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## AOPL SUPPORTS PROVISION TO PROTECT PUBLIC FROM PIPELINE ATTACKS

WASHINGTON, DC – Today, the Association of Oil Pipe Lines (AOPL) voiced strong support for a proposal to deter dangerous attacks on pipeline facilities and projects. The provision is part of proposed legislation by the U.S. Department of Transportation and the Pipeline and Hazardous Materials Safety Administration to reauthorize federal pipeline safety laws.

"Members of the public, surrounding communities and the environment are put in danger by attacks on pipeline facilities that Congress can deter by updating federal pipeline safety laws," said Andy Black, AOPL President and CEO.

AOPL supports First Amendment rights and understands that can take the form of peaceful protests around pipeline facilities or project sites. However, members of the public, surrounding communities and the environment are put in danger by attacks on pipeline facilities. Congress should deter future attacks against pipeline facilities by closing loopholes in the scope of criminal liability in current federal pipeline safety law.

### Background:

- In October 2016, anti-pipeline activists staged simultaneous attacks on 5 crude oil pipelines in 4 states along the U.S. – Canada border. Assailants targeted valve stations maintained by pipeline operators to stop the flow of product through the pipeline when necessary to conduct maintenance or isolate a pipeline segment during an emergency.
- After breaking the chains and locks on perimeter fencing, assailants entered the facility grounds and turned valves shutting off the flow of pipelines that together had a delivery capacity of 2.8 million barrels of crude oil a day, or around 15 percent of daily U.S. consumption. In some cases, the assailants by telephone notified the pipeline operators of their actions, who shut down the pipeline flow from their control centers as a safety precaution. In 2017, assailants again targeted for attack the same pipeline facility attacked in 2016 in Washington State. In 2019, assailants attacked another pipeline in northern Minnesota.
- Other assailants admitted using acetylene torches to pierce holes in a major pipeline under construction in Iowa and South Dakota, threatening a release if the pipeline went into service without repairs.
- After the 2016 attacks, Carl Weimer of the Pipeline Safety Trust said, *"[w]hile we certainly understand the activists concerns with the lack of speed to address climate change we think that illegally closing valves is a dangerous stunt that really does little to address these people's concerns. The Pipeline Safety Trust was founded in part because a valve closed unexpectedly causing a pressure surge that ruptured a pipeline killing three young men. Closing valves on major pipelines can have unexpected consequences endangering people and the environment. We do not support this type of action, and think it is dangerous."*

**Issue Analysis:**

- Public safety is threatened during attacks on pipelines, even if only closing a pipeline valve, because improper closure of pipeline valves can cause a pressure surge from the mass and momentum of the liquid traveling through the pipeline, potentially resulting in a rupture and release.
- While no releases resulted from the 2016, 2017 or 2019 pipeline valve attacks, the U.S. Government Accountability Office confirmed the risk of rupture from improper valve operation in a Congressionally mandated 2013 report.
- Pipeline operators have documented 9 pipeline incidents from conditions similar to an improper valve closure, one resulting in an 1,100 barrel diesel fuel release and another resulting in a nearly 4,000 barrel natural gas liquids release.
- A crude oil pipeline release of this magnitude could cause serious harm to the assailants, harm members and property of the surrounding public and harm the environment.

**Need for Legislation:**

- Current Federal statute at 49 USC §60123 prohibiting damaging or destroying interstate pipeline infrastructure does not address changing tactics that are nonetheless dangerous to the assailants, public safety and the environment.
- Under §60123, the guilty conduct making the action illegal must include “damaging” or “destroying” the interstate pipeline facility. These terms are commonly defined respectively as causing physical harm to something in such a way as to impair its value, usefulness, or normal function and damaging something so badly that it cannot be repaired.
- Several of the recent attacks against interstate pipelines neither damaged nor destroyed the facilities. The valve turnings, while a dangerous threat to the assailants, public and environment, did not damage or destroy the valves.
- Several more recent attacks, which did cause physical damage to pipelines, occurred at locations where the pipeline was still under construction and not yet operating as an interstate pipeline.
- State legislatures are acting to close gaps in their statutes protecting pipelines and infrastructure. States are extending criminal penalties to tampering with, impeding or inhibiting the operation of pipeline infrastructure. Congress should plug the same loopholes in federal law.

**Proposed Reauthorization Language Would:**

1. *Criminalize Disrupting Operation of Interstate Pipeline Facilities* –Update federal law at 49 USC §60123 to criminalize vandalizing, defacing, tampering with, or impeding or inhibiting operations of interstate pipeline facilities.
2. *Criminalize Attacks Against Interstate Pipelines Under Construction* –Update federal law at 49 USC §60123 to criminalize attacks on interstate pipelines under construction.

**Proposed Legislation Would Not:**

- No limits on free speech or the right to protest peacefully
- No extension beyond the assailants and their specific dangerous activities to other organizations or causes

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