

Memorandum on Pipeline Safety November 3, 2000

*Memorandum for the Secretary of
Transportation*

Subject: Pipeline Safety

Over 2 million miles of oil and gas pipeline crisscross our country. These pipelines help transport the products that fuel our cars and heat our homes. While the safety record of our Nation's pipeline system is strong, accidents still occur. That is why we need to continue our efforts to improve pipeline safety nationwide.

Preventing pipeline failures is imperative to protecting our communities and our natural resources. These failures can damage the environment, contaminate our drinking water, threaten the safety of our communities, and put human lives at risk. The tragic accidents that recently occurred near Carlsbad, New Mexico, and in Bellingham, Washington, profoundly underscore the need for stronger pipeline safety measures. We simply cannot allow these fatal tragedies to be repeated.

To improve pipeline safety, the Department of Transportation (DOT or Department) has worked diligently to curb third-party damage, one of the leading causes of pipeline failures today. As a result, incidents caused by third-party damage have been reduced by 30 percent. In addition, to help prevent spills, DOT has sponsored research to develop new inspection technologies that find dents and other excavation damage. The Department has also increased pipeline protections by requiring improved corrosion control, and is working on the first comprehensive National Pipeline Mapping System. This important new mapping tool will provide States, communities, and the public with the information they need to better protect themselves, their families, and their environment.

Although my Administration has made progress in addressing important pipeline safety and environmental concerns, we also recognized the need for a more focused statutory direction in this area. In an effort to improve our Federal pipeline safety program, my Administration proposed comprehensive pipeline safety legislation in April of this year. The "Pipeline Safety and Community Protection Act of 2000" was developed to address five basic principles: (1) improve pipeline safety standards, (2) strengthen

enforcement of pipeline safety laws and regulations, (3) enhance Federal-State partnerships, (4) provide the public with better information and opportunities to participate, and (5) support research and development of innovative pipeline safety technologies. Despite significant efforts, the Congress has not passed comprehensive pipeline safety legislation this year. My Administration continues to support efforts by the Congress to strengthen our Federal pipeline safety law to address the five key principles outlined above. In the interim, however, we are prepared to take action to fulfill these principles to the greatest extent possible using existing authorities.

As an example, I am pleased that today, the Administrator of the Research and Special Programs Administration is signing a new regulation that will greatly enhance pipeline safety measures in areas sensitive to damage from hazardous liquid pipeline accidents. This regulation will provide additional safeguards for populated areas, environmentally sensitive areas, and commercially navigable waterways. Under the new integrity management programs required by this regulation, hazardous liquid pipeline operators that operate 500 or more miles of pipeline will conduct an initial testing of their pipelines within 7 years and periodically, in most instances, every 5 years using internal inspection, pressure testing, or other equivalent testing technology. They will also be required to carry out prompt repairs, and use prevention and mitigation measures as necessary to reduce potential impacts to safety and the environment.

But even more can be done. To help ensure that American in the 21st century has the safest pipeline system possible, I am directing you to take the following actions to strengthen the Federal pipeline safety program and improve pipeline safety nationwide. These actions are based on the five principles set forth above, and are to be carried out in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, the Attorney General, the Chair of the Council on Environmental Quality, and the Director of

the Office of Management and Budget, as appropriate.

(1) *Improve pipeline safety standards.* To fulfill requirements of Federal pipeline safety law, and in response to recommendations by the National Transportation Safety Board and the Department's Inspector General, I direct DOT to:

- (a) issue a final rulemaking within 30 days to define environmentally sensitive areas in which hazardous liquid pipeline operators must develop and follow integrity management plans.
- (b) develop and begin implementing no later than January 15, 2001, a comprehensive plan for further improving hazardous liquid and natural gas pipeline safety standards. This should address the need for additional regulations implementing integrity management programs for all hazardous liquid pipeline operators and natural gas transmission pipeline operators. The plan should also include a schedule for the prompt proposal of regulations for adequate corrosion control of hazardous liquid and natural gas pipelines, including cathodic protection. Appropriate new standards should be developed through notice and comment rulemaking, in accordance with all applicable Executive Orders, and in consultation with other Federal departments and agencies, States, tribes, industry, labor, pipeline safety advocates, environmental organizations, and the public; and
- (c) ensure that integrity management programs and operator qualification programs are thoroughly reviewed by the Department. These reviews should examine whether operators are using internal inspection, leak detection, and emergency flow restricting devices, where necessary, as a part of their integrity management programs. If, after reviewing an integrity management program, you determine that a program is inadequate for ensuring the safe operation of a pipeline facility, you should use existing authorities to require that the operator revise the program accordingly, including requiring the use of internal inspection devices where appropriate. If, after reviewing an operator qualification program, you determine that a program is inadequate for ensuring the

safe operation of a pipeline facility, you should use existing authorities to require the operator to revise the program accordingly, including requiring the use of examination or testing methods beyond the observation of on-the-job performance.

