



EARTHWORKS

---

**Statement of Lauren Pagel, Policy Director, EARTHWORKS  
State Department Hearing on the Keystone XL Tar Sands Pipeline  
June 29<sup>th</sup>, 2010**

Hello, my name is Lauren Pagel and I am the Policy Director for EARTHWORKS.

EARTHWORKS is a non-profit organization dedicated to protecting communities and the environment from the destructive impacts of mineral development, in the U.S. and worldwide. If built, the Keystone XL pipeline will run through 1980 miles of Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas. Many of these areas are rural farm and ranchland. The pipeline will also run over federal lands, rivers and the Ogallala Aquifer, which is the source of drinking water for much of the central United States.

Many of these areas I just mentioned are considered “low consequence” by the current law that governs pipeline safety. Low consequence areas are not subject to the integrity management standards, including inspections, required by the Pipeline and Hazardous Materials Safety Administration.

In fact, the Pipeline Safety Trust testified in front of the House Transportation and Infrastructure Committee and found that only 44% of hazardous liquid pipelines and only 7% of natural gas transmission pipelines fall under the pipeline safety rules that require that pipelines are ever inspected.

Over the past 5 years, there have been over 1300 significant spills or incidents at pipelines across the country that have put the public at risk, including 69 fatalities. Significant pipeline incidents are defined by the Pipeline and Hazardous Materials Safety Administration as a spill, fatality or injury requiring in-patient hospitalization, \$50,000 or more in total costs, highly volatile liquid releases of 5 barrels or more or other liquid releases of 50 barrels or more liquid releases resulting in an unintentional fire or explosion.

People in rural areas are at risk because the pipeline safety requirements are not applied in their communities, and accidents and spills do happen. In addition, pipeline companies can apply for an additional waiver from meeting the safety requirements for pipeline thickness and pressure. TransCanada has applied for such a waiver for the Keystone XL pipeline.

As we have learned from the Gulf disaster, lax pipeline integrity and safety can have disastrous results. A March 2010 report by the Department of Transportation’s Inspector General found that the pipeline safety agency was not checking the safety records of companies and did not follow through to make sure the conditions of pipeline permits were being implemented.

The State Department, as the permitting agency for this pipeline, must fully assess the environmental consequences of TransCanada's intention to use thin steel and transport oil under higher pressure than the pipeline safety requirements allow.

We also call for a moratorium on individual pipeline safety waivers, also known as special permits, to ensure that communities along the pipeline, especially rural communities, are adequately protected. No new waivers should be granted until the Department of Transportation undertakes a study assessing the risks and potential consequences of waiving engineering and pressure requirements for oil pipelines, and the ability of the Pipeline and Hazardous Materials Safety Administration to handle the additional oversight required by these special permits.