UNCLOGGING PIPELINE SECURITY: ARE THE LINES OF RESPONSIBILITY CLEAR?

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

OF THE

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CONTENTS

UNCLOGGING PIPELINE SECURITY: ARE THE LINES OF RESPONSIBILITY CLEAR?

Monday, April 19, 2010

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT,
Plant City, FL.

The subcommittee met, pursuant to call, at 10:00 a.m., in the Plant City City Hall, 302 West Reynolds Street, Plant City, Florida, Hon. Christopher P. Carney [Chairman of the subcommittee] presiding.

Present: Representatives Carney and Bilirakis.

Mr. CARNEY. The Subcommittee on Management, Investigations, and Oversight will come to order.

The subcommittee is meeting today to receive testimony on "Unclogging Pipeline Security: Are the Lines of Responsibility Clear?"

I would like to thank everybody for joining us today and I would especially like to thank my good friend and Ranking Member Bilirakis for inviting me to his district to hold this hearing. I am especially grateful after yesterday morning waking up in northern Pennsylvania to snow. So being down here in relatively warmer Florida is great. Frankly, the only thing warmer than the weather is the reception that I have received and I am very grateful to all of you for that.

The purpose of this hearing is to examine the management of the Nation's pipeline networks which transmit oil and gas across the United States and have vital links to critical infrastructure such as power plants, airports, and military bases. The management and oversight of these systems present unique homeland security challenges as they are vulnerable to both accidents and terrorist attacks.

The National pipeline system is an extensive mode of transportation. Virtually all the critical pipeline infrastructure is owned or operated by private entities. However, the Federal Government is responsible for regulating, securing, and ensuring the safety of the National pipeline system.

There are currently 168,900 miles of hazardous liquid pipelines operated by over 200 companies. There are 320,500 miles of natural gas transmission pipelines operated by over 700 companies. There are 2.2 million miles of natural gas distribution pipelines operated by over 1,300 companies. Now I mention these statistics because I think they demonstrate just how difficult of a job it is to

secure these pipelines. But there can be zero tolerance for failure in securing these pipelines because of the potential lethality of the products that they carry.

In 2008, in Plum Borough, Pennsylvania, a natural gas explosion killed a man and seriously injured a 4-year-old girl and three houses were destroyed and 11 others were seriously damaged. The National Transportation Safety Board determined that the probable cause of the explosion was excavation damage to a 2-inch natural gas distribution pipeline that stripped the pipe's protective coating and made the pipe susceptible to corrosion and, consequently, failure.

In 2005, a pipeline exploded near a home near Moon Township, Pennsylvania causing injuries to two people. This explosion was caused as a result of a gas company worker who ruptured a natural gas line and failed to report it to proper authorities.

Of course, I am aware of the incident that happened close to here in 2007 involving the release of ammonia after a teenage boy drilled a hole into the pipeline.

Sometimes the damage to a pipeline is accidental and sometimes it is deliberate. In fact, a prison just outside of my district in Scranton, Pennsylvania holds a man who tried to recruit al-Qaeda crews to strike natural gas pipelines in Alaska, Pennsylvania, New Jersey, and Wyoming. Luckily, he was not successful.

Now I mention these incidents because they show that we must continue to improve the security of our pipeline infrastructure.

Today, I will be interested in learning if sufficient coordination exists between the Department of Homeland Security and the Department of Transportation. I would also like to learn if the Transportation Security Administration has sufficient capability and funding to deal with their role in pipeline security.

Last, I will be interested in hearing from our witnesses if written pipeline regulation is needed. Under the current system, pipeline owners and operators are given guidelines that should be followed. However, these are merely guidelines and there is no enforcement authority that can mandate compliance.

Given the frequency of pipeline-related incidents that occur throughout the country, coupled with the extent of both human and economic loss that could result from these incidents, it may be wise to consider whether the systems should have a set of written regulations.

I would like to thank all the witnesses for their participation and I look forward to their testimony.

The Chair now recognizes the Ranking Member of the subcommittee, my good friend Gus Bilirakis from Florida.

Mr. BILIRAKIS. Thank you very much, I appreciate it, Chris. We are good friends, and this is an example of how Washington, DC should work. We do work in a bipartisan manner and we are very similar in philosophy. I am trying to get him to come over to our side; he is very, very similar——

[Laughter.]

Mr. BILIRAKIS. But in any case, safety and security is No. 1 as far as I am concerned.

I want to welcome everyone to the Ninth Congressional District and a wonderful, wonderful town, one of my favorite towns, Plant City. Thanks for being here, Chris, I appreciate it so very much.

I am pleased the subcommittee is meeting to consider the security of our Nation's pipelines. There are more than 2.5 million miles of pipelines within the United States.

Here in the Tampa Bay area, we have hundreds of miles of pipelines carrying oil, gas, jet fuel, and other chemicals that are very vital to this region, and economically as well. It is so very, very important, the safety and the security.

Pipeline systems, both at home and abroad have been targeted by terrorists. In June 2007, investigators arrested four men who plotted to blow up JFK International Airport and neighborhoods in Queens, New York by detonating a fuel pipeline and storage tanks. Terrorists have also targeted pipelines in Colombia, Nigeria, and the United Kingdom. In addition, there have been reports of al-Qaeda encouraging attacks on American pipelines. This does not get the attention and that is why we are bringing this issue up today, the focus as usual being on airlines. But this is so very important, very critical that we protect this infrastructure.

Hillsborough County is no stranger to pipeline breaches, as Chris mentioned. In November 2007, teenagers drilled into an anhydrous ammonia pipeline after being told that the pipeline contained money. This breach necessitated the evacuation of hundreds of people and I understand the cost was $250,000, that was the damage. These incidents serve to highlight the potential vulnerabilities of our Nation's pipelines.

I am looking forward to hearing more about how Federal, State, and local agencies and their private sector partners are working together to ensure the security of this critical infrastructure. I am specifically interested in discussing the memorandum of understanding between the Department of Homeland Security and the Department of Transportation relating to pipeline security. Does the current MOU sufficiently delineate the respective roles of DHS and DOT? Does it require updating?

The distinguished witnesses on our second panel will be able to provide this subcommittee with valuable insight into their pipeline security preparedness and response efforts and I thank them for joining us here today.

With that, I would like to welcome all of our witnesses and all of our spectators and look forward to your testimony. I thank you, Mr. Chairman, for attending, and I yield back the balance of my time.

Mr. CARNEY. Thank you.

Today's hearing will be divided into two panels. The first panel is comprised of Government witnesses and the second will be comprised of representatives of the local community. I want to welcome each of our witnesses.

Our first witness is Mr. Jack Fox. Mr. Fox joined TSA in September 2002 to start the pipeline security program. He is responsible for the development and implementation of pipeline security programs at TSA. Since starting at TSA, Mr. Fox has conducted reviews of the security of the Nation's largest pipeline companies. He has also worked closely with the Natural Resources Canada on the

vulnerability assessments that have been completed on the cross-border pipeline infrastructure.

Before joining TSA, Mr. Fox worked as the investigator in charge for pipeline accident investigations with the National Transportation Safety Board, the NTSB, in Washington. During his time with NTSB, he was responsible for leading pipeline accident investigations and the preparation and submission of the final accident reports to the Safety Board for approval of the report and the safety recommendations that were being made.

Prior to working at NTSB, Mr. Fox worked in various capacities in the pipeline industry in the United States for over 30 years.

Mr. Fox currently lives in Virginia and he is a native of Pennsylvania and a graduate of Penn State University.

[Laughter.]

Mr. CARNEY. Just a bit of parochialism here, folks.

Our second witness is Mr. Jeffrey Wiese. Mr. Wiese serves as the Associate Administrator for Pipeline Safety for the Pipeline and Hazardous Materials Safety Administration, or PHMSA, in the United States Department of Transportation. In this capacity, Mr. Wiese leads PHMSA's effort of regulations covering the design, construction, operation, and maintenance and spill response planning for the Nation's pipeline transportation system.

Previously, Mr. Wiese served as PHMSA's Director of Program Development for Pipeline Safety where he led several programs to enhance PHMSA pipeline safety damage prevention and community involvement initiatives, public awareness, field implementation of the integrity management program rules, research and development and the National pipeline mapping system. Mr. Wiese also directed budget development, user fee assessment and oil spill planning and preparedness for PHMSA's pipeline safety program.

Our third witness is Dr. Paul Parfomak. Dr. Parfomak is a specialist at the Congressional Research Service, or the CRS, the nonpartisan policy research and analysis agency of the U.S. Congress, where his areas of expertise include energy infrastructure development, critical infrastructure protection, and terrorism threat analysis.

Prior to joining CRS, Dr. Parfomak was an associate principal in the energy practice of McKenzie & Company, a global management consulting firm.

Prior to McKenzie, he was a consultant at Barakat & Chamberlin, where he assisted North American utilities in developing and implementing energy conservation and load management programs for their customers.

Dr. Parfomak earned a Ph.D. in engineering and public policy from Carnegie Mellon University—another Pennsylvania school——

[Laughter.]

Mr. CARNEY [continuing]. Where he was an Argonne National Laboratory research fellow. His undergraduate degree in aeronautics and astronautics is from MIT. He has been a special lecturer at the Tepper School of Business at Carnegie Mellon and currently sits on the Washington, DC Advisory Council of the Carnegie Institute of Technology.

Our fourth witness is Mr. Gary Forman. Mr. Forman has worked for over 35 years in the energy field with experience in engineering, operations, emergency management, and many other facets of the industry.

Since late 2001, he has been a full-time security professional serving first as chief security officer for the NiSource Gas Transmission Companies and since March 2006 as the Director of Corporate Security for NiSource, Inc.

Mr. Forman is a past chairman of the American Gas Association Security Committee and past chairman of the Interstate Natural Gas Association of America Security Committee. He has also served as the chair of the Oil and Natural Gas Sector Coordinating Council and as a member of the Partnership for Critical Infrastructure Security.

He is testifying today in his capacity as the chair of the Pipeline Sector Coordinating Council.

Mr. Forman has a bachelor's of science in mechanical engineering from West Virginia University, which is really close to Pennsylvania.

[Laughter.]

Mr. CARNEY. And a master's of business administration——

Mr. BILIRAKIS. I think this is all about Pennsylvania. You stacked this hearing, Chris.

Mr. CARNEY. You do what you can.

And a master's of business administration from the University of Richmond.

Without objection, the witnesses' full statements will be inserted into the record and I now ask each witness to summarize their statement for 5 minutes, beginning with Mr. Fox.

STATEMENT OF JACK FOX, GENERAL MANAGER, PIPELINE SECURITY, TRANSPORTATION SECTOR NETWORK MANAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION, DEPARTMENT OF HOMELAND SECURITY

Mr. FOX. Thank you. Good morning, Chairman Carney and Ranking Member Bilirakis.

As General Manager of the Pipeline Security Division of the Transportation Security Administration, I am pleased to appear today to discuss TSA's role in protecting the security of our Nation's pipelines. I appreciate the subcommittee's interest in this important infrastructure issue.

As stated, the United States relies on over 2.5 million miles of pipelines operated by over 3,000 companies for transporting petroleum and natural gas. This massive infrastructure delivers approximately two-thirds of the petroleum products and nearly all of the natural gas used in the United States. Preserving the security of this system is critical to our economic well-being and to our National security.

Because our Nation's pipeline system is of such critical importance, there is a risk that terrorists may target it with the goal of producing mass casualties and significant economic aftershocks. Less than 3 years ago, the Federal Bureau of Investigations arrested members of a group allegedly plotting to blow up supply tanks and the pipeline feeding the JFK International Airport in

New York. The threat to pipelines is real and evolving and we must remain ever-vigilant to safeguard our Nation's pipeline system.

TSA is dedicated to maintaining a robust Nation-wide pipeline security program that instills public confidence in the reliability of the Nation's critical energy infrastructure, enhances public safety, and promotes the continued functioning of other critical infrastructure sectors that depend on secure and reliable sources of energy delivered by pipelines.

TSA maintains clear lines of communications and close working relationships with Government and industry partners to share critical information related to pipeline security. In particular, we are continuing to build upon our strong working relationship with the Department of Transportation's Pipeline and Hazardous Materials Safety Administration, or PHMSA. TSA and PHMSA maintain virtually daily contact, including 24/7 communication and information sharing in the event of a pipeline incident. Through close coordination with PHMSA and vigorous outreach efforts to our pipeline industry stakeholders, we have made substantial progress in defining and solidifying the relative roles of TSA and PHMSA in coordinating the protection of pipeline systems, with TSA having responsibility for security matters and PHMSA having responsibility for safety matters. In 2006, we signed an annex to the Department of Homeland Security and Department of Transportation Memorandum of Understanding documenting this fact.

In addition to the close collaboration with PHMSA, TSA works to maintain close relationships with State, local, international, and non-governmental stakeholders. For example, for the last 5 years, TSA and Natural Resources Canada have co-hosted an annual international pipeline security forum to enhance Government and pipeline industry domain awareness and facilitate a dialogue on pipeline security issues. The conference is attended by officials from the United States and Canadian governments, pipeline associations, pipeline operators, and representatives from the security, intelligence, and law enforcement communities. The 2010 forum is planned for October 28–29 in Philadelphia. The forum provides an opportunity for pipeline industry, industry associations, and Government representatives to exchange security information and best practices.

TSA has undertaken a number of initiatives to improve the security of pipelines. I would like to highlight a few examples of our key programs.

The first is pipeline corporate security review. This is the centerpiece of TSA's pipeline security program. It was begun in 2003 and these reviews have enabled TSA to build relationships with pipeline operators to assess their corporate security plans and programs and to provide them with recommendations for improvement. TSA has taken a risk-based approach and has conducted reviews on all the top 100 pipeline systems in the country and is currently working on the second round of reviews of these systems.

Pipeline security awareness training. TSA has developed a 30-minute training CD for pipeline operators. The training covers topics such as security measures, awareness of vulnerabilities, potential threats, and targeting. To date, TSA has delivered training

CDs to over 300 companies, providing training to an estimated 61,000 pipeline employees. Also presently in production is a video on pipeline security for local law enforcement. This project is underway and will be finished later this year.

TSA has issued smart practices reflecting the lessons learned from our reviews over several years. A qualitative and quantitative examination of data from our reviews, coupled with literature research regarding pipeline security measures and consultation with the pipeline industry, have identified smart practices operators can implement to promote an effective security program. This document is intended to assist operators in their security planning and the implementation of security measures to protect their facilities.

In conclusion, TSA will continue its efforts to enhance the security of pipeline systems as directed by the 9/11 Act and other statutory and DHS requirements. Although TSA has been given clear authority and responsibility for the oversight and enforcement of pipeline security, we recognize that the success of this effort relies on the close coordination and on-going cooperation with industry and Government partners, including PHMSA. This coordination enhances TSA's ability to improve pipeline security in a manner that is safe and allows for the efficient flow of commerce.

Thank you for the opportunity to appear before the subcommittee today. I will be happy to answer any questions you might have.

[The statement of Mr. Fox follows:]

PREPARED STATEMENT OF JACK FOX

APRIL 19, 2010

Good morning, Chairman Carney, Ranking Member Bilirakis, and distinguished Members of the subcommittee. As General Manager of the Pipeline Security Division (PSD) of the Transportation Security Administration (TSA), I am pleased to appear today to discuss TSA's role in protecting the security of our Nation's pipelines. I appreciate the subcommittee's interest in this important infrastructure issue.

PIPELINES: A CRITICAL ECONOMIC AND SECURITY INTEREST

The United States relies on over 2.5 million miles of pipelines, operated by over 3,000 companies, for transporting petroleum and natural gas. This includes 2.2 million miles of natural gas distribution pipelines, 320,500 miles of natural gas transmission pipelines, and 168,000 miles of hazardous liquid transmission pipelines. This massive infrastructure delivers approximately two-thirds of the petroleum products and nearly all of the natural gas used in the United States. In delivering oil and gas resources, our pipeline system provides jobs, heats homes, and allows businesses to operate efficiently. It is part of the life blood of the American economy, a vast network of underground transmission lines that provides energy to residential neighborhoods, commercial sites, and industrial centers across the country. Preserving the security of this system is critical to our economic well-being and to our National security.

Because our Nation's pipeline system is of such critical importance, there is a risk that terrorists may target it with the goal of producing mass casualties and significant economic aftershocks. Less than 3 years ago, the Federal Bureau of Investigation (FBI) arrested members of a group allegedly plotting to blow up supply tanks and pipelines feeding fuel to the John F. Kennedy (JFK) International Airport in New York. The threat to pipelines is real and evolving, and we must remain ever vigilant to safeguard our Nation's pipeline system.

TSA is dedicated to maintaining a robust, Nation-wide pipeline security program that instills public confidence in the reliability of the Nation's critical energy infrastructure, enhances public safety, and promotes the continued functioning of other critical infrastructure sectors that depend on secure and reliable sources of energy delivered by pipeline.

TSA's role in pipeline security has its genesis in the Aviation and Transportation Security Act (ATSA), passed by Congress in the aftermath of the terrorist attacks

on September 11, 2001. While aviation security is a central component of ATSA, the act also confers upon TSA primary responsibility for providing security in all modes of transportation, including pipelines. Congress added substantial new pipeline-specific mandates in the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act). Pursuant to these authorities, and prioritizing activities based on risk, TSA promotes pipeline security through collaboration across the National pipeline network.

PROMOTING PIPELINE SECURITY THROUGH A COLLABORATIVE NETWORK

TSA maintains clear lines of communications and close working relationships with Government and industry partners to share critical information related to pipeline security. In particular, we are continuing to build upon our strong working relationship with the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA). TSA and PHMSA maintain virtually daily contact, including 24/7 communication and information sharing in the event of a pipeline incident. Through close coordination with PHMSA and vigorous outreach efforts to pipeline industry stakeholders, we have made substantial progress in defining and solidifying the relative roles of TSA and PHMSA in coordinating the protection of the pipeline system, with TSA having primary responsibility for security matters and PHMSA having primary responsibility for safety matters.

TSA and PHMSA have worked in close collaboration on a number of initiatives designed to improve pipeline safety and security, such as the Pipeline Security and Incident Recovery Plan, the Transportation Systems Sector Specific Plan, and the Pipeline Security Modal Annex. Both agencies are active members in the Oil & Natural Gas (ONG) Government Coordination Council and the Pipeline Government Coordinating Council. Additionally, TSA and PHMSA participate in the ONG Critical Infrastructure Partnership Advisory Council in which Governmental agencies, pipeline industry stakeholders, and other security partners collaborate on pipeline and critical infrastructure security matters.

In addition to its close collaboration with PHMSA, TSA works to maintain close relationships with State, local, international, and non-Governmental stakeholders. For example, for the past 5 years, TSA and Natural Resources Canada have cohosted an annual International Pipeline Security Forum to enhance Government and pipeline industry domain awareness and facilitate a dialogue on pipeline security issues. The conference is attended by officials from the U.S. and Canadian governments, pipeline associations, pipeline operators, and representatives from the security, intelligence, and law enforcement communities. The 2010 Forum is planned for October 28–29 in Philadelphia. The Forum provides an opportunity for pipeline industry, industry association, and Government representatives to exchange security information and best practices.

Additionally, TSA leverages the DHS Homeland Security Information Network to share information between DHS and other Government, private sector, and non-Governmental organizations involved in pipeline antiterrorism and incident management activities.

CURRENT INITIATIVES TO IMPROVE SECURITY

TSA has undertaken a number of initiatives to improve the security of pipelines. I would like to highlight a few examples of our key programs:

Pipeline Corporate Security Reviews: The centerpiece of TSA's pipeline security program is the Pipeline Corporate Security Review (PCSR). Begun in 2003, PCSRs have enabled TSA to build relationships with pipeline operators to assess their corporate security plans and programs and to provide them with recommendations for improvement. TSA has conducted PCSRs on all of the top 100 pipeline systems and is currently working on second-round reviews of these systems.

Pipeline Employee Security Awareness Training: TSA developed a 30-minute training CD for pipeline operators. The training covers topics such as security measures, awareness of vulnerabilities, potential threats, and targeting. To date, TSA has delivered training CDs to over 300 companies, providing training to an estimated 61,000 pipeline employees.

Pipeline Security Smart Practices: TSA's Pipeline Security Smart Practices reflect the lessons learned from PCSRs over several years. A qualitative and quantitative examination of data from PCSRs, coupled with literature research regarding pipeline security measures and consultation with the pipeline industry, identified smart practices operators can implement to promote an effective security program. This document is intended to assist operators in their security planning and the implementation of security measures to protect their facilities.

Cross-Border Pipeline Assessments: Canada is one of the world's largest producers and exporters of energy and is the top source for U.S. oil and natural gas imports. In 2006, Canada exported to the United States 2.3 million barrels of oil and petroleum products per day (11 percent of the U.S. supply) and 3.6 trillion cubic feet of natural gas (16 percent of the U.S. supply); this energy is overwhelmingly moved by pipeline. TSA has been leading an in-depth analysis of cross-border pipeline systems, as part of a team that included Natural Resources Canada and private industry. Assessment teams of Canadian and U.S. subject matter experts in pipeline operations, control systems, infrastructure interdependencies, and assault planning visit critical cross-border pipeline infrastructure, identify security gaps, and recommend protective measures to address them. Pipeline operators have used the assessment results to target improvements to the security of their systems. To date, joint U.S.-Canadian teams have reviewed six of the largest pipeline systems, or approximately 25 percent of the total cross-border systems.

CONCLUSION

TSA will continue its efforts to enhance the security of pipeline systems as directed by the 9/11 Act and other statutory and DHS requirements. Although TSA has been given clear authority and responsibility for the oversight and enforcement of pipeline security, we recognize that the success of this effort relies on the close coordination and on-going cooperation with industry and Government partners, including PHMSA. This coordination enhances TSA's ability to improve pipeline security in a manner that is safe and allows for the efficient flow of commerce. Thank you for the opportunity to appear before the subcommittee today. I would be happy to answer any questions that you may have.

Mr. CARNEY. Thank you, Mr. Fox.

Mr. Wiese, 5 minutes, please.

