



Credible.
Independent.
In the public interest.

TESTIMONY OF THE PIPELINE SAFETY TRUST

Presented by:

Bill Caram, Executive Director

FOR THE

Subcommittee on Railroads, Pipelines, and Hazardous Materials
of the
Committee on Transportation and Infrastructure
United States House of Representatives

Hearing on:

**Ensuring Safety and Reliability: Examining the Reauthorization Needs of the Pipeline and
Hazardous Materials Safety Administration**

May 7, 2023

Good morning, Subcommittee Chair Nehls, Committee Chair Graves, Committee Ranking Member Larsen, and members of the Subcommittee. Thank you for inviting me to speak today on the vital subject of pipeline safety. My name is Bill Caram, and I am the Executive Director of the Pipeline Safety Trust.

I want to take a moment to acknowledge the passing of Ranking Member Payne. Representative Payne was a great leader with whom I feel lucky to have worked. He will be missed, and my heart goes out to his family, friends, and colleagues.

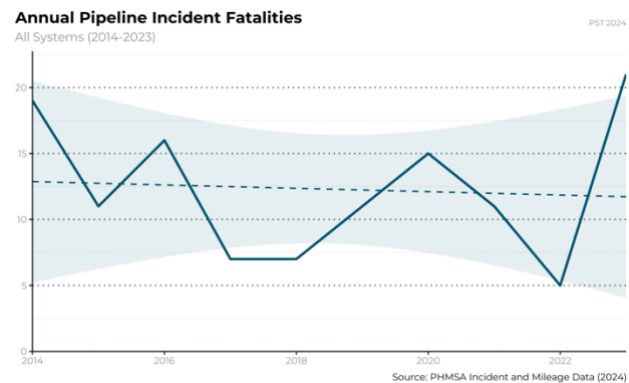
The Pipeline Safety Trust was created after the Olympic Pipe Line tragedy in Bellingham, Washington in 1999. That entirely preventable failure spilled nearly a quarter-million gallons of gasoline into a beautiful salmon stream in the heart of our community which eventually ignited and killed three boys. The U.S. Justice Department was so appalled at the operations of the pipeline company and equally appalled at the lax oversight from the federal government, that they asked the federal courts to set aside money from the settlement to create the Pipeline Safety Trust as an independent national watchdog organization over the pipeline industry and its regulators.

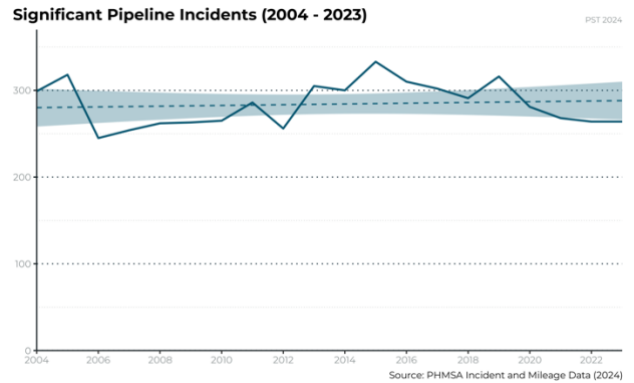
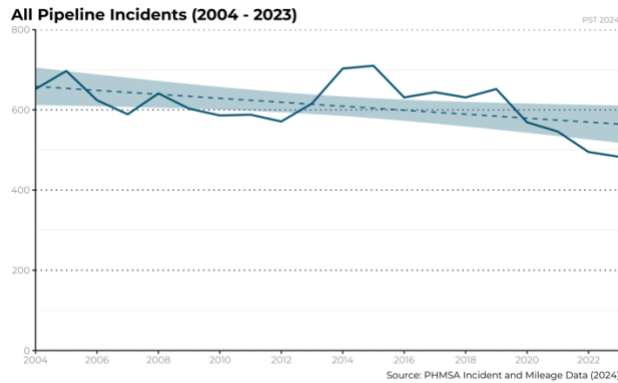
We work to ensure that no other community must endure the senseless grief that Bellingham has had to experience from a pipeline tragedy. Sadly, there have been many senseless pipeline tragedies and disasters since Bellingham. I am here today, hoping that we can continue to work together to help move towards our shared goal of zero incidents.