(2) *Strengthen enforcement of pipeline safety laws and regulations.* To improve the enforcement of pipeline safety laws and regulations, and in accordance with the recommendations of the General Accounting Office, I direct you promptly to assess the efficacy and current use of all enforcement tools available to the Office of Pipeline Safety. Based on the findings of this assessment, and in coordination with the Attorney General, you should begin developing a policy designed to ensure strong, consistent, and effective enforcement of pipeline safety standards and compliance, including deterring non-compliance, with pipeline safety regulations.

(3) *Enhance Federal-State partnerships.* Building on existing experience and considering input already received from State regulators, I direct you to issue guidelines, within 60 days, outlining opportunities and responsibilities for States to participate in the oversight of interstate pipelines. Under these guidelines, States should be allowed to participate in new construction and incident investigation, as well as additional oversight of interstate pipeline transportation that will add to overall pipeline safety and address local concerns. In addition, under these agreements, States should be allowed to participate in the review of integrity management, operator qualification, and damage prevention programs.

(4) *Provide the public with better information and opportunities to participate.* To improve public right-to-know and opportunities for public involvement while promoting safety, I direct you to initiate activities, including development of a comprehensive plan, that expand public participation in pipeline decisions and provide increased access to gas and hazardous liquid pipeline data and information. The comprehensive plan should include a schedule for developing any necessary rulemakings or guidance, and should provide for:

- (a) improved public access to safety-related condition reports, pipeline incident reports, integrity management programs, and operator qualification programs, including access through the internet, annual reports, and other methods as appropriate;

- (b) collection of more complete and detailed information on the causes of accidents, thereby facilitating better trends analysis and helping to prevent future accidents. Specifically, you should improve accident reporting forms as soon as possible for both hazardous liquid and natural gas pipelines by expanding causal categories and clarifying instructions so that data submissions are more consistent and accurate; and
 - (c) assistance to communities to help them more effectively address their pipeline safety concerns, including the potential availability of a limited number of technical assistance grants, subject to the availability of appropriations.
- (5) *Supporting research and development of innovative pipeline safety technologies.* In coordination with the Secretary of Energy, I direct you promptly to initiate a process to seek advice and consultation from other Federal and State agencies, academia and research institutions, industry, pipeline safety advocates, environmental organizations, and other stakeholders on the development and implementation of a cooperative program of research and development. Based on this consultation, you should develop and begin implementing a cooperative program to establish research priorities, coordinate and leverage research funding, and maximize efforts for ensuring pipeline integrity. This program should address the need to:
- (a) expand internal inspection device capabilities to identify and measure defects and anomalies, including automated internal pipeline inspection sensor systems;
 - (b) inspect pipelines that cannot accommodate internal inspection devices, including structural integrity measurement;
 - (c) develop and improve technologies to identify, monitor, and prevent outside force damage, including satellite surveillance;
 - (d) improve corrosion control and prevention methods;
 - (e) expand leak detection; and
 - (f) ensure public safety and environmental protection in other related ways.
- The Department of Transportation shall implement this memorandum consistent with its appropriations and to the extent permitted by law.
- This memorandum is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, or instrumentalities, or any other person.

WILLIAM J. CLINTON

The President's Radio Address *November 4, 2000*

Good morning. In just 3 days now, the American people will perform the most profound act of our democracy. They'll step into the voting booths all across America and, with the power guaranteed them by the Constitution, decide the future direction of our great Nation. It's an awesome responsibility, especially at this remarkable moment in history, when our ability to build the future of our dreams for our children has never been greater.

Look at what we've already accomplished together. Eight years ago, interest rates were high, and 10 million of our people were out of work. Deficits and debt were skyrocketing; so were the welfare rolls, crime, teen pregnancy, and income inequality.

But the American people made a choice to follow a new path, guided by old values of opportunity for all, responsibility from all, in a community of all Americans. And today, we're a Nation transformed, with the longest economic expansion in our history, more than 22 million new jobs, the lowest unemployment in 30 years, wages rising at all income levels, the highest homeownership in history. Just yesterday we learned that unemployment remains at 3.9 percent, and Hispanic unemployment has dropped to 5 percent, the lowest level on record. African-American unemployment has also been cut in half over the last 8 years to its lowest level ever recorded.