



May 11, 2020

The Honorable Roger Wicker
Chair
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20515

Dear Chairman Wicker:

Thank you for your letter inquiring about the impacts of the COVID-19 emergency on U.S. transportation networks and your interest in ensuring that our nation's natural gas pipeline infrastructure continues to safely and reliably deliver the energy that Americans need.

As you know, the Interstate Natural Gas Association of America (INGAA) is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry. INGAA is comprised of 26 members, representing the vast majority of the U.S. interstate natural gas transmission pipeline companies. INGAA's members operate nearly 200,000 miles of pipelines as well as numerous underground natural gas storage and liquified natural gas facilities that serve as an indispensable link between natural gas producers and consumers.

INGAA's responses to the questions presented in your letter are included below. At the outset, I would like to emphasize three key points. First, interstate natural gas pipeline companies recognize that as operators of critical infrastructure, we have a solemn responsibility to implement plans and safeguards to ensure that pipeline operations, maintenance, and construction activities safely continue throughout the COVID-19 emergency. I agree with you that our frontline pipeline workforce has demonstrated remarkable resilience and resourcefulness during this challenging time, and their efforts have served our nation well. Our industry has taken numerous actions to protect the health and safety of our workforce and communities while we continue to reliably deliver critically-needed energy supplies across the country. I am attaching a copy of guidance recently published by the INGAA Foundation that synthesizes practices that the pipeline industry is using to prevent and control the spread of COVID-19 during construction, maintenance, and safety-related field activities.

Second, natural gas pipeline companies face an ongoing challenge acquiring sufficient access to COVID-19 testing, personal protective equipment (PPE), and other health-related supplies for our frontline workforce. INGAA asks Congress to work to ensure that the Department of Transportation (DOT), Federal Emergency Management Agency (FEMA), and Department of Health and Human Services (HHS) continue collaborating with state and local emergency management agencies and public health departments to facilitate access to COVID-19 testing, PPE, and other health-related supplies for essential critical infrastructure workers.

Third, the uncertainty and disruption associated with COVID-19 is compounded for pipeline companies and other utility providers by a recent injunction affecting the U.S. Army Corps of

Engineers Nationwide Permit 12 (NWP 12). NWP 12 is a general permit issued by the Corps under the Clean Water Act and is an essential tool used by numerous critical infrastructure industries—including drinking water, electric power, broadband, and oil and natural gas pipelines—to efficiently site, build, and maintain infrastructure while protecting waters of the United States. In April, a federal district court in Montana issued an order vacating NWP 12.¹ While the scope of the court’s order is currently under review, the decision potentially places at risk thousands of natural gas pipeline maintenance, repair, and construction projects planned for the next year.

What impacts have your members seen from COVID-19 on our transportation networks and supply chains, and how have they responded to these impacts?

INGAA members continue to provide energy to homes and businesses through local utilities, to industrial and manufacturing customers that produce goods and equipment, and to electric power plants to ensure that our nation enjoys an uninterrupted supply of clean power. Because most end uses of natural gas are essential to the health, safety, and basic comfort of American families, our nation’s demand for interstate natural gas transportation services has persisted throughout the COVID-19 emergency. Natural gas pipeline transportation largely continues to operate as before the COVID-19 emergency, although some pipelines have experienced changes in their utilization profiles that reflect the new ways Americans are living and working during this time. Pipeline companies have accommodated these changes without interruption.

What are your expectations for how freight transportation networks or the supply chain may continue to be impacted in the near term? What impacts do you anticipate in the long