



COMMITTEE ON DEMOCRATS
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

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**Statement of Ranking Member Frank Pallone, Jr., as prepared for delivery
Committee on Energy and Commerce
Subcommittee on Energy and Power
Hearing on “Legislative Hearing to Examine Pipeline Safety Reauthorization”**

Thank you Chairman Whitfield and Ranking Member Rush for holding this hearing on pipeline safety reauthorization and the discussion draft released by the committee last Friday. While I believe the draft could and should be much stronger, it is a good start and includes some important provisions on underground gas storage, pipeline safety technical assistance grants and mandamus.

The vast network of transmission pipelines in this country are essentially “out of sight, out of mind” for most Americans. But when something goes wrong, these facilities can make themselves known in devastating and sometimes deadly ways. Over the last year we’ve witnessed both a 100,000 gallon crude oil spill onto pristine coastline in Rep. Capps’ district in California and a massive gas storage facility leak in Los Angeles. The leak forced thousands of people from their homes for long periods of time and released 96,000 metric tons of methane into the atmosphere –the climate damaging equivalent of burning 900 million gallons of gasoline.

My own district experienced the devastation of a pipeline failure in 1994 when a pipeline exploded in Edison, New Jersey destroying about 300 homes. Yet, two decades and four reauthorizations later, the Department of Transportation’s Pipeline and Hazardous Materials Safety Administration or PHMSA has made little progress in securing the safety of our nation’s pipeline infrastructure.

I hope that will soon change, and I welcome new Administrator Dominguez, who I believe understands these concerns. It appears you and Secretary Foxx are determined to bring positive change to this agency. I sincerely hope you succeed in your efforts to ensure the safety of our pipeline system and we look forward to helping you any way we can.

The discussion draft before us is a modest, but balanced starting point for that effort. The draft contains language to address regulation of underground gas storage facilities like Aliso Canyon in California that leaked methane for five months until just a week ago. However, I don’t believe that it goes far enough, and I hope the Committee will consider adopting the

stronger language of H.R. 4578, authored by Rep. Brad Sherman who represents the residents around this facility and lives in the neighborhood that experienced the most direct adverse effects of the leak.

I'm encouraged that this draft includes language authored by Mr. Green that will allow us to finally begin a conversation about the need for PHMSA to have direct hire authority. It's also critical that we provide the necessary tools—including funding—so the agency can attract the best and brightest inspectors and safety experts in order to carry out its responsibilities. We should also give the Agency carefully crafted emergency order authority to ensure that PHMSA can address situations and facilities that pose a threat to life, property and the environment. And, we should remove barriers to PHMSA's success, such as the multiple layers of overly prescriptive risk assessment and cost-benefit analysis that have hampered the agency's efforts to improve safety.

Finally, I'm pleased that the draft contains a provision restoring the ability of the public to compel PHMSA to perform its non-discretionary obligations. This provision is necessary to address an incorrect reading of the 2002 reauthorization by the Ninth Circuit. While I have a great respect for the courts, it's clear to me that the Ninth Circuit's reading of the Pipeline Safety Act with regard to mandamus was just plain wrong: the law always contemplated mandamus-type suits to ensure PHMSA does its job. The mandamus language added to the statute in 2002 as part of the whistleblower protection provision was always intended to be an addition to what was already in the statute, not in lieu of the existing language as the Court incorrectly stated. At our hearing last year, we all voiced frustration at PHMSA's inaction on a number of fronts. While I know Administrator Dominguez is trying to change this situation, it is still important for the public to have the ability to access the courts to ensure PHMSA is keeping our pipeline system safe.

While I believe the discussion draft could be stronger, it's important to note that the last three pipeline safety reauthorizations were truly bipartisan efforts that moved our nation forward on safety. Our committee has always produced the best and strongest pipeline safety legislation. I look forward to continuing to work with Chairman Upton and Chairman Whitfield, Ranking Member Rush, Rep. Capps and colleagues on both sides of the aisle to produce truly meaningful legislation that protects lives, property and the environment while providing more certainty and reducing unnecessary burdens on industry.

Thank you. I yield back the balance of my time.

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