



FROM: Kountoupes Denham Carr & Reid

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RE: Senate Commerce Subcommittee on Surface Transportation, Freight, Pipelines, and Safety Hearing titled "Pipeline Safety Reauthorization: Ensuring the Safe and Efficient Movement of American Energy"

Topline Summary

- The Senate Commerce Surface Transportation, Freight, Pipelines, and Safety Subcommittee convened to review pipeline safety regulations and operations at the Pipeline and Hazardous Materials Safety Administration (PHMSA) to evaluate what policy priorities should be included in an upcoming PHMSA pipeline safety reauthorization. The hearing focused on PHMSA's implementation of outstanding rulemakings required in previous legislation, the state of the natural gas industry, and innovative safety technologies and processes.
- Republicans emphasized the need to modernize pipeline safety laws by enabling technological innovation, streamlining federal permitting, and improving inter-agency coordination, especially between PHMSA and TSA. They criticized the Biden administration's regulatory overreach, arguing that it delayed critical infrastructure projects and imposed burdensome conditions unrelated to safety. They said that pipelines are the safest and most cost-effective method of energy delivery, advocating for expanded fossil fuel infrastructure and stronger protections against vandalism and protest-related disruptions.
- Democrats focused on environmental protection, state-level oversight, and cybersecurity risks, stressing the need to update leak detection rules, fully fund state inspection programs, and reauthorize cyber liability protections. They raised concerns about the fossil fuel industry's influence on clean energy policy via donations to the Trump campaign.

Senators Attending: Chairman Todd Young (R-IN), Ranking Member Gary Peters (D-MI), Full Committee Chairman Ted Cruz (R-TX), Full Committee Ranking Member Maria Cantwell (D-WA), Sen. Ben Ray Lujan (D-NM), Sen. Bernie Moreno (R-OH), Sen. Ed Markey (D-MA), Sen. Deb Fischer (R-NE)

[Live Hearing Link](#)

Meeting called to order by Chairman Young.

Opening Statements

Chairman Todd Young (R-IN):

I want to welcome everyone to today's hearing where we will be examining ways to increase the safe and efficient movement of American energy. This is our first subcommittee hearing and it's great to be with my colleague Senator Peters. We've worked constructively on so many projects and I think such an important one, so I'm especially appreciative of our witnesses today so that you can help educate us on this important topic.



Nearly 3.3 million miles of pipelines traverse our country bringing essential resources to communities to ensure Americans receive basic needs- needs like heat and electricity, and to drive economic activity and create the jobs we all care about. While this infrastructure is vital to the success of the American people, our economy and our national security, there are some inherent risks tied to such a vast ecosystem of pipeline networks.

At the end of last year in Whiting, Indiana, a pipeline leak within the BP tank field occurred, generating concerns from many in the community. While the repercussions were limited largely thanks to the quick work of emergency responders and talented technicians, not every leak has similarly fortunate outcomes. Pipelines are the safest and the most efficient way to transport materials, and the operators are obviously incentivized to keep the resources within the pipes. That being said, these instances would serve as a stark reminder that we must remain vigilant in our efforts to uphold the highest level of safety standards for our nation's pipeline network and secure the American people's trust and the operation of this critical infrastructure.

Our subcommittee plays a vital role in this work which is why we are here today examining the need to secure the safety and resiliency of our pipeline infrastructure. I'm hopeful this hearing will shine a light on areas Congress should focus on as we look to reauthorize and hopefully improve upon existing pipeline safety laws. Whether that is an examination of outstanding rulemakings, prohibitive processes and red tape for preventing advancing advancements in industry, or inefficient tools for law enforcement to hold malicious actors accountable when they seek to harm our nation.

I'm also hopeful that we can use this hearing to learn how emerging technologies can play a role in mitigating and preventing risks to pipeline infrastructure, for example, how might artificial intelligence be used to best detect areas of pipeline infrastructure that should be inspected after we have severe weather or shifts in environmental conditions, like landslides or earthquakes, or where extensive strain or shifts in pressure have occurred. We don't know what incident may knock on our door next, but I believe investing in our country's ability to research and develop the next innovative application of technology or new technologies themselves will arm us with the tools to keep our pipelines and infrastructure safe, and we should be fostering an environment that allows industry to explore different means to keep pipelines safe.

Indiana has been at the forefront of adopting innovative monitoring technologies and fostering partnership with ships between relevant parties to enhance safety and preparedness, but we need to ensure our country across the board can look forward and innovate new solutions to increase safety too. So thank you again to our witnesses for your expertise and willingness to contribute to this dialogue. I now recognize the Ranking Member, Mr. Peters.

