

ONE HUNDRED FOURTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

June 25, 2015

Stacy Cummings
Interim Executive Director
Pipeline Hazardous Materials Safety Administration
US Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Shaun Donovan
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Ms. Cummings and Mr. Donovan:

We write to request an update on the long overdue gas and hazardous liquid pipeline safety rules awaiting action at the Pipeline Hazardous Materials Safety Administration (PHMSA) and the Office of Management and Budget (OMB) and urge you to take swift action to move these forward.

The May 19, 2015 failure of Plains Pipeline, LP's Line 901 pipeline and subsequent crude oil spill along the Gaviota Coast of California raises questions about PHMSA's oversight of pipeline safety. The incident also raises questions about the delayed implementation of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (P.L. 112-90)¹ (Pipeline Safety Act), the bill Congress enacted to strengthen PHMSA's ability to help prevent such tragedies.

With the nation's pipeline system rapidly expanding to meet increased domestic oil and gas production, this incident, combined with previous incidents near Marshall, Michigan and San Bruno, California that occurred prior to the Pipeline Safety Act, reinforces the importance of robust enforcement of our nation's pipeline safety laws.


¹ 42 U.S.C. § 60101

The Pipeline Safety Act included 42 congressional mandates of PHMSA, 17 of which remain incomplete beyond the statutorily imposed deadlines. According to information supplied to the committee, PHMSA has failed to reach important decisions and issue regulations concerning pipeline damage prevention, automatic and remote-controlled shut-off valves, maximum allowable operating pressure verification, pipeline integrity management programs, public education and awareness, and accident and incident notification. The Government Accountability Office (GAO), in two reports directed in PHMSA's 2011 reauthorization, also recommended PHMSA take actions to improve risk-based guidance, to improve operators' incident response times and reliability of response data, and to determine whether to implement a new framework for incident response times.²


The mandates included in the Pipeline Safety Act are wide ranging and will have broad impacts on the safe operation and development of the nation's pipeline infrastructure, and yet the Administration has not fulfilled its duty to implement these requirements. This lack of progress diminishes the public's confidence in the ability of our nation's leading safety and enforcement authority to administer its duties, while adding to the uncertainty facing the regulated community.

Accordingly, we ask that you provide by July 14, 2015, an explanation of the status of all mandates and related actions required by the Pipeline Safety Act, and a schedule for the completion of any outstanding actions. Should you have any questions, please contact Brandon Mooney of the majority committee staff at (202) 225-2927 or Rick Kessler of the minority staff at (202) 225-3641.

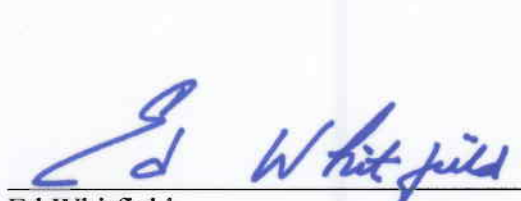
Sincerely,




Fred Upton
Chairman



Frank Pallone, Jr.
Ranking Member



Ed Whitfield
Chairman
Subcommittee on Energy and Power



Bobby Rush
Ranking Member
Subcommittee on Energy and Power

² See Pipeline Safety: Better Data and Guidance Needed to Improve Pipeline Operator Incident Response, *January 2013 (GAO-13-168)* and Gas Pipeline Safety: Guidance and More Information Needed before Using Risk-Based Reassessment Intervals, *June 2013 (GAO-13-577)*.



Joe Barton
Chairman Emeritus



Lois Capps
Member