Since this subcommittee held its last pipeline safety hearing, about 14 months ago on March 8, 2023, at least 23 people have died from pipeline failures in the United States. In fact, 2023 was the deadliest year for pipeline safety in America in 20 years. I stated before this subcommittee 14 months ago that we were not making progress on pipeline safety, and I repeat that statement today.

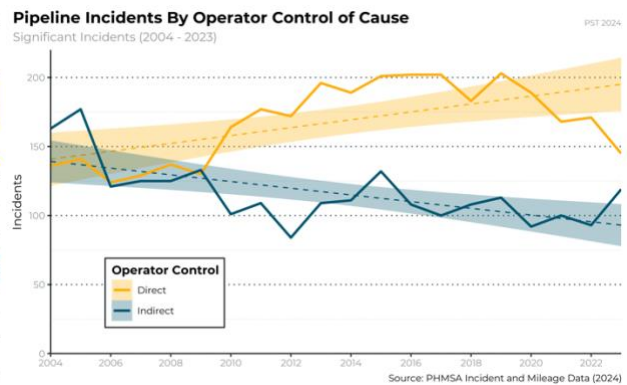
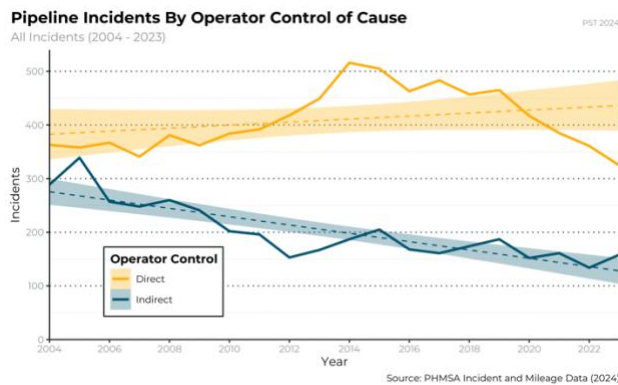
While everyone on today's panel supports the goal of zero incidents, unfortunately, we have a long way to go. Total fatalities for all systems show a mostly flat trend line going down very slightly. Total incidents for all pipeline systems also show a trend line going down very slightly – a basically flat line with no real progress over the past thirteen years.

Filtering for only those incidents deemed "significant" by PHMSA, we see a trend that is slightly increasing. For all the progress the industry touts on technological advancements and safety management systems, we are not moving towards our target of zero incidents.





Also of concern is the fact that approximately two-thirds of all incidents and significant incidents are from causes that are under the operator’s direct control such as corrosion, incorrect operations, equipment failures, and problems with materials, welds, and equipment.



I’d like to share a few stories of recent pipeline failures, each of which occurred after the last Subcommittee hearing on pipeline safety March 8, 2023, that highlight some of the roadblocks toward safer pipelines.

