



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

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October 14, 2021

Tristan Brown
Acting Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave., S.E.
Washington, DC 20590

Dear Acting Administrator Brown:

We are pleased to hear that the Pipeline and Hazardous Materials Safety Administration (PHMSA) is beginning to implement the *Protecting Our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2020*, which passed both the House and the Senate in a bipartisan manner and became law on December 27, 2020.¹ The *PIPES Act* contains several provisions that improve the safety and efficiency of the 2.7-million-mile pipeline network that transports energy products across the country.² Pipelines are one of the safest, most efficient, and environmentally friendly modes of transportation for energy and the *PIPES Act* ensures both pipeline operators and PHMSA can maintain this high standard while continuing to improve pipeline safety, protect our environment, and embrace innovation and new technologies.³

To accomplish these goals, the *PIPES Act* contains several congressional mandates for PHMSA to undertake actions that would improve upon pipeline safety programs.⁴ Although these provisions in the law reflect the priorities of Congress for pipeline safety, we are concerned that several of these initiatives are failing to meet Congressional intent. While we understand PHMSA is implementing some of these mandates, it does not appear that PHMSA is dedicating equal resources to all priorities outlined in the *PIPES Act* and that many items are not projected

¹ P.L. 116-260 (2020); See also: PHMSA, *PIPES ACT 2020 Web Chart*, (July 16, 2021) available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2021-07/7.16.2021%20PIPES%20Website%20Chart.pdf>.

² PHMSA, *General Pipeline FAQs* (accessed Aug. 23, 2021), available at <https://www.phmsa.dot.gov/faqs/general-pipeline-faqs>; see also: PHMSA, *Pipeline Safety Regulations*, available at <https://primis.phmsa.dot.gov/comm/SafetyStandards.htm>.

³ *Id.*

⁴ P.L. 116-260 (2020).

to be completed before their congressionally mandated deadlines.⁵ By not prioritizing implementation of all *PIPES Act* provisions, PHMSA goes against congressional intent and misses valuable opportunities to utilize the authorities Congress delegated to improve pipeline safety.

One of the most significant programs PHMSA must implement is the technology pilot program in Section 104 of the *PIPES Act*, which allows pipeline operators to test and utilize innovative technologies or practices on their systems that improve pipeline safety.⁶ Since enactment of the law in December 2020, PHMSA has had the authority to implement this program and allow operators to begin testing in limited areas yet has taken no action to designate an internal lead for program management, issue guidance for proposed pilot submissions, or otherwise communicate its expectations for program participation. Congress granted PHMSA three years to test these programs and evaluate their effectiveness, including requiring a report to Congress in one year on the potential benefits of expanding this program.⁷ The timeframe Congress required underscores the need for immediate implementation of this pilot program so pipeline operators may immediately begin testing new and innovative technologies and practices, which will serve to improve pipeline safety knowledge for all operators and PHMSA.

The *PIPES Act* includes other important provisions PHMSA should also prioritize. These include Section 115, which requires PHMSA to consider revisions to class location change regulations.⁸ Updating requirements for operators when the population density of an area increases would provide more efficiency, and reduce the need for pipeline replacement and releases into the environment while maintaining pipeline safety standards.⁹ Section 109 of the law requires PHMSA to update regulations to create a new “idled” pipeline status for pipelines that have ceased normal operations and are empty of products and include procedures for resuming operations.¹⁰ Section 120 of the *PIPES Act* directs PHMSA to update the regulatory definitions for “high consequence” and “unusually sensitive” areas in ninety days¹¹, which was also a mandate in pipeline safety legislation passed in 2016 but has yet to be implemented.¹² These congressional mandates included in *PIPES Act* are critical to improving pipeline safety standards and practices in the United States.

While some progress has been made on implementation, we must ensure all provisions are prioritized and completed in the timeframes mandated by Congress. As the Committee in the House of Representatives with primary jurisdiction over pipeline safety, it is essential that we monitor the implementation of the *PIPES Act*. Therefore, we respectfully request a staff briefing on this matter by October 28, 2021. Please contact Melissa Beaumont, Republican Staff, on the Subcommittee on Rail, Pipelines, and Hazardous Materials at 202-225-9446 to schedule this briefing as soon as possible.

⁵ PHMSA, *PIPES ACT 2020 Web Chart*, (July 16, 2021) available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2021-07/7.16.2021%20PIPES%20Website%20Chart.pdf>.

⁶ P.L. 116-260, Section 104.

⁷ *Id.*

⁸ *Id.* At Section 115.

⁹ *Id.*

¹⁰ *Id.* At Section 109.

¹¹ *Id.* At Section 120.

¹² P.L. 114-183, Section 19(b).

Sincerely,



Sam Graves
Ranking Member



Eric A. "Rick" Crawford
Ranking Member
Subcommittee on Rail, Pipelines, and
Hazardous Materials

Cc: The Honorable Peter A. DeFazio, Chair
Committee on Transportation and Infrastructure

The Honorable Donald Payne
Subcommittee on Rail, Pipelines, and Hazardous Materials
Committee on Transportation and Infrastructure