



**LEAGUE OF WOMEN VOTERS®
OF PENNSYLVANIA**

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Public Comments to the
Department of Transportation
Pipeline and Hazardous Materials Safety Administration
By the
League of Women Voters of Pennsylvania
Regarding
**Implementing Incorporation by Reference Requirements of Section 24 of the Pipeline
Safety, Regulatory Certainty, and Job Creation Act of 2011**
Docket No. PHMSA-2012-0142
Washington, D.C.
July 13, 2012

Good afternoon. I am Roberta Winters, Issues and Action Vice President of the League of Women Voters of Pennsylvania. As you may know, pipelines are an issue in Pennsylvania. Citizens in our state are seeing rapid expansion of existing pipelines and new infrastructure development related to natural gas extraction from Marcellus Shale. Following two fatal explosions of cast-iron pipelines in the Commonwealth last year, outdated pipelines are also being replaced and repaired. Most recently, Pennsylvanians are considering development of “cracking” facilities and liquefied natural gas terminals. Thus, the guidelines we are discussing today have far-reaching implications for our state – particularly in areas with minority and low-income populations.

Based on state-wide study and consensus, the League of Women Voters of Pennsylvania *supports the maximum protection of public health and the environment in all aspects of Marcellus Shale natural gas production, site restoration, and delivery to the customer by requiring the use of best practices and promoting comprehensive regulation, communication, and adequate staffing across government agencies.* To add to our understanding of natural gas development, we also completed a study and statewide concurrence on pipelines. The League is most appreciative of the Technical Assistance Grant awarded to the League by the Department of Transportation to examine pipelines in Lycoming County.

In regard to safety, what we don’t know may hurt us! This is particularly true of pipelines – often out of sight and too often out of mind. We are encouraged by the public workshop being conducting today and thank you for this time to provide input. Such opportunities are essential to bring critical issues regarding pipeline and hazardous materials safety to the attention of the citizens throughout the land. For decades the League has worked to ensure that government at every level works as effectively and fairly as possible. This involves continual attention to such

issues as transparency and appropriate government oversight. While safety in regard to the transport of hazardous materials depends on PHMSA, we believe the public, through Internet access, has a right to know the rules under which pipelines are regulated – and free of charge. Why?

- Transparency is a core value of the League of Women Voters. It is essential for promoting and sustaining good government.
- Appropriate government oversight is best maintained in concert with an informed citizenry who can monitor and report observed lapses in regulatory supervision. No one should have to pay to have access to those sections of the voluntary consensus standards that, through reference by PHMSA regulation, serve as the law of the land.
- Costs of PHMSA to meet this requirement should be limited by posting only those sections of the voluntary compliance standards that become mandatory through reference in the regulations. Entire documents need not be available. For-profit corporations may pass on such access costs to customers. Individuals, non-profits, and government agencies can ill-afford such fees.

As consideration is given to implementing Section 24 as it relates to its policy, financial, legal, and practical implications, the League believes that reflection on the following questions is imperative:

- Will the implementation be consistent with the commitment of the Department of Transportation to act in such a way as to address environmental justice in minority populations and low-income populations?
- Will actions of this agency regarding this matter give rise to the appearance of a conflict of interest and/or potential ethical concerns?
- Given the global economy, should international standards that consistently align with the most stringent regulation of any country also be the hallmark for PHMSA?
- Is the composition of the standards development organization conducive to protecting the public through independent input or to maximizing the profit of the companies for whom they may be employed or affiliated?
- Are adequate measures in place to insulate PHMSA, as a regulatory agency, from political influences and other considerations provided by the natural gas companies that you are authorized to regulate?

In closing, we encourage the Pipeline and Hazardous Materials Safety Administration- as those responsible for our safety– to make public, at no costs, the voluntary consensus standards incorporated by reference into regulations. This decision is of growing significance as we continue to face the challenges of storing, processing, modifying, and transporting hazardous materials throughout our country today and in the future. In fact, what we do know, in regard to such safety regulation, may actually save us.