



The House Committee on Transportation & Infrastructure

Chairman Peter A. DeFazio
Ranking Member Sam Graves

THE PIPES ACT OF 2020 (Division R)

DEMOCRATIC HIGHLIGHTS

The Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020 reauthorizes the U.S. Department of Transportation Pipeline and Hazardous Materials Safety Administration (PHMSA) pipeline safety program through fiscal year 2023 and ensures that the millions of miles of pipelines in the U.S. are safe, reliable, and environmentally sound.

Improving Pipeline Safety

Additional Pipeline Inspectors: Improves PHMSA's ability to oversee the nation's 2.8 million miles of gas and hazardous liquid pipelines by increasing by almost 20 percent the minimum number of inspection and enforcement personnel conducting inspections, investigations, outreach, and other safety activities.

Gas Distribution Pipeline Safety: Title II of the bill, known as the "Leonel Rondon Pipeline Safety Act," includes several provisions to address gas distribution pipeline safety in the wake of the September 2018 pipeline explosions in Merrimack Valley, Massachusetts. The bill directs improvements in distribution integrity management plans, mandates that emergency response plans address timely communications with first responders and the general public as highlighted by the National Transportation Safety Board (NTSB), directs improvements to operations and maintenance manuals and pipeline safety management systems, and requires that pipeline safety practices safeguard pressure controls.

Gas Gathering Line Regulation: Directs PHMSA to issue final regulations governing gas gathering lines, many of which are not regulated currently, while also studying the ability of operators to map these lines.

National Academy of Sciences Valve Study: Responds to NTSB recommendations by studying potential methods or standards for installing automatic or remote-controlled shut-off valves on existing gas and hazardous liquid pipelines located in certain environmentally and safety-sensitive areas.

Updated LNG Facility Regulations: Directs PHMSA to update its regulations on liquefied natural gas (LNG) facilities to ensure that the modern large-scale LNG facilities are operated and maintained safely. Operators of large-scale LNG facilities must submit to the Secretary for approval a plan for implementing the new standards, and they will be subject to increased civil penalties that match those levied on traditional pipeline operators for safety violations, up to \$200,000 per violation.

Deep Water Pipes in High Consequence Areas: Requires operators of deep water hazardous liquid pipeline facilities located in high consequence areas to complete integrity assessments to further understanding of the condition of such pipelines at least once every 12 months. Such operators must assess potential impacts by maritime equipment, including anchors.

Whistleblower Protections: Extends existing protections for disclosure of pipeline safety concerns to cover former employees, allows a whistleblower to bring an action in federal court if the Department of Labor has not acted on a complaint in a timely manner, and prohibits employers from forcing employees to waive whistleblower protections.

Addressing Climate Change

Reducing Greenhouse Gas Emissions: EPA estimates that methane emissions in pipelines account for 46 million metric tons of carbon dioxide equivalent annually through intentional venting and unintentional leaks. This bill addresses pipeline methane emissions by directing companies to conduct leak detection and repair programs that protect the environment and pipeline safety, while enabling advanced leak detection technologies. The bill also requires PHMSA to study and implement best available technologies or practices to prevent or mitigate the release of natural gas when making planned repairs or maintenance, and when intentionally venting or releasing natural gas during blowdowns or other activities. Finally, the bill modifies the cost benefit analysis required in all PHMSA pipeline safety rulemakings to include environmental benefits, making it easier for PHMSA to promulgate the necessary leak detection and repair rulemakings.

Protecting Our Coastlines: The PIPES Act of 2016 (P.L. 114-183) required PHMSA to include coastal beaches, marine coastal waters, and the Great Lakes in the definition of unusually sensitive areas. Pipelines in unusually sensitive areas are subject to more stringent safety requirements. Four years later, PHMSA has still not started a rulemaking to define these terms, so this bill updates the 2016 bill and defines coastal beaches and certain coastal waters to ensure completion of the outstanding mandate.

Expediting PHMSA Rulemakings

Recruiting and Retaining PHMSA's Workforce: PHMSA struggles to attract and retain a qualified workforce, in part due to competition with the private sector. Because PHMSA pipeline inspectors are extensively trained by the agency, they are highly valued by pipeline companies seeking to comply with federal safety regulations. This bill supports PHMSA's pipeline safety work by increasing the minimum number of full-time inspection and enforcement personnel and subject matter experts, equipping the agency with a larger, specialized workforce. To address the agency's difficulty in recruiting and retaining its workforce, the bill specifically authorizes funding for the Secretary to use for employment incentives, such as special pay rates and repayment of student loans, to better attract and sustain a qualified, dedicated workforce.

Completion of Outstanding Rulemakings: As of December 2020, there are a number of congressionally-mandated rulemakings that PHMSA has yet to complete. This bill directs PHMSA to inform Congress on progress of outstanding mandates every 30 days to ensure completion as soon as possible. The bill also sets aside a specific authorization for the agency to hire additional subject matter experts to support its rulemaking activities and eliminate the rulemaking backlog.