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House Committee Introduces PIPES Act of 2023

The bipartisan legislation minimally addresses pipeline safety areas such as public engagement and transparency, civil penalty increases for pipeline safety violations, and the announcement of a study to determine how to introduce localized emergency alert systems. The bill falls short in its direction to PHMSA on developing robust carbon dioxide and hydrogen pipeline safety regulations.

BELLINGHAM, Washington [Dec. 01, 2023] – On Thursday Nov. 30, The House Committee on Transportation and Infrastructure introduced the Promoting Innovation in Pipeline Efficiency and Safety (PIPES) Act of 2023. The draft bill would reauthorize the federal pipeline regulator, Department of Transportation's Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety program for four more years and make changes to the Pipeline Safety Act.

"While we were hoping to make more significant progress to make pipelines safer, we appreciated the bipartisan efforts of the committee's leadership," Pipeline Safety Trust (PST) Executive Director Bill Caram said. "We still have a long way to go to eliminate the hazards from our nation's pipelines, but this legislation would take some positive steps."

Back in March, PST provided testimony to the Subcommittee on Railroads, Pipelines, and Hazardous Materials of the House Committee on Transportation and Infrastructure to address future safety needs we deemed critical to incorporate in the PIPES Act of 2023. The bill would next go through Congressional markup before a committee vote. The Senate will embark on their own legislation as well.

A noticeable shortcoming of the bill is the minimal direction given to PHMSA on how the agency should develop its rules on carbon dioxide and hydrogen pipeline safety. Given the strong

incentives Congress enacted leading to the unprecedented new development of these types of pipelines, PST thought it imperative the committee direct PHMSA to develop strong modernized regulations that prioritize public safety.

The bill does provide a few basic improvements to carbon dioxide pipeline safety, including making vapor dispersion modeling that accounts for topography and atmospheric conditions a requirement for all carbon dioxide pipeline operators to determine which people and areas could be impacted by a pipeline failure. It also requires that PHMSA begin regulating all phases of carbon dioxide when transported by pipeline.

Hydrogen was granted even less guidance than carbon dioxide, it's only mention in the bill is the requirement that a study be conducted on hydrogen and natural gas blending which would lead to a future PHMSA rulemaking.

Another provision of note is how the legislation increases the maximum civil penalty an operator must pay for a pipeline safety violation. The PIPES Act of 2023 brings the maximum civil penalty to $2.5 million (up from $2 million).

"While it is good to see an increase in civil penalties for pipeline safety violations, it seems even under this change, PHMSA will continue to levy fines that are economically insignificant to operators," Caram said. "A way to change this would be for Congress to eliminate the cap on civil penalties for related series of violations and impose a mandatory minimum penalty for each violation as opposed to simply increasing the maximum civil penalty amount."

PST would specifically like to acknowledge the efforts of House Committee on Transportation and Infrastructure Ranking Member Representative Rick Larsen (D-WA) for his work on this legislation.

"Ranking Member Larsen has been a staunch advocate for improvements to pipeline safety ever since he was inspired to act following the tragic events of the 1999 Olympic Pipeline disaster in Bellingham, WA," Caram said

PST is supportive of the safety benefits this bill includes, but emphasizes that much more must be done to achieve serious improvements. We are a long way from zero incidents on our nation's pipelines and we need to take strong action to make meaningful progress.

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About Pipeline Safety Trust: The Pipeline Safety Trust is a nonprofit public watchdog promoting pipeline safety through education and advocacy by increasing access to information, and by building partnerships with residents, safety advocates, government and industry, that result in safer communities and a healthier environment.