Ranking Member Gary Peters (D-MI):

Thank you, Chairman Young. I certainly appreciate the opportunity to work with you again on another issue, so I look forward to working on this one because it's particularly important. That's why I want to thank all of our witnesses for being here today and I can say for sure that this is an issue that hits home very directly for my state in Michigan. We understand all too well the lasting damage an oil spill can cause. In 2010, a pipeline ruptured in Marshall, releasing over 1,000,000 gallons of oil into the Kalamazoo River. This was the largest inland oil spill in the United States history, and it took years as well as over \$1 billion to clean up.

As many of you know, Michigan is also home to Enbridge Line 5, a 70-year-old oil and gas pipeline that crosses through the Great Lakes. The Great Lakes is a source of drinking water for over 40 million people



and that line underneath the straits of Mackinaw is particularly concerning. In fact, pipeline failure there would be nothing short of catastrophic.

At the University of Michigan, experts have actually identified the straits of Mackinaw as the single worst place for an oil spill in the entire Great Lakes basin and unfortunately, we've had some very close calls in the past. In 2014, Enbridge found gaps in the protective coating on a segment of the pipeline underneath the straits, in 2018 the pipeline was badly damaged by a boat anchor that was dragged along the lake bottom resulting in three gouges to the pipeline, and in 2020 Enbridge discovered that a Line 5 anchor support had been mangled and that the pipeline had physically shifted and that part of its protective coating had been completely removed exposing bare metal.

In the midst of these incidents in 2017, the then commandant of the Coast Guard told me flat out at a hearing, when I asked him the question, he told me flat out that the agency was not prepared for an oil spill in the Great Lakes and that more research was needed to improve our response. That's when I led efforts to establish the Great Lakes center of expertise. The center of expertise will conduct research and develop responses to ensure that we're prepared to quickly and effectively address an oil spill in the Great Lakes.

But rather than having to utilize the center's knowledge during a worst-case scenario, I'd certainly rather have a situation where we never have to deal with the spill in the first place and never have to respond to a Line 5 incident or another case like we saw in the Kalamazoo River. Simply put, we need standards. We need standards in place to ensure that these sorts of events never happen, and while pipelines are widely adopted mode of transporting hazardous materials, there are still safety concerns associated with their use. Over the past 20 years the pipeline incidents have caused 257 deaths, over 1000 injuries, and over \$11 billion in damages. That's to say we still have a heck of a lot of work to do when it comes to safety because I don't think you'll find too many folks in Michigan that hear those numbers that in any way think we're at mission accomplished. They certainly want to make sure that their families and communities will be safe in the future. And that's why I hope we will all keep on top of mind during this hearing, and throughout the pipeline safety reauthorization process, that safety is always paramount and as such there can be no backsliding on safety in any reauthorization bill that we put forward.

I look forward to working with Chairman Young, as I have over the last few years. I look forward to working with our witnesses that are here today, PHMSA, our state agencies, and other stakeholders to make sure that this pipeline safety reauthorization effort is better and it better protects Michigan, our Great Lakes, as well as the nation as a whole. I'm certainly very optimistic we can do that. I yield back.

Full Committee Chairman Ted Cruz (R-TX):

Americans have been abundantly clear that they want cheaper, reliable, and safe energy. That is what we are here to discuss today. What federal policies would ensure that the energy America needs is affordable, reliable, and safe?

The Pipeline and Hazardous Materials Safety Administration, or PHMSA, is the agency within the Department of Transportation responsible for overseeing pipeline safety. This is no small task, with over 3 million miles of oil, natural gas, and other hazardous liquid pipelines across this country. Good federal policy would ensure that pipeline operators have a clear understanding of the safety requirements, federal regulations are based on data and address risk appropriately, and the regulations are cost effective.

So what was the previous administration's policy on pipeline safety? One maxim of politics is that, 'personnel is policy.' If that's the case, the Biden administration didn't give a darn about pipeline safety



because they did not nominate anyone to be PHMSA administrator. That's right. It's not that they nominated someone then withdrew that person. They just never bothered to nominate someone to lead the pipeline safety agency. Instead, they relied on a deputy administrator for the entire 4 years, a position that is not Senate confirmed. This was a shameful dereliction of duty. Unfortunately, this committee never held a pipeline safety hearing for those 4 years either, denying us any opportunity for oversight.

President Trump has corrected this error by nominating Paul Roberti to lead PHMSA. I hope to hold a hearing on his nomination soon. The unaccountable Biden PHMSA also attempted to remake the pipeline safety agency into a climate change agency, because every agency in the federal government under Biden was a climate change agency, instead of doing what its damn purpose was—not only duplicating the work of other agencies but disregarding the clear statutory language that Congress carefully negotiated.