STATEMENT OF JEFFREY WIESE, ASSOCIATE ADMINISTRATOR FOR PIPELINE SAFETY, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Mr. WIESE. Thank you, Chairman Carney and Ranking Member Bilirakis; and thank you very much for the invitation to come down and speak to you today, appreciate it.

I would like to tell you that I live in either Florida or Pennsylvania, but we are somewhere in between, we are in Virginia, so . . . Thanks for your invitation to speak today. My name is Jeff Wiese, Associate Administrator of the Pipeline and Hazardous Materials Safety Administration—that is a mouthful. We are the office of pipeline safety within PHMSA, that is a little easier to get a grip on. Our job is pipeline safety.

We greatly appreciate this subcommittee's attention to our efforts to advance safety. These are the top priorities of Transportation Secretary Ray LaHood and PHMSA Administrator Cynthia Quarterman.

As you have heard, the Nation's 2.5 million miles of natural gas and hazardous liquid pipelines are a significant part of our country's critical infrastructure, that are essential to our economy and our way of life. PHMSA bears a large responsibility in ensuring that any failure of these critical components does not impact the safety of our most important stakeholders, American citizens.

Today, I will speak to the challenges we face in helping our communities live safely with the critical infrastructure upon which they depend.

With over 30,000 miles of pipelines, Florida has a significant piece of this critical network right here within its borders. Our partnerships with State agencies like the Florida Public Service

Commission help us deal with this vast majority of energy pipelines, especially those located in the high-risk areas such as natural gas distribution pipelines. In Florida, with the exception of these natural gas distribution pipelines, PHMSA is chartered with the inspection, enforcement, and safety assurance of pipelines, including anhydrous ammonia lines.

Our record in pipeline safety is good. We have seen a number of serious pipeline accidents, those involving death or injury, decline by 30 percent for the 10-year period 1999 to 2008. We believe this data is indicative that our strategy of enhancing our oversight is working. However, as was stated at the beginning of the hearing, our goal is and must remain no serious accidents, no harm to the public and hopefully no harm to any workers associated with them.

One thing is clear, however—and thank you for bringing that up—the leading cause of accidents relating to pipelines in which people are hurt or killed is damage caused by third parties. This type of damage, which does include vandalism but also prominently features excavation into underground utilities, can either cause an immediate rupture of those facilities or damage that later grows to failure.

Vandalism to pipeline facilities is something PHMSA takes very seriously. It not only causes severe safety risks to the party or parties directly involved, but it can dramatically affect people in surrounding communities and lead to drastic environmental consequences.

When pipeline security situations such as vandalism arise, PHMSA turns to our Federal business partner, the Transportation Security Administration. PHMSA and TSA created, as you noted, an annex to an MOU to clarify each agency's unique responsibilities and to detail our numerous areas of cooperation. The effectiveness of our cooperation and coordination was put to the test here in Florida in 2007, as you know well, following a vandalism-related incident on anhydrous ammonia pipeline.

As with any pipeline incident with security implications, PHMSA immediately held discussions with TSA to identify jurisdictional authority, roles and responsibilities, possible subsequent actions of each agency to remediate the situation.

PHMSA was not only concerned about the vandalism activity itself, we investigated the company's response and evaluated the adequacy of their processes, training, and equipment that they needed to prepare for and respond to threats to their pipeline. We also examined the company's operations well beyond its emergency response issues.

Our investigation found that the company's response procedures were inadequate in a number of areas and resulted in our issuance of an enforcement action, including a proposed civil penalty and a compliance order directing corrective actions.

Our inspection of the operator and our participation in a subsequent multi-agency after-action review meeting and discussion with the Hillsborough emergency response community led to two different emergency response roundtables to discuss and share safety perspectives and best practices. The workshops further advanced each participant's knowledge of anhydrous ammonia and their un-

derstanding of how to appropriately respond to incidents should they occur.

In addition to similar workshops, PHMSA has also helped communities deal with other pipeline safety issues for many years. At the top of our list remains educating the public and others about best practices to help prevent excavation damage to underground utilities, including the use of the call before you dig 8–1–1 number.

Other ways that we have been trying to help communities include making safer land use decisions near pipelines through our Pipelines and Informed Planning Alliance, best practices compilation exercise as well as providing access at a community level to maps showing where the pipelines reside.

Sometimes despite our best efforts, pipeline accidents still happen. In almost all incidents, it is our firefighters and other emergency officials who are first to arrive at the scene and they are the last line of defense in our communities. Through our long relationship with the National Association of State Fire Marshals and the International Association of Fire Chiefs, PHMSA has gained a better understanding of the needs of the fire service. From this partnership has sprung a pipeline emergencies curriculum for local emergency responders which is now being distributed and taught across the country. PHMSA has learned that leveraging partnerships with State and local officials can dramatically improve the effectiveness of our safety and prevention efforts.

Thank you for the opportunity to represent the many dedicated public servants at PHMSA and to report on our pipeline safety program. We share your commitment to improving safety, environmental protection, and reliability of our Nation's pipeline system.

This concludes my remarks. I will be happy to answer any questions at the appropriate time.

[The statement of Mr. Wiese follows:]

PREPARED STATEMENT OF JEFFREY WIESE

APRIL 19, 2010

Chairman Carney, Members of the subcommittee, thank you for the invitation to speak to each of you today. My name is Jeff Wiese, Associate Administrator of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) pipeline safety program.

We greatly appreciate this subcommittee's attention to our efforts in advancing safety, which is the top priority of Transportation Secretary Ray LaHood and PHMSA Administrator Cynthia Quarterman.

As the only modal administration within the U.S. Department of Transportation (DOT) that doesn't involve moving people, PHMSA still bears a significant responsibility in ensuring the safety of our most important stakeholders, American citizens. Today, I will speak to the challenges we face in the coexistence of people and pipelines in our communities and the ways we are working to address safety risks.

The Nation's pipelines, our energy highways, are a significant part of our country's critical infrastructure and are essential to our economy and our way of life. Over 2.5 million miles of natural gas and hazardous liquid pipelines crisscross the country transporting nearly two-thirds of the energy products we consume annually. Pipelines are by far the safest way to transport such enormous quantities of hazardous products over long distances in short time intervals.

SAFETY: PHMSA'S PRIMARY MISSION

Strong oversight has been an important strategy in strengthening pipeline safety. Ensuring the safety of the Nation's hazardous liquid and natural gas pipeline network is an enormous task. To assist us in this feat, PHMSA utilizes the help of its State agency partners, giving us the opportunity to employ over 400 additional in-

spectors to oversee 81 percent of the infrastructure. State and Federal inspectors train together to enforce National regulatory pipeline safety standards. We aim to function as a coordinated workforce to safeguard the American public from the risks pipelines pose. With over 30,000 miles of pipelines in the State, Florida has a significant piece of this critical network right here within its borders. To assist us in our efforts, PHMSA has an agreement with the Florida Public Service Commission to oversee intrastate natural gas pipelines—those that provide gas to homes and businesses. For all other pipelines in Florida, including anhydrous ammonia lines, PHMSA is chartered with the inspection, enforcement, and safety assurance of pipelines. The Federal-State partnership is a crucial component to our safety strategy and our ultimate success.

Over the years, PHMSA has taken a hard look at incidents, their causes, and what can be done to prevent them. One thing is clear—the leading cause of incidents in which people are hurt or killed is a result of third-party damages. This type of damage, which includes vandalism, causes an immediate rupture or damage that later grows to failure. Third-party damage most often occurs on natural gas distribution systems located in areas where people live and work, but it also poses a significant threat to larger pipelines such as anhydrous ammonia, natural gas, crude oil, and other hazardous liquid pipelines.

Our record in pipeline safety is good. We have seen the number of serious pipeline accidents—those involving death or injury—decline by an average of 30 percent for the 10-year period of 1999–2008. In Florida, the State has seen an average of one serious pipeline accident a year over the past 5 years compared to a National 5-year average of 41. This data is proof that our strategy of enhancing our oversight is working. Nevertheless, we recognize that one serious pipeline accident per year in Florida is still one too many and our ultimate goal is zero.

ADDRESSING THE NOVEMBER 2007 PIPELINE INCIDENT

Throughout the country anhydrous ammonia is commonly used as a chemical compound for agricultural fertilizer because of its rich nitrogen composition. The product is also used as an industrial refrigerant for agricultural retailers.

The United States contains nearly 4,500 miles of anhydrous ammonia transmission pipelines and PHMSA is the primary safety regulator for all of them. There have been 53 reported accidents on anhydrous ammonia pipelines since 2002 and of these, 15 percent were attributed to vandalism.

As we have seen here in Florida, occurrences with anhydrous ammonia pipelines can result in very tragic consequences. Since the year 2000, Tampa Bay Pipeline Company (TBPC) experienced three incidents involving its anhydrous ammonia pipeline, two of which were caused by vandalism. The most recent incident occurred on November 12, 2007 in which three teenagers drilled a hole into the pipe, immediately releasing product and a vapor cloud into the surrounding area, causing serious injuries to one of the teens and requiring the hospitalization of several fire fighters. In addition to these consequences, 300 people were evacuated from their homes as a safety precaution.

Vandalism to pipeline facilities is considered a deliberate act of sabotage and is therefore a security-related issue. To ensure security-related issues concerning pipelines are adequately addressed, PHMSA entered into an Annex to a Memorandum of Understanding with the Transportation Security Administration (TSA) acknowledging TSA's lead role in transportation security. Both agencies possess a shared commitment to a systems risk-based approach and to the development of practical solutions. The Annex recognizes that each agency brings core competencies, legal authority, resources, and expertise to this shared mission of protecting the public, but that the ultimate authority for pipeline security lies with the TSA.

As with any pipeline incident with security implications, PHMSA immediately held discussions with the TSA to identify jurisdictional authority, roles, responsibilities, and possible subsequent actions of each agency to remediate the situation following the November 2007 TBPC failure.

We investigated the company's response and evaluated the adequacy of their processes, training, and equipment to prepare for and respond to threats to their pipeline. Pipeline operators are required by law to have emergency procedures, conduct emergency training, and maintain liaison with local public officials and emergency responders. In addition, to augment our understanding of the company's response activities, PHMSA participated in a multi-agency "After Action" review meeting with emergency responders, law enforcement, Florida transportation and environmental management agencies, local school officials, and the media. Finally, PHMSA completed a comprehensive follow-up inspection, examining TBPC well beyond its emergency response issues.

When examining operator compliance, PHMSA looks for more than just fulfillment of routine maintenance requirements. We expect operators to incorporate all Federal and State regulations, including training staff, educating the public, and installing effective emergency response procedures.

During our investigation of the TBPC accident, we found the company's response procedures were inadequate in a number of areas including public awareness, record-keeping, personnel qualification, liaison with public officials, emergency response procedures, and training. As a result of our investigation, PHMSA issued TBPC a Notice of Probable Violation which included a Proposed Civil Penalty of $398,000 and a Proposed Compliance Order to restore safety assurance and readiness within its pipeline operations.

KEEPING COMMUNITIES READY TO RESPOND

Looking at the TBPC incident and holding discussions with the Hillsborough County emergency response community, PHMSA decided to increase its efforts in promoting anhydrous ammonia transportation safety in the Tampa area. In late August 2008, PHMSA hosted its *Emergency Response to Anhydrous Ammonia Transportation Incidents Roundtable* before an audience of emergency response management personnel, anhydrous ammonia industry stakeholders, and transportation industry representatives to discuss and share safety perspectives and best practices. The workshop further advanced the emergency response community's knowledge of anhydrous ammonia and their understanding of how to appropriately respond to incidents should they occur. In addition, PHMSA worked with the TSA to hold an additional invitation-only workshop for law enforcement and security agencies involved in planning for Super Bowl activities in the Tampa area. The law enforcement community was able to benefit from discussions about pipeline security and threats and vulnerabilities concerning ammonia transportation.

Damage Prevention.—Helping communities deal with pipeline safety has always been a priority of PHMSA. At the top of our list remains using the best information available to guide our excavation damage prevention efforts. Working with the Common Ground Alliance and all the underground damage prevention stakeholders, we have supported educating the public on the importance of calling the National 811 phone number, to help prevent damage to pipelines during an excavation. Pipeline operators believe that this number is effective in preventing damage to their facilities, and many are voluntarily adding this number to their permanent pipeline markers. In addition, we target for assistance those States whose risk of construction-related damage is the greatest or those States in which the potential for improvement is real. We are putting representatives in the field to help explain the benefits of effective damage prevention and have invested in research to improve excavation location and communications technology so that the one call notification system is more accurate, works faster, and contributes to a safer work place.

Guiding Safe Land Use Decisions.—There are other ways to help communities live safely with pipelines. One of the most important of these is guiding communities to make safe land use decisions. Building on the model of the Common Ground Alliance, we have called stakeholders together in a similar model, called Pipeline and Informed Planning Alliance (PIPA). This is a follow-up activity to a mandate of the Pipeline Safety Improvement Act (PSIA) of 2002, and results from a recommendation by the National Academy of Science's Transportation Research Board.

National Pipeline Mapping System.—A companion effort is helping communities understand where pipelines are located, who owns and operates them, and what other information is available for community planning. Following the passage of the PIPES Act, PHMSA worked with the Department of Homeland Security/Transportation Security Administration to resolve concerns about security sensitive information. Vital information that communities need for land use, environmental and emergency planning around pipelines is publicly available through PHMSA's National Pipeline Mapping System (NPMS). We continue to work with States, industry and other stakeholders to make the NPMS information more accurate and more useful. Additionally, we have completed a review of thousands of operators' public education programs and provide operators with feedback.

PHMSA works hard to provide communities with the information they need to make informed decisions and live safely with pipelines, but like the ammonia incident, accidents can and do still happen. In almost all instances, it is our firefighters and other emergency officials who are first to arrive at the scene of a dangerous pipeline incident. In light of this, we support the development of training material and educational seminars to help educate emergency responders in how to safely respond to emergency pipeline situations.

Emergency Responder Training Materials.—Through our relationship with the National Association of State Fire Marshals (NASFM), PHMSA has gained a better understanding of the informational needs of the fire service and utilized NASFM State contacts to conduct outreach and training for local emergency responders. Our *Pipeline Emergencies* training curriculum and course materials offers a comprehensive, integrated emergency response training program designed to teach emergency responders and pipeline industry personnel to safely respond and effectively manage pipeline incidents. In addition, PHMSA is providing $500,000 to NASFM this year to support the update of *Pipeline Emergencies,* including new hardcopy training books and DVD material that can be distributed to local fire service personnel. The training material will also include new sections on transportation of alternative fuels via pipelines and how to respond to ethanol pipeline incidents.

CONCLUSION

As you can see, our expanded partnerships with State and local officials are helping us to strengthen the effectiveness of our safety and prevention efforts.

PHMSA very much appreciates the opportunity to report on our pipeline safety program. We share your commitment to improving safety, environmental protection, and reliability of our Nation's pipeline system.

Thank you. I would be pleased to answer any questions you have.

Mr. CARNEY. Thank you, Mr. Wiese.

Dr. Parfomak now for 5 minutes, please.

STATEMENT OF PAUL W. PARFOMAK, SPECIALIST IN ENERGY AND INFRASTRUCTURE POLICY, CONGRESSIONAL RESEARCH SERVICE, THE LIBRARY OF CONGRESS

Mr. PARFOMAK. Good morning, Chairman Carney and Ranking Member Bilirakis. My name is Paul Parfomak, Specialist in Energy and Infrastructure Policy at the Congressional Research Service. CRS appreciates the opportunity to testify here today about the Federal role in pipeline security. This testimony focuses on the evolution and current status of key Federal agency responsibilities. In accordance with our enabling statutes, CRS takes no position on any related legislation.

As has been stated, nearly half a million miles of hazardous liquids and natural gas transmission pipeline cross the United States. While a fundamentally safe means of transport, pipelines have been a focus of terrorist activity in North America. Recent incidents include the 2007 JFK International incident and the conviction of a U.S. citizen trying to conspire with al-Qaeda to attack the Trans-Alaska pipeline system. To date, there have been no known terrorist attacks on U.S. pipelines, but the threat of such attacks is credible.

Under Federal statutes, the Department of Transportation is given primary authority to regulate key aspects of interstate pipeline safety. To fulfill this mission, the DOT employs approximately 200 pipeline safety staff, including field inspectors. The Department also delegates authority to its State pipeline safety offices where over 400 State pipeline safety inspectors are available.

The Clinton administration added to the DOT a lead responsibility for pipeline security in 1998. In 2001, President Bush placed the DOT's pipeline security authority within the newly established Transportation Security Administration, which was transferred to the new Department of Homeland Security the following year.

Given the important roles that both the DOT and TSA have played in pipeline security, Congress has long been concerned about the appropriate division of pipeline security authority be-

tween the two agencies. In 2006, the agency signed an agreement to delineate clear lines of authority and responsibility and promote communications, efficiency, and non-duplication of effort. The agencies subsequently developed a multi-year action plan to execute key elements of the Federal pipeline security program. Although the DOT and TSA jointly developed this action plan, a DOT Inspector General assessment in 2008 was not satisfied with it, stating that further actions needed to be taken with a sense of urgency because the current situation was far from an end-state for enhancing U.S. pipeline security. According to TSA, cooperation with the DOT has improved drastically since the release of the Inspector General report. The two agencies maintain daily contact, share information in a timely manner, and collaborate on security guidelines and incident response planning.

While TSA and the DOT seem to have improved their cooperation in pipeline security, key questions remain regarding what this cooperation entails and the on-going roles of the two agencies. In this context, two specific issues may warrant further Congressional consideration: (1) TSA's pipeline security resources, and (2) potential pipeline security regulations.

TSA's pipeline budget currently funds 13 full-time-equivalent staff to conduct pipeline security inspections, maintain TSA's pipeline asset database, support TSA's risk models and develop new security standards. At this staffing level, TSA's pipelines division has limited field presence for the inspection and possible enforcement under either the current voluntary standards or any future regulations.

TSA's handful of inspection staff stands in contrast to the hundreds of inspection staff available to the DOT at the Federal and State levels. Given this disparity, it is logical to consider whether DOT's field staff, who are charged with inspecting the same pipeline systems as TSA, could somehow be deployed to help fulfill the Nation's pipeline security objectives.

Federal pipeline security activities to date have relied upon voluntary industry compliance. However, the 9/11 Commission Act of 2007 directs TSA to promulgate pipeline security regulations and carry out necessary inspection and enforcement if the agency determines that regulations are appropriate. Unlike maintaining voluntary standards, developing pipeline security regulations would involve a complex and potentially contentious rulemaking process. Should Congress choose to mandate such regulations, it is not clear that TSA's pipeline security division as currently configured would be up to the task. By comparison, the DOT has a history of developing, enforcing, and updating extensive pipeline safety regulations. Notwithstanding this well-established regulatory infrastructure at the DOT, given the division of authority between the agencies, it is not clear that TSA could draw upon those regulatory capabilities if they should be needed.

In conclusion, while the DOT and TSA have distinct missions, pipeline safety and security are intertwined. As oversight of the Federal role in pipeline security continues, questions may be raised concerning the relationship between TSA and the DOT with respect to pipeline security. In particular, given the limited staff in TSA's pipeline security division and the comparatively large pipeline safe-

ty staff in the DOT, Congress may consider whether staff resources across both agencies are optimally aligned. Pipeline safety and security necessarily involve many groups—Federal agencies, State agencies, pipeline industry associations, large and small pipeline operators, and local communities. Reviewing how these groups work together could be an oversight challenge for Congress.

Thank you for the opportunity to appear before the committee today. I look forward to any questions you may have.

[The statement of Dr. Parfomak follows:]

PREPARED STATEMENT OF PAUL W. PARFOMAK

APRIL 19, 2010

Good morning Chairman Carney and Ranking Member Bilirakis. My name is Paul Parfomak, Specialist in Energy and Infrastructure Policy at the Congressional Research Service (CRS). CRS appreciates the opportunity to testify here today about the Federal role in pipeline security. At the committee's request, this testimony focuses on the evolution and current status of key agency responsibilities. In accordance with our enabling statutes, CRS takes no position on any related legislation.

INTRODUCTION

Nearly half a million miles of hazardous liquids and natural gas transmission pipeline crisscross the United States. These pipelines are integral to U.S. energy supply and have vital links to other critical infrastructure, such as power plants, airports, and military bases. While an efficient and fundamentally safe means of transport, many pipelines carry volatile, flammable, or toxic materials with the potential to cause public injury and environmental damage. The Nation's pipeline networks are also widespread, running alternately through remote and densely populated regions; consequently, these systems are vulnerable to accidents and terrorist attack.

Congress has recently passed the Pipeline Safety Improvement Act of 2006 and the Implementing Recommendations of the 9/11 Commission Act of 2007, to improve pipeline safety and security practices. The 111th Congress is overseeing the implementation of these acts and considering new legislation related to the Nation's pipeline network. Recent legislative proposals include the Transportation Security Administration Authorization Act (H.R. 2200), which would mandate a new Federal pipeline security study regarding the roles and responsibilities of the Department of Homeland Security and the Department of Transportation with respect to pipeline security.

PIPELINE SECURITY RISKS

Pipelines are vulnerable to vandalism and terrorist attack with firearms, with explosives, or by other physical means. Some pipelines may also be vulnerable to "cyber-attacks" on computer control systems or attacks on electricity grids or telecommunications networks.[1] Oil and natural gas pipelines have been a recent focus of terrorist activity overseas and in North America. For example, in January 2006, Federal authorities reportedly acknowledged the discovery of a detailed posting on a web site purportedly linked to al-Qaeda that encouraged attacks on U.S. pipelines, using weapons or hidden explosives.[2] In June, 2007, the U.S. Department of Justice arrested members of a terrorist group planning to attack jet fuel pipelines and storage tanks at the John F. Kennedy (JFK) International Airport in New York.[3] A Mexican rebel group detonated multiple bombs along Mexican oil and natural gas pipelines in July and September, 2007.[4] In November 2007 a U.S. citizen was convicted of trying to conspire with al-Qaeda to attack the Trans Alaska Pipeline Sys-

[1] J.L. Shreeve, "Science & Technology: The Enemy Within," *The Independent.* London, UK, May 31, 2006, p. 8.

