

June 18, 2019

The Honorable Bobby Rush, Chairman
The Honorable Fred Upton, Ranking Member
Subcommittee on Energy, Committee on Energy and Commerce
United States House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515

**NSPE Public Comment RE: House Energy Subcommittee Hearing:
*Legislative Solutions to Make Our Nation's Pipelines Safer***

On behalf of more than 31,000 members of the National Society of Professional Engineers, these comments are submitted for consideration of inclusion into the public record for the House Energy Subcommittee's June 19 hearing on "Legislative Solutions to Make Our Nation's Pipelines Safer." NSPE's commitment to the protection of the public health, safety, and welfare warrants a seat at the table in the discussion on pipeline safety.

NSPE has consistently and proactively advocated for the need to ensure that major technological, safety, and ethical implications are considered in the discussion surrounding pipeline safety. NSPE played a crucial role in the discussions about improving public safety after the Merrimack Valley gas pipeline explosion in September 2018. As part of its investigation, the National Transportation Safety Board contacted NSPE, seeking information about licensing exemptions for public utility workers. NTSB was concerned that the exemption may have played a role in the explosion. Several weeks were spent discussing the engineering licensing process, its standards, and NSPE's opposition to licensing exemptions. NTSB recommended that Massachusetts eliminate the engineer licensing exemption for public utilities, which the commonwealth did.

It is with this role and past involvement in mind that NSPE urges the Energy Subcommittee to forward H.R. 2139 to the full Energy and Commerce Committee for its consideration.

The witnesses that represent the gas industry will likely argue against the minimal additional cost associated with enacting the common-sense safety measures in H.R. 2139. These measures, however, do nothing more than apply the existing, readily available, and statutorily established mechanism to ensure the public health, safety, and welfare considerations of requiring a licensed professional engineer in responsible charge of installations that pose significant risk to the public. These same measures are routinely required for infrastructure that arguably poses less of a risk than gas pipelines. Therefore, NSPE believes it is reasonable to roll gas utility pipelines into those requirements.

We do not doubt the sincerity of the gas industry's concern for safety. The public, however, deserves more than assurances that the industry will "do better" in the future with regard to public safety. Common sense, proven, and minimally costly safeguards are readily available. NSPE urges committee members to weigh the benefit of protecting and saving lives against the financial cost of changes that will lead to improved emergency response processes and documentation, and improved oversight of pipeline changes that can have a direct impact on public safety. Even with these added costs, the industry will continue to grow, thrive, and profit. NSPE also encourages committee members to consider the responsibility they have to their constituents to take action, rather than waiting for industry to implement changes on its own.

The explosions that occurred in Massachusetts' Merrimack Valley were the result of over-pressurization. On the day of the accident, Columbia Gas was in the midst of a broad plan to replace nearly 7,600 feet of natural gas main. The pipeline network uses regulator-sensing lines to maintain low gas pressure within the system. That day, a section of pipeline and its accompanying pressure regulator had been replaced, but the regulator wasn't properly reattached to the new pipe. Consequently, the system read a drop in pressure and automatically adjusted by increasing the flow of gas to the network. The result was a sudden and severe increase in pressure that caused explosions, killing one person, injuring more than a dozen, and destroying 131 structures.

Where public utilities are concerned, the general population rarely has the option of choosing its provider. When the average person moves to a new neighborhood, she can't decide who will provide her electricity, her water, or her natural gas. In those few areas where competition does exist, even though the providers may be different, the physical delivery system is the same. Consequently, no market-based mechanism exists to compel companies toward improved safety, even after a deadly accident like the one in Merrimack Valley. The responsibility, therefore, falls to Congress and regulatory bodies to ensure that safety is paramount.

In his written testimony, submitted to this subcommittee on May 1, Carl Weimer, who is providing testimony again today, cited H.R. 2139 as a "hopeful initiative" in the ongoing effort to increase pipeline safety.¹ NSPE agrees that H.R. 2139 is a hopeful initiative, making narrowly tailored and specific changes to the way natural gas pipelines are maintained, monitored, and modified, so as to better protect the public. We appeal to the members of this subcommittee for their support.

¹ <https://energycommerce.house.gov/sites/democrats.energycommerce.house.gov/files/documents/Testimony-Weimer.pdf>

I thank the Subcommittee Chair and Ranking Member for scheduling a hearing on this important topic, and for their consideration of these comments.

Sincerely,

A handwritten signature in black ink that reads "Michael Aitken". The signature is written in a cursive, flowing style.

Michael Aitken,
PE, F.NSPE President

Cc: NSPE Board of Directors