

September 25, 2023

The Honorable Marie Cantwell
The Honorable Ted Cruz
Senate Commerce Committee
254 Russell Senate Building
Washington DC, 20510

The Honorable Sam Graves
The Honorable Rick Larsen
House Transportation and Infrastructure Committee
2165 Rayburn House Office Building
Washington, DC 20515

Stop Dangerous Pipelines

Dear Chair Cantwell, Ranking Member Cruz, Chair Graves and Ranking Member Larsen:

Pipeline safety should be at the center of discussions of the reauthorization of the Pipeline and Hazardous Materials Safety Administration (PHMSA). Existing rules for pipelines that transport oil and gas transport are inadequate, as demonstrated by flat or increasing trends of significant pipeline incidents, and rules specific to safely transporting carbon dioxide (CO₂) and hydrogen are wholly inadequate and often inappropriate, despite industry plans to build out what could amount to hundreds of thousands of miles of new pipelines for transporting those substances.

The CO₂ pipeline rupture in Sartia, Mississippi was the proverbial canary in the coal mine, sending dozens to the hospital and showing the harms that can befall a community nearly a mile from a pipeline rupture site. With plans to build these dangerous pipelines near hospitals, schools, shopping centers and densely populated communities, such a rupture could easily spiral into a mass casualty event.

Through the reauthorization of PHMSA this fall, Congress must take the following important steps to make pipelines safer and help prevent significant public harms:

General Pipeline Safety

- *Ensure that updated pipeline design, construction, and initial testing regulations apply retroactively to existing pipelines.* As science and regulatory oversight improves, existing pipelines with safety concerns might escape standards that would apply to new pipelines and continue to operate under outdated rules. An example is the use of rupture mitigation valves in or near High Consequence Areas (HCAs), a longtime NTSB recommendation, again reiterated after PG&E's tragic failure in San Bruno, CA.

- Stop the statutory cost-benefit requirement that prioritizes pipeline company profits over the safety of communities.
- Require operators to include geohazard mitigation in their inspection and maintenance plans. There have been a number of serious pipeline failures recently due to land movement and other geological hazards. Operators are not currently required to mitigate against geohazards outside of High Consequence Areas. If we are committed to zero incidents, we need to address the risk of geohazards such as land movement, river scouring, and other geologic threats to pipeline integrity.
- Require that pipeline construction companies refrain from hiring any employees or contractors who have been convicted of a sex offense or domestic violence. [Sex trafficking increases along pipeline construction routes and particularly threatens rural and Indigenous communities.](#)

CO2 Pipeline Safety

- *Require PHMSA to update its definition of carbon dioxide in current regulation to include all phases, not just supercritical CO₂.* By including a broader definition, Congress will close a massive regulatory loophole that allows pipelines transporting gaseous or liquid CO₂ to ignore federal safety rules. Further, gaseous and liquid CO₂ each pose unique safety concerns that PHMSA needs to address separately.
- *Direct PHMSA to promulgate regulations to require plume dispersion modeling.* This modeling should take into account the characteristics of the pipeline, composition of the product, climate, topography, and other factors, be based on the best available science, and be made publicly available for public scrutiny and evaluation.
- *Mandate that PHMSA establish regulations setting specific maximum levels for contaminants in CO₂ pipelines* that take into consideration the interaction of these contaminants on CO₂ water solubility at different phases. Contaminants can interact in unpredictable ways that can weaken pipeline integrity and increase the chance of a rupture. Water in CO₂ pipelines can form carbonic acid, which can weaken pipeline integrity.
- *Mandate the use of odorant injection into CO₂ transmission pipelines* that will stay with plumes of CO₂. Since CO₂ is a colorless and odorless gas, without odorants it is impossible for first responders and the public to quickly identify a CO₂ plume.
- *Direct PHMSA to develop a regulatory system requiring operators to fully track and account for carbon dioxide through the entire system - entry to exit.* A safe pipeline system keeps its contents in the pipeline and an operator should prove that the system is not leaking CO₂.

- Direct PHMSA to strengthen federal regulations for conversion of existing pipelines to CO₂ service and the use of CO₂ pipelines for other uses.

Hydrogen Pipeline Safety

- Prohibit the blending of hydrogen in all natural gas pipeline networks, including distribution and transmission systems that feed into residential homes and businesses. Hydrogen is very explosive, and injection in any system that feeds into homes and businesses is especially dangerous because gas pipeline systems within buildings are not designed to contain hydrogen and are very leak prone.
- Require PHMSA to update its regulations on hydrogen pipeline safety to address gaps that can impact integrity and safety of hydrogen pipelines, including requiring the reporting of all non-predominant contents over 3% in a pipeline system.

Gas Pipeline Safety:

- Require PHMSA to reduce the reporting threshold for large volume gas leaks to 500,000 cubic feet of natural gas to match the EPA's subpart W greenhouse gas reporting standard for large release events.
- Direct PHMSA to amend part 191 of its pipeline regulations and reporting forms to modernize the requirements for reportable incidents. These updates should include mandatory reporting of all fires and explosions associated with gas pipelines, equalizing the property damage reporting threshold for natural gas incidents to that of hazardous liquid lines at \$50,000 including the cost of lost product, and requiring the reporting of intentional releases from gas pipelines.
- Require PHMSA to clarify and tighten its regulation defining class 3 areas on natural gas pipelines. The current definition creates a loophole which has the potential to exclude pipelines close to churches, theaters, and other public areas that may hold hundreds of people only a few days per week from stricter safety requirements.
- Direct PHMSA to clarify the definition of High Consequence Area in § 192.903, specifically limiting this to a single definition. Current federal regulations allow for natural gas operators to choose between two methods in the identification of High Consequence Areas (HCAs) along the route of their pipeline. This discretion given to operators not only creates inconsistency and uncertainty when PHMSA evaluates operator Integrity Management (IM) programs, but it also allows operators to choose whichever method requires the least effort and/or safety measures in their IM program.

