

111TH CONGRESS
2D SESSION

S. 3964

To provide for an expedited response to emergencies related to oil or gas production or storage.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2010

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for an expedited response to emergencies related to oil or gas production or storage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Faster Action Safety
5 Team Emergency Response Act of 2010”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **COMPLETION.**—The term “completion”
9 means the date on which the well involved is prop-
10 erly equipped for the production of oil or gas, goes

1 into production or, if the well is dry, the date on
2 which the well is abandoned.

3 (2) DRILLING.—The term “drilling” includes
4 the drilling or redrilling of any well or the deepening
5 or expansion of any existing well.

6 (3) EXPLORATION.—The term “exploration”
7 means a drilling effort to obtain information relating
8 to oil or gas extraction without the intent of imme-
9 diate production.

10 (4) OPERATOR.—The term “operator” means
11 any individual or entity that locates, drills, operates,
12 alters, directs, controls, supervises, maintains, plugs,
13 or abandons any well or reconditions any well with
14 the purpose of production.

15 (5) PRODUCTION.—The term “production”
16 means the retrieval of oil or gas from a well.

17 (6) RESPONSE TEAM.—The term “response
18 team” means a team of individuals established by an
19 operator in accordance with this Act, the members
20 of which, at a minimum—

21 (A) are familiar with the operations and
22 equipment of a well;

23 (B) participate at least annually in re-
24 sponse training at a minimum of 1 well that is

1 operated by the operator and covered by the re-
2 sponse team;

3 (C) are trained in basic first aid and CPR
4 training on an annual basis; and

5 (D) will be available with respect to the
6 well involved not later than 3 hours by ground
7 travel time after requested.

8 (7) SECRETARY.—The term “Secretary” means
9 the Secretary of Labor.

10 (8) WELL.—The term “well” means a bore hole
11 drilled or being drilled onshore for the purpose of,
12 or to be used for, producing, extracting or injecting
13 any gas, petroleum or other liquid related to oil or
14 gas production or storage, including holes drilled or
15 being drilled for exploration and excluding holes that
16 have been plugged and abandoned.

17 **SEC. 3. RESPONSE TEAM REGULATIONS.**

18 (a) IN GENERAL.—Not later than 18 months after
19 the date of enactment of this Act, the Secretary shall pro-
20 mulgate regulations, in accordance with this section, relat-
21 ing to response teams.

22 (b) REQUIREMENTS.—Regulations promulgated
23 under subsection (a) shall provide for the following:

1 (1) Such regulations shall not be construed to
2 waive operator training requirements applicable to
3 existing response teams.

4 (2) Such regulations shall require that the Oc-
5 cupational Safety and Health Administration estab-
6 lish, and update every 5 years thereafter, criteria to
7 certify the qualifications of response teams.

8 (3)(A) Such regulations shall require that the
9 operator of a well—

10 (i) during the exploration or drilling phase,
11 or before the completion phase—

12 (I) have an employee knowledgeable in
13 responding to emergency situations that
14 may arise at the well (as defined in regula-
15 tions promulgated by the Secretary, in con-
16 sultation with the Administrator of the Oc-
17 cupational Safety and Health Administra-
18 tion) who is employed and present at the
19 well at all times; and

20 (II) make available a certified re-
21 sponse team; and

22 (ii) make available a certified response
23 team during the production phase (as defined in
24 section 2(5)).

1 (B) Such regulations shall ensure that the fol-
2 lowing options may be used by an operator to
3 achieve compliance with the requirements of sub-
4 paragraph (A) relating to the availability of a re-
5 sponse team:

6 (i) Making available a well response team.

7 (ii) Making available a multi-employer
8 composite response team that is made up of
9 team members who are knowledgeable about the
10 operations of the well and who train on an an-
11 nual basis at the well—

12 (I) which provides coverage for mul-
13 tiple operators that have team members
14 which include at least 2 active employees
15 from each of such operators;

16 (II) which provides coverage for mul-
17 tiple wells owned by the same operator;
18 and

19 (III) which is a State-sponsored re-
20 sponse team that is composed of at least 2
21 active employees from each of the opera-
22 tors.

23 (iii) Making available a commercial re-
24 sponse team that is provided for through con-
25 tract with a third-party vendor or a response

1 team provided by another operator, if such
2 team—

3 (I) trains on a quarterly basis at a
4 minimum of 1 well operated by the oper-
5 ator who contracted for the services of the
6 commercial response team;

7 (II) is knowledgeable about the oper-
8 ations of the wells that are covered under
9 the contract for services; and

10 (III) is composed of individuals with a
11 minimum of 1 year well experience that
12 has occurred within the 5-year period pre-
13 ceding their employment on the contract
14 response team.

15 (iv) Making available a State-sponsored re-
16 sponse team made up of State employees.

17 (4) Such regulations shall require that an oper-
18 ator of a well—

19 (A) within 30 minutes of the commence-
20 ment of an emergency situation, contact local
21 first responders to inform them of the emer-
22 gency situation;

23 (B) within 1 hour of the commencement of
24 an emergency situation, contact the Occupa-
25 tional Safety and Health Administration to in-

1 form such Administration of the emergency sit-
2 uation;

3 (C) within 1 hour of the commencement of
4 an emergency situation, contact the appropriate
5 State environmental agency to inform such
6 agency of the emergency situation;

7 (D) within 1 hour of the commencement of
8 an emergency situation, contact the National
9 Response Center; and

10 (E) provide communication technology,
11 within a reasonable distance of the well (as de-
12 fined in regulations promulgated by the Sec-
13 retary, in consultation with the Administrator
14 of the Occupational Safety and Health Admin-
15 istration), that enables the operator to comply
16 with the regulations under this paragraph.

17 (5) Such regulations shall require that an oper-
18 ator provide annual training to local first responders
19 responsible for serving the area of each well operated
20 by the operator, who may be required to respond to
21 an emergency situation, on the hazards of a well and
22 proper emergency response techniques.

23 (6) Such regulations shall require that an oper-
24 ator file a report, on an annual basis, with the Occu-
25 pational Safety and Health Administration, that pro-

1 vides detailed information on the response team as-
2 signed to each well of the operator and affirmatively
3 states that the operator is in compliance with the
4 Act and all regulations promulgated under this Act.

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