[2] W. Loy, "Web Post Urges Jihadists to Attack Alaska Pipeline," *Anchorage Daily News,* January 19, 2006.

[3] U.S. Dept. of Justice, "Four Individuals Charged in Plot to bomb John F. Kennedy International Airport," Press release, June 2, 2007.

[4] Reed Johnson, "Six Pipelines Blown Up in Mexico," *Los Angeles Times,* September 11, 2007. p A–3.

tem and a major natural gas pipeline in the eastern United States.[5] Natural gas pipelines in British Columbia, Canada were bombed six times between October 2008 and July 2009 by unknown perpetrators.[6] To date, there have been no known al-Qaeda attacks on U.S. pipelines, but the threat of such attacks remains credible.

Although accidental releases from pipelines in the United States, on the whole, cause few annual fatalities compared to other product transportation modes, uncontrolled or intentional pipeline releases could be catastrophic in specific cases. For example, a 1999 gasoline pipeline accident in Bellingham, Washington, killed two children and an 18-year-old man, and caused $45 million in damage to a city water plant and other property. In 2000, a natural gas pipeline accident near Carlsbad, New Mexico, killed 12 campers, including four children.[7] In 2006, corroded pipelines on the North Slope of Alaska leaked over 200,000 gallons of crude oil in an environmentally sensitive area. In 2007, the release of anhydrous ammonia from a pipeline in Hillsborough County, Florida due to vandalism, severely burned the perpetrator and required an emergency evacuation of the surrounding community.[8] Such accidents have generated substantial scrutiny of pipeline regulation and increased State and community activity related to pipeline safety and security.[9]

THE EARLY FEDERAL ROLE IN PIPELINE SECURITY

The Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Act of 1979 are two of the key early acts establishing the Federal role in pipeline operations. Under both statutes, the Department of Transportation (DOT) is given primary authority to regulate key aspects of interstate pipeline safety: Design, construction, operation and maintenance, and spill response planning. To fulfill this mission, the DOT employs approximately 200 full-time equivalent pipeline safety staff, including field inspectors, based in Washington, DC, Atlanta, Kansas City, Houston, and Denver.[10] In addition to its own staff, the DOT delegates authority to State pipeline safety offices for those sections of interstate pipelines within their boundaries.[11] Over 400 State pipeline safety inspectors are available in 2010.

Presidential Decision Directive 63, issued by the Clinton administration in 1998, assigned to the DOT lead responsibility for pipeline security as well.[12] Under this authority, after the terrorist attacks of September 11, 2001, the DOT conducted a vulnerability assessment to identify critical pipeline facilities and worked with industry groups and State pipeline safety organizations to assess the industry's readiness to prepare for, withstand, and respond to a terrorist attack.[13] Together with the Department of Energy and State pipeline agencies, the DOT promoted the development of consensus standards for security measures tiered to correspond with the five levels of threat warnings issued by the Office of Homeland Security.[14] The DOT also developed protocols for inspections of critical facilities to ensure that operators implemented appropriate security practices. To convey emergency information and warnings, the DOT established a variety of communication links to key staff at the most critical pipeline facilities throughout the country. The DOT also began identifying near-term technology to enhance deterrence, detection, response, and recovery,

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[5] U.S. Attorney's Office, Middle District of Pennsylvania, "Man Convicted of Attempting to Provide Material Support to Al-Qaeda Sentenced to 30 Years' Imprisonment," Press release, November 6, 2007; A. Lubrano and J. Shiffman, "Pa. Man Accused of Terrorist Plot," *Philadelphia Inquirer,* February 12, 2006, p. A1.

[6] Elise Stolte, "EnCana Puts Record $1M on Bomber's Head," *Edmonton Journal,* July 31, 2009.

[7] National Transportation Safety Board, *Pipeline Accident Report* PAR–03–01, February 2003.

[8] Nicole Hutcheson and Abbie Vansickle, "Better Security Urged For Ammonia Pipeline," *St. Petersburg Times,* January 18, 2008.

[9] See, for example: Bellingham Herald Editorial Board, "Citizens Need Panel To Monitor Pipeline Safety," *Bellingham Herald* (WA), January 24, 2010; Janet Zink, "Fueling the Resistance," *St. Petersburg Times,* December 16, 2007; W. Loy, "Slope Mayor Questions Leak Detection," *Anchorage Daily News,* March 14, 2006; J. Nesmith and R. K. M. Haurwitz, "Pipelines: The Invisible Danger," *Austin American-Statesman,* July 22, 2001.

[10] U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2011: Appendix,* February 2010, p. 989.

[11] 49 U.S.C. 601. States may recover up to 50% of their costs for these programs from the Federal Government.

[12] Presidential Decision Directive 63, *Protecting the Nation's Critical Infrastructures,* May 22, 1998.

[13] Research and Special Programs Administration (RSPA), *RSPA Pipeline Security Preparedness,* December 2001.

[14] Ellen Engleman, Administrator, Research and Special Programs Administration (RSPA), statement before the Subcommittee on Energy and Air Quality, House Energy and Commerce Committee, March 19, 2002.

and began seeking to advance public and private sector planning for response and recovery.[15]

In September 2002, the DOT circulated formal guidance developed in cooperation with the pipeline industry associations defining the agency's security program recommendations and implementation expectations. This guidance recommended that operators identify critical facilities, develop security plans consistent with prior trade association security guidance, implement these plans, and review them annually.[16] While the guidance was voluntary, the DOT expected compliance and informed operators of its intent to begin reviewing security programs within 12 months, potentially as part of more comprehensive safety inspections.[17]

TRANSFERRING PIPELINE SECURITY TO TSA

In 2001, President Bush signed the Aviation and Transportation Security Act, placing the DOT's pipeline security authority within the department's newly established Transportation Security Administration (TSA). The act specified for TSA a range of duties and powers related to general transportation security, such as intelligence management, threat assessment, mitigation, security measure oversight and enforcement, among others. President Bush subsequently signed the Homeland Security Act of 2002 transferring TSA to the newly established Department of Homeland Security (DHS). In December 2003, President Bush issued Homeland Security Presidential Directive 7 maintaining DHS as the lead agency for pipeline security and instructing the DOT to "collaborate in regulating the transportation of hazardous materials by all modes (including pipelines)."

In 2003, among other pipeline-related initiatives, TSA initiated its on-going Corporate Security Review (CSR) program as the centerpiece of its pipeline security activities. Under the CSR program, the agency visits the largest pipeline and natural gas distribution operators to review their security plans and inspect their facilities. During the reviews, TSA evaluates whether each company is following the intent of the DOT's security guidance as updated by TSA. TSA has completed CSR's covering all of the largest 100 pipeline systems (84% of total U.S. energy pipeline throughput) and had completed revisits of 41 systems determined to be at highest security risk. The agency plans to conduct 12 additional reviews in 2010.[18] According to TSA, recent results indicate that the majority of U.S. pipeline systems "do a good job in regards to pipeline security" although there are areas in which pipeline security can be improved.[19] Past corporate security reviews have identified inadequacies in some company security programs such as not updating security plans, lack of management support, poor employee involvement, inadequate threat intelligence, and employee apathy or error.[20]

In January, 2007 testimony before Congress, the TSA Administrator stated that the agency intended to conduct a pipeline infrastructure study to identify the "highest risk" pipeline assets, building upon such a list developed through the CSR program. He also stated that the agency would use its on-going security review process to determine the future implementation of baseline risk standards against which to set measurable pipeline risk reduction targets.[21] Provisions in the Implementing Recommendations of the 9/11 Commission Act of 2007 required TSA, in consultation with the DOT, to develop a plan for the Federal Government to provide increased security support to the "most critical" pipelines at high or severe security alert levels and when there is specific security threat information relating to such pipeline infrastructure. The act also required a recovery protocol plan in the event of an incident affecting the interstate and intrastate pipeline system. According to TSA, a draft plan has been completed and is currently under review in the TSA/DHS clearance process.[22]

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[15] Ellen Engleman, Administrator, Research and Special Programs Administration (RSPA), statement before the Subcommittee on Highways and Transit, House Transportation and Infrastructure Committee, February 13, 2002.

[16] James K. O'Steen, Research and Special Programs Administration (RSPA), *Implementation of RSPA Security Guidance,* presentation to the National Association of Regulatory Utility Commissioners, February 25, 2003.

[17] Office of Pipeline Safety (OPS), personal communication, June 10, 2003.

[18] Transportation Security Administration, personal communication, February 2, 2010.

[19] Ibid.

[20] Mike Gillenwater, TSA, "Pipeline Security Overview," Presented to the Alabama Public Service Commission Gas Pipeline Safety Seminar, Montgomery, AL, December 11, 2007.

[21] Hawley, Kip, Asst. Secretary, Dept. of Homeland Security, testimony before the Senate Committee on Commerce, Science, and Transportation hearing on Federal Efforts for Rail and Surface Transportation Security, January 18, 2007.

[22] Transportation Security Administration, personal communication, February 2, 2010.

THE RELATIONSHIP BETWEEN DOT AND TSA

Congress has long had concerns about the appropriate division of pipeline security authority between the DOT and TSA.[23] Both the DOT and TSA have played important roles in the Federal pipeline security program, with TSA the designated lead agency since 2002. In 2004, the DOT and DHS entered into a memorandum of understanding (MOU) concerning their respective security roles in all modes of transportation. The MOU notes that DHS has the primary responsibility for transportation security with support from the DOT, and establishes a general framework for cooperation and coordination. On August 9, 2006, the departments signed an annex "to delineate clear lines of authority and responsibility and promote communications, efficiency, and nonduplication of effort through cooperation and collaboration between the parties in the area of transportation security."[24]

In January, 2007, DOT officials testified before Congress that the agency had established a joint working group with TSA "to improve interagency coordination on transportation security and safety matters, and to develop and advance plans for improving transportation security," presumably including pipeline security.[25] According to TSA, the working group developed a multi-year action plan specifically delineating roles, responsibilities, resources, and actions to execute 11 program elements: identification of critical infrastructure/key resources and risk assessments; strategic planning; developing regulations and guidelines; conducting inspections and enforcement; providing technical support; sharing information during emergencies; communications; stakeholder relations; research and development; legislative matters; and budgeting.[26] Nonetheless, a DOT Inspector General (IG) assessment published May 2008 was not satisfied with this plan. The IG report states that, although the agencies

"have taken initial steps toward formulating an action plan to implement the provisions of the pipeline security annex . . . further actions need to be taken with a sense of urgency because the current situation is far from an 'end state' for enhancing the security of the Nation's pipelines."[27]

The assessment recommended that the DOT and TSA finalize and execute their security annex action plan, clarify their respective roles, and jointly develop a pipeline security strategy that maximizes the effectiveness of their respective capabilities and efforts.[28] According to TSA, working with the DOT "improved drastically" after the release of the IG report; the two agencies began maintaining daily contact, sharing information in a timely manner, and collaborating on security guidelines and incident response planning.[29] TSA and the DOT "continue to enjoy a 24/7 communication and coordination relationship in regards to all pipeline security and safety incidents."[30]

KEY POLICY ISSUES

While TSA and the DOT appear to have improved their cooperation under the terms of the pipeline security annex, key questions remain regarding what this cooperation entails and the on-going roles of the two agencies with respect to pipeline security. In this context, two specific issues may warrant further Congressional consideration: (1) TSA's pipeline security resources, and (2) potential pipeline security regulations.

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[23] For example, see Hon. William J. Pascrell, Jr., statement at the House Committee on Transportation and Infrastructure, Subcommittee on Highways, Transit, and Pipelines, hearing on Pipeline Safety, March 16, 2006.

[24] Transportation Security Admin. and Pipelines and Hazardous Materials Safety Admin., "Transportation Security Administration and Pipelines and Hazardous Materials Safety Administration Cooperation on Pipelines and Hazardous Materials Transportation Security," August 9, 2006.

[25] Barrett, T.J., Administrator, Pipeline and Hazardous Materials Safety Administration (PHMSA), Testimony before the Senate Committee on Commerce, Science, and Transportation hearing on Federal Efforts for Rail and Surface Transportation Security, January 18, 2007.

[26] Transportation Security Administration, Pipeline Security Division, personal communication, July 6, 2007.

[27] U.S. Dept. of Transportation, Office of Inspector General, *Actions Needed to Enhance Pipeline Security, Pipeline and Hazardous Materials Safety Administration,* Report No. AV–2008–053, May 21, 2008, p. 3.

[28] Ibid. pp. 5–6.

[29] Transportation Security Administration, personal communication, February 2, 2010.

[30] TSA, Pipeline Security Division, personal communication, July 6, 2007.

TSA Pipeline Security Resources

Some Members of Congress have been critical in the past of TSA's funding of non-aviation security activities, including pipeline activities. For example, as one Member remarked in 2005, "aviation security has received 90% of TSA's funds and virtually all of its attention. There is simply not enough being done to address . . . pipeline security."[31] With respect to pipeline security funding, little may have changed since 2005. The President's fiscal year 2011 budget request for DHS does not include a separate line item for TSA's pipeline security activities. The budget request does include a $137.6 million line item for "Surface Transportation Security," which encompasses security activities in non-aviation transportation modes, including pipelines.[32] TSA's pipeline division has traditionally received from the agency's general operational budget an allocation for routine operations, travel, and outreach. The budget currently funds 13 full-time equivalent staff to conduct pipeline security inspections, maintain TSA's pipeline asset database, support TSA's multi-modal risk models, develop new security standards, and issue regulations, as required.[33]

At its current staffing level, TSA's pipelines division has limited field presence for inspections and possible enforcement under the current voluntary standards or future regulations. In conducting a pipeline corporate security review, for example, TSA typically sends one to three staff to hold a 3- to 4-hour interview with the operator's security representatives followed by a visit to only one or two of the operator's pipeline assets.[34] There is concern by some that the agency's CSRs as currently structured may not allow for rigorous security plan verification nor a credible threat of enforcement, so operator compliance with security guidance may be inadequate. The limited number of CSR's the agency can complete in a year is also a concern to some, even within TSA. According to a 2009 Government Accountability Office report, "TSA's pipeline division stated that they would like more staff in order to conduct its corporate security reviews more frequently," in part because other staff responsibilities such as "analyzing secondary or indirect consequences of a terrorist attack and developing strategic risk objectives required much time and effort."[35]

TSA's handful of field inspection staff stands in contrast to the hundreds of inspection staff available to the DOT at the Federal and State levels. Given this disparity, it is logical to consider whether DOT's field staff, who are charged with inspecting the same pipeline systems as TSA, could somehow be deployed to help fulfill the Nation's pipeline security objectives. The question also arises whether having separate inspections of the same pipeline systems for safety and security may be inherently inefficient, or may miss an opportunity for more frequent or thorough examination of pipeline security.

Pipeline Security Regulations

Federal pipeline security activities to date have relied upon voluntary industry compliance with DOT security guidance and TSA security best practices. By initiating this voluntary approach in 2002, DOT sought to speed adoption of security measures by industry and avoid the publication of sensitive security information (e.g., critical asset lists) that would normally be required in public rulemaking.[36] However, the 9/11 Commission Act of 2007 directs TSA to promulgate pipeline security regulations and carry out necessary inspection and enforcement—if the agency determines that regulations are appropriate. Addressing this issue, the 2008 IG report states that "TSA's current security guidance . . . remains unenforceable unless a regulation is issued to require industry compliance.[37]

Although TSA's fiscal year 2005 budget justification stated that the agency would "issue regulations where appropriate to improve the security of the [non-aviation

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[31] Sen. Daniel K. Inouye, opening statement before the Senate Committee on Commerce, Science, and Transportation, hearing on the President's fiscal year 2006 Budget Request for the Transportation Security Administration (TSA), February 15, 2005.

[32] U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2011: Appendix*, February 2010, p. 526.

[33] Transportation Security Administration, Pipeline Security Division, personal communication, February 2, 2010.

[34] Department of Homeland Security, "Intent to Request Approval from OMB of One New Public Collection of Information: Pipeline Corporate Security Review," 74 Federal Register 42086, August 20, 2009.

[35] U.S. Government Accountability Office, *"Transportation Security: Comprehensive Risk Assessments and Stronger Internal Controls Needed to Help Inform TSA Resource Allocation,"* GAO–09–492, March 2009, p. 30, *http://www.gao.gov/new.items/d09492.pdf.*

[36] GAO, *Pipeline Security and Safety: Improved Workforce Planning and Communication Needed,* GAO–02–785, August 2002, p. 22.

[37] U.S. Dept. of Transportation, Office of Inspector General, May 21, 2008, p. 6.

transportation] modes," the agency has not done so for pipelines, and is not currently working on such regulations.[38] The pipelines industry has expressed concern that new security regulations and related requirements may be "redundant" and "may not be necessary to increase pipeline security."[39] The DOT has testified in the past that enhancing security "does not necessarily mean that we must impose regulatory requirements."[40] TSA officials have also questioned the IG assertions regarding pipeline security regulations, arguing that the agency is complying with the letter of its statutory requirements and that its pipeline operator security reviews are more than paper reviews.[41]

Unlike maintaining voluntary standards, developing pipeline security regulations—with provisions for pipeline operations, inspection, reporting, and enforcement—would involve a complex and potentially contentious rulemaking process involving multiple stakeholders. Should Congress choose to mandate the promulgation of such regulations, it is not clear that TSA's pipeline security division as currently configured would be up to the task. Indeed, the agency's relatively limited proposal last year to collect security-related information from pipeline operators, including reports about security incidents, was criticized by some in the pipeline industry as potentially exposing them to civil liability and including "overbroad and unnecessary data categories," especially with respect to "suspicious" activity, which TSA did not clearly define.[42] By comparison, the DOT has a history of developing, enforcing, and updating extensive pipeline safety regulations. Notwithstanding this well-established regulatory infrastructure, given the division of pipeline authority between the agencies and their cooperative agreement, it is not clear that TSA could draw upon the regulatory capabilities of the DOT should new pipeline security regulations be required.

CONCLUSION

Both Government and industry have taken numerous steps to improve pipeline security since 2001. While the DOT and TSA have distinct missions, pipeline safety and security are intertwined. As oversight of the Federal role in pipeline security continues, questions may be raised concerning the relationship between DHS and the DOT with respect to pipeline security. In particular, given the limited staff in TSA's pipeline security division, and the comparatively large pipeline safety staff in the DOT, Congress may consider whether the agencies' pipeline security annex optimally aligns staff resources across both agencies to fulfill the Nation's overall pipeline safety and security mission. In addition to these specific issues, Congress may wish to assess how the various elements of U.S. pipeline safety and security activity fit together in the Nation's overall strategy to protect transportation infrastructure. For example, diverting pipeline resources away from safety to enhance security might further reduce terror risk, but not overall pipeline risk, if safety programs become less effective as a result. Pipeline safety and security necessarily involve many groups: Federal agencies, oil and gas pipeline associations, large and small pipeline operators, and local communities. Reviewing how these groups work together to achieve common goals could be an oversight challenge for Congress.

Mr. CARNEY. Thank you, Doctor.

Mr. Forman for 5 minutes, please.

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[38] Department of Homeland Security (DHS), *Transportation Security Administration Fiscal Year 2005 Congressional Budget Justification,* Washington, DC, February 2, 2004, p. 20; TSA, Pipeline Security Division, personal communication, February 17, 2009.

[39] American Gas Association (AGA), American Petroleum Institute (API), Association of Oil Pipelines (AOPL), and American Public Gas Association (APGA), joint letter to members of the Senate Commerce Committee providing views on S. 1052, August 22, 2005.

[40] Barrett, T.J. January 18, 2007.

[41] Sammon, John, Transportation Security Administration, Testimony before the House Transportation and Infrastructure Committee, Railroad, Pipelines, and Hazardous Materials Subcommittee hearing on Implementation of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006, June 24, 2008.

[42] Interstate Natural Gas Association of America, "Re: Intent to Request Approval from OMB of One New Public Collection of Information: Pipeline Operator Security Information," Letter to the Transportation Security Administration, September 28, 2009, *http://www.ingaa.org/cms/30/9093.aspx.*

STATEMENT OF GARY L. FORMAN, CHAIR, PIPELINE SECTOR COORDINATING COUNCIL

Mr. FORMAN. Thank you, Chairman Carney, Ranking Member Bilirakis. We appreciate the opportunity for industry to be a part of this hearing.

As previously indicated, I am the Director of Corporate Security for NiSource, Inc. NiSource is engaged in natural gas transmission, storage, and distribution as well as electric generation, transmission, and distribution.

Regarding pipelines, we own and operate nearly 15,000 miles of interstate pipelines in 14 States and one of the Nation's largest natural gas storage systems.

I am here today in my capacity as Chair of the Oil and Natural Gas Sector Coordinating Council, Pipeline Working Group, a group that is also known as the Pipeline Sector Coordinating Council. Again, I very much appreciate the opportunity to participate in this hearing and provide the input from the pipeline industry.

As a security professional, I believe the lines of responsibility regarding pipeline security are clear. I believe that it is the responsibility of pipeline operators to operate facilities in a safe, secure manner and to work in cooperation with law enforcement agencies and area residents to provide the day-to-day security of facilities.

In regard to the responsibilities of the Federal agencies, the Department of Transportation, Pipeline and Hazardous Materials Safety Administration, PHMSA, is responsible for pipeline safety. The Transportation Security Administration, Pipeline Security Division, is responsible for pipeline security.

Historically, safety of pipelines has been driven by Title 49 of the Code of Federal Regulations. DOT administers these regulations through PHMSA with a focus on numerous aspects of safety, including design, construction, operation of facilities and management of emergencies.

On September 5, 2002, DOT issued a circular that recommended that operators identify critical facilities, develop security plans, implement these plans and review them annually.

Then on December 17, 2003, a change for us occurred in the responsible agency for pipeline security when President Bush issued Homeland Security Directive 7 that identifies DHS as the lead agency for pipeline security.

Pipeline operators and our trade associations in response to the new environment created by September 11, 2001, and also in response to the expectations of agencies including TSA and DOT, have developed security guidelines for our industry. Responsible operators have developed company-focused security programs, conducted risk assessments and implemented security plans. Pipeline operators have also leveraged years of experience as well as the requirements of 49 CFR and continue to maintain emergency response plans that are effective for security as well as safety incidents.

