

Congress of the United States
House of Representatives
Washington, DC 20515-2104

August 6, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

Dear Speaker Pelosi,

I am writing to request the House consider the Safe, Accountable, Fair, and Environmentally Responsible (SAFER) Pipelines of Act of 2019 as soon as possible. This bill, which passed the House Energy and Commerce Committee on November 19, 2019, would reauthorize the Pipeline and Hazardous Materials Safety Administration (PHMSA). Importantly this bill would provide new requirements on pipeline distribution companies and grant broader oversight responsibility to PHMSA to address glaring loopholes in existing federal pipeline safety regulations.

Nearly two years ago, in the middle of the afternoon and without warning, explosions rocked Lawrence, Andover, and North Andover in the Merrimack Valley of Massachusetts. For hours, uncertainty and fear hovered over these communities, not knowing the cause of the explosions and whether more might occur at any moment. At the end of the day, 131 structures were destroyed, hundreds injured, and tragically one young man was killed.

In the ensuing federal and state investigations, it became clear that better oversight, tougher regulations, real accountability, and a more nimble response could have prevented what happened in Massachusetts. What happened that day in Massachusetts should not happen to any other community.

The authorization for PHMSA expired on September 30, 2019, and Congress has the responsibility to review and reauthorize its authorities to protect public safety. Last fall, the SAFER Pipelines Act of 2019 was approved by the full Energy & Commerce Committee. This bill includes the key provisions of the Leonel Rondon Pipeline Safety Act after an amendment I offered was adopted by voice vote during the markup. Unfortunately, the Senate bill currently under consideration contains compromise language that I fear leaves communities vulnerable in three important ways.

First and perhaps most importantly, the House bill requires that before the construction of a distribution pipeline begins, the plans must be approved by a professional engineer. Unfortunately, the Senate language merely requires plans be approved by "relevant qualified personnel," which could include a professional engineer but does not require it. In the case of the Merrimack Valley explosion, while the person approving the plans was a professional engineer, the plans were not approved to the standards of a professionally licensed engineer. Massachusetts has since closed this loophole, but several other states do not require such a standard. This

provision in the House bill is based directly on the recommendation of the National Transportation Safety Board in its investigative report of the explosions.


Second, the House bill would require better communication from the pipeline companies to both first responders and the public. This language would mandate a new emergency response communication protocol to ensure our firefighters, police, and EMTs have the information they need, when they need it. The House bill states this communication must be made within 30 minutes of an incident, however the Senate merely mandates that communication “as soon as practicable.”

Finally, the House bill mandates deadlines for enactment much quicker in most instances than the Senate bill. This includes updated Emergency Response Plans within one year, updated regulations for Operations and Maintenance manuals within one year, updated records on pipeline safety practices within one year, and updated Distribution Integrity Management Systems within one year. The Senate bill provides much more time for such actions to occur.

It has been nearly two years since the Merrimack Valley explosions and almost one year since the PHMSA authorization expired. House committees have pursued important work to improve PHMSA oversight and protect communities across the country. I urge you to work with leadership on both the Energy & Commerce and Transportation & Infrastructure Committee to pass a strong public safety bill.

Thank you for your consideration. I stand ready to work with you.

Sincerely,



Joseph P. Kennedy, III
Member of Congress