

**Opening Statement of the Honorable Fred Upton
Subcommittee on Energy and Power
Hearing on “Oversight of Pipeline Safety, Regulatory Certainty, and Job Creation Act of
2011 and Related Issues”
July 14, 2015**

(As Prepared for Delivery)

Today, this subcommittee returns to the very important issue of pipeline safety. I welcome the Interim Executive Director Stacy Cummings of the Pipeline and Hazardous Materials Safety Administration (PHMSA) to this hearing, and I look forward to the prompt confirmation of a permanent Administrator, as much work needs to be done in the months ahead.

This committee has a long, bipartisan history on pipeline safety issues, including passage of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011. That law held particular significance to me, as it came in the aftermath of a serious oil spill into a tributary of the Kalamazoo River just outside my district in Michigan. Following the spill, I worked closely with my friend John Dingell on a bipartisan basis - we also worked closely with our friends on the Transportation and Infrastructure Committee to get the Pipeline Safety Act on the books. The law contains numerous provisions designed to reduce the likelihood of similar pipeline spills and minimize the impact of those that do occur.

However, the Pipeline Safety Act will not achieve its primary objectives until it is fully implemented, and I am disappointed that more than one-third of its requirements remain incomplete long after congressionally mandated deadlines have passed. This includes several of the law’s most important mandates, such as automatic and remote-controlled shutoff valves, leak detection, accident and incident notification, excess flow valves, and maximum allowable operating pressure. Some of these provisions probably would have made a difference in the recent oil spill in Santa Barbara had they been implemented by PHMSA in a timely manner.

In the last few days, PHMSA has announced proposals for two of these overdue mandates. While these late steps are in the right direction, there is no question something needs to change with the way PHMSA is implementing the Pipeline Safety Act. I intend to ask some tough questions to find out what more Congress can do to speed up the implementation of these requirements.

The urgency for pipeline safety is greater than ever. With record levels of natural gas and liquid hydrocarbons being produced in this country and throughout North America, the volumes traversing pipelines are setting records. And although pipelines are among the safest means of transport, the Santa Barbara spill is a harsh reminder that rigorous risk-based enforcement needs to be a priority

This committee takes pipeline safety very seriously. That is why we insist that new pipelines be built with state-of-the-art safety features. It is also why we passed the Pipeline Safety Act to improve the safety of the 2.6 million miles of existing pipelines throughout the country. This includes many old and potentially vulnerable pipelines, such as one that carries oil beneath the Straits of Mackinac in northern Michigan. I think we can all agree that it is much, much better to be in a position to prevent incidents before they happen rather than to respond after they occur. Just a few minutes ago the state of Michigan released its own report on pipeline safety,

including specific recommendations on the Straits Pipelines as well as other steps that can be taken to improve safety including a better relationship between the state and PHMSA. I look forward to reading the report and commend the state for its commitment to pipeline safety.

As we look ahead to continued implementation of the Pipeline Safety Act and to the law's reauthorization, we will insist on greatly improved performance from PHMSA, and this hearing is an important step towards getting us to where we need to be.

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