Hazardous Liquid Pipeline Safety

- Direct PHMSA to amend its safety related conditions reporting regulations to require operators of liquid lines to report over-pressurization events. To this day, despite the potential for disaster, operators of liquid pipelines are not required to report over-pressurization events to PHMSA so long as they are corrected within five days. Over-pressure events are almost always corrected within this period, but that fact does not reduce the potential harm to the public and the environment that these events can cause by possibly weakening a pipeline.

We look forward to the opportunity to work with you to ensure that the potential build out of massive hydrogen and CCS infrastructure does not create serious risks to public health and safety.

Sincerely,

A Community Voice

AFGE Local 704

Alabama Interfaith Power & Light

All Sentient Beings

Alliance for Affordable Energy

Animals Are Sentient Beings, Inc

Atchafalaya Basinkeeper

Benicians for a safe and healthy Community

Better Brazoria: Clean Air & Water

Bold Alliance

CADEM Environmental Caucus

California Nurses for Environmental Health
and Justice

CCAN Action Fund

Center for Biological Diversity

Center for Coalfield Justice

Center for International Environmental Law

Chatham Research Group

Citizen Action of New York

Climate Action California

Climate Code Blue

Climate Hawks Vote

Climate Investigations Center

Climate Reality Project Greater New Orleans
Chapter

Climate Reality Project: Susquehanna Valley
PA Chapter

Coalition Against Death Alley

Concerned Citizens of St. John

Concerned Families of Westchester (NY)

Concerned Health Professionals of New York

CURE

Dakota Resource Council

Deep South Center for Environmental
Justice

DivestNJ

DNC Council on the Environment and
Climate Crisis

Earth Ethics, Inc.

Earth Guardians

Earthworks

Eco-Justice Collaborative

Elders Climate Action

Extinction Rebellion Houston

Extinction Rebellion Mid-Hudson

Extinction Rebellion San Francisco Bay Area

Extinction Rebellion US

Fenceline Watch
Food & Water Watch
Fox Valley Citizens for Peace & Justice
FracTracker Alliance
FreshWater Accountability Project
Good Neighbor Steering Committee of Benicia
Grassroots Environmental Education
Great Plains Action Society
Greater New Orleans Interfaith Climate Coalition
Green New Deal Virginia
GreenARMY
Healthy Climate Wisconsin
Healthy Gulf
Inclusive Louisiana
Indigenous Environmental Network
Institute for Agriculture and Trade Policy
Institute for Policy Studies Climate Policy Program
Iowa Citizens for Community Improvement
Long Island Progressive Coalition
Louisiana League of Conscious Voters
Micah Six Eight Mission
Michigan Environmental Justice Coalition
Montana Environmental Information Center
MoveOn.org Hoboken RESIST
New Energy Economy
New York Communities for Change (NYCC)
Nicaragua Cnter for Community Action
North American Climate, Conservation and Environment(NACCE)
Northern Westchester Mothers out Front
NY Climate Advocacy Project
NYCD16 Indivisible
NYPIRG
Oil and Gas Action Network
Oil Change International

Oregon Physicians for Social Responsibility
Our Revolution Ocean County, NJ
PAUSE (People of Albany United for Safe Energy)
Peace Action WI
Physicians for Social Responsibility
Physicians for Social Responsibility - Maine Chapter
Physicians for Social Responsibility - NY
Physicians For Social Responsibility Pennsylvania
Pipeline Safety Trust
Port Author Community Action Network
Progressive Democrats of America
Property Rights and Pipeline Center
Protect Our Water, Heritage, Rights (POWHR)
PSR Arizona
Public Goods Institute
Rachel Carson Council
Resist Spectra
Rise Up WV
Rockaway Women for Progress
Safe Energy Rights Group
San Francisco Bay Physicians for Social Responsibility
San Joaquin Valley Democratic Club
San Luis Valley Ecosystem Council
Santa Cruz Climate Action Network
Schenectady Neighbors for Peace
Science and Environmental Health Network
Scientist Rebellion, Turtle Island
SEE (Social Eco Education)
Sierra Club
Sierra Club Beyond Coal Campaign
Sisters of St. Dominic of Blauvelt New York
Sisters of St. Dominic of Blauvelt, New York
SOMA Action

Stop Algonquin Pipeline Expansion
Stop NY Fracked Gas Pipeline
Sunflower Alliance
Sustainable Putnam
Terra Advocati
Texas Campaign for the Environment
Texas Environmental Justice Advocacy
Services
Texas Physicians for Social Responsibility
The Climate Reality Project
The People's Justice Council
The Quantum Institute
Turtle Island Restoration Network
Unitarian Universalists for a Just Economic
Community
Unitarian Universalists for Social Justice
United For Clean Energy
Vote Climate
Washington Physicians for Social
Responsibility
Zero Hour
350 Bay Area Action
350 Conejo / San Fernando Valley
350 New Orleans
350 Triangle
350.org
350Brooklyn
350NYC