S. 589

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

IN THE SENATE OF THE UNITED STATES

MARCH 15, 2011

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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Faster Action Safety Team Emergency Response Act of 2011”.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMPLETION.—The term “completion” means the date on which the well involved is properly equipped for the production of oil or gas, goes...
into production or, if the well is dry, the date on which the well is abandoned.

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

(3) EXPLORATION.—The term “exploration” means a drilling effort to obtain information relating to oil or gas extraction without the intent of immediate production.

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

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

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

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

(B) participate at least annually in response training at a minimum of 1 well that is
operated by the operator and covered by the response team;

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

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

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

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

SEC. 3. RESPONSE TEAM REGULATIONS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall promulgate regulations, in accordance with this section, relating to response teams.

(b) REQUIREMENTS.—Regulations promulgated under subsection (a) shall provide for the following:
(1) Such regulations shall not be construed to waive operator training requirements applicable to existing response teams.

(2) Such regulations shall require that the Occupational Safety and Health Administration establish, and update every 5 years thereafter, criteria to certify the qualifications of response teams.

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

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

(I) have an employee knowledgeable in responding to emergency situations that may arise at the well (as defined in regulations promulgated by the Secretary, in consultation with the Administrator of the Occupational Safety and Health Administration) who is employed and present at the well at all times; and

(II) make available a certified response team; and

(ii) make available a certified response team during the production phase (as defined in section 2(5)).
(B) Such regulations shall ensure that the following options may be used by an operator to achieve compliance with the requirements of subparagraph (A) relating to the availability of a response team:

(i) Making available a well response team.

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

(I) which provides coverage for multiple operators that have team members which include at least 2 active employees from each of such operators;

(II) which provides coverage for multiple wells owned by the same operator; and

(III) which is a State-sponsored response team that is composed of at least 2 active employees from each of the operators.

(iii) Making available a commercial response team that is provided for through contract with a third-party vendor or a response
team provided by another operator, if such

team—

(I) trains on a quarterly basis at a

minimum of 1 well operated by the oper-

ator who contracted for the services of the

commercial response team;

(II) is knowledgeable about the oper-

ations of the wells that are covered under

the contract for services; and

(III) is composed of individuals with a

minimum of 1 year well experience that

has occurred within the 5-year period pre-

ceding their employment on the contract

response team.

(iv) Making available a State-sponsored re-

response team made up of State employees.

(4) Such regulations shall require that an oper-

ator of a well—

(A) within 30 minutes of the commenc-

ement of an emergency situation, contact local

first responders to inform them of the emer-

gency situation;

(B) within 1 hour of the commencement of

an emergency situation, contact the Occupa-
tional Safety and Health Administration to in-
form such Administration of the emergency sit-
uation;

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

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

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

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

(6) Such regulations shall require that an oper-
ator file a report, on an annual basis, with the Occu-
pational Safety and Health Administration, that pro-
vides detailed information on the response team assigned to each well of the operator and affirmatively states that the operator is in compliance with the Act and all regulations promulgated under this Act.