

Congress of the United States
House of Representatives
Washington, DC 20515

May 17, 2018

The Honorable Elaine L. Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

The Honorable Howard “Skip” Elliot
Administrator
Pipeline and Hazardous Material Safety Administration
1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

Dear Secretary Chao and Administrator Elliot:

We are writing today to request an update on the implementation of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L 112-90, hereafter “Pipeline Safety Act of 2011”) and urge you to prioritize finalizing critical pipeline safety rules.

The Pipeline and Hazardous Material Safety Administration (PHMSA) is charged with overseeing over 2.6 million miles of pipelines transporting natural gas, oil and hazardous liquid across the United States. However, PHMSA has languished in promulgating and enforcing many safety standards as mandated by Congress. On October 18, 2016, the Department of Transportation’s Inspector General released a report, which found that PHMSA has failed to implement 20 of 81 directives required by law, including eight pipeline safety rulemaking mandates from the Pipeline Safety Act of 2011.

Today, nearly six and a half years after the enactment of the Pipeline Safety Act of 2011, rulemakings related to leak detection, emergency shutoff valves, and public education and awareness are still not finalized. The May 19, 2015 Refugio oil spill, off Santa Barbara County, that spilled over 100,000 gallons of crude oil into our oceans and shut down commercial fisheries, raises questions about PHMSA’s ability to enforce proper oversight of our nation’s pipeline safety laws.

In 2011, Congress worked in a bipartisan way to pass the Pipeline Safety, Regulatory Certainty, and Job Creation Act. This law directed PHMSA to update and strengthen key pipeline safety standards. The law called on PHMSA to issue a rule requiring the installation of automatic and remote-control shutoff valves and leak detection technology after PHMSA and its predecessor agency, the Research and Special Program Agency (RSPA) failed to adopt safety recommendations issued from the National Transportation Safety Board (NTSB) more than 20 years ago.

In 1995, after investigating the Texas Eastern Transmission Corporation (TETCO) pipeline explosion, in which 1,500 local residents were evacuated after escaped natural gas ignited and sent flames 400 feet into the air, the NTSB recommended that the RSPA “expedite requirements for installing automatic – or remote-operated mainline valves on high-pressure pipelines in urban and environmentally sensitive areas to provide for rapid shutdown of failed pipeline segments.”

While an automatic shutoff valve may not stop an oil spill from happening, it can mitigate some of the damage on our communities. During the 2015 Refugio oil spill, it took operators over two hours to find the source of the burst.

We know that oil spills will continue to happen as long as we continue to rely on fossil fuels for our energy security. PHMSA has an obligation to initiate rulemaking to implement these common-sense safety standards to mitigate these risks. We cannot continue to wait for another catastrophe to occur for PHMSA to take action. We ask that you provide an update on outstanding actions required by the Pipeline Safety Act of 2011 and present a timeframe for when PHMSA will finalize these standards.

Sincerely,



SALUD O. CARBAJAL
Member of Congress



DIANNE FEINSTEIN
United States Senator