Pipeline operators have also been instrumental in developing the Oil and Natural Gas Sector Coordinating Council and the Pipeline Working Group as a means of fostering communications between security personnel in the industry and with representatives of the various agencies. TSA and DOT have been active partners in the

Energy Sector Government Coordinating Council and have actively participated in the joint meetings that occur with the industry's SCC.

TSA has worked closely with relevant agencies and appropriate industry representatives to develop a responsible approach to pipeline security. The Transportation System Sector Specific Plan and Pipeline Modal Annex was developed as an extension of the National Infrastructure Protection Plan. This document provides direction to operators when establishing realistic risk-based security programs.

TSA has conducted numerous corporate security reviews and critical facility inspections to determine if pipeline operators are developing appropriate security programs, identifying critical facilities and implementing plans as appropriate. TSA has shared what they consider to be smart practices with industry and they also have provided various other services to the pipeline companies, including training videos and annually sponsoring the International Pipeline Security Forum.

Even though DOT working with industry had the original agency responsibility for security as well as safety of pipelines, it has been made clear to pipeline operators that TSA is now the lead agency for issues of pipeline security. Operators know that in the event of a significant pipeline safety incident, they need to contact DOT; and in the event of a pipeline security-related incident, they contact TSA. A mechanical failure or unintentional act resulting in significant damage to a pipeline will be reported to DOT through the National Response Center. An intentional act of damage or act of suspicious nature involving a pipeline will be reported to TSA through the Transportation Security Operating Center. All involved parties must work in cooperation with law enforcement, local agencies, and first responders to minimize damage and danger to communities and critical facilities.

In my experience, pipeline operators, TSA, and DOT have shown a willingness and ability to work together and with other agencies and local communities in the interest of pipeline security.

Thank you again. This concludes my testimony and I am happy to answer any questions.

[The statement of Mr. Forman follows:]

PREPARED STATEMENT OF GARY L. FORMAN

APRIL 19, 2010

INTRODUCTION

My name is Gary L. Forman and I am currently Director, Corporate Security for NiSource Inc. NiSource Inc., based in Merrillville, Indiana, is a Fortune 500 company engaged in natural gas transmission, storage, and distribution, as well as electric generation, transmission, and distribution. NiSource operating companies deliver energy to approximately 3.8 million customers located within a corridor that runs from the Gulf Coast through the Midwest to New England.

NiSource's Gas Transmission and Storage Operations subsidiaries own and operate nearly 15 thousand miles of interstate natural gas transmission pipelines, serving customers in 16 northeastern, mid-Atlantic, midwestern, and southern States and the District of Columbia. In addition, the companies operate over 100 compressor stations with a total of over 1 million horsepower. One of NiSource's Transmission and Storage subsidiaries owns and operates one of North America's largest underground natural gas storage systems, operating 37 storage fields in four States (Ohio, Pennsylvania, West Virginia, and New York). NiSource also is one of the Na-

tion's largest natural gas distribution companies, as measured by number of customers, delivering natural gas to over 3.3 million customers in seven States and operating approximately 58,000 miles of pipeline.

I have over 35 years of experience in the pipeline industry, and since November 2001, I have been engaged full-time as a security professional. I am actively involved with the security committees of industry trade associations, including the Interstate Natural Gas Association of America and the American Gas Association. I have been an active member of the Oil and Natural Gas Sector Coordinating Council (ONG SCC) since it was created in 2004, including service as Chair of the Council in 2006. I currently am Chair of the ONG SCC Pipeline Working Group, which also serves as the Pipeline Sector Coordinating Council (Pipeline SCC). I also held this position in 2006 and 2007. It is in this capacity, as Chair of the ONG SCC Pipeline Working Group that I testify before the subcommittee today.

SUMMARY

Prudent operators in the pipeline industry take their responsibility for facility and system security very seriously. The Department of Transportation and the Transportation Security Administration have provided guidance and expectations for the practices and procedures necessary to secure the Nation's critical pipeline infrastructure. Members of industry and trade associations, working together and through the Sector Coordinating Councils, have developed guidelines that are consistent with these expectations. The typical operator has developed security programs, conducted risk assessments on their facilities and implemented sound practices that provide for effective and practical security of their facilities.

When considering the current responsibilities of Federal agencies, I believe the lines of responsibility regarding pipeline security are clear. The Department of Transportation Pipeline and Hazardous Materials Safety Administration (DOT PHMSA) is responsible for pipeline safety. The Transportation Security Administration Pipeline Security Division (TSA PSD) is responsible for pipeline security.

A mechanical failure or unintentional act resulting in significant damage to a pipeline will be reported to DOT PHMSA through the National Response Center (NRC). An intentional act of damage, or act of a suspicious nature involving a pipeline, will be reported to TSA PSD through the Transportation Security Operating Center (TSOC). If serious injury, a potential loss of life, or property damages in excess of $50,000 occurs, the incident must be reported to the NRC.

The emergency response practices prescribed by DOT are used in the event of any incident, whether intentional or accidental. All involved parties must work cooperatively with law enforcement, local agencies, and first responders to minimize damage and danger to local communities and critical facilities.

In my experience, pipeline operators, TSA PSD and DOT PHMSA have shown the willingness and ability to work together, with other agencies and local communities in the interest of pipeline security.

BACKGROUND

Safety has historically played a role of paramount importance in the operations of pipeline networks. As prescribed in Title 49 of the Code of Federal Regulations, pipeline safety, including emergency management has been the purview of DOT through the former Office of Pipeline Safety (OPS) and now PHMSA. Prior to September 11, 2001, pipeline security played a less prominent role. Following the events of September 11, 2001, pipeline security has received a much greater focus.

The earliest formal guidance that pipeline operators received (after 9/11) regarding pipeline security was through the OPS circular that was published on September 5, 2002. This guidance recommended that operators identify critical facilities, develop security plans, implement these plans, and review them annually.

On December 17, 2003, President Bush issued Homeland Security Presidential Directive—7 (HSPD–7). HSPD–7 identified DHS as the lead agency for pipeline security. The order directs DHS and other Federal agencies to collaborate with appropriate private sector entities in the protection of critical infrastructure. In September 2004, a Memorandum of Understanding (MOU) was signed by representatives of TSA and DOT. This MOU again identified DHS as having the primary responsibility for security of all modes of transportation.

INDUSTRY ACTIVITY

Following the attacks on September 11, the focus on security changed for the Nation and for pipeline operators. As the DOT security circular was being developed and issued in 2002, industry trade associations such as the Interstate Natural Gas Association of America (INGAA), the American Gas Association (AGA), and Amer-

ican Petroleum Institute (API) worked diligently to develop security guidelines specific to their part of the industry. These guidelines typically described a practical, risk-based approach to security of oil and natural gas facilities, including pipelines. Based on these guidelines, prudent operators then developed or refined company-specific security programs to meet the needs of their company.

While specifics may vary across industry operators, effective security programs typically focus on five phases: Planning, preparation, protection, incident response, and recovery. The planning phase includes development of a written program that will cover such areas as methods for vulnerability and risk assessment, protection of sensitive information, threat responses, cooperation with public safety personnel, and physical and cybersecurity practices. Preparation focuses on the completion of facility risk assessments; implementation of physical and cybersecurity plans, including installation of security devices where appropriate; and open and clear communication with local, State, and Federal agencies to remain abreast of possible threats to the industry. Preparation should also include communications that encourages land owners and others to report any suspicious activity that occurs in the vicinity of a pipeline. Protection is the actual day-to-day use of security components such as fencing, cameras, and guards. These physical protection components are used in accordance with facility risk and vulnerability assessments. Local law enforcement also plays a significant role in the protection of critical infrastructure, and as such, industry operators are well served to maintain a close, cooperative relationship with these agencies.

Title 49 of the Code of Federal Regulations continues to govern the response aspect of security planning. Pipeline companies have years of experience responding to emergency incidents and are required by DOT to have effective emergency plans in place. Operators are also required to report significant incidents—those resulting in serious injury, potential loss of life, and/or property damage greater than $50,000—to the NRC.

Responding to a pipeline failure that has been caused by an intentional act varies little from the response to a mechanical failure or an unintentional act. However, operators must exercise caution and recognize that the incident may be criminal in nature and must be treated accordingly. If the failure was caused by an intentional act, the operator is also expected to report the incident to TSA, as well as local law enforcement. Facility restoration is the final component of an industry security initiative. Specific plans will vary among operators based on the criticality of pipelines and factors such as location and time of year.

SECTOR COORDINATING COUNCIL

In 2004, at the request of DHS, Sector Coordinating Councils were formed to coordinate the security initiatives of various different facets of the Nation's critical infrastructure. The Oil and Natural Gas Sector Coordinating Council (ONG SCC) was formed cooperatively by 19 industry trade associations to coordinate communications between industry security professionals and representatives of the Energy Sector Government Coordinating Council. (See attachment 1)

Subsequent to the formation of the ONG SCC, the Pipeline Working Group (Pipeline Sector Coordinating Council) was formed to further enhance communication and collaboration among pipeline operators and various Government agencies. (See attachment 2)*

The ONG SCC provides a forum for discussion of relevant security issues and coordination and communication with agency counterparts. Quarterly meetings are held with SCC representatives and also jointly with members of the Energy Sector Government Coordinating Council (GCC). The Energy GCC is chaired by a representative of the Department of Energy and the GCC includes members of numerous agencies, including TSA and DOT. The ONG SCC serves as a point of coordination for broad communication with the security representatives of the oil and natural gas industry and our partners in State and Federal Government. Members of the ONG SCC provided significant input to DOE during the development of the *Energy Sector Specific (Security) Plan* that was included as part of the *National Infrastructure Protection Plan* process.

The ONG SCC has several different working groups that specialize in key security areas, such as Information Sharing—Homeland Security Information Network, Cyber Security, and Pipeline Security. The Pipeline Working Group includes representatives of industry operators and four of its major trade associations: API, AGA, INGAA, and the Association of Oil Pipelines (AOPL). The group meets as part of the ONG SCC. In its role as the Pipeline Sector Coordinating Council it also

* Document has been retained in committee files.

meets periodically with its counterparts in the Pipeline Government Coordinating Council. The Pipeline GCC is chaired by a representative of TSA PSD and includes representatives of DOT and other Federal agencies. Members of the Pipeline Working Group have provided significant input to TSA PSD to assist in its development of pipeline security guidelines. The Pipeline SCC and GCC have been proven to be a sound avenue of communications between industry and the agencies.

ACTIVITY OF TSA PIPELINE SECURITY DIVISION (PSD)

TSA's Pipeline Security Division regularly conducts Corporate Security Reviews (CSR) of major pipeline operators. The CSRs have focused on the overall security plan implementation of these major operators.

TSA PSD has also conducted Critical Facility Inspections (CFI) of identified pipeline locations. The CFIs have focused on the implementation of security plans and actual day-to-day security practices at these critical facilities. Results of these reviews have been used to develop security "smart practices" to be shared widely throughout the industry.

TSA has also provided industry with other valuable services such as a Pipeline Security Training video available for use by operators and by sponsoring an annual International Pipeline Security Conference that brings together pipeline security professionals and representatives of appropriate agencies. These programs have not only been a means of evaluating the actual security practices of the pipeline operators, but they have also been a means of promoting industry familiarity with the responsibilities and personnel of the TSA PSD.

TSA PSD has also promoted the use of the Transportation Security Operations Center (TSOC) as a point of contact for pipeline operators to report any significant security incidents or suspicious activities. The TSOC is staffed 24 hours per day and disseminates the information it receives to the appropriate agency or division for response.

In May 2007, TSA issued the *Transportation Systems Sector Specific Plan and Pipeline Modal Annex* that is part of the *National Infrastructure Protection Plan.* The Pipeline Modal Annex includes such items as a description of risk-based security programs, security program management, and site and program assessment.

Since 2008, TSA PSD has also been developing more specific Pipeline Security Guidelines. During the development of the Pipeline Modal Annex and the pipeline Security Guidelines, TSA PSD has taken a practical and reasoned approach to pipeline security. TSA PSD has worked with agencies including DOT and DOE and with industry, through the ONG SCC and the Pipeline SCC, to identify effective and practical security practices for pipeline operators.

CONCLUSION

Pipeline operators have worked through their industry trade associations to develop security guidelines. Prudent operators have developed effective, risk-based security programs and implemented practices that follow the guidance of TSA PSD and DOT.

Even though DOT had the original responsibility to work with pipeline operators regarding issues of security, it has been made clear to pipeline operators through HSPD–7 and coordination and communications with pipeline operators through the ONC SCC and Pipeline SCC and member trade associations that TSA PSD is the lead agency for issues of pipeline security. TSA PSD has reinforced this message by their contact with pipeline operators during the CSR and CFI process and by providing relevant security support to industry. Operators know that in the event of a significant pipeline safety incident they need to contact DOT PHMSA. In the event of a pipeline security-related incident they need to contact TSA PSD. A mechanical failure or unintentional act resulting in significant damage to a pipeline will be reported to DOT PHMSA through the National Response Center (NRC). An intentional act of damage or act of a suspicious nature involving a pipeline will be reported to TSA PSD through the Transportation Security Operating Center (TSOC). If there are serious injuries, potential loss of life or damages in excess of $50,000 any incident must be reported to the NRC. All involved parties must work cooperatively with law enforcement, local agencies, and first responders in the event of any incident in order to minimize damage and danger to persons or property.

In my experience, pipeline operators, TSA PSD and DOT PHMSA have shown the willingness and ability to work together, with other agencies and local communities in the interest of pipeline security.

ATTACHMENT.—EXAMPLE: PIPELINE SECURITY-RELATED INCIDENT

As an example of how a security-related incident should be handled, I am sharing the following.

On April 4, 2010, a representative of Columbia Gas Transmission Corp (a NiSource company) operations monitoring center received a report of a significant leak in a pipeline that serves a small mid-western town. Following established emergency procedures, local operations personnel responded to the call. Upon arrival they found that a 6-inch diameter natural gas pipeline that operates at approximately 170 psig appeared to have been punctured. The line is suspended over an irrigation canal and is the sole natural gas feed to this small town. Continuing to follow established emergency procedures, the operations personnel allowed pressure to be reduced on the line, and then they made a temporary repair with a plug and clamp. While making the repair, the supervisor observed that the hole appeared to have been made by a bullet. As soon as repairs were completed the supervisor notified Corporate Security and local law enforcement. As the Corporate Security representative, I notified the TSOC. By following established emergency procedures, service was maintained to customers and operations personnel were able to make appropriate short-term repairs while not endangering individuals or property. More permanent repairs will be made at an appropriate future time. Also due to established procedures and the training of the operations personnel, they made appropriate contact with local law enforcement and corporate security and the TSOC was notified. Currently the incident is deemed an act of random vandalism; however, the area and facilities will be monitored for any future occurrences.

Mr. CARNEY. Thank you, Mr. Forman.

That concludes the opening statements. I want to thank all of you for your testimony and we will now go to the question section of the hearing. Mr. Bilirakis and I will trade off for 5 minutes at a time here and I will recognize myself for 5 minutes.

Mr. Fox, it was mentioned earlier that there is the requirement to promulgate regulations. Do you see it as necessary to do that?

Mr. FOX. The 9/11 Act does have a stipulation in it that we have to make a determination and, if felt necessary, to promulgate regulations.

At this point, we are continuing to work with a public/private partnership that has been established and working well with industry. It is a subject that we continue to look at. If we would find that our recommendations are not being heeded—when we make recommendations, they are actually expectations that we are putting out, and if industry is not following those, we would immediately turn to going into regulations. But at this point, we are still working on this partnership that we have with the private industry.

Mr. CARNEY. Do you agree, Mr. Forman?

Mr. FORMAN. Yes, I do, that is very appropriate.

Mr. CARNEY. Mr. Parfomak, do you think that is right?

Mr. PARFOMAK. Not all sectors of critical infrastructure are subject to security regulations. Some are—nuclear power plants are, chemical plants are, port facilities are. Some are not—trucking is not, mass transit is not. You know, we know there are critical threats to mass transit, happens in Europe, bombings, that sort of thing. So just because there are credible threats to it does not necessarily mean that there must be security regulations applied to those things. So it is an open question.

I think the issue of whether there should be security regulations or not does depend on how comfortable Congress feels about whether the pipeline system is secure. I think the challenge here is that given the limitations in how closely TSA can look at the systems and the time elapsed between when they look at them, it is hard

to know for sure whether they really are or not. I mean you can go and look at them, you can look at 12 systems a year and you can say well, these 12 systems we just visited and, you know, we met with their staff, we looked at a couple of spots on the system and it looks like they are following it and we believe they are sincere. But, you know, there is 100 others that we did not look at that year or have not looked at in 3 or 4 years. You know, privately owned companies, as we know and we have seen many times in the safety area, even in their best efforts, sometimes they lapse, sometimes priorities shift, sometimes there are budget constraints. So we really just do not know for sure because we do not have the data, because it is not required.

Mr. CARNEY. Our concern I think is probably shared by everybody who is in Congress is that there is no problem until there is a problem, until something happens. Then they will say well, why was that not regulated? So are we being as proactive—this is for everybody, you can all jump in on this one. Are we being as proactive as we need to be or are there things that we need to do better?

Mr. FORMAN. Chairman Carney, if I may.

Mr. CARNEY. Yes.

Mr. FORMAN. I agree with Mr. Fox, I think the approach that has been taken, you know, the partnership approach, particularly on security, is a very good way to continue to wait and see. Jack and his group—Mr. Fox and his group—works very closely with the Pipeline Safety Coordinating Council. We as industry recognize and understand and preach to our members and other companies that it is our responsibility to be proactive in security. We do have good guidance out there and we need to be responsible companies. As Mr. Fox said, they do CSRs, they do facility reviews, if he determines that there are companies that are not doing that, then maybe somebody needs to back up and take another look at it, but we need to be flexible on the way we approach the security.

One of the things we found when we had regulations, through some of the other regulations, they tend to be—you know, some places regulations are really good, but regulations tend to be very prescriptive. You do the same thing every place. In security, you waste a lot of resources doing that. When you are wasting resources on something that is unnecessary one place, you are really missing and you are wasting and you do not have the resources to do the things that you need to do at maybe another potentially critical location. That is one of the issues I have if we go through a regulatory approach.

Mr. CARNEY. Mr. Wiese.

Mr. WIESE. I have to say that philosophically I agree with Mr. Forman's take. The daily threat to pipelines in this country comes from things like excavation, improperly conducted excavation, or lack of proper maintenance or lack of proper operation of the system. That said, I do not think anyone is interested in downplaying the risk from potential terrorist activity or vandalism.

I would say that the decision on regulation, really Jack Fox and his group are intimately more involved and informed than I am on that matter. But I will tell you that the partnership between TSA and PHMSA is working quite well.

If Jack came to us, for example—to my knowledge, no operator has ever told TSA that they would not implement their recommendations. But even if push came to shove, I think we would try to use our authority to define that through a corrective action order or safety order to that operator.

Mr. CARNEY. Okay, thank you. My time is up, this 5 minutes. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you. Can everyone hear us in the audience? Okay. Can you hear also—okay, very good—the presenters? Okay, very good.

My first question is to Mr. Fox. The first pipeline security guidelines were issued by DOT in 2002. Section 1557 of the 9/11 Act required TSA to update security recommendations and transmit them to owner/operators by February 2009. Where is TSA in meeting this requirement? That is my first question.

Mr. FOX. That is a very good question. The updated security guidelines have been finished. We worked with our Government partners as well as with private industry on those. They have been finished and currently they are at TSA under review. They have not been issued to industry at present.

Mr. BILIRAKIS. Give me some specific obstacles that have prevented a more timely release of updated guidelines to pipeline owners and operators. What were the obstacles, why is it taking so long?

Mr. FOX. Our legal staff obviously has been busy with lots of regulations that they are working on for some of the other modes. They have to get clearance through legal before we can release them.

There is also something referred to as the Paperwork Reduction Act that if we ask more than nine companies for a certain piece of information, we must file notice in the *Federal Register* that we are going to do this. In the new guidelines, there are two different requests for information. One is we asked for the name and 24-hour contact number of security directors of the pipeline companies so that we can reach them any time day or night. The second is if they see something suspicious, asking them to call our Security Operations Center. We have gone through the 60-day notice and have only received I believe five comments from industry. We have adjudicated those and we are in the process of releasing a 30-day notice which is required prior to release of the guidelines.

So they are not far away, but they are not released at this time.

Mr. BILIRAKIS. Thank you.

For Mr. Forman, what is the extent of the Pipeline Sector Coordinating Council and other industry input that was included in the draft of the new pipeline security guidelines?

Mr. FORMAN. We were very much included in the process. We were asked to participate and provide input to Mr. Fox and his staff. They had representatives, a good cross-section of physical and cyber-security representatives, to be able to provide input into the document and the document that I have seen at this point, since it has not been finally released to us, is a very good, common-sense, realistic approach to security for pipeline companies and the industry.

Mr. BILIRAKIS. Thank you, sir.

Again for Mr. Fox, in his written testimony Director Gispert noted that his office has not had contact with your office since the ammonia workshop in August 2008—he may want to elaborate on this when he testifies—and that he would welcome the opportunity to share information with TSA.

What mechanisms do you have in place to share information with State and local emergency response officials when either you or they feel the need arises? I think this is very important.

Mr. FOX. If we felt the need arise for a certain incident, we would reach out directly to them, making a phone call or making a visit, depending on what the situation was. But we would reach out if we felt the need.

If in fact they felt a need to reach us for something, we have a website, a link to a website where people can drop an e-mail to us, we have contact phone numbers where they can reach out to us. We have many mechanisms, either by telephone or by e-mail where they could reach out to us.

Frequently we give speeches about pipeline security at various locations. If we are asked to come, we typically will do that. If a State asks us to come and speak—actually Florida has an association of pipelines that has a meeting this July that we will be speaking at to those operators that are in attendance.

Any time information is asked of us, we do our best to get back as promptly as we can and support whoever that is, if it is pertaining to pipeline security.