One egregious example of the Biden PHMSA's overreach is the natural gas leak detection and repair rule, in which PHMSA included the regulation of underground natural gas storage and liquefied natural gas facilities, despite the statute explicitly not including those among the list of facilities to be addressed by that rulemaking. It's notable that more actions finalized during the Biden PHMSA were overturned by a U.S. circuit court of appeals than any other administration since Congress created the agency in 2004.

Fortunately, President Trump stopped the leak detection rule before it could be promulgated. This Congress, we have the opportunity to debate and pass a pipeline safety reauthorization. Today's hearing will help inform that discussion. One topic I expect to hear from the witnesses is the threat to pipeline safety from ecoterrorists. Though current statute has penalties against individuals, 'damaging or destroying' an operational pipeline, it does not address ecoterrorists who tamper with pipelines or damage pipelines under construction.

The unauthorized turning of pipeline valves is a major safety concern that threatens the very environment the ecoterrorists claim to protect. Pipeline operators are forced to shut down their lines in response to these threats. I'm proud to cosponsor Senator Sheehy's Safe and Secure Transportation of American Energy Act, which would close this gap in statute by adding 'vandalizing, tampering with, disrupting the operation or construction of, or preventing the operation or construction of' a pipeline to the list of actions for which penalties could be applied.

I also want to hear about ways that pipeline operators are seeking to improve the safe operation of their pipelines, but for which outdated or misguided regulations are barriers to greater safety. I look forward to the witnesses' testimony.

Witnesses

Mr. Robin Rorick, Vice President of Midstream Policy, American Petroleum Institute

[Testimony](#)

Mr. Andy Black, President and Chief Executive Officer, Liquid Energy Pipeline Association

[Testimony](#)

Mr. Richard Leger, Senior Vice President of Natural Gas Business, CenterPoint Energy, on behalf of the American Gas Association

[Testimony](#)

Mr. Bill Caram, Executive Director, Pipeline Safety Trust

[Testimony](#)



Q&A

Chairman Todd Young (R-IN) said that he is interested in using this PHMSA reauthorization as an opportunity to modernize pipeline safety laws and allow companies to deploy innovative technologies to enhance safety within the system. Chairman Young asked the witnesses what kinds of safety technology are available and what legislation can be brought to the table in order to utilize these technologies. Mr. Leger said that it would be helpful to have PHMSA weigh in on advanced metering technology, given that they plan on fully replacing their current meters with this new technology. He talked about some of the ways in which it improves safety with these pipelines. He said that legislation on the federal level that streamlines the approval process of these technologies would be extremely beneficial. He said that currently if it is not approved by PHMSA, they have to go to each individual state that they operate in to get approvals. Mr. Black said that they should reauthorize the Technology Pilot Demonstration Program from the 2020 PIPES Act since it was time limited. Chairman Young said that a big issue in the federal government is not properly operating the Pilot programs. The Chairman asked Mr. Rorick if he had anything to add. Mr. Rorick said that he agreed with what Mr. Leger and Mr. Black said and added that we can also work to expand the use of drones, robotics and AI in industry to help preemptively detect safety issues. Mr. Caram said that we also need to make sure the technology is safe and has undergone thorough reviews. Chairman Young asked Mr. Leger to explain the issue of us not using the most modern and up-to-date steel. Mr. Leger said that bare steel and cast iron are outdated and they have eliminated the vast majority of that in their system because it is not the safest and most modern material to use. He said that they are shifting towards high density plastic and properly coated steel.

Ranking Member Gary Peters (D-MI) said that currently, state utility commissions and pipeline inspectors oversee 85% of the pipeline infrastructure. He said that these local inspectors are often able to conduct much more thorough inspections than PHMSA because they have more expertise on their specific location. Ranking Member Peters asked Mr. Black, Mr. Leger and Mr. Rorick to talk about the important role that state agencies play in keeping pipelines safe and operational. Mr. Black answered that states maintain excavation damage programs and are sometimes approved to inspect interstate pipelines. Mr. Leger said that states absolutely play an important role and echoed the statement of Mr. Black on the excavation damage programs. He said that Indiana has some of the best of these programs which are evident by their damage prevention rates. Mr. Rorick agreed with Mr. Leger and Mr. Black and said that there are opportunities to reduce the exemptions that exist within the program and increase federal and state cooperation. The Ranking Member then asked Mr. Caram how fully funding states at the allowed 80% serve to help the industry in achieving zero incident targets. Mr. Caram said that the majority of pipelines are under state oversight, including nearly all of the distribution lines. He said that he cannot overstate the importance of states maintaining this role and having well-funded state programs. The Ranking Member talked about the ransomware attack on the colonial pipeline and said this highlighted the importance of up-to-date cyber information and cooperation between the private and public sectors. He said that he is worried that the upcoming expiration of CISA 2015 liability protections for public-private cyber information could enable another attack. Ranking Member Peters asked Mr. Rorick if the expiration of the CISA 2015 liability protections would impact pipeline safety. Mr. Rorick answered that it certainly would and expressed his hope that it is reauthorized.

