June 18, 2019

The Honorable Bobby Rush
Chairman
Subcommittee on Energy
U.S. House of Representatives
2188 Rayburn House Office Building
Washington, DC 20515

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy
U.S House of Representatives
2183 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Rush and Ranking Member Upton,

We encourage Congress to reauthorize Pipelines and Hazardous Materials Safety Administration's (PHMSA) legislative proposals to enact its pipeline safety program, a key component to ensuring safety for operators, workers and communities near pipelines.

Pipelines are the safest way to transport the energy Americans use every day, and it is imperative that the builders, owners and operators of pipeline infrastructure, as well as the regulatory environment and PHMSA, be well positioned to meet current and future safety challenges. PHMSA's proposals will help ensure that all parties can continue to safeguard pipelines and protect the dedicated trade workers building and maintaining our pipeline infrastructure, as well as the surrounding communities, first responders and the environment.

The shared goal of safety between regulators, pipeline builders and operators, and the public, means that Americans don't have to choose between safe, affordable energy and protecting the environment. Pipelines have proven to be the safest method of transporting energy because the owners, operators and builders of pipelines and pipeline infrastructure are committed to a deep-rooted culture of safety and ever-advancing technologies.

America's pipeline operators utilize many techniques to enhance efficiency and safety in their operations including state-of-the-art 24/7 control room monitoring, collecting and analyzing thousands of data points and allowing engineers to constantly assess pipeline operations. They can adjust flow in real time, either quickly adjusting or completely stopping to maintain safety, and conduct high-tech inspections using tools like smart pigs, drones and sensitive acoustic devices to collect data on the health of a pipeline. In addition to the cutting-edge technologies and digital solutions used to efficiently deliver energy to U.S. consumers while supporting workplace safety and infrastructure integrity, the industry spends more than $2 billion annually to evaluate, inspect and maintain pipelines.

Operators also utilize a series of Recommended Practices and safety standards for operational safety measures, including API RP 1173, on pipeline safety management systems, which provide a comprehensive framework and defines the elements needed to identify and address safety for a pipeline's lifecycle.

Building upon these safety measures implemented by pipeline operators, the PHMSA pipeline safety reauthorization provides mechanisms for ensuring the security of facilities, employees and builders by deterring those who hope to interrupt America's flow of energy and create a safety risk to surrounding

communities, first responders and the environment. These mechanisms include, but are not limited to, the increase of criminal penalties for these actions.

However, while current Federal Statute 49 USC §60123 prohibits damaging or destroying interstate pipeline infrastructure, it fails to address changing tactics that could be equally as dangerous to the assailants, public safety, the environment and the American trade workers dedicated to safely building and maintaining our nation's pipelines. Under §60123, the conduct making the action illegal must include "damaging" or "destroying" the interstate pipeline facility, and is commonly defined respectively as causing physical harm to something in such a way as to impair its value, usefulness or normal function and damaging something so badly that it cannot be repaired.

Several recent attacks against interstate pipelines have focused on the turning of pipeline valves. While these attacks neither damaged nor destroyed the facilities, the valve turnings nevertheless pose a dangerous threat to public safety. If closed improperly, valves can cause a pressure surge and potentially result in a rupture and release. Fortunately, no releases resulted from the 2016, 2017 or 2019 attacks on pipeline valves. However, the U.S. Government Accountability Office (GAO) confirmed the risk of rupture from improper valve operation in a Congressionally mandated 2013 report.

Furthermore, pipeline operators have documented nine pipeline incidents from conditions similar to an improper valve closure. One of these incidents resulted in a 1,000-barrel release of diesel, and another led to a nearly 4,000-barrel release of natural gas liquids. A crude oil pipeline release of this magnitude could cause serious harm to the assailants as well as the environment and members of the surrounding area – including the trade workers and their families who live in these communities.

Several other recent attacks, which did cause physical damage to pipelines, occurred at locations where the pipeline was still under construction and not yet operating as an interstate pipeline. These attacks would not currently be covered under §60123.

State legislatures are acting to close gaps in their statutes protecting pipelines and infrastructure. States are extending criminal penalties to tampering with, impeding or inhibiting the operation of pipeline infrastructure. For the safety of American families, the environment and the skilled trade workers dedicated to safely building and maintaining our pipeline infrastructure, Congress should prioritize closing the same loopholes in federal law.

Pipeline infrastructure is instrumental in delivering clean, affordable and reliable energy to U.S. consumers and communities. We applaud PHMSA for their continued commitment to protecting pipelines, and encourage Congress to reauthorize this important safety program.

Sincerely,

International Union of Operating Engineers

Laborers' International Union of North America

North America's Building Trades Unions

United Association of Plumbers and Pipefitters