Mr. BILIRAKIS. Thank you. I will yield back, Mr. Chairman.

Mr. CARNEY. Thank you, Mr. Bilirakis.

Mr. Fox, let us deviate slightly here and talk about the 2011 budget request. I see that there is not a separate line item for TSA's pipeline security activities. The budget does include $137-million-plus for surface transportation security. Do you fall under that?

Mr. FOX. Yes, sir.

Mr. CARNEY. Can you elaborate, kind of a breakdown on how much resource you have?

Mr. FOX. This current year's budget is about $4 million that is directly related to our pipeline group; slightly less than $2 million of that is for salaries and benefits. The remaining is for projects that we have on-going, outstanding contracts. As I mentioned, we have a video in production right now on pipeline security to assist local law enforcement in understanding what pipelines do and the security. We have a second video about improvised explosive devices and training for first responders, that is also in production this year.

Mr. CARNEY. Right. Could you tell me your office's budget, how many FTEs you have, how many contractors you have working for you?

Mr. FOX. Currently we have budgeted for 13 FTEs. Contractors, we have none on staff. We do have a contract force that is helping us with one of our programs referred to as our critical facility inspection. Critical facility inspections were required of us under the 9/11 Act. There is approximately in the United States 380 critical pipeline facilities, by a definition that we have. With TSA and contract forces that are helping us with this review, we have con-

ducted reviews of slightly more than 200 of those locations at this point. We hope to be finished by the end of the year 2011 with that project.

Mr. CARNEY. Are 13 people enough?

Mr. FOX. Well, we have one of our staff that is out with two contract folks on these reviews.

Mr. CARNEY. I am talking about the whole office here, Mr. Fox.

Mr. FOX. Can I get back to you on that?

Mr. CARNEY. I would prefer you answer now. You are perfectly welcome to say that you need more resources, would not break my heart a bit.

Mr. FOX. Presently the agency—we have just added—we had 12, we are adding a 13th person right now. We continue to grow the program, it is a slow process, we are in competition with some other modes, as you know. We try and use whatever resources the agency gives us the best we can to get as much as we can for the money that we have available.

Mr. CARNEY. I appreciate the efficiency with which you are working. I think I got the other answer out of that.

[Laughter.]

Mr. CARNEY. You know, what almost every one of you have talked about in terms of pipeline issues is the cyber-threat. You know, everything is computer controlled now or most things are computer controlled now and we know that we are under constant attack from within and without this country on the cyber-security network. You know, what are we doing there? Mr. Fox first and then Mr. Forman.

Mr. FOX. Using the guidelines that will be out shortly, we have a section in there on cyber-security. We have used the services of Johns Hopkins University's applied physics lab to assist us with this and also private industry brought in some of their SCADA security experts to work with us on this project. It is something that I know industry values very much, it is a concern. If someone did hack into a SCADA system, it could be shut down. They are designed so it should not make them explode or do anything else, but it could cause disruption, it could cause them to shut down, but it should not cause a failure to the system.

Mr. CARNEY. Mr. Forman, please.

Mr. FORMAN. First of all, I wanted to agree with Mr. Fox on his last comment that a SCADA system failure, somebody hacking in, probably the worst they could do is we could be shut down, which could be certainly significant, depending on the marketplace, the time of year, and all that kind of stuff. But it is not as bad as it is on the electric side. Electric is instantaneous, if you lose a SCADA system on electric, you have got a serious problem. Typically the oil and natural gas side and the pipeline side still has—can maintain some degree of control. But we are very focused on that. Again, through our Sector Coordinating Council, we have a cyber group, some of the experts within the industry, that provided input to Mr. Fox's guidelines but also developing the day-to-day kind of guidance that we need in the industry also.

Mr. CARNEY. How many cyber attacks do you think the pipeline industry has faced?

Mr. FORMAN. My expertise is the physical security side, so I cannot give you a really good answer on that but I would say anybody that has cyber facilities, there are certainly hundreds and hundreds of day-to-day kind of issues, you know, somebody always trying to slam into firewalls and those kinds of things. I do not know the right technical terms for it, but there are a lot of issues with it and all of us major pipeline operators have our own cybersecurity professionals that work for us too.

Mr. CARNEY. We will revisit this on my next turn. Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

As a follow-up to Chairman Carney's question, to what extent does your office work with National Cyber Security Division to ensure that cybersecurity is included in any guidance provided to pipeline operators?

Mr. FORMAN. For me?

Mr. BILIRAKIS. Yes, for you, sir.

Mr. FORMAN. Again, we have—within our companies, we all have cybersecurity professionals. We have to have people that are focused on the cyber side of it and work with not only Mr. Fox's agency but they work with the FBI through the InfraGard, they work with all the cyber experts so that we can have good coverage and maintain protection for particularly our SCADA and control systems, let alone our day-to-day business systems.

Mr. BILIRAKIS. Mr. Fox.

Mr. FOX. Thank you. We do work with Cyber Security Division of DHS. One of the things that our office does, we hold a monthly teleconference for industry, held the third Tuesday of each month. We have brought in a speaker from Cyber Security Division to let industry know what services would be made available or could be made available to them. Actually later this week, tomorrow and Wednesday in New Orleans, the American Petroleum Institute is having their annual pipeline conference. I will be speaking on pipeline security, but following the pipeline conference is a cybernetics conference and I have made arrangements for someone from the cyber group of DHS to be one of the cybernetics conference speakers at that event.

So we do work with them as we can and get information out to industry when we can as to a service that can be made available to them.

Mr. BILIRAKIS. Thank you.

Question for Mr. Wiese. To what degree are DOT pipeline inspectors utilized to check for security compliance as well as safety?

Mr. WIESE. That is a good question. We have worked with Jack and his staff for quite some time to work on the corporate security reviews when invited. You know, when they are going to the top 100, we have pledged support of their group, so we will go along and try to lend our expertise as well. So I think on a regular basis, annually, we work on the corporate security reviews.

You know, on the inspector basis, we talk on almost a daily basis. I think as we said, we are all tied into the National response framework and the communications that come under that. So I think we are also meeting quarterly to exchange information. But the inspectors and I think that extends as well to the State inspec-

tors, there are quite a few inspectors in each of the States, with the exception of Hawaii and Alaska, and Jack and his folks work with the State inspectors as well.

Mr. BILIRAKIS. Thank you.

A question for Mr. Forman. You state in your testimony that the lines of responsibility between TSA and DOT are clear. Do you believe that experience with actual responses to incidents reflects this as well and do you believe that the smaller owners and operators and local emergency response officials are clear on who is responsible at the Federal level? I think this is very important. How about coordination between TSA and the U.S. Coast Guard which has responsibility for responding to incidents on the waterways?

Mr. FORMAN. I think for those of us in the pipeline industry that do work full time in security, I think it is pretty clear that DOT is safety and TSA is security, because we have worked on it extensively.

Mr. BILIRAKIS. It is clear in the private sector?

Mr. FORMAN. In the private sector, certainly through the sector council. In our sector council, the Oil and Natural Gas Sector Council, we represent 23 trade associations, roughly—let me put it that way, roughly 20 trade associations now. So that filters down to the members and hopefully to all those smaller members also. I certainly cannot guarantee that it has reached everybody, but I think it probably has in some form or fashion. So I think it is pretty well known on the industry side.

Personal experience with response, whether it was a safety incident or a security incident, whether I have had to call National Response Center or the TSOC, I received good response and it has been very clear. You know, DOT responds when they are supposed to and TSA has responded. I have gotten the right questions from the right people. So again, that has been my experience with it.

You asked about the Coast Guard. The lines were somewhat blurred when the Coast Guard came out with some of their MTSA, Maritime Transportation Security Act, regulations a number of years ago. I think there was a number of issues when that first came out. But I think now, as we have worked through it, I do not know of any real major issues right now between the Coast Guard and TSA on facilities. There are certainly some overlaps. You know, in some facilities, there will be multiple agencies who will have some form of responsibility. But I think that, at least from my experience, it has been working well.

Mr. BILIRAKIS. Can you explain, and maybe the rest of the panel can chime in, why TSA should have responsibility over security and DOT over safety? Why can it not just be one agency?

Mr. FORMAN. One agency?

Mr. BILIRAKIS. Yeah.

Mr. FORMAN. I do not know that I can give you a real good answer on that, but from my perspective, the answer would be TSA is the transportation security agency for all forms of transportation. Pipelines are a form of transportation. And to me, that is why they have the security responsibility for it. We have always worked closely with DOT on the safety side, but I can see no real reason that TSA has not—would not have the security responsi-

bility for those same pipelines because they are a form of transportation.

Mr. BILIRAKIS. Okay, anyone else want to add to that?

Mr. FOX. I think ATSA, the Aviation and Transportation Security Act, made it clear that TSA would be the Federal agency responsible for security of six modes of transportation, including pipelines. Actually now, since then, one mode, the maritime mode, the Coast Guard is the actual lead agency, but the other five modes, TSA is the lead agency for security of those modes. It has been backed up by Presidential Directive as well.

But it is a different expertise. Our folks concentrate on the security and have the expertise. It is not—there is an intertwining of safety and security, but companies separate, larger companies have people that are responsible for safety and people responsible for security. There is a separation and different duties within the company, in the industry, as well as in the Federal Government.

Mr. BILIRAKIS. Anyone else?

Mr. PARFOMAK. Where to put pipelines has always been a little bit tricky because they are a mode of transportation but it's not like a ferry or an aircraft or a subway system or trucks——

Mr. BILIRAKIS. Right.

Mr. PARFOMAK [continuing]. On highways where you have got lots of people that might be killed. I mean it could happen in a pipeline terrorist attack. More likely, you would have a disruption like when the BP Alaska pipeline shut down Prudhoe Bay oilfields for some time and that was 10 percent of our oil supplies from Alaska were interrupted because of corrosion in those systems. So there is economic implications.

It is a mode of transportation, but it is really considered part of the energy sector and so Congress has always struggled where to put this. You know, TSA, they know the security stuff, they know about incidents, they are listening in on the chatter, they are tied in directly with who is looking at al-Qaeda and ecoterrorists and other folks. You know, let us not forget that there have been pipeline attacks in British Columbia, several in the last couple of years, that were most likely not Islamic terrorists, but nonetheless somebody was blowing them up. So there is a whole range of things that TSA potentially has the information, the risk management, how to coordinate response impacts, cascading impacts. If you shut down a pipeline what happens to downstream facilities, those are all the sorts of things that TSA is intended to be good at.

On the other hand, you could argue that the history and the experience with the pipeline systems and the level of staff resides in the DOT. So I mean, you know, Congress has decided with the past President's help where this ought to go. One could argue either way. This is the way it is right now.

Mr. BILIRAKIS. Thank you very much, appreciate it.

Why don't I yield back? I have a couple in the next round. Thank you, Mr. Chairman.

Mr. CARNEY. Thank you.

Mr. Wiese, you were going to finish up.

Mr. WIESE. If you would allow me. You know, I have wondered about this question myself. To be honest with you, there is no clean line. I think we have to work well across the lines. One of the

things I will say about pipelines, you have to think of them as the overwhelming majority of pipelines are shippers, just shippers. They do not own the product. They move the product from someone who is delivering to someone who is consuming. So in many ways, it does fit well within the Department of Transportation, which regulates shippers. But that is it.

I mean clearly we have to work well with others, whether it is the TSA or the Federal Energy Regulatory Commission, the Department of Energy. That speaks to the need for interagency coordination. So just wanted to draw out the fact that we do regulate shippers in a rate-constrained environment as well.

Mr. CARNEY. I appreciate that. One of the frustrations—I have been working in some capacity in the Federal Government for many, many years and one of the profound frustrations that I have felt are these sort of distinct lines that you do not cross. So you end up creating seams in Government activity. While we tend to get a little bit uncomfortable with gray area or fuzzy lines or whatever, I for one happen to think that it might work. If you guys are making this work and if the industry is content and if the outside viewers seem to think that it is okay so far, you know, I think this is something that could be examples for other things going forward.

I do not know how many interagency meetings I have sat in on on the defense-related side of things. They are exasperating because the concern is protecting of bureaucratic turf more than actual doing the job. My concern actually frankly, Mr. Fox, is that you guys do not have enough resources to do what you are supposed to do. But that has been a concern of mine across a number of issues.

Dr. Parfomak, I really want to get your views on a couple of things. First of all, is the industry and DOT, TSA doing the cybersecurity thing correctly from your perspective? Are they testing the system? Are they doing that sort of thing? Secondly, do you think that more resources are needed at TSA?

Mr. PARFOMAK. I am not really qualified to get into details of the cybersecurity specifics. I can say that they have been active in going to reputable places to get help and look at these issues, and as the agencies have said, they have been addressing them proactively.

I think there is an awareness across the utility industry, both in pipelines, electric power, and natural gas and petroleum, that cybersecurity is a really big deal. There have been very prominent cybersecurity attacks on critical energy infrastructure in the United States and everybody knows that, everybody knows that they are vulnerable. In the electric power sector, which is probably the most vulnerable to attacks by cybersecurity, there are regulations for cybersecurity. So I can say that I have not heard or read anything that suggests that not enough attention is being given to this issue in the pipeline sector.

I have forgotten your second question.

Oh, do I think——

Mr. CARNEY. Are they resourced adequately?

Mr. PARFOMAK. Well, it depends on what you want them to do.

Mr. CARNEY. Well, okay, there is about 13 of them apparently and 2.5 million miles of pipeline.

Mr. PARFOMAK. If Congress is satisfied that folks from TSA can physically go and visit a dozen major systems a year, and let us say there are 100 that are really important, that I think carry 85 percent of the volume throughput in the country.

Mr. CARNEY. Uh-huh.

Mr. PARFOMAK. That on those visits they can—a lot of this is documented in the GAO report on the subject, including Mr. Fox's statement that he would like more staff to do CSRs more frequently.

Mr. CARNEY. See, you can tell me that directly, too, you know that, it is fine.

Mr. PARFOMAK. Which would be my testimony, I believe.

[Laughter.]

Mr. PARFOMAK. So, you know, it depends. If you think that they are doing a good job and they just need an occasional checkup and that, you know, you are comfortable with several years between actually going and seeing a system, and in between time, you are really taking their word for it; then, you know, they are doing a fine job and that is what they are doing.

You know, history in the pipeline safety world suggests that that might not be enough. I mean even—as you may know, there have been a lot of very prominent pipeline safety incidents over the last 15 years and DOT has done a really, really good job, sometimes under the lash of Congress, of updating their pipeline safety regulations and putting in integrity management systems. But these are very complex, very sophisticated risk-based regulations. Even then, we have things like the Prudhoe Bay pipeline shutting down. There are still, notwithstanding hundreds and hundreds of inspectors and very stringent, very specific, very well-thought-out regulations, hundreds and hundreds of incidents of safety violations from these inspections.

So, notwithstanding having what some would hold up as a model safety regulatory regime and good relationships between the Government and operators, there are still many, many violations reported. So you have to ask yourself: Do you believe that there are no security regulations in the pipeline system?

I do not know the answer to that, but, you know, that is a question for Congress.

Mr. CARNEY. Sure.

Mr. Wiese, what is different in terms of the security aspect that you do as opposed to TSA or is—I assume you do some security. You say safety, but——

Mr. WIESE. There are light security provisions in some of our regulations but they are really meant not to deter someone who is determined to cause damage. They are meant for site security, trying to keep people out of areas where there is rotating equipment or just general light protection around the facility. It is clearly not meant, you know, for someone who is determined to cause havoc. That is really where our friends at TSA come in.

So there is an overlap in there, but clearly when it gets down to that level of threat, we are talking about TSA and our job there I think we understand is to support them.

Mr. CARNEY. Sure.

Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I think I am in agreement with you, we need more positions, more resources for TSA, so we need to do something about that.

For Mr. Fox, how do you measure the progress of all pipeline systems in meeting the security guidelines? Do you maintain statistics on how facilities have implemented the guidelines? Do you have inspectors to ensure that they are actually being complied with or do you rely on self-reporting?

Mr. FOX. As I stated before, we have two different programs. One is what we refer to as the corporate security reviews and we have reviewed the top 100 systems and now we are back and have probably done 40 percent on a second review. It indicates to us by these reviews that the security of the Nation's pipelines is improving. But that is a paper review in an office.

We also, by our corporate facility inspections, as required of us under the 9/11 Act, are actually having boots on the ground, people out at each of the critical facilities. As I stated previously, we have done slightly over 200 out of the 380 in the country. For the most part, security is very good.

Where we see weaknesses in security, we review that with the company right on site—what we feel they need to do. How they need to do it is up to them, we do not specify exactly how to do it but we tell them what the desired result or the necessary result is. A report is written up after the fact and then given to the company with those recommendations in it.

We are going to be starting with—we have talked recently of starting a program of now following up with the companies to see the status of those recommendations. On this date, we told you you ought to do this: Where does it stand? So that is something that we are just starting at this time.

But we have two different programs. One is more of a corporate basis and the other is boots on the ground of people out in the field with fantastic security expertise meeting with the companies and going out.

Mr. BILIRAKIS. I would be interested in getting a progress report every so often if that is possible.

Mr. FOX. Yes, sir.

Mr. BILIRAKIS. Okay.

The next question is for Mr. Forman. How often does the Pipeline Working Group SCC receive threat information, classified or unclassified, regarding pipeline security?

Mr. FORMAN. We have a monthly conference call with unclassified type of threat information that we receive through DHS. We also have a monthly call with TSA that focuses on cyber and physical. Then they also make available to us twice a year typically, a classified briefing for those of us that actually have a security clearance.

Mr. BILIRAKIS. Good.

Mr. FORMAN. If I might expand on that just a little bit. That is probably one of the best services that can be provided to us as industry. You know, we can do a lot on our own security, we can do a lot on determining the consequences of individual facilities. Where we have issues is determining what the real threats really are that are out there.

Mr. BILIRAKIS. Right.

Mr. FORMAN. The Government really does play a major role in providing that to us. They are getting better.

Mr. BILIRAKIS. Thank you. Anyone else want to comment on that?

Mr. FOX. Yes, I would like to comment. It is rare, but at times we do get specific information about a company, classified information about a company, that they are under surveillance or what-have-you. We then work directly with that company, share with them what we can. Typically their security managers have a clearance, we can share that classified information with them and also work with them on making sure they are doing all they can to protect their facilities. We worked with a company involved on the JFK Airport. We have had three or four other instances in the last 5 years where we have actually brought companies in, reviewed classified data with them and then put a team together out in the field to help them better harden their facilities that were under observation.

Mr. BILIRAKIS. Thank you. Anyone else that would like to comment?

[No response.]

Mr. BILIRAKIS. Okay. To what—this is for Mr. Forman. To what degree does the Department of Energy play a role in pipeline security?

Mr. FORMAN. DOE plays a significant role in the overall security for the energy organizations or energy industry. The Energy Sector Specific Security Plan that was written, DOE is the sector-specific agency for that. For our Oil and Natural Gas Sector Coordinating Council, they are the counterpart lead or chair for the Government Sector Coordinating Council, so they certainly do play a role. Again, if you separate the energy away from the pipeline side, they are a major player. But the reality is, as we have talked about all the way through this, it is a partnership. DOE works with TSA and certainly as we have looked at DOE's sector-specific plan, there are no conflicts between that plan and the plan that was developed by TSA for pipelines. If we had conflicts, we would have had a real problem, but we do not have those conflicts. In fact, they are very compatible plans, so they work together on it.

Mr. BILIRAKIS. Thank you.

A question for Mr. Wiese. How many emergency responders have received training from your emergency responder training materials and is there a cost to local emergency response providers wishing to receive these materials?

Mr. WIESE. Thank you for that question. Actually there is no cost.

Mr. BILIRAKIS. There is no cost?

Mr. WIESE. There is none. That was a provision of our cooperative agreement with the National Association of State Fire Marshals. They could assess a recovery fee to others, but not to emergency responders. That was the benefit of our grant to them fundamentally.

You know, I cannot answer precisely the number who have been trained. I would be happy to submit that for the record, but I know that there have been hundreds of trainers trained. Our initial

round was to go out and teach the folks who go into the emergency response community and conduct training. So we have gone out State by State——

Mr. BILIRAKIS. Are these trainers locals?

Mr. WIESE. Yes.

Mr. BILIRAKIS. Oh, okay.

Mr. WIESE. They would be in a county setting or in some cases in the fire academies or what-not. But to do the training of the trainers. So I cannot actually answer but I could ask and try to inquire and get you an answer back about the students receiving it.

Mr. BILIRAKIS. Yes, can you get back to us on that?

Mr. WIESE. I certainly will.

Mr. BILIRAKIS. Very important. Thank you. I yield back, Mr. Chairman.

Mr. CARNEY. Thank you, Mr. Bilirakis.

We have heard a couple of times now about the corrosion in Alaska in the pipeline. Is corrosion an issue across the network?

Mr. WIESE. I would be glad to take a first swing at that one.

Mr. CARNEY. Sure.

Mr. WIESE. Absolutely. Any time you have ferrous materials, you know, in contact with soil and other things, you are going to have corrosion, and contact with salt water or salt mist or spray. So it is a constant threat, but it is one that is pretty well understood in the pipeline community. The question is the level of maintenance and the level of integrity assessment that the companies put forward.

One of things I should add with your permission is to say that the pipeline operator—I had this conversation earlier—really bears the ultimate responsibility. They are the ones deriving the economic benefit from the shipping. It is their responsibility. Our regulations set the parameters for that, but clearly most operators go beyond the regulations in certain areas. Some go under the regulations. Our job is to provide a deterrence to that, you know. But again, I want to underline, whether it is security or safety, I think the matter is the same, the pipeline operator bears the responsibility for doing that in line with the guidance that is provided.

Mr. CARNEY. Mr. Forman, how many miles of pipeline are replaced every year, do you know?

Mr. FORMAN. I have no idea how many are replaced every year.

Mr. CARNEY. You know, just on routine maintenance. Not sure?

Mr. FORMAN. I do not know. Mr. Wiese may have a better idea than I do. Again, my focus is security and I have not been on that operating side for a long time.

Mr. CARNEY. Okay.