Full Committee Chairman Cruz (R-TX) asked the panelists what their members' experiences have been with unauthorized valve turners and protesters who damage pipeline construction sites, asking them to comment on how often it occurs and what type of risks the activity poses to pipeline safety. Mr. Black replied that there have been several dangerous and destructive situations from a tax on pipelines, citing multiple cases from 2016, 2017, and 2022. Mr. Rorick added that the main issue stems from the danger



that these cases put Americans in due to illegal tampering with pipelines. Mr. Leger added that the “cascading” events of these illegal acts poses dangers to the person completing the act, the community, and to the employees who have to respond; however, he continued that much of the danger comes from hospitals and critical care facilities being shut down due to a lack of gas as well as critical generating facilities having to be shut down. Chairman Cruz asked Mr. Caram if he still agreed with a previous statement that he made which called for unauthorized valve turners to be fully prosecuted. Mr. Caram replied that he still stands by that statement. Chairman Cruz questioned Mr. Black and Mr. Rorick to speak on what extraneous requirements were added to the PHMSA special permitting process during the Biden administration and what they would propose to fix it. Mr. Black replied that the special permits were created for the right reasons by Congress; however, he claimed PHMSA had ruined the special permits program because PHMSA was applying unrelated conditions and “took forever” during their process. Mr. Black continued that Congress could fix the issue by telling PHMSA to not require extraneous conditions and to act on a timely basis.

Sen. Ben Ray Luján (D-NM) asked Mr. Caram if leaking methane from a pipeline was a public safety hazard. Mr. Caram replied that it was and added that home explosions and pipeline failures have occurred from leaks that have not been repaired. Sen. Luján asked if leaking methane caused environmental harm and if leaking methane was a waste of a natural resource into the air, to which Mr. Caram replied yes to both. Sen. Luján asked if advanced software existed to detect leaks in pipelines so operators could fix them, to which Mr. Caram answered yes. Sen. Luján questioned how old the existing rules and requirements were for operators to conduct leak surveys of pipelines. Mr. Caram responded that the particular code was very old and hadn’t been updated in decades and, when asked by Sen. Luján to describe the survey for operators to detect leaks in pipelines in work word, he described them as “vague.” Sen. Luján questioned Mr. Caram on the Pipeline Safety Reauthorization which, signed by President Trump, included a provision requiring PHMSA to write rules and regulations on leak detection and repair. Mr. Caram replied that the information was correct, and his organization supported the PHMSA rules which have not been updated. Sen. Luján asked Mr. Leger if his company had recently deployed an advanced leak detection technology, to which Mr. Leger replied that was correct. Mr. Leger continued that the technology was 10 years old and added that they have valuable data that they are willing to share with their partners on the adoption of the technology. Sen. Luján asked for Mr. Leger’s commitment to work with him and the committee to ensure that the industry does not backslide on commitments to update the rules. Mr. Leger pledged his support. Sen. Luján asked the panel if they were aware of frozen pipelines in Texas that occurred in 2021 and asked what could be done about winterization, to which all the panelists replied that they were aware, and Mr. Leger spoke that his distribution pipe system delivered gas during that time period.

Sen. Bernie Moreno (R-OH) asked the witnesses what they see in the next decade in terms of energy demand. Mr. Rorick, Mr. Black and Mr. Leger talked about how they see incredible growth especially through data centers and AI. They said that with this growth, pipeline operators are important to be able to meet the demand. Mr. Caram said that we need to make sure that we continue proper measures to keep communities safe in this growth process. Sen. Moreno talked about how a lot of energy is still delivered by truck, and asked the witnesses what the safest way is to deliver energy. Mr. Black said that pipelines are. Sen. Moreno said that it then seems counterintuitive to try to cripple the pipeline industry. Sen. Moreno then asked about the least costly way of transporting fuel, to which Mr. Black answered is pipelines. Sen. Moreno said that Ohio has some of the largest natural gas reserves in the country but it has been extremely hard to get it to places like New England in a cost effective and safe way due to their regulations, meaning a lot of New England has to get their natural gas from Canada. Sen. Moreno asked Mr. Black to explain that logic. Mr. Black said we have such energy abundance and in this case it is a matter of connecting areas just a few hundred miles away with pipelines. Sen. Moreno then asked what



the impact would be of shutting down Line 5, to which Mr. Black answered would be dramatic to the Midwest economy, especially for states like Michigan. Sen. Moreno asked who had been holding this up and Mr. Black answered that it is the Governor of Michigan. Sen. Moreno said this clearly isn't about safety and is more about attacking fossil fuels.

