

Congress of the United States  
Washington, D.C. 20515

***Support H.R. 6008, the Corporate Liability  
and Emergency Accident Notification Act***

September 23, 2010

Dear Colleague:

We write to urge you to support H.R. 6008, the "Corporate Liability and Emergency Accident Notification Act" (CLEAN Act), which will be considered by the House later today. The bill requires pipeline operators to report releases of hazardous liquid and gas to the National Response Center (NRC) within one hour of discovery; increases the maximum civil penalty for violations of federal pipeline safety laws, including obstructing a safety investigation; and requires the U.S. Department of Transportation (DOT) to maintain a searchable internet database of all reportable pipeline incidents.

With respect to reporting, current regulations require pipeline operators to report a release of hazardous liquid or gas "at the earliest practicable moment following discovery of a release." In 2002, the Bush administration published an advisory in the Federal Register informing pipeline operators that such reporting should occur within one to two hours following discovery of a release.

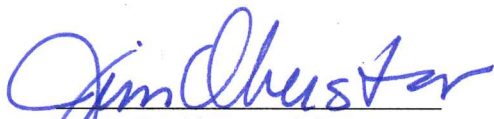
H.R. 6008 does not change the requirement that reporting is upon "discovery of a release". H.R. 6008 simply requires that after a release is discovered, such reporting occur within one hour. The fact is that prompt reporting provides adequate time for a prompt response to a pipeline incident, which in turn could result in less damage to those that are most impacted by a spill. Unfortunately, a review of NRC reports shows that many pipeline incidents are not reported within the one- to two-hour timeframe.

For example, on July 25, 2010, Enbridge experienced an abrupt pressure drop and multiple volume imbalance alarms on a 30-inch hazardous liquid pipeline, located about one mile south of Marshall, Michigan. Enbridge failed to investigate a potential release even after experiencing 13 hours of alarms in its pipeline control center. It was not until the next morning that a utility worker from an unrelated company discovered the release and reported it to Enbridge. It was confirmed by Enbridge at 11:45 a.m. According to the Environmental Protection Agency, the pipeline rupture resulted in the release of more than one million gallons of crude oil into Talmadge Creek and 30 to 35 miles of the Kalamazoo River, a tributary to Lake Michigan. The incident was not reported to the NRC until 1:29 p.m. on July 26.

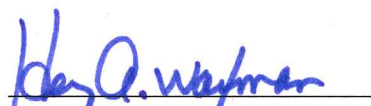
Industry claims that more prompt reporting of pipeline incidents will result in inaccurate and false reporting to the NRC. **These claims are false.** In fact, DOT encourages supplemental reporting to the NRC. The 2002 advisory encourages operators to provide updated information to the NRC when it is available, including when there is a change in the number of injuries or fatalities; a revised estimate of the release amount is at least 10 times greater than the amount reported; and a revised estimate of the property damage exceeds prior estimates. The 2002 advisory states: "the Office of Pipeline Safety expects an operator to provide significant update information [to the NRC] during the emergency response phase," which PHMSA defines as between 24 and 48 hours.

We strongly encourage you to support H.R. 6008. If you have additional questions regarding the bill, please contact Jennifer Esposito of the Committee on Transportation and Infrastructure (ext. 53274) or John Jimison of the Committee on Energy and Commerce (ext. 54407).

Sincerely,

  
James L. Oberstar, M.C.  
Chairman

Committee on Transportation  
and Infrastructure

  
Henry A. Waxman, M.C.  
Chairman

Committee on Energy and Commerce



Mark H. Schauer  
Member of Congress