Mr. FORMAN. My apologies.

Mr. CARNEY. You know, I kind of want to look a little bit into the future now. I obviously represent an area with the Marcellus shale formation and the natural gas that it contains. By some estimates, almost every estimate that I have read, it is 500 trillion cubic feet of natural gas, the biggest natural gas plate in America. I imagine that is going to entail a few more pipelines. Do we have any estimates on how many more miles of pipeline are going to be built in the next 20 or 30 years? I am not talking just about Penn-

sylvania, New York State, and Ohio and West Virginia, but generally.

Mr. WIESE. I will answer in two ways. One is there was a recent study issued by the Interstate Natural Gas Association of America in which they projected annual construction. To the best of my ability to recall this—and it has been a little while since I saw it—they are projecting somewhere on the order of 2,000 to 3,000 miles per year of gas transmission pipeline. That is actually down from the past couple of years. There was a real spike in construction activity. So that is the first part.

In terms of the large diameter long distance pipelines, there will be plenty coming from the Marcellus shale. They are going to take it to the markets where it is needed and will be consumed.

But there is another sector of the pipeline that I think you will also see in Marcellus which are gas gathering, which are smaller ones that take it from a wellhead somewhere to a place where it is processed and then moved into the transportation network.

Mr. CARNEY. The way the industry has described it to me is a web.

Mr. WIESE. Yes, spaghetti bowl, I have seen that one before too.

Mr. CARNEY. I hope it is not a spaghetti bowl.

Mr. WIESE. But eventually, you have got to get the gas from the wellhead to the transportation artery system, so I really cannot project that one, but I know it will be significant in the shale gas plate.

Mr. CARNEY. So if it is going to be a significant increase in miles of line and gathering line and things like that, do we see a significant increased opportunity for those who want to do ill to have a place to strike?

Mr. PARFOMAK. I think the issue is not how many miles of pipeline, but where they are. Historically natural gas from the west, while you had enormous pipelines going through the middle of nowhere, sage grouse country, not that they are not important, but——

Mr. CARNEY. They are delicious.

Mr. PARFOMAK [continuing]. You know, there were not a whole lot of people there and so your security concerns would be about disruption of supplies, not injuring people necessarily, although it could certainly happen out there. But when you get to the east, east of the Mississippi, you have much more populated areas and so the concern there is that you are building comparable lengths of pipeline, but they are proximate to far, far greater numbers of people.

Now FERC has regulatory jurisdiction of the siting of the natural gas transmission pipelines and they are not here. They would be good people to talk to about, you know, where they anticipate that and how they are viewing that. Certainly FERC takes safety and security considerations into account in their siting decisions, but you would have to speak directly to them to figure out how—to learn how they are dealing with expansion due to Marcellus shale and the other gas shale plates.

Mr. CARNEY. Thanks.

Mr. FORMAN. If I could add just a little bit. One of the things that I have found is that the historical facilities, when they were

built, security was not a consideration because it just was not—you know, prior to 9/11, it really was not at the forefront of things you thought about when you built a pipeline facility because it was not a big issue. Now it is. Just like safety, just like all—operational integrity and all the other things. When new facilities are built, security is one of those components. You know, the operating guys come talk to the security guys and it is part of the consideration when those new facilities are built.

Mr. CARNEY. Okay. Mr. Wiese.

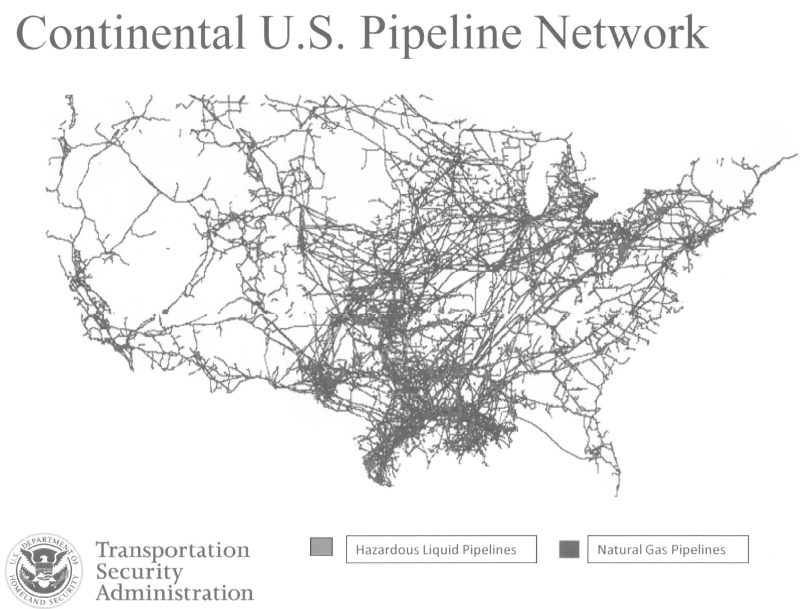
Mr. WIESE. I wonder if I might just add something. You know, we have looked at this too, but from a different standpoint. When there is a natural disaster, whether it is a hurricane or something else. One thing I will say, our studies on this in looking at the system is it is fairly robust. The system can take a shock locally and Nationally you will not see a huge impact. But I do want to say that the impacts locally are not to be diminished, I am not trying to do that. I am just drawing back on it for a second to say the system is fairly flexible. Gas can be—particularly gas—can be redirected fairly easily.

So a lot of the companies prestore pipe too and so the line would be shut down automatically but then it would probably take on the order of 5 to 7 days to restore flow again. So I do not want to diminish the impact because locally that is felt and it can be significant, but Nationally I think the system can take a shock like that and absorb it fairly easily.

Mr. CARNEY. Mr. Fox.

Mr. FOX. If I may. I believe in front of you, you have a map of the continental United States that shows the transmission network.

[The information follows:]



Mr. FOX. Yes, sir. The blue lines are existing natural gas transmission lines. So as Mr. Wiese stated, it is a very robust system. If there is a failure or an attack on one line, many times there are other systems that the products or natural gas can be rerouted. So this map with all these lines shows, as we have stated, 2.5 million miles of pipelines. These are just the transmission lines, so it is about half a million miles. So there are 2 million more miles of distribution lines not shown here, but it gives you an idea of where we are getting our natural gas and our oils and where we are shipping them to.

Mr. CARNEY. I would like to see this map updated in 5 years to see where the lines are. I suspect the northeast will be a little darker blue.

Mr. FOX. I agree.

Mr. CARNEY. Mr. Bilirakis, any further questions?

Mr. BILIRAKIS. No, I am finished. Thank you very much for your testimony, appreciate it.

Mr. CARNEY. I want to thank you all. We likely will have further questions. The good thing about these hearings is that the more questions you ask, the more questions you want to ask, but we do not have time. So if we do respond in writing with questions, please get back to us with your answers in a short order so we do not have to call you back before us again to answer them directly.

Gentlemen, thank you so much for your testimony, for your insight and your expertise and for what you are doing. We will conclude this panel one and we will take a 5-minute recess for people to refresh and then we will get right back to it with the second panel.

[Recess.]

Mr. CARNEY. I would like to welcome our second panel to the hearing today.

Our first witness is Mr. Larry Gispert. Mr. Gispert has lived in the Tampa area for most of his life and has been employed by the Hillsborough County Emergency Management since 1980 and has been the director in charge of the county's emergency management program since 1993. Mr. Gispert is certified by the Florida Emergency Preparedness Association, or FEPA, as a professional emergency manager. He is also actively involved with FEPA and served as the treasurer from 1998 to 1999 and the president in 2000. He has also served in various positions with the International Association of Emergency Managers, including the Region 4 president from 2004 to 2006, the first vice president in 2007 and the president in 2008. Mr. Gispert holds an Associate of Arts from St. Petersburg Junior College, an Associate of Science from Tampa Technical and a Bachelor of Science from the University of Tampa.

Our second witness is Mr. Ron Rogers. Mr. Rogers is the assistant chief administrator with Hillsborough County Fire and Rescue and the program manager for the Florida USAR Task Force 3. Mr. Rogers is the past chairman of the Florida Association for Search and Rescue, FASAR, and the past chairman of the Florida Association of HazMat Responders. He has worked in various positions in emergency response within Hillsborough County for over 29 years. He spent a majority of that time providing emergency medical care to the citizens of Hillsborough County as a paramedic for 15 years

and as the special operations chief for 9 years. I was a paramedic too, sir, worked my way through college that way. During major events, Mr. Rogers is responsible for coordinating specialty resources for ACFR Florida and TF 3 and was responsible for the coordination of all search and rescue resources during 2004 and 2005 hurricane seasons. This involved him in responding in advance to the storms to coordinate these joint Federal/State USAR efforts. As part of the State's effort to coordinate domestic preparedness, he serves as one of the co-chairs of the Regional Domestic Security Task Force.

Our third witness is Colonel Ed Duncan. Colonel Duncan served the Hillsborough County Sheriff's Office in 1978—joined, I am sorry, joined the Hillsborough County Sheriff's Office in 1978 and is currently the commander of the Department of Operations Support. He supervises the operations for all emergency preparedness initiatives and tactical operations, including the special weapons and tactics team, crisis negotiations team, criminal intelligence unit, bomb squad and dive team, along with the marine, K9 and aviation units. Colonel Duncan also supervises criminal investigations addressing environmental and agricultural crimes. That is a hell of a resume. During his tenure at the sheriff's office, Colonel Duncan has served as a patrol deputy, organized crimes detective, internal affairs corporal, tactical section sergeant, patrol lieutenant, criminal investigations division deputy commander and commander of the homeland security division. Colonel Duncan has also served as an active SWAT team member and assistant team leader. Colonel Duncan has a Bachelor of Arts in criminal justice from St. Leo University and is a graduate of the Ninth Session of the Senior Leadership Program at the Florida Criminal Justice Executive Institute. He has attended the United States Secret Service Dignitary Protection Seminar and various other law enforcement and tactical training courses. Colonel Duncan is currently the co-chairman of Florida's Region 4 Urban Area Security Initiative, committee chair for the Regional Domestic Terrorism Task Force, a voting member of the Medical Emergency Planning Committee for Hillsborough County and an active member of the Plant City Rotary Club.

Without objection, the witnesses' full statements will be inserted into the record.

I will now ask each witness to summarize his statement for 5 minutes, beginning with Mr. Gispert.

STATEMENT OF LARRY GISPERT, DIRECTOR, HILLSBOROUGH COUNTY EMERGENCY MANAGEMENT

Mr. GISPERT. Before we get started, let me welcome you guys to beautiful Plant City, one of the three cities in Hillsborough County, which is on the west coast of Florida. We used to have a football team, and we have a pretty good baseball team going, but our football is coming back together.

Chairman Carney and Ranking Member Bilirakis and Members of the subcommittee, we appreciate the opportunity to testify today. I am Larry Gispert, the Director of Emergency Management for Hillsborough County, Florida, where we are meeting today. I am testifying today on behalf of the citizens of Hillsborough County, approximately 1.2 million people. I have 30 years experience in

emergency management with 17 as the Hillsborough County Director. I am a past president of the International Association of Emergency Management, IAEM, and also served as past president of the Florida Emergency Preparedness Association, FEPA.

Before I get started on my testimony, my daddy always said, "Larry, when a guy asks you the time of day, do not tell him how to build a watch." You asked a question—"Unclogging Pipeline Security: Are the Lines of Responsibility Clear?" Speaking strictly from the local level, the answer is no.

There are more than 300 miles of transmission pipelines in Hillsborough County carrying jet fuel, diesel, natural gas, and ammonia. There are many more miles of residential natural gas distribution lines in our county. I have been asked to address how we plan and respond to pipeline incidents, our interaction with Federal authorities, our relationship with pipeline operators, challenges we face, and concerns we have.

Since July 2007, there has been close to 100 incidents involving pipelines reported in Hillsborough County and a number of full hazmat responses. In many cases, there were evacuations, road closures, and disruptions. Fortunately there was only one serious injury and no fatalities in these incidents. It is important to note that more than 90 percent of these incidents were from natural gas distribution lines and almost all of these were construction-related, a contractor with a backhoe digging up a line. In the 30-year history of the ammonia pipeline, there have been two major releases; one in May 2003 in the Fishhawk area and again in November 2007. Both of these releases were the result of intentional individual actions.

In the past 2½ years, we have worked closely with Federal authorities to improve our abilities to respond to pipeline incidents and work towards preventing them altogether. We meet regularly with the United States Coast Guard and have contact with the Department of Homeland Security and Transportation Security Administration. We have met with Commandant Allen of the Coast Guard and talked with the past Administrator of the Department of Transportation Pipeline and Hazardous Materials Safety Administration, PHMSA. In August 2008, we assisted PHMSA in hosting a roundtable on emergency response to anhydrous ammonia transportation incidents. There were approximately 130 people in attendance at the roundtable in Tampa. Those attending included representatives from local, State, and Federal Government, area first responders, and ammonia users from across the country, ammonia transporters (pipeline, rail, and truck), and academics. As a result of the success of that roundtable, it was decided to hold a similar workshop for chlorine gas. The chlorine workshop took place in March 2009. An indirect result of the roundtable was the agreement worked out with CSX Railroad and their customers to limit or stop the movement of railcars containing toxic inhalation substances during Super Bowl week of 2009.

Since the November 2007 Riverview incident, we have been in regular contact with area pipeline operators (Kinder Morgan-Central Florida Pipeline, Gulf Stream Natural Gas System, Florida Gas Transmission Company and Peoples Gas) and in particular Tampa Bay Pipeline Corporation. We worked with the companies

and have produced new maps of the pipeline which have been distributed to area planners and first responders. Exposed portions of the ammonia pipeline now have jacketing to help prevent a recurrence similar to the 2007 incident. As Congressman Bilirakis said, a young kid drilled into it—cannot do it now.

We understand that the responsibility for the security of our pipeline lies first with the operators and then with the locals. The Federal Government has a department who is responsible for the safety of pipelines, basically everything except security. There is a separate agency—responsible agency—responsible for pipeline security. This division has 11 personnel—we now know that they have 13 or soon to have 13—and is responsible for the entire United States pipeline system. Memorandums of Understanding, MOUs, between PHMSA and TSA notwithstanding, the separation of pipeline safety from pipeline security is a distinction without a difference to anyone except in Washington. To the best of my knowledge, my department has had no contact with anyone from the TSA Pipeline Security Division since the ammonia workshop. This is of concern to us and we would welcome the opportunity to share information.

There seems to be a major disconnect between the goals and objectives of TSA and PHMSA and this is of major concern to us and area operators. This has led to confusion in the past and until reconciled will likely lead to future confusion. Mainly you have one agency whose goal is to make the location of buried pipelines as visible as possible so no one accidentally digs them up, and another Federal agency that would like to make them invisible so no one can intentionally blow them up. The question is do we continue to juggle safety and security until some sort of balance is reached or do we look for an alternate solution? In this day and age there ought to be a better system in place, one that assures both safety and security.

We in Hillsborough County and the Tampa Bay region will remain vigilant. We will train, plan, and exercise so that we can continue to respond quickly, appropriately, and safely when things go wrong. They will go wrong. We will share any lessons learned and strive to remain a great example of cooperative effort. As I like to say to everyone, we are always ready to help you with your disaster, which means we prefer not to have them ourselves, we like to go help somebody else. But God does not grant us that all the time.

Again, I would like to thank the subcommittee for the opportunity to testify and for their interest. I will be happy to answer any questions you may have at the appropriate time.

[The statement of Mr. Gispert follows:]

PREPARED STATEMENT OF LARRY GISPERT

Chairman Carney, Ranking Member Bilirakis and Members of the subcommittee, we appreciate the opportunity to testify today.

I am Larry Gispert, the Director of Emergency Management for Hillsborough County Florida where we are meeting today. I am testifying today on behalf of the citizens of Hillsborough County. I have 30 years experience in Emergency Management with 17 as the Hillsborough County Director. I am a past President of the International Association of Emergency Management (IAEM) and have also served as President of the Florida Emergency Preparedness Association.

There are more than 300 miles of transmission pipelines in Hillsborough County carrying jet fuel, diesel, natural gas, and ammonia. There are many more miles of residential natural gas distribution lines in our county. I have been asked to address how we plan and respond to pipeline incidents, our interaction with Federal authorities, our relationship with pipeline operators, challenges we face and concerns we have.

Since July 2007 there has been close to 100 incidents involving pipelines reported in Hillsborough County and a number of full Hazmat responses. In many cases there were evacuations, road closures, and disruptions; fortunately there was only one serious injury and no fatalities in these incidents. It is important to note that more than 90 percent of these incidents were from Natural Gas distribution lines and almost all of these were construction-related accidents. In the near 30-year history of the ammonia pipeline there have been two major releases, one in May 2003 and again in November 2007. Both of these releases were the result of intentional individual actions.

In the past 2½ years we have worked closely with Federal authorities to improve our abilities to respond to pipeline incidents and work towards preventing them all together. We meet regularly with the United States Coast Guard and have contact with the Department of Homeland Security (DHS) and Transportation Security Administration (TSA). We have met with Commandant Allen of the Coast Guard and talked with the past Administrator of the Department of Transportation Pipeline & Hazardous Materials Safety Administration (PHMSA). In August 2008 we assisted PHMSA in hosting a Roundtable on Emergency Response to Anhydrous Ammonia Transportation Incidents. There were approximately 130 people in attendance at the Roundtable in Tampa. Those participating included representatives from local, State, and Federal Government, area first responders, and ammonia users from across the country, ammonia transporters (pipeline, rail, and truck) and academics. As a result of the success of this Roundtable it was decided to hold a similar workshop for Chlorine gas. The Chlorine Workshop took place in March, 2009. An indirect result of the Roundtable was the agreement worked out with CSX Railroad and their customers to limit or stop the movement of railcars containing Toxic Inhalation Substances during Super Bowl week 2009.

Since the November 2007 Riverview incident we have been in regular contact with area pipeline operators (Kinder Morgan—Central Florida Pipeline Co, Gulf Stream Natural Gas System, Florida Gas Transmission Co, and Peoples Gas) in particular Tampa Bay Pipeline Corporation. We worked with the company and have produced new maps of the pipeline which have been distributed to area planners and first responders. Exposed portions of the Ammonia pipeline now have jacketing to help prevent a reoccurrence.

We understand that the responsibility for the security of our pipelines lies first with the operators and then with the locals. The Federal Government has a department who is responsible for the safety of pipelines—basically everything except security. There is a separate agency responsible for pipeline security. This division has eleven personnel (including two managers and four branch chiefs) and is responsible for all U.S. pipelines. Memorandums of Understanding (MOU) between PHMSA and TSA notwithstanding, the separation of pipeline safety from pipeline security are a distinction without a difference to anyone except in Washington. To the best of my knowledge my department has had no contact with anyone from the TSA Pipeline Security Division since the Ammonia Workshop. This is of concern to us and we would welcome the opportunity to share information.

There seems to be a major disconnect between the goals and objectives of TSA and PHMSA and this is of major concern to us and area operators. This has lead to confusion in the past and until reconciled will likely lead to further confusion. Mainly you have one agency whose goal is to make the location of buried pipelines as visible as possible so no one accidently digs them up and another agency that would like to make them invisible so no one can intentionally blow them up. The question is do we continue to juggle safety and security until some sort of balance is reached or do we look for an alternate solution? In this day and age there ought to be a better system in place, one that assures both safety and security.

We in Hillsborough County and the Tampa Bay region will remain vigilant. We will train, plan, and exercise so that we can continue to respond quickly, appropriately, and safely when things go wrong. We will share any lessons learned and strive to remain a great example of cooperative effort. As I like to say we are always ready to help you in your disaster.

Again I would like to thank the subcommittee for the opportunity to testify and for their interest. I will be happy to answer any questions you may have at the appropriate time.

Mr. CARNEY. Thank you, Mr. Gispert.
Mr. Rogers for 5 minutes, please.

STATEMENT OF RON ROGERS, ASSISTANT CHIEF-ADMINISTRATION, HILLSBOROUGH COUNTY FIRE RESCUE

Mr. ROGERS. Good morning, Chairman Carney, Ranking Member Bilirakis; thank you for having us here.

As mentioned earlier, I am Ron Rogers, I am the Assistant Chief for Administration for Hillsborough County Fire Rescue. I previously served for 9 years as the special operations chief for our department. The primary mission of that position was overseeing hazmat response and also search and rescue, technical rescue type of things.

In addition to the experience that was mentioned in my background information, I had the fortune or misfortune of working in the chemical industry in my early years while I was going to school. Had a lot of experience working in the fertilizer industry using ammonia, so I have a lot of personal experience with these chemicals that are transported in these pipelines.

As has been discussed in other testimony, Hillsborough County has a significant chemical pipeline network that presents the possibility of a major release at any time. Since July 2007, there has been close to 100 incidents involving pipelines reported in Hillsborough County. In many cases, there were evacuations, road closures, as Larry has mentioned. The important thing is that we have had two significant incidents involving the ammonia pipeline. Again, as mentioned, in 2003 and in 2007, these releases were the result of persons interfering with the pipeline causing intentional releases.

Throughout that process, the only interaction we have had with the pipeline operator was in direct response to those incidents. That includes no prior training, no interaction with the operators. We operate as well with them as we can in time of emergency, but one of the things that we would like to point out is that there needs to be, either in the guidelines or regulation if it is decided that that is the direction to go in, that there be a requirement for these operators to have regular hands-on training with the first responders that may be required to respond to these incidents. Currently there is no requirement. We recommended that after the 2007 incident. To date, the pipeline training that we have participated in has not been what we consider training, it has been more demonstrations. We have one this week, the Tampa Bay Pipeline is bringing first responders together with some of their companies for a demonstration of their capabilities. But it needs to go beyond the demonstration. It needs to be our personnel working with their personnel on a simulated release, learning the techniques and the equipment that we need to use in a time of a real event. Because as Larry said, it is not a matter of if, it is when.

In particular, going beyond just the requirements for training, in order for us to interact in a critical situation with the personnel from the pipeline companies, we have to know beforehand preferably that their personnel have the proper training as required by the OSHA standards to go into a zone where there is hazardous chemicals being released actively. We have to know that they can

go in with our personnel and that they have met all the training requirements to go in just like our personnel meet. Right now, today, we do not have any records of that. We do not have any knowledge of that information.