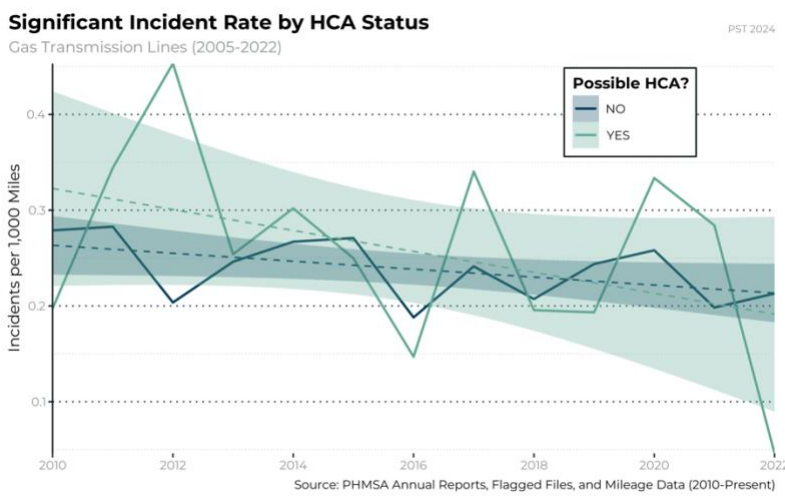
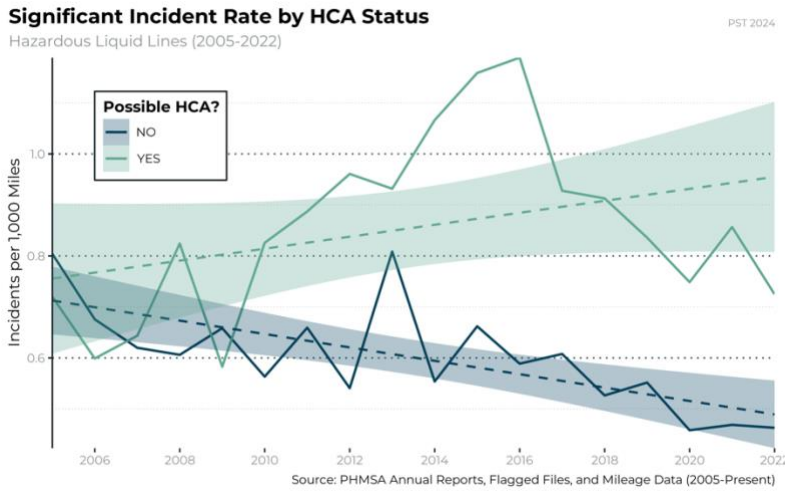
Olympic Pipeline Spill in Conway, WA

A failure of Integrity Management

In my town of Bellingham, WA, the community, along with the families of the three boys who died in the Olympic pipeline tragedy 25 years ago, are planning a remembrance of that horrendous day – June 10th, 1999. And just a few months ago, the pipeline failed again, this time spilling 25,000 gallons of gasoline, just 500 feet from an elementary school and into a tributary of a critical salmon river. Thank goodness it wasn’t during school hours and didn’t ignite. This failure was likely due to corrosion, a cause that an effective integrity management program is supposed to eliminate.

Over the past twenty years, regulators and industry have focused on reducing pipeline incidents through Integrity Management (IM) in High Consequence Areas (HCAs). The theory behind Integrity Management programs makes perfect sense – focus efforts in those areas where the most harm to people and the environment could occur, identify all potential risks in those areas, put into place programs to test for and mitigate those risks, and implement a continuous improvement program to drive down the number of failures.

Unfortunately, for both hazardous liquid and gas transmission pipelines these Integrity Management programs do not seem to have lived up to their promise. Incident rates within High Consequence Areas as compared to outside HCAs continue to climb in the case of hazardous liquid pipelines and generally do no better with regards to gas transmission pipelines. However, it's important to note that 2023 was a very strong year for gas transmission pipeline safety in HCAs and we hope this is the start of a string trend. However, one year does not yet make a trend. These two graphs, generated from PHMSA's Integrity Management Data, demonstrate our concern with current IM programs. Some in the industry argue that older, prescriptive class location rules can now be relaxed because of the implementation of Integrity Management, but as the graphs show: It is too early to go to a performance-based Integrity Management system until the industry can prove that Integrity Management works as it should over a meaningful length of time.



Denbury/ExxonMobil Carbon Dioxide Pipeline in Sulphur, LA

Require prompt closure of valves

Just last month, the same carbon dioxide pipeline that ruptured and sent nearly 50 people from the town of Satartia, MS to the hospital in 2020 failed again. This time, in Sulphur, LA. Luckily, this happened during the day and the residents who live less than 500 feet from the failure site were not home or this could have been another tragic story. According to initial reports Denbury was unaware of the failure. It was the residents in the area who discovered the plume. It took Denbury, now owned by ExxonMobil, more than two hours to arrive on site and close the manual valves, which is entirely too long. A shelter-in-place order was largely communicated via Facebook. We hoped that Satartia would be a wake-up call for Denbury, but initial reports from Sulphur show many operational shortcomings have not yet been addressed to ensure the safety of those who live around its pipelines.

