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The Pipeline Safety Trust's statement on the release of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 by the House Transportation and Infrastructure Committee

Today the House Transportation and Infrastructure Committee released the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 in anticipation of a markup of the bill on Thursday. We sincerely hope that the Committee will amend the bill significantly before or during that markup since as released it is clearly the weakest pipeline safety bill in play in either the House or the Senate.

While certainly not perfect, we were pleased that the bills in the Senate Commerce, Science and Transportation Committee and the House Energy and Power Subcommittee were passed unanimously in a strong bipartisan show of support for improving pipeline safety. We hope the leadership of the House Transportation and Infrastructure Committee can put aside this partisan industry-driven effort and produce a bill that does not insult the people of San Bruno on the one-year anniversary of that terrible tragedy.

The weak nature of this proposed legislation seems to ignore the specific strong recommendations just a week ago from the National Transportation Safety Board (NTSB), and the voiced intention of many within the pipeline industry to use the tragedies of the past fifteen months as the impetus to move pipeline safety forward in many areas.

After our brief review of this proposed bill we note the following shortcomings:

1. The Interstate Natural Gas Association of America (INGAA), recognizing the value of well-implemented integrity management programs, has adopted a new guiding principal that seeks to extend Integrity Management Programs to entire pipeline systems. To the contrary this proposed legislation **would prohibit PHMSA from implementing rules to expand integrity management** programs to the tens of thousands of miles of pipelines not currently covered.
2. Even in the face multiple large oil spills into the waters of Michigan, Utah, and Montana in the past 15 months, and a recommendation from NTSB that better leak detection be implemented, **this bill would prohibit PHMSA from implementing rules to set performance standards for leak detection systems or even require pipeline operators to use leak detection.**
3. Just last week NTSB recommended that to avoid more tragedies like San Bruno regulations should be changed to "require automatic shutoff valves or remote control valves in high

consequence areas and in class 3 and 4 locations be installed”. This bill, unlike the bill from House Energy and Power, does not even ask for a study of installing such important valves on existing pipelines through populated communities.

4. Last week the NTSB recommended that to avoid more tragedies the regulations should be changed to eliminate the current grandfathering clause and require pipelines built before 1970 to undergo hydrostatic pressure tests. This bill, unlike the other bills in the House and Senate, does not even address verification of records used to determine operating pressures on these older pipelines.
5. The other active bills in the House and Senate move forward the decade old NTSB recommendation to require Excess Flow Valves on multi-family housing and small commercial facilities. This proposed bill is silent on the installation of these life saving valves.
6. With the NTSB recommending the need for significant increases in regulatory oversight at both the federal and state level, this bill actually authorizes millions of dollars less and provides for no additional personnel for PHMSA. This clearly ignores the NTSB report, and the moderate proposals in the other active pipeline safety bills have.
7. After the Gulf of Mexico oil spill disaster there was a general consensus that the unregulated offshore oil gathering pipelines should be brought under the same regulations as other liquid pipelines. The other two active pipeline safety bills in the House and the Senate require such regulations within two years. This bill instead of moving such rules forward asks only that the issue be studied for another two years.

In a recent statement in response to the NTSB recommendations Congressman Shuster, Chairman of the Railroads, Pipelines and Hazardous Materials Subcommittee of the Transportation and Infrastructure Committee, stated -

“As the House Transportation Committee prepares to move forward with pipeline safety reauthorization legislation, it is vital that Congress is pro-active in staying on top of safety concerns, ensures that Federal, state, and local actors and key stake holders are working together, and that safety concerns are being adequately addressed.”

This bill, as released today, certainly does not reflect those fine words, so we hope that Congressman Shuster and others on the committee will work hard in the coming days to change this into meaningful pipeline safety legislation.

For more information about this statement please contact Carl Weimer, executive director of the Pipeline Safety Trust, at 360-543-5686 or carl@pstrust.org