It presented a real situation in the 2007 incident. It was attributed that we prevented their personnel from entering the hot zone and working on the pipeline. That is a factual statement. What was left out of that testimony was the fact that we would not let them go in because we had no idea what their experience and training was. It would be no different than a citizen approaching us and saying I can go in there and help, but having no documentation that they have any skills or competency to do that.

Going beyond that, another requirement of the OSHA standards for personnel operating in a hazardous environment is that they have baseline medical monitoring. That is again something we asked the vendor at the time, during an on-going release: Do you have anything to support that your personnel have had that baseline monitoring? To date, we have no knowledge of that, we have seen no records of that. Even if they presented a policy that said we do this, that is all we are looking for.

It is our recommendation that that be either instituted in the guidelines or in the regulations. We want to make the process of responding to those events that will happen as seamless as possible, give our personnel the ability to work with those people, to know those people before we show up on an emergency and proceed with the mitigation of that incident.

In closing, we are here to help. We would like to be part of the process, to work with the operators to make the response to these things better. We believe that there is a process in place at the local emergency planning committee to facilitate the training. They do a very good job with a fixed site, fixed chemical facilities, and they would do a very good job managing this also.

Hillsborough County is here to help. We will be happy to answer any other questions that you may have.

[The statement of Mr. Rogers follows:]

PREPARED STATEMENT OF RON ROGERS

Chairman Carney, Ranking Member Bilirakis and Members of the subcommittee, we appreciate the opportunity to testify today.

I am Ron Rogers, the Assistant Chief-Administration for Hillsborough County Fire Rescue in Hillsborough County, Florida where we are meeting today. I am testifying today on behalf of the citizens of Hillsborough County. I have 29 years experience in Emergency Service experience in Hillsborough County (nine as the Special Operations Chief). I am a past Chairman of the Association for Search and Rescue (FASAR) and a past Chairman of the Florida Association of HazMat Responders (FLAHR).

As has been discussed in other testimony, Hillsborough County has a significant chemical pipeline network that presents the possibility of a major release at any time. Since July 2007 there has been close to 100 incidents involving pipelines reported in Hillsborough County and a number of full Hazmat responses. In many cases there were evacuations, road closures, and disruptions; fortunately there was only one serious injury and no fatalities in these incidents. It is important to note that more than 90 percent of these incidents were from Natural Gas distribution lines and almost all of these were construction-related accidents. In the near 30-year history of the ammonia pipeline there have been many minor releases and two major releases, one in May 2003 and again in November 2007. Both of these releases were the result of intentional individual actions.

The pipeline damaged in these incidents is one of two owned and operated by the Tampa Bay Pipeline Company. The pipeline that was damaged was constructed in 1981, the other in 1979. It is 6 inches in diameter, approximately 30 miles long and carries liquid anhydrous ammonia from a storage facility in Port Sutton to chemical manufacturing facilities in Hillsborough and Polk Counties. In the past 2½ years we have worked closely with other County agencies and Federal authorities to improve our ability to respond to these types of pipeline incidents and work towards preventing them all together.

One area that continues to need improvement is on the documentation of training and medical monitoring that complies with Federal standards and joint interagency training. During the 2007 incident, a lack of training documentation prevented us from allowing the pipeline operators personnel from assisting in the hazard area. This issue was noted on Page 5 and 6 of the PHMSA Notice of Probable Violation Proposed Civil Penalty and Proposed Compliance Order dated May 7, 2008. Based on the previous issues, we would like to offer the following recommendations:

Training.—It is the recommendation of Hillsborough County Fire Rescue that regular hands-on training be required that requires the owners of transmission pipelines to conduct regular hands-on training with the HazMat teams that would normally respond to an incident involving a release from their pipeline.

Training Documentation.—It is the recommendation of Hillsborough County Fire Rescue that documentation be regularly provided to these HazMat teams documenting the completion of a minimum of hazardous materials technician level training as outlined in 29 CFR 1910.120(q)(6)(iii).

Medical Surveillance Documentation.—It is the recommendation of Hillsborough County Fire Rescue that documentation be regularly provided to these HazMat teams documenting the completion of a Medical Surveillance program in compliance with 29 CFR 1910.120(q)(9)(i) for all pipeline response personnel that may be expected to work in the Hot Zone during an emergency response. (See the attached letter dated March 3, 2008)

The above requirements could be monitored as part of the Local Emergency Planning Committee (LEPC) system currently in place. It is our opinion that if implemented these requirements would significantly improve the readiness for response of the pipeline operators and HazMat responders.

Hillsborough County Fire Rescue will continue to assist in the preparedness for any future release as may be needed to assure the greatest level of protections to the population and environment. Thank you once again for the opportunity to testify and for your interest. I will be happy to answer any questions you may have at the appropriate time.

Mr. CARNEY. Thank you, Mr. Rogers.

Colonel Duncan, 5 minutes, please.

STATEMENT OF COLONEL ED DUNCAN, COMMANDER, DEPARTMENT OF OPERATIONAL SUPPORT, HILLSBOROUGH COUNTY SHERIFF'S OFFICE

Colonel DUNCAN. Good morning, Chairman Carney, Ranking Member Bilirakis and subcommittee Members. On behalf of Sheriff David Gee of the Hillsborough County Sheriff's Office, I would like to thank you for convening this hearing and for your efforts to improve our Nation's pipeline security. As already stated, I am Colonel Ed Duncan. I have been employed with the Hillsborough County Sheriff's Office for 32 years, and have been responsible for overseeing the agency's tactical operations for 20 of those years.

As you are aware, Hillsborough County has experienced three major chemical releases which required substantial citizen evacuations over the past several years. In each of these situations, the Hillsborough County Sheriff's Office responsibilities included:

Securing the incident site.

Evacuating citizens if necessary, and taking other measures necessary to protect human life.

Investigating any criminal activity associated with the security breach.

Implementing and controlling alternative traffic patterns.

Our most recent chemical release requiring citizen evacuation was the anhydrous ammonia release of November 2007. This release was a result of a juvenile puncturing a pipeline based on his unfortunate mistaken belief that the pipeline was a conduit to banks which contained money. There were no fatalities from this event, but hundreds of citizens were evacuated as a safety measure.

Since the 2007 incident, there have been significant improvements to pipeline security. Pipeline vendors have placed security sheathing on above-ground pipes and installed enhanced locking mechanisms on valves and valve housing sites. Training drills related specifically to chemical releases are now conducted to maintain optimal response practices. The Tampa Bay Regional Security Task Force and the Urban Area Initiative are now more particularly focused on hazardous material security. Our local Critical Infrastructure Committee has increased its inspections on anhydrous ammonia pipe sites. Today, through Site Profiler, which is a web-based assessment tool, the Tampa Bay area has continuous access to constantly updated mapping and data information on all local chemical pipelines and facilities.

An important partner in our local security efforts is Assistant Federal Security Director Greg Mertz of the local office of TSA. Mr. Mertz routinely participates with emergency response agencies through our Urban Area Security Initiative and Regional Domestic Terrorism Task Force. Recently they have conducted inspections on some of our pipelines that are located within our facility, which is much needed and appreciated. For example, last summer, the local TSA sponsored a roundtable entitled "Emergency Response to Anhydrous Ammonia Transportation Incidents" which was attended by several of our public safety and emergency response leaders. As a result of this and dozens of other similar collaborations over the past 2½ years, our region's public safety partners have become much better equipped to prevent and respond to chemical incidents.

Yet, there is critical work to be done. Today, no Federal, State, or local agency has clear regulatory authority to impose security improvements on companies involved in the production and transportation of chemicals through public areas. Currently, they rely on voluntary compliance to these guidelines. Regulations of the chemical production and transportation community is not a role that the local government is authorized to control. Such regulations can only be developed and instilled through Federal leadership, legislation, and action. If you ask my agency what one single step remains to be taken that would most improve our Nation's pipeline security, our response is that the Federal Government should empower the TSA to both establish and enforce security regulations on pipeline producers and transporters. We hope the work of this committee leads to a successful accomplishment of this key step.

Going forward, it is our understanding that TSA Pipeline Security Division is publishing updated pipeline security guidelines this year. We eagerly await receipt of these guidelines and hope that they contain provisions to help ensure more stringent security measures are maintained by the companies responsible for pro-

ducing, transporting hazardous materials in and near our communities. If there is anything the Hillsborough County Sheriff's Office can do to assist in this effort, we stand by and ready.

Thank you.

[The statement of Colonel Duncan follows:]

PREPARED STATEMENT OF COLONEL ED DUNCAN ON BEHALF OF SHERIFF DAVID GEE

APRIL 19, 2010

Hello, Chairman Carney, Ranking Member Bilirakis and subcommittee Members. On behalf of Sheriff David Gee of the Hillsborough County Sheriff's Office, I would like to thank you for convening this hearing, and for your efforts to improve our Nation's pipeline security. I'm Colonel Ed Duncan. I've been employed with the Hillsborough County Sheriff's Office for 32 years, and have been responsible for overseeing our tactical operations for 20 of those years.

As you are aware, Hillsborough County has experienced three major chemical release situations which required substantial citizen evacuations over the past several years. In each of these situations, the Hillsborough County Sheriff's Office's responsibilities included:

1. Securing the incident site.
2. Evacuating citizens, if necessary, and taking other measures necessary to protect human life.
3. Investigating any criminal activity associated with the security breach.
4. Implementing and controlling alternative traffic patterns.

Our most recent chemical release requiring citizen evacuation was the anhydrous ammonia release of November 12–14, 2007. This leak was a result of a juvenile puncturing the pipeline, based on his unfortunately mistaken belief that the pipeline was a conduit for money between banks. There were no fatalities from that event, but hundreds of citizens were evacuated as a safety measure.

Since the 2007 incident, there have been significant improvements to local pipeline security. Pipeline vendors have placed security sheathing on above-ground pipes and installed enhanced locking mechanisms on valves and valve housing sites. Training drills related specifically to chemical releases are now conducted to maintain optimal response practices. The Tampa Bay Regional Domestic Security Task Force and Urban Area Security Initiative are now more particularly focused on hazardous materials security. Our local Critical Infrastructure Committee has increased its inspections of anhydrous pipeline sites. And today, through Site Profiler, all public safety and emergency response partners in Tampa Bay have continuous access to constantly-updated mapping and data information for all local chemical pipelines and facilities.

An important partner in our local security efforts is Assistant Federal Security Director Gregory Mertz, of the local office of the Transportation Security Administration (TSA). SA Mertz routinely participates with emergency response agencies through our Urban Area Security Initiative and Regional Domestic Security Task Force. For example, last summer the local TSA sponsored a roundtable titled "Emergency Response to Anhydrous Ammonia Transportation Incidents" which was attended by approximately 50 public safety and emergency response leaders. As a result of this, and dozens of other similar collaborations over the past 2½ years, our region's public safety partners have become much better equipped to prevent and respond to a chemical incident.

Yet, there is still critical work that must be done. Today, no Federal, State, or local agency has clear regulatory authority to impose security improvements on companies involved in the production and transportation of chemicals through public areas. Regulation of the chemical production and transportation community is not a role that local government is authorized to control. Such regulation can only be developed and instilled through Federal leadership, legislation, and action. If you ask my agency what one single step remains to be taken that would most improve our Nation's pipeline security, our response is that the Federal Government should empower the Transportation Security Administration to both establish and enforce security regulations on chemical producers and transporters. We hope the work of this committee leads it to be successful in accomplishing this key step.

Going forward, it is our understanding that the TSA Pipeline Security Division is publishing updated pipeline securities guidelines this year. We eagerly await receipt of these guidelines, and hope that they contain provisions that help ensure more stringent security measures are maintained by the companies responsible for producing and transporting hazardous materials in and near our communities. If

there is anything the Hillsborough County Sheriff's Office can do to assist in this effort, we stand ready.

Thank you very much Chairman Carney, and committee Members, for your proactive leadership in this important domestic security issue.

Mr. CARNEY. Thank you, Colonel Duncan.

And I thank each of you for your testimonies and we will do a round of questions like we did in the previous panel. I will begin with myself.

I guess I need to ask Mr. Gispert and Mr. Rogers this. Do you agree with the assessment of Colonel Duncan that there needs to be regulation rather than just recommendations?

Mr. GISPERT. Yes.

Mr. CARNEY. Okay.

Mr. GISPERT. We at the local level are very simple. We want one button to push, we want one Federal agency that we can go to and say we are having a problem with this and they can say thou shalt do this. Right now, it is a collaboration and let's try to get—this is dangerous stuff. These people need to say you do not have a choice, you will do this.

Mr. ROGERS. I agree completely. Especially in tough economic times like we are in right now, guidelines tend to get pushed aside; regulations, it is a lot more difficult to do that.

Mr. CARNEY. So it is the considered opinion of the three experts, local experts here, that regulations need to be promulgated. Okay.

Mr. Rogers, you said something that was striking to me, that you are not trained when people do demonstrations to you. Can you elaborate a little bit on that?

Mr. ROGERS. One of the issues that was raised in the 2003 and the 2007 pipeline releases was the fact that the first time our hazmat team had any interaction with the pipeline company representatives was with that release, the first one in 2003. Again, there was no training or any involvement between them between 2003 and 2007. It was less of an issue in the 2003 release because that was a plug taken out of a valve in a valve box, there was very little that we could do to really do anything with that other than just wait for the pressure to drop, because you had basically a quarter-inch hole that was down in a confined area, we couldn't do a whole lot with it.

The 2007 release was a hole in the side of the pipeline that was fairly easy to access but we don't have equipment for that type of pressurized release. You have an issue where it is coming out under pressure, has a high expansion factor, plus the fact that it is cold, it is very cold. Our method of handling that is you essentially mitigate the release as best you can with water streams and wait for the pressure to drop to the point where we can go in and do something.

We had a lot of people from the pipeline company say that they could do different things, but we did not have any confidence in their ability to do that because when questioned, they did not seem to really be able to answer our questions very well. Not having any hands-on experience with them before the release, actually going in and watching them or working with them side-by-side, our hazmat team and their personnel should be training side-by-side, actually going in and stopping releases in a controlled environment so that

when you have these uncontrolled releases, that you know that the two teams can go in and work together and manage these releases.

What came out after the release, when we were having our after-action, was they had never even tried this before. There were companies that were not related to the pipeline company that said they could stop a release like this but Tampa Bay Pipeline had never attempted to stop a release like this. So it turns out they were just basically telling us what they thought we wanted to hear.

Other issues that came up were just their availability to bring in resources in a timely manner. It was only because of pressure from us to get people in quicker that—they were debating whether to bring the guy from Louisiana or the guy from Texas to put the stop on. Those are the kinds of things you do not work out in a crisis, that is worked out ahead of time.

Mr. CARNEY. Right. Now you expressed these concerns to me. Did you express them also to the pipeline owners?

Mr. ROGERS. Yes, sir. It has been expressed to the pipeline, it has been expressed as part of the compliance review by PHMSA. We actually testified in the review of that, related to the proposed fine, and have voiced that throughout that process.

Mr. CARNEY. What was the pipeline owner's response?

Mr. ROGERS. Their response is—I believe part of it is misinterpretation on their part that they believe that demonstrations are training. They are the ones actually sponsoring the demonstration that is this week. They have labeled that training but when I have checked into what is actually going to happen, it is going to be a demonstration of their contractors and their personnel, not a direct hands-on interaction with our personnel.

Mr. CARNEY. You and I did not get to be paramedics by watching Emergency 911.

Mr. ROGERS. No, sir. You do hands-on.

Mr. CARNEY. I gotcha, okay.

No further questions in this round. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, appreciate it.

Thank you for your testimony; thanks for your attendance; thanks for doing such a great job for Florida and specifically Hillsborough County.

I know you touched on this, Mr. Gispert, but I am going to give you another opportunity as well. Your comments about the differing perspectives between PHMSA and TSA regarding pipelines are quite interesting. Specifically you highlighted the fact that PHMSA wants people to know these pipelines are dangerous so people will stay away while TSA wants them hidden so they will not be considered targets of opportunity. Which is the right answer? How do we strike a balance? I know you brought it up. In your opinion and based on your observations, are TSA and PHMSA working together to coalesce around a unified message on issues related to pipeline security? I probably know the answer but I want to get your—you can elaborate if you wish.

Mr. GISPERT. When we get involved, the security has already been breached.

Mr. BILIRAKIS. Okay.

Mr. GISPERT. So, we would love for a sign saying hey, dummy, there is a pipeline here, do not dig your backhoe here, do not do this and everything else.

Mr. BILIRAKIS. Right.

Mr. GISPERT. I do understand that people that want to do bad things against a community will take that and that is where they will dig. But 90 percent of the time or more, it is a contractor digging a trench to lay an electrical line or something that hits it with a backhoe that causes us to evacuate hundreds of people. We feel that the balance should be struck, but it should be struck to the knowledge of where things are.

Part of the problem that Ron brought up is the understanding of how much ammonia was still in the line. They debated for hours on how much ammonia was in the line because they have reversing valves and stuff like this, and where are the reversing valves located.

Mr. BILIRAKIS. Right.

Mr. GISPERT. It depends—you do mathematical formulas. That should be known. They should walk up and say okay, Mr. Hazmat Responder, there is 100 pounds of product still in there and we estimate that it will be out of there in 20 minutes. Instead of saying—all they could see is the stuff was spitting out and continued to spit out. We said how much have you got in there? That should be known. That is why he wants to train with these people so they have a comfort level.

We need to know where the stuff is, we need to know where those valve boxes are. That was a big deal and Colonel Duncan will tell you, how could he know whether they were secure or not if you did not know where they were? What we found out, now they have done a big issue and our critical infrastructure people have identified it, they put special locks on it and stuff like that. But we have got to know where this stuff is.

By the way, there is more stuff, as you stated, coming. They are going to do a liquid natural gas port device right off the coast for those big ships. We need to know where that stuff is.

I do not get invited by the Chamber of Commerce to talk all the time because they are sending 8 by 10 glossies northward saying yankees, come down here and live and do business, this is a beautiful place. Well, you talk about hurricanes, tornadoes—do you realize that 50 percent of the hazardous materials in the whole State of Florida come in and out of that port of Tampa every day? I have a full time planner that keeps information on over 300 business locations that have extremely hazardous substances that exceed the maximum threshold. There is a lot of chemicals in this community. Now they make your life worth living when they are used right, but they get outside their containers, they can kill you.

So we have to be vigilant. So we always default to what is going on, how much have we got, where is it at, who knows this, who knows that.

There should be a striking point between those two agencies. If you are going to bifurcate the responsibility, then there should be a clear understanding amongst them. Part of the problem when we had our after-action report, we kept asking: Who the hell is in charge? The one thing that the pipeline company knew, it was not

the locals. We had no ability to tell them to do anything. It had to be the Federal Government. But was it the Coast Guard? Did not happen on the waterways, no. Was it U.S. DOT, we think? But it was a security issue because a kid drilled a hole, so it was TSA. So we bounced back and forth on who was really in charge. I do not think we have really answered the question yet, have we, Ron?

Mr. ROGERS. Not really.

Mr. GISPERT. Not really, not to our satisfaction.

Mr. BILIRAKIS. Thank you for your frankness.

Anyone else? This is what we need to hear.

Mr. ROGERS. Larry brought up an outstanding point. One of the other things that we asked for, both in 2003 and in 2007, related to the release was some clear information from the company how long can we expect this release to go on, assuming we cannot stop it, which in both cases we could not. To me, having a background in hazardous materials response, one of the things we look at is modeling. I am also what you would call a geek, I know there is a lot of computer modeling technology out there. It seems logical that you have a known vessel—it is a pipeline and when you close the valves, it is a vessel. Knowing the distance between those valves and which valves are closed and what was in the pipeline before that, you know the properties of the chemical, it seems logical that there would be something that would be able to tell you there is this much in that pipeline and with the size of leak that we think you have—and you never know because you cannot get up and see the exact size, but you have got an idea. You can see it is a fairly small release. How long is it going to take to come out of there with the current weather conditions? That is something they did not have. We have asked for it, it is actually in the PHMSA reports and our after-action report, and to our knowledge, there still is nothing that has been done to identify that.

It is particularly an issue with the liquefied ammonia pipelines and then with the liquefied natural gas pipeline that they are bringing in because when you compress or refrigerate a liquid to make it—a gas to make it liquid, when it comes out of that vessel that it is in and comes back to atmospheric temperature, it has an expansion factor that is significant. So you may have a gallon of liquid but when it expands to gas, it is going to be a much greater volume.

That is the kind of information we need. How do we know what kind of area even to evacuate? We have got some programs that are out there, Cameo, Aloha, Marplot, that type of family of programs, but they do not work on pipelines, they are based around a tank. That is one of the issues that really should not be the responsibility of the pipeline company, but that should be the responsibility of somebody at the Federal level to develop that.

Mr. BILIRAKIS. Thank you. Colonel.

Colonel DUNCAN. One of the things that I noticed in this event, the 2007 event, we did have a lot of people coming to the scene offering some information. However, we got no clear direction, like Ron was saying earlier. There was some speculation, if you would.

What that impacted from a law enforcement side is that we had citizens that were displaced for long periods of time. We had a

main north-south thoroughfare, highway 301, that was shut-down that affected us tremendously.

So the resources that we had to allocate to mitigate this problem from the law enforcement standpoint was substantial. I must say though that since that incident, we have had an opportunity to meet. The first responders have all met and sat down and there still is some uncertainty as to, again: Who is the one responsible for this? Of the boots on the ground, who is going to take the lead? It ultimately fell back on the locals to take the lead because fortunately in this community, I must say, in Region 4 here, we have a very close partnership with all of our local, State, and Federal partners. Most of us grew up together in this community, so we are very familiar with one another. That helped us resolve our issues. They were prolonged because of the lack of direction. However, we were able to work through those as we have normally done in the past. But in other areas where they may not have that——

Mr. BILIRAKIS. It may not be like that in Pennsylvania.

Colonel DUNCAN. Correct.

