

Subject: Pipeline Safety Reauthorization/Thune Amendment

To: Editors, Reporters

From: The Pipeline Safety Trust, The Sierra Club, Natural Resources Defense Council, The League of Conservation Voters, Environment America, The Wilderness Society

Re: Pipeline Safety Reauthorization/Thune Amendment

Date: 5/2/11

After one of the most deadly and devastating years for the natural gas, oil and hazardous liquid pipeline industry in recent history, the US Senate Committee on Commerce, Science and Transportation will take up pipeline safety legislation, S.275, on Thursday of this week.

According to Transportation Secretary Ray LaHood, deaths from pipeline accidents have soared from 9 in 2008 to 22 in 2010. In fact, over the past 10 months catastrophic failures in our nation's oil and gas pipeline system have resulted in the destruction of dozens of homes, pollution and closure of major water bodies, millions of dollars in damage to private and public property, economic harm, and numerous injuries and fatalities --including the death of at least 3 children.

Please find attached a letter our groups have sent to Committee Chairman John D. Rockefeller (D-WV) and Ranking Member Kay Bailey Hutchison (R-TX) regarding the reauthorization legislation and an amendment proposed by Senator John Thune (R-SD) which would completely undermine efforts by Secretary LaHood and the Department of Transportation to enforce regulations designed to protect the American people, their property and the environment from the dangers of unsafe pipelines.

In sum, while our groups are generally supportive of S. 275, inclusion

of the Thune Amendment in that legislation would change the overall bill from one that makes modest improvements in law to one that would do more harm than good. The Thune amendment, analogous to so-called "due process" language written by the Interstate Natural Gas Association of America (INGAA) and the Association of Oil Pipelines (AOPL), would among other things require USDOT to grant a hearing on the record to any operator subject to an emergency corrective action order (or civil penalty) within five days of issuing such an order (or penalty). This provision, unlike any other we can find in statute, appears designed to so burden an underfunded and understaffed regulatory agency as to ensure that the Secretary will be functionally unable to use the emergency authorities provided him to address pipeline facilities determined to be hazardous to life and property. It is outrageous that an industry which has had as many fatal, catastrophic failures as the pipeline industry has had in the past year would complain that it was being treated unfairly by federal regulators and would seek statutory changes that would hamstring those regulators.

We believe that after such a period of disastrous pipeline failures, as well as the unprecedented environmental and economic damages caused by the BP Deepwater Horizon spill which has resulted in some key lessons learned, Congress should reject the Thune legislation and move legislation far stronger than S. 275 that:

- * ensures polluters are held accountable by significantly increasing penalties and liability for bad operators;

- * reforms and significantly increases resources for the agency overseeing pipeline safety and provides the Secretary with authority to waive the onerous cost-benefit analysis requirements of current law;

- * requires inspection of more pipeline mileage, more frequently, with the best available technology to identify material defects and

ensure maintenance has been adequate;

- * mandates installation of state-of-the-art leak detection systems and that operators report leaks within one hour of discovery;

- * makes available to US taxpayers, landowners and emergency responders more information about individual pipelines and their safety, both past and present;

- * requires that the public be able to access, free of charge, the full text of industry standards incorporated by reference into federal regulations and rulemakings; and

- * affirmatively closes significant gaps in our nation's pipeline safety program which result in certain types of pipelines being under-regulated or even completely unregulated under federal law.

We hope you and your media outlet will continue to report and editorialize on this important safety and environmental issue as Congress and the Obama Administration address the disastrous recent pass and critical future of the pipeline industry.

Please feel free to contact Carl Weimer, Executive Director of the Pipeline Safety Trust at either carl@pstrust.org or 360-543-5686, with any questions you may have.

--

Carl Weimer, Executive Director
Pipeline Safety Trust
1155 N. State St. Suite 609
Bellingham, WA 98225
360-543-5686 phone
360-543-0978 fax
<http://www.pstrust.org>