

## **Testimonies from U.S. Senate Committee on Commerce, Science and Transportation Hearing**

Panel 2 - Marlene Robinson and Bruce Brabec

March 13, 2000

Prepared testimony of Marlene Robinson and Bruce Brabec:

On June 10 of last year, my 18 year-old son Liam, who had graduated from high school five days before, happened to be fly-fishing in his favorite place, Whatcom Falls Park; a pristine piece of nature not 5 minutes from downtown. Just a week before, Liam had come home one evening from fishing the creek. While we ate dinner together, he told us about his excitement when he'd come upon a big otter swimming peacefully in one of the pools. He watched it for a long time. I'm sure that he looked for that otter on June 10 as he made his way down the creek. He was in a steep gorge when the 230,000 gallons of gasoline spilled down the creek. The oxygen in the gorge was replaced by a 35-foot wall of hydrocarbon fumes. Liam was overcome within seconds. He fell into the foot-deep creek and drowned. A short time later, the gasoline and fumes exploded, sending the fireball down the creek that killed Wade and Steven and every other living thing in its path for a mile and a half.

We in Bellingham are now painfully aware of the danger that pipelines pose to every community in this nation. We have learned that what happened in Bellingham was not an isolated incident. The federal government has allowed the pipeline industry to be largely self-regulated. This has led to a pattern in the last twenty years of fuel transportation accidents. The pipeline industry will never have as its bottom line the health and safety of communities. It is up to communities themselves and therefore their public representatives and government agencies to ensure that pipelines are safe. The technology exists for pipelines to be safe. What we did not know before the pipeline ruptured in Bellingham, but have learned at the price of our son's life, is that what is lacking is regulation and enforcement. The federal Office of Pipeline Safety has woefully, and over a long period of time, failed in its mandate. The federal government has not responded to years of unsafe pipeline practices and has at the same time prohibited local and state governments from protecting their citizens.

We in Bellingham are now working closely with many communities across the nation who, like us, are educating themselves about the dangers posed to their citizens as a result of the lack of responsiveness of the federal government through the Office of Pipeline Safety. We know that had OPS addressed this issue adequately in the past, our town would not still be reeling from loss. We are working to make sure that no other community has to suffer a similar loss.

I no longer have children to protect. Nothing I do or say about this issue can bring Liam back. I do, however, consider it my privilege and obligation to do what I can to protect the children of this and other communities. I need to impress upon you that it is not enough to make minor changes in pipeline safety regulation and to once again hand over the reins to OPS. Before June 10, none of us in Bellingham had any idea that we needed to be experts in

fuel transportation safety. We frankly didn't even know that we had a gasoline pipeline running through the very heart of Bellingham, under streets, past houses, schools, and parks. We thought we had a federal agency called the Office of Pipeline Safety, and we had faith that that agency was doing its job.

We no longer have that faith. I urge this committee to do what is necessary to protect the citizens of this nation from further avoidable and predictable tragedies caused by inadequate regulation, oversight and enforcement. My recent education has convinced me that we need two things. We need a federal Office of Pipeline Safety that is staffed by committed, expert servants who have the health and safety of communities as their bottom line. And we need a strong, well-funded citizens advisory council to ensure that over time, we do not return to business as usual.

Our children's deaths were not trivial; they were not an "acceptable risk." We easily have the capacity to protect our communities from just this kind of "accident." What I need from you; what every community in this country needs from you, is action that will finally guarantee us an Office of Pipeline Safety that truly protects the safety of citizens across the nation, and that will include citizens and local and state governments as effective partners in the national oversight of pipeline safety.

I am Bruce Brabec. I am Liam's stepfather.

Marlene and I have received amazing support from the Bellingham community. And in conversations many people tell us that they can't imagine what it must be like for us.

Well, to give you some sense of what it is like, especially for the parents in the room.....

n Imagine going home tonight and your child isn't home...and never will be.

n Add to this - each morning, very early, when the newspaper being delivered thumps on the front porch, you wake up and are reminded of when you were awakened by the police stepping on your porch - who came to tell you that your son was found dead on Whatcom Creek.

n Then - add the experience of each time you go to a gas station to get gas for your vehicle, and you catch a smell of gasoline - you imagine what it might have been like for your child as he was engulfed by a wall of gasoline vapor while flyfishing on Whatcom Creek.

n Then add that each time someone tells you a story about their child, you think about what your child might be doing now - if he were alive.

Now you might have a bit more information about what it is like for us.

Last week, Marlene and I decided to visit the site where Liam's body was found. We had been there once, a few days after his death, and weren't sure we could find it again. We had seen then how badly damaged the creek was. This

time, we were accompanied by some friends in the police department who knew the site. We thought it would be good to get a better bearing on the site so that we could visit it later on our own. I planned to stand there and imagine Liam fishing in this once beautiful canyon - I imagined it as a site where I would be able to reflect joyfully about Liam as I knew how much he loved fishing in that canyon.....Well, the experience was quite the opposite. I saw the burned out canyon, the burned trees, the bare banks, the rocks cracked by the heat generated during the explosion, the downed trees in the water. And I saw Liam floating face down in the creek and the part of his body out of the water. And I saw Liam floating face down in the creek and the part of his body out of the water charred by the blast.

I am not bringing all this up to upset people, but to make a plea that Liam's death not be in vain...to plead that other families not have to be condemned as we are to these kind of experiences and memories. Because of the loss of our son, we are certainly biased about the importance of stricter regulation and accountability, but we believe everyone should be similarly biased by our experience.

I would like to bring another voice to the room...a voice that is missing...Liam's voice.

If I were Liam...and I hadn't been fishing that day.... and I was alive ... I would hope I was invited to speak today. I would tell you of how often I walked that creek from the mouth all the way up to its source. If I were Liam, I would tell you how many of my thoughts had been scoured from that canyon by the blast - thoughts I shared with the creek as I fished - thoughts about school, about my parents, about girlfriends ... thoughts about my place in the universe. If I were Liam, I would tell you about the many fish I caught, and released, in that canyon, And I could recount with good sound effects and visualizations my attempts and success at landing a fish. If I were Liam, I would be telling you today that much more needs to be done regarding pipeline regulation to not only prevent damage, or injury, or death, but to also support the living, to protect our places of refuge, to protect our neighborhoods, to protect our homes.

If I were Liam, I would most strongly ask that you tighten the accountability of the Office of Pipeline Safety - that you support it with the funds to do its job, but that you consider cleaning house to get staff who are dedicated to being watchdogs of public safety, not just supporters of pipeline and oil companies.

If I were Liam, I would most strongly urge you to allow states and especially Washington State to regulate pipelines in addition to the federal regulations.

If I were Liam, I would urge you to support a well funded citizen advisory group to provide regional oversight to improve safety and prevent oil spills.

And, if I were Liam, I would volunteer to be on that first advisory committee for this region.

Thank you for the opportunity to present our thoughts today. We appreciate your serious intentions which join with ours - to take steps to prevent similar

accidents from occurring in the future.