Mr. BILIRAKIS. Actually Pennsylvania is my second favorite State. I just had to say that.

[Laughter.]

Mr. BILIRAKIS. My dad was raised in Pittsburgh. I had to say that.

Colonel DUNCAN. But one of the issues that I was thinking earlier as we discussed the regulations, it is based solely now on someone's voluntary compliance. Whereas, maybe one community and one region of the State has a good working relationship and they want to be a good partner or be a good collaborative effort. That is not always necessarily true.

So if you do not have these strict guidelines or regulations that we can impose, then what are we doing? We are hoping that everyone will be on their best behavior and play well in the sand box.

Mr. BILIRAKIS. Mr. Gispert.

Mr. GISPERT. We do not want to come off banging Tampa Bay Pipeline. They are a part of our community, they are a very great economic generator, jobs and stuff like that.

What we are trying to tell you is if you want to be regulated, pass it down to the locals, hell, we will regulate them. But under the current scenario, we are not permitted to. None of the local agencies can tell them anything. We could have probably back in these zoning—when they wanted to locate, say no, you cannot be there. But once they are there, they are there. All we do is you call, we haul, we respond.

Somebody has got to grab a hold and say this is serious stuff. Voluntary compliance does not work when it is serious. This is serious, these are people's lives and a lot of economics. So somebody at the Federal level—because nobody at the State level has that ability as far as we know.

Mr. BILIRAKIS. Right.

Mr. GISPERT. Somebody at the Federal level has got to say okay, I am the one in charge, and by the way, thou shalt do this, you have no choice. Or we will pull your license to operate.

Because by the way, we sit all day long saying it is going to happen, it is going to happen. We think there, we drink, we eat, we

sleep, we are saying it is going to happen, the big one is coming. Everybody says you guys are a bunch of schmoes, you are doomsday. It is going to happen. It may not be tomorrow but, by the way, it is going to happen. We have got to be ready because if we are not ready, then the community is really severely impacted, many of them will die.

Mr. CARNEY. Let us use the 2007 example. Did you get conflicting information from TSA and DOT? Did they not show up? Did they show up and work together? What was your experience in that regard?

Mr. ROGERS. I know DOT was there, the Coast Guard was there very early. The Coast Guard was there within a matter of hours. DOT was there probably the next day.

Mr. CARNEY. How long did this plume last, by the way?

Mr. ROGERS. Our response as far as from release to when we considered it under control was 40 hours.

Mr. CARNEY. Forty hours.

Mr. ROGERS. Yes.

Mr. BILIRAKIS. When DOT was there, were they calling the shots or——

Mr. ROGERS. They were part—we had a unified command and when you have a unified command, there is not necessarily a specific agency or person in charge, it kind of rotates depending on what the issue is. DOT was part of the unified command. I honestly do not remember if TSA was ever involved. Colonel Duncan may be able to answer that.

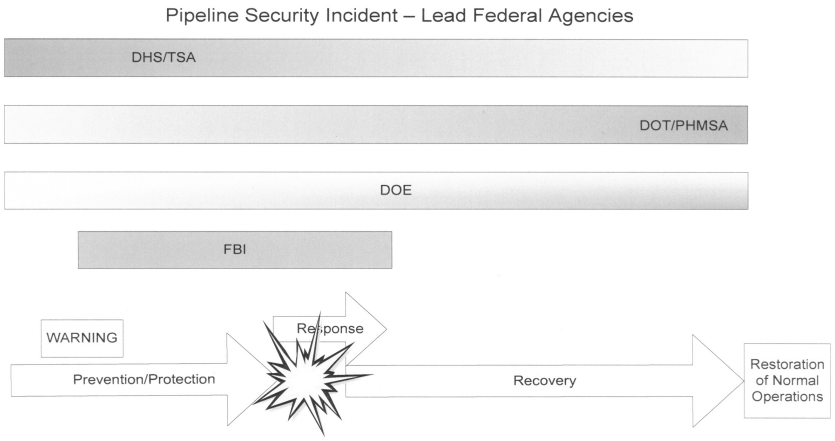
Colonel DUNCAN. I cannot answer that, sir. I do not know if they were on scene or not that day.

Mr. CARNEY. I am going to do something that is sort of unusual for Congressional hearings. I am going to ask a couple of panelists from the previous panel if they would like to respond.

Mr. Fox, Mr. Wiese, do you want to give your points of view on this, please?

Mr. FOX. Thank you for the opportunity. In fact, in front of you there is another graph that we handed out which shows lines of responsibility graphically.

[The information follows:]



This chart illustrates the incident continuum along which lead Federal agency actions occur, depending on the incident scope and phase. The Plan is organized into three main sections that correspond to these three incident phases; prevention, response and recovery. The figure does not include all agencies involved in a pipeline security incident, but represents the Federal agencies with principal roles throughout the three phases: DHS/TSA, DOT/PHMSA, DOE, and Federal Bureau of Investigation (FBI). The darker shading in the figure indicates more involvement by the agency at a particular point, and the lighter shading indicates a lesser role.

Mr. FOX. At the time of a release, PHMSA is then—they have the responsibility and the authority for repair and restoration. That is in their regulations. So TSA's role diminishes at the time of a release. We have a stronger role up through intel or what-have-you, and then FBI takes over and PHMSA takes over on repair and release. Now I do know TSA had folks there on the day after the release, they met with the pipeline company, local TSA folks came to town and met with the pipeline company and then I had a team there 3 or 4 weeks later and we did a complete review of that pipeline system and made security recommendations.

We have followed up and the company actually followed and did every recommendation for security that we made to them, within say the following year everything was completed.

Your local law enforcement works well. On Saturday afternoon, I went to the site of this on 301, I was trying to stop to get down and look at it and the State police stopped me and asked me what I was doing there. So your local law enforcement worked very well.

But TSA did have some folks there, but our role—as soon as the release happens, our role diminishes and PHMSA's role takes over at that time.

Mr. WIESE. I think Jack pretty accurately portrayed that. Our job initially is to set a regulatory framework for safety and then to inspect and provide the deterrents to non-compliance for that. The operator was inspected on the order of every other year. There have been a number of minor issues that we have brought to the

operator's attention over the years. In this particular case, as Jack said, once the event happened, we dispatched someone to come down and work with people, both in the after-action and then forward. But we also initiated a fairly intensive investigation. I know it is not satisfying to the responders because that is after-the-fact, but it is one of the ways in which you try to correct remedies, you know, is to do the investigation. We have initiated an enforcement action and I am not really at liberty to discuss that one, but it is fairly near to being finalized.

Mr. CARNEY. Well, people hate being the test case on these things.

Mr. Wiese, Mr. Fox, who should have been giving direction to locals or from your perspective, is it the locals' responsibility?

Mr. WIESE. No, I think in that case, it is really the pipeline operator's responsibility, both in terms of our regulations and TSA guidance, to maintain on-going liaison with emergency responders and have a familiarity with one another such that, as was raised here, in the event of an emergency, they can integrate and work well together. I think there was just a bit of a lack of interchange on the liaison end.

Mr. CARNEY. Mr. Rogers, was that your experience? What was your experience with this?

Mr. ROGERS. Our experience before the—up until the 2007 release, the only way we knew the company representatives for the 2007 release was because of the 2003 release. There has been some on-going interaction with Tampa Bay Pipeline since the release, but it has not met our expectations.

Mr. CARNEY. So you have had two releases and now there is—you would characterize that as minimal contact?

Mr. ROGERS. Well, I think honestly the company is doing the best that they can. I think they are trying, but again, I think it goes back to the fact that there are no—there is no written regulations that clearly delineate, these are the things that you are expected to do. If you look at the chemical industry, the fixed facilities, there are very specific steps that they have to do. We have regular interaction with them. They participate in the local emergency planning committee process. We have biennial exercises and that works. That does not happen with the pipeline companies and it is not just Tampa Bay Pipeline, it is all the pipelines.

Mr. GISPERT. Let me clarify. We were not looking for big father to be on the scene and saying you guys are doing this wrong, do it this way. That is not what we are talking about. What we are talking about is Ron's problem of interacting with the facility, knowing their operators, knowing their qualifications. The only person that can make that happen is the Federal person.

As far as on scene, these guys are well qualified, they do not need no onlookers looking over their shoulder.

Mr. CARNEY. Sure.

Mr. GISPERT. But they needed to know that the pipeline was telling them the right thing about how much product is there.

Mr. CARNEY. Right, right, gotcha.

Mr. GISPERT. But the Federal regulators can do that, not the locals.

Mr. CARNEY. Mr. Wiese.

Mr. WIESE. You know, I would say that there are regulations that require on-going liaison with the emergency responders. If you look at the enforcement action that the agency moved subsequent to this, it really orbits around that. It is basically echoing what you are hearing here. There is a requirement for on-going liaison and that does establish roles and responsibilities up-front.

You know, in our view and based on our investigation, our allegation is that that was inadequate in this case. That led to the confusion in the emergency response.

Mr. CARNEY. Okay, it is inadequate because it was not promulgated properly? It is inadequate because it is not clearly defining the chain of command?

Mr. WIESE. No, operationally. I think that the paper was there, the operator has plans and records. You know, could they be improved? Probably. You know, but the real issue is the operationalization of that so that the regular interchange with the emergency responders so they have the maps and records, they knew where the block valves would be, where the check valve would be, and they would know what the company's capabilities would be.

Mr. CARNEY. Great. Ron.

Mr. ROGERS. The concern I have as a local responder and somebody that lives in the community—my parents live immediately adjacent to one of the natural gas transmission lines—we are focusing—a lot of what I have talked about today is the ammonia pipeline but there are other pipelines in our county, there are a lot of other pipelines in the country.

The issue is, we have had a lot of interaction with the companies as far as just—you know, we go to meetings with them, we go to table top exercises and they participate to various degrees in the planning process, but our personnel in the field that are the ones that are going to have to put the suits on and go into the incident, do not have regular interaction with those people.

The requirement for liaison is not the same as a requirement for regular interactive training.That is what I am saying. Liaison just means that my boss knows your boss and we can meet and greet each other by first name when we are together. That is not what I am looking for. I am looking for the ability for our personnel to interact with the pipeline operators and be comfortable that they can go into an extremely hazardous environment and work with those people and know that they are not going to get killed by the person next to them doing something stupid.

Mr. CARNEY. Do you agree, Mr. Wiese?

Mr. WIESE. I would agree with the importance of that. I think you can hear me.

Mr. CARNEY. Yeah, go ahead.

Mr. WIESE. I would agree absolutely with the importance of what he just said. The only difference I am trying to draw is that we think in this case, it did not happen. The requirement is there to do it, it just did not happen to the degree that it should have. That is the nature of the allegations.

Mr. CARNEY. So the regulation that exists seems to be—can be amended to say training rather than liaison.

Mr. WIESE. It actually does say "issues relating to, including" is the phrase in there, "including training and response exercises." But it is not to say—it is well received, I am listening to that, that you want a more explicit requirement for exercising that plan.

Mr. CARNEY. Okay, all right.

Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, sir.

I think this has been very informative and we know what our task is when we go back to the District of Columbia.

Mr. Gispert, in your testimony, you mentioned that as a result of the relationship developed during the chlorine workshop, you were able to work with CSX Railroad executives to stop the movement of toxic inhalation substances during the Super Bowl week in 2009. How did that agreement develop and who were the players involved? Did TSA participate in those discussions? If so, what was their level of involvement?

Mr. GISPERT. I can say yes, it did happen and I am going to pass it to Colonel Duncan because Colonel Duncan was involved in the security aspects and that is where it came up as a potential security issue.

Colonel DUNCAN. Yes, sir. When we started meeting on the Super Bowl, we approached all facets of potential threats to the environment and to the footprint of the stadium. As a result, we had representatives from all of our Federal, State, and local partners and TSA was a part of that, local assistant director Greg Mertz was available for us. Along with his assistance and the DOT, we were able to implement that request to stop all that type of traffic during the time frame of the Super Bowl.

Mr. BILIRAKIS. Anyone else involved?

Mr. GISPERT. I will state that there are some academians that would wish that none of that toxic material goes through an urban city at all. The problem that we have got is the chemicals come in to the port and then you must get the chemicals from the port to where they actually do it and we are not going to dig another port. So it is going to be physically impossible for Tampa to make a prohibition that thou shalt not transport these chemicals through these areas because they must go there.

So unfortunately—it would be nice in a perfect world if none of this stuff went anywhere close to anybody and I think the Congressman and I were talking about the airport scenario. When we built Tampa International Airport a long time ago, it was out in the bushes. Then as people came down here and visited, the next thing you know, residences start popping up and guess what, they started complaining about the noise.

Mr. BILIRAKIS. Right.

Mr. GISPERT. You are: Wait a minute, when we built the airport, you were not there.

Mr. BILIRAKIS. Yeah.

Mr. GISPERT. But now that you are there, you want us to close the airport down. No can do.

Mr. BILIRAKIS. Right. Thank you.

Colonel, you mentioned the role of the assistant Federal secretary Director George Mertz and his routine participation in emergency response scenarios. That is refreshing of course to hear. Are

you concerned, however, that Mr. Mertz' non-pipeline security-related responsibilities monopolize his time? Do you think TSA's Federal security director should be TSA's point person for pipeline security issues?

Colonel DUNCAN. To answer that question from the local boots-on-the-ground perspective, it is great to have someone like Greg Mertz that we are all familiar with and we can reach and contact him immediately.

Mr. BILIRAKIS. Right.

Colonel DUNCAN. Greg is very responsive to us. In speaking with him, he has a group of pipeline inspectors, they have a pipeline division under his local branch of TSA. They have no authority other than the fact that they go out and they do some inspections and they can make recommendations as far as what these people should do. In talking with Mr. Mertz, his biggest—as you can imagine, being at Tampa International Airport, his biggest responsibility and his main focus is on the safety of passengers, whether they be with the rail or flight.

Mr. BILIRAKIS. Right.

Colonel DUNCAN. So he is very busy with that. The pipeline part of it probably occupies a small amount of his time and probably deserve equally as much of his attention.

Mr. BILIRAKIS. Do you have any suggestions of what we can do?

Colonel DUNCAN. The question was asked earlier of the panel about additional personnel for TSA.

Mr. BILIRAKIS. Right.

Colonel DUNCAN. I must say with the staffing that they currently have and the volume of work that is being placed upon those personnel, I think it would be obvious that an increase of staffing would be beneficial to all parties concerned, not even the locals but also the citizens which we as the local groups serve.

Mr. BILIRAKIS. Anyone else?

Mr. ROGERS. I agree completely with that. I was quite frankly startled with the budget and the number of FTEs they have. That sounds like a local agency, not an agency responsible for the whole country.

Mr. BILIRAKIS. I have got a couple more, but I will do one more.

Mr. CARNEY. No, finish up.

Mr. BILIRAKIS. How frequently do you exercise your emergency response plans as they relate to pipeline incidents? Do operators participate in these exercises?

Mr. GISPERT. To be honest with you, we do not exercise the pipeline probably but every couple of years because the biggest threat to this area, as you may know being from Florida, is the weather. We exercise that quite often.

Mr. BILIRAKIS. Yes.

Mr. GISPERT. We probably should exercise a lot of our things, but can I put a pitch in for the fact that the economy is tearing us up at the local level? We are laying people off at the local level and so I lost 600 of my team members this year that went out the door because of the budget. I told my county administrator our ability to respond has been diminished as such.

So if I taxed what little people we had with a drill every week, they would kill me. So we try to maximize and focus on our biggest

threats. So we do not traditionally practice the pipeline scenario. We do practice terrorism responses, but normally to large venues such as stadiums and stuff like that. So we do not practice the pipeline that often.

Mr. ROGERS. If I may——

Mr. BILIRAKIS. Yes, go ahead.

Mr. ROGERS. One of things that actually, as much as we hate it, if there is a regulatory requirement that we participate in those exercises, that is actually the stick sometimes that pushes us to do that as well. We all have priorities, as Larry mentioned, you know, there has been staffing cuts, but we fit in the things that we have to fit in. So sometimes we need that nudge too.

Mr. BILIRAKIS. Okay, thank you. I yield back, Mr. Chairman.

Mr. CARNEY. I frankly have no further questions. I have found this extremely enlightening and frustrating and heartening and all kinds of things. It is probably one of the more useful subcommittee hearings we have had, to be quite honest. Because it does not just apply to Tampa Bay region, it applies to the entire Nation.

My concern is that the frustrations you felt in 2007 and the 2003 event are not—I imagine they probably are, but I would hope that they were not shared with your counterparts elsewhere in the country with other pipeline events.

I really appreciate your expertise. You know, the folks most directly involved in the ground are the ones, you know, that really resonate with me and we need to figure out what we can do from our chairs in Washington. We hear constantly that the Government is too big or there's too much regulation and this sort of thing. Maybe in some cases, that might be true, but when it comes down to protecting lives, I think we probably ought to err on the side of security, to be honest.

Mr. BILIRAKIS. I agree. I have a couple more questions, but this is where we should be putting the money, on safety and security.

Can I ask a couple more, Mr. Chairman?

Mr. CARNEY. You absolutely can.

Mr. BILIRAKIS. Okay, excellent.

This is for all the witnesses. Have you used grant funding received from the Department of Homeland Security to enhance your pipeline security efforts? If you have not, can we be of assistance?

Mr. GISPERT. The answer is yes.

Mr. BILIRAKIS. Okay.

Mr. GISPERT. We are expecting that grant money to fade away as the Federal Government looks for money to pay for other issues. We have proudly, and we will confront any of our Congressmen and say we used every Federal dollar smartly that you sent us. If you sent us more, we would do more.

Mr. BILIRAKIS. Okay. Well, let us assist in that area. Anyone else want to respond?

Colonel DUNCAN. Yes, sir. Earlier in my testimony, I mentioned Site Profiler, it is a risk management system that we actually deployed with the assistance of the Tampa Bay Pipeline and the other pipeline vendors here in our community. We have been able to input all that information and so we know exactly where all of our pipelines are that go through our community. That Site Profiler

system was purchased through our grant dollars, through the Urban Area Security Initiative.

Mr. BILIRAKIS. Very good.

Mr. ROGERS. A lot of the training and exercises that we do is funded through the Federal grant funds. So that is a significant contribution, as well as the equipment that we have that enables us to respond. Obviously being a response agency, that is our primary focus, but there has been a significant improvement in the funding for security across the State. A lot of the things that came about as a result of 9/11 have really helped bring agencies together as well and a lot of that is funded by grant funding. But as Larry said, there is never enough.

Mr. GISPERT. We would like to tell you that you are sitting in the most prepared community in the country. We have got so much more we need to do. So do not go back up in Washington and forget that fact and think that well, you have got $4.3 billion over 5 years. Once again, we can answer the question any day: Did we use the Federal dollars right? Yes. Could we use more? Yes. If you gave us more, we would do more.

Tampa is such an attractive place from all different reasons of people visiting, our industry, our port, and everything else like that, so we are sitting in hectic times with budget issues and the fact that the security people will tell you that the security issues seem to ramp up. So remember us when you are up in Washington. Send us a couple of bucks.

Mr. BILIRAKIS. I hear you.

Last question for all the witnesses. I think this is pretty important. Do you have mutual aid agreements with surrounding counties if you need additional support during response to a pipeline incident? I know that happens with the fire department, the local agreements, but can you answer that question? Do you have agreements with the surrounding counties?

Mr. ROGERS. One of the things—as you know, Florida has a significant vulnerability to hurricanes. As a result of that, we have a very robust structure for deploying resources throughout the State and as was illustrated in 2005 with Katrina, the ability to distribute those resources regionally. Florida was the first mutual aid resources to reach Mississippi within 12 hours of Katrina making landfall, and contributed significantly to that across the board, not just fire rescue but law enforcement, emergency management. There is a saying that Florida saved Mississippi and that has a lot of truth to it and that was relayed by the Governor of Mississippi. So we do have—there is a very robust structure for deploying resources that is being modeled, or used as a model for some of the things that are trying to be done to address issues like we faced in Katrina.

Mr. GISPERT. Florida has, since the early 1990s, a State-wide mutual aid agreement which is signatory to all 67 counties, all 400-plus municipalities, water management districts and all that other stuff. All the paperwork, all the who pays for workmen's comp—what happens if Ron goes to Pensacola and gets hurt, who is going to pay his workmen's comp? What is the reimbursement?—and by the way, if the Federal Government reimburses us, fine; if they do not, we still get paid because a part of that mutual aid agreement

is if I ask you for help, I will pay you. All the rates are established, so it is all there. So we do not need individual agreements, we have a State-wide agreement.

Colonel DUNCAN. Yes, sir, that applies to all the law enforcement as well. Also just to, if I could, throw another tout for our community here, the Tampa Police Department, the large city agency within this county, all it takes from me is a phone call to them and they send resources as well. So we have those mutual understandings available for deployment at any given time.

Mr. ROGERS. That is the case on the fire rescue side as well. We respond with each other every day.

Mr. BILIRAKIS. Thank you very much, I appreciate it.

I yield back, Mr. Chairman.

Mr. CARNEY. Thank you.

I really want to thank the panel for their testimony and their insight, it was great.

I do, from a personal note, want to really echo what Mr. Bilirakis said earlier at the outset of the first panel, that we work pretty well together, the Ranking Member and myself, and when it comes to homeland security and that sort of thing, the partisanship aspect you keep hearing about is out the window, it does not happen. We work as hard as we can together to keep this country safe and it is something that we all take seriously. Just so you have a view from the other side, it is important to understand that.

Mr. BILIRAKIS. I wish that the other committees worked as well as we do. The Veterans Committee does a good job with bipartisanship and we work on behalf of our Nation's heroes together. But Chris is an outstanding Chairman and, like I said, we agree on most everything and it is just a good model to have.

But thank you very much for presenting today and please be in touch with our office. I want to meet with you guys again real soon, so we can see how I can help you up in the District of Columbia. Thanks so much, appreciate it.

Thanks to the City of Plant City for hosting us.

Mr. CARNEY. We may have further questions, and if so, we will ask them and please respond in writing.

Having no further business before the subcommittee this morning, we stand adjourned.

[Whereupon, at 12:38 p.m., the subcommittee was adjourned.]

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