation of materiality. (CF Industries Nitrogen LLC)

**RESPONSE:** The dispute resolution process is a programmatic requirement for all projects listed with the Reserve. The safeguard is included to reinforce our broader programmatic policy – it is not specific to this protocol, but rather a reflection of our ongoing commitment to transparency.

4. **COMMENT:** We suggest that you remove the environmental safeguard, “mitigating pollutants.” This section implies projects must mitigate other forms of pollution as part of the

project. We request that you word this section to only mention pollutants specific to the project scope. **(CF Industries Nitrogen LLC)**

**RESPONSE:** Environmental safeguards are required across all Reserve protocols, as outlined in the Reserve Offset Program Manual. The requirements in the protocol are adapted to the sector and country-specific context to ensure that projects will not give rise to these harms. All projects are required to be designed and operated in such a way that does not cause degradation of the soil, air, surface and groundwater.

## Section 5.3 Combined Secondary and Tertiary Catalyst Projects

5. **COMMENT:** We recommend removing the final sentence in Section 5.3 that states, “The Reserve recommends the use of quantification approach 2 whenever possible.” Regardless of using approach 1 or 2, the final calculated ER value will be the same. When performing the calculations for approach 2 and accounting for the “mid-stream” N<sub>2</sub>O concentration, the term will effectively cancel out. As this does not impact the accuracy of the calculations, we would recommend that the Reserve remains agnostic and lets the project developer decide which approach better fits their situation. **(ClimeCo LLC)**

**RESPONSE:** We agree with your comment and have removed the final sentence from Section 5.3.