Sen. Ed Markey (D-MA) said that he can explain what the natural gas industry is doing to New England. He said that the Trump campaign requested tens of millions of dollars from them in exchange for shutting down offshore wind projects in New England. Sen. Markey said that he is doing this with the help of House Republicans in the E&C and Ways and Means committees. Sen. Markey said that this is not an "all-of-the-above" approach when they are shutting down perfectly effective clean energy projects. He said that Massachusetts was going to have 30,000 megawatts of capacity from their offshore wind until Trump's DOE and DOI came and shut it down, benefitting the natural gas industry. He said that Massachusetts had decided that they did not need expanded natural gas capacity, so these natural gas companies paid Trump to destroy New England's offshore wind industry. He also commented on the fact that hurricane season is starting in two weeks, and the Trump administration is gutting FEMA. Sen. Markey then talked about his pipeline safety bill and asked Mr. Caram if the provisions are necessary to prevent pipeline explosions like what happened in the Meramec Valley. Mr. Caram answered yes. Sen. Markey said that we need to stop only adding regulations in after disasters happen.

Sen. Deb Fischer (R-NE) asked Mr. Rorick and Mr. Black to speak to the effect of the approach that the Biden administration took in its regulatory efforts and give recommended steps the committee could take to rectify the impacts. Mr. Rorick replied that the Biden administration expanded PHMSA's authority beyond their role to address safety which "diluted" the focus and resources on other issues beyond safety. Mr. Black responded that PHMSA did not address pipeline safety technology or the operating status provision under the Biden administration, two things he recommended be fixed. Sen. Fischer asked Mr. Rorick if he had any suggestions for ensuring safety standards are met by PHMSA. Mr. Rorick answered that it would be helpful if PHMSA were to move forward with the program to periodically review regulations to ensure that they are referencing the latest standards.

Full Committee Ranking Member Maria Cantwell (D-WA) asked if Mr. Caram if he was concerned about the enforcement cases by the Trump administration related to pipeline safety. Mr. Caram replied that the Pipeline Safety Trust was concerned about the drop-off of enforcement with the Trump administration. Sen. Cantwell asked what people should be doing to think about dangers that earthquakes and landslides bring for pipeline safety. Mr. Caram replied that they call those factors "geofactors" but that they would like to see specific geohazard regulations called out prescriptively and performance based. Sen. Cantwell asked about material issues when making pipes, to which Mr. Caram answered that there have been enough failures that it's time to have operators take the A-pipe out of their systems.

Chairman Young asked the witnesses if there could be better coordination between TSA and PHMSA on cyber security. Mr. Rorick said that TSA has become much more proactive in recent years and there is already room for more coordination. Chairman Young then asked the witnesses what role government should have in pipeline security. Mr. Black said that government involvement is an important part of maintaining pipeline safety. Mr. Leger added that there are many active physical and cybersecurity programs in place that are of great importance. Mr. Black said that pipeline safety laws should also be expanded to when they are pre-operational. Chairman Young said the PIPES Act of 2020 required PHMSA to hold a Gas Pipeline Advisory Committee (GPAC) on the Class Location Rule. He said that PHMSA did not complete this due to a lack of a leader in recent years. The Chairman said that if this rule was finalized, companies would be able to employ modern inspection technologies to guarantee the safety



of existing infrastructure. He asked Mr. Rorick if this rule would improve safety and help avoid disruptions to communities. Mr. Rorick affirmed that it would, emphasizing that existing infrastructure is usually fine and that adopting more modern inspection technologies is much more efficient. Mr. Caram said that everyone needs to be aware that his organization does not necessarily oppose updating the existing infrastructure, but he said that pipeline type varies based on the population density of where it is located. He said that areas with higher population density require much thicker pipes, which is something that needs to be considered when historically low density areas are growing. Chairman Young asked the witnesses if they had any final thoughts. Mr. Black emphasized the importance of reauthorization of pipeline safety programs and Mr. Leger added that there should also be more information sharing. Mr. Caram said that there should be more in-home detectors for safety within homes from gas leaks.

Chairman Young brought the hearing to a close.