



May 3, 2023

Members of the Conference Committee on H.F. 2887

Subject: Emergency incident preparedness provision for rail transport of oil and other hazardous substances

Dear Members of the Conference Committee:

The American Petroleum Institute (API) appreciates this opportunity to share our views on H.F. 2887, which contains a provision that would require emergency incident preparedness for rail transport of oil and other hazardous substances and reinstate an annual assessment.

API represents all segments of America's natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our nearly 600 members produce, process and distribute the majority of the nation's energy, and participate in API Energy Excellence®, which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API was formed in 1919 as a standards-setting organization and has developed more than 700 standards to enhance operational and environmental safety, efficiency and sustainability.

The natural gas and oil industry is committed to the safe and environmentally responsible operation of U.S. energy infrastructure. U.S. pipelines safely deliver oil, natural gas and their products to Americans every day, and the industry is committed to its goal of operating with zero incidents through robust safety programs and the deployment of advanced inspection and leak detection technologies. Pipeline operators' proactive prevention, preparedness, and response efforts, help ensure the safe transportation of energy across the U.S., providing American consumers with affordable, reliable energy while protecting the communities and environment where operators live and work.

H.F. 2887 contains a provision on the Senate side (**Transportation Part D - Policy: R59-R62**) that would reinstate an annual assessment on railroads and pipeline operators to fund state hazmat response capabilities and emergency response training related to these industries. This program was created by the legislature in 2015 and sunset at the end of 2017.

During the three years of the program, pipeline operators in Minnesota (MN) fulfilled their funding commitment to support the state's efforts of enhancing its response capabilities through the purchase of equipment, training, etc. In addition to providing funds through the annual assessment, pipeline operators continued to work with first responders across Minnesota enhancing their preparedness and readiness along their pipeline ROWs. That support of state and local first responders, continues today even without the state assessment and fund, and includes regular training and drills that incorporate state, local, and tribal agencies, industry, first responders, and other non-governmental entities. Lessons learned from exercises are vital to further enhancing first responder training and strengthening critical relationships between operators and the response communities.

More specifically, interstate pipeline operators are required by the U.S. Department of Transportation Pipelines and Hazardous Materials Safety Administration (PHMSA) to have comprehensive PHMSA approved spill



response plans, and to identify and have available response equipment ready for responding to emergency situations along the pipeline right of way. Pipeline operators and refiners actively exercise those response plans throughout the region. These exercises range from tabletop to full scale exercises and often include participation from state and local entities such as MN Department of Pipeline Safety, MN Pollution Control Agency, MN Department of Health, MN Department of Natural Resources, MN Homeland Security and Emergency Management, local county sheriff's office, local county public health, local county emergency management, and finally local police and fire departments.

It also should be noted that, for years – prior, during and after this program - independently pipeline operators have offered free hazmat responder training; training that was seemingly duplicated by this state program. Additionally, API helped create an online pipeline emergency response training program to respond in the event of a pipeline incident. Produced alongside the National Association of State Fire Marshals (NASFM), the online portal delivers pipeline-specific training free to first responders. Since inception of the program, as of February 2023, over nearly 9,000 first responders have completed at least one NASFM course, including 160 first responders from Minnesota, and the online course will continue to be a primary means of training well into the future.

Pipeline operators are committed to maintaining and promoting public safety and to working with state and local first responders to protect our communities. Our industry remains committed that first responders continue to operate at the highest level of readiness.

Thank you for the opportunity to share industry views on H.F. 2887. API stands ready to work with committee members and provide education on best practices by the industry. If we can be of any assistance on this or any other legislative matter, please do not hesitate to contact us.

Sincerely,

Mike Karbo
Associate Director – Midwest Region
American Petroleum Institute