

Opening Statement
Chairman Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Energy
Hearing on “The State of Pipeline Safety and Security in America”
May 1, 2019

There are millions of miles of pipeline transporting natural gas, oil and other commodities across the country. When a pipeline fails, it can be destructive and even deadly. Late last year, a failure in Massachusetts’ Merrimack Valley caused one death, 21 injuries and damage to over 130 homes. In February, a gas-fueled explosion at a residence in Dallas, Texas killed a 12-year old and injured his family. These tragic events underscore the need for a strong federal safety pipeline program.

I want to welcome Skip Elliott, Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) to the Committee. Administrator Elliott, I wish you success in your effort to manage an agency notorious for its inability to meet Congressionally-mandated deadlines and carry out its mission in an efficient and effective way. Certainly, there are dedicated career staff at PHMSA who work hard to make our pipelines safer, but there are too many outstanding mandates from the 2011 and 2016 Pipeline Safety reauthorizations that PHMSA has failed to finalize and that’s unacceptable.

As part of the 2011 reauthorization, Congress required the use of automatic or remote-controlled shut-off valves on newly constructed transmission pipelines to limit damage when a rupture occurs. The National Transportation Safety Board recommended use of this technology 25 years ago after a pipeline explosion in my Congressional District in Edison, New Jersey. Yet, here we are, still discussing this issue.

The 2011 law also required operators to install leak detection systems on hazardous liquid pipelines – but eight years later, PHMSA still has not finalized a rule. And in what I considered to be the most important provision of the 2016 reauthorization, Congress gave PHMSA emergency order authority to address imminent, industry-wide safety hazards that pose a threat to life or significant harm to property or the environment. Yet PHMSA has failed to implement this, too.

It’s not all PHMSA’s fault. The prescriptive cost-benefit analysis required by the 1996 reauthorization hamstrings the agency. If we want PHMSA to finalize more rulemakings, we must remove or adjust this overly-burdensome requirement.

We also need to restore the mechanism for citizens to pursue legal action to compel PHMSA to fulfill its statutory duties. If the federal government cannot or will not carry out its mandated responsibilities, citizens should have the right to take legal action.

In the aftermath of the 2010 San Bruno pipeline explosion that killed eight people, San Francisco sued the federal government for having abjectly failed to enforce safety standards.

Unfortunately, the court dismissed that suit because it found that the law did not permit mandamus-type citizen suits against the government. That was never Congress' intent and it must change.

I am also extremely disappointed that Transportation Security Administration Administrator David Pekoske refused to testify or even send a witness today. On a bipartisan basis, we invited TSA to testify on its Pipeline Security Program, which the Government Accountability Office has criticized for having "significant weaknesses." I'm concerned that TSA lacks the resources, expertise in energy delivery systems and, frankly, commitment, to keep up its obligations under the law.

There was a serious security breach last week when someone shot at the Magellan pipeline in Minnesota causing a release of over 8,000 gallons of diesel fuel. If TSA can't be bothered to be here to discuss this security breach and justify its performance to Congress, then perhaps it's time we looked for another federal agency to handle this critical responsibility.

Finally, I'd like thank Carl Weimer for his all of his help over the years to this Committee and Congress because, I am told, he will soon step down as Executive Director of the Pipeline Safety Trust. Twenty years ago next month, the Olympic Gasoline Pipeline exploded in Bellingham, Washington killing 18-year-old Liam Wood and two 10-year-olds: Wade King and Stephen Tsiorvas. I say their names because it is critical we not forget these children. Since then, Carl and the Trust have taken the outrage of that event and used it to improve the pipeline safety landscape to the benefit of all of us.

Pipeline Safety Act reauthorization has typically been a bipartisan effort, and I look forward to continuing to work with my colleagues on both sides of the aisle to update and improve this critical federal program this year.