Beyond the regulatory shortfalls of carbon dioxide pipelines which I included in my previous testimony, this incident raises another important pipeline safety priority – Rupture Mitigation Valves (RMVs) and an operator's responsibility to promptly close valves and shut in a pipeline in and near High Consequence

Areas (HCAs). The NTSB began calling for rupture mitigation valves in 1970.¹ It continued with a formal recommendation² after the investigation into the fatal PG&E pipeline tragedy in San Bruno, CA in 2010. That recommendation remains open³ because PHMSA is unable to require existing pipelines to upgrade their equipment due to Congressional limitations. There have been countless pipeline tragedies and disasters made worse by an operators' inability to close valves and shut-in the pipeline quickly. While PHMSA now requires new and replaced pipelines to have RMVs, it is the existing, aging pipelines that need this safety technology the most.

A recent National Academies of Sciences, Engineering, and Medicine (National Academies) report recommended PHMSA leave the decision up to operators' Integrity Management (IM) programs. With due respect for the National Academies Committee and its process and rigor, I believe this gives the effectiveness of IM programs too much credit and it's time to set a definitive standard. The National Academies report points out many of the shortcomings of IM under the current regulatory regime yet does not convince me that the suggested improvements would lead to better results with regard to RMVs. I believe the best path forward towards safety involves requiring operators to install RMVs in and near HCAs. In cases where that might not be practical, establishing a minimum requirement that the operator demonstrate the ability to close valves within 30 minutes of a failure. Looking back at some of the worst pipeline tragedies and disasters in recent history, this safety standard would have gone a long way in mitigating the loss and damage suffered.

UGI Utilities Factory Explosion in West Reading, PA

Ban problematic materials

Just weeks after last year's hearing on pipeline safety before this subcommittee, an explosion at a chocolate factory in West Reading, Pennsylvania killed seven people, injured 11 people, displaced three families, destroyed one building, caused significant structural damage to several others, and forced the evacuation of many people. According to a preliminary report by the NTSB, the cause of the explosion was a leak from a natural gas pipeline distribution system. The point of failure was likely a service tee made from Dupont Aldyl A plastic. This pipe material has been known to be susceptible to failure for decades.

In 1988, the NTSB published a special investigative report on "Brittle-Like Cracking in Plastic Pipe for Gas Service,"⁴ which included information pertaining to Aldyl A and other polyethylene pipe. The Pipeline and Hazardous Materials Safety Administration (PHMSA) added Aldyl A service tees to a list of pipe materials with "poor performance histories relative to brittle-like cracking" in a voluntary advisory bulletin on September 6, 2007. Pipeline industry-developed standards also call attention to the integrity problems with this particular type of service tee, though these standards are also voluntary. A recent PHMSA Notice of Proposed Rulemaking would specifically add Aldyl A pipe to distribution pipeline operator's integrity management programs, asking operators to consider the risk of the presence of this

¹ <https://www.nts.gov/safety/safety-studies/Documents/PSS7101.pdf>

² <https://www.nts.gov/investigations/accidentreports/reports/par1101.pdf>

³ <https://www.phmsa.dot.gov/phmsa-nts-recommendations/phmsa-nts-recommendations>

⁴ <https://www.nts.gov/safety/safety-studies/Documents/SIR9801.pdf>

material in their system. At what point do we go beyond recommending operators remove problematic materials from their systems and make it explicitly illegal for this material to be part of our nation's pipelines? Please remember that there are 7 dinner tables have had an empty seat since that day. And that's just one of the 24 serious pipeline failures that led to fatalities or serious injuries last year.

The common themes among the pipeline disasters I've shared today are Congress and the regulators leaving too much up to voluntary or performance-based efforts from the industry. It's great to offer flexibility for industry leaders to demonstrate how to accomplish pipeline safety and make new advancements. However, the regulations also need to ensure that the industry's laggards are also operating safe pipelines.

Please, remember the 23 people who have died from pipeline failures since the last time I testified before this subcommittee 14 months ago. I can tell you, from working with the families in Bellingham who lost their sons in 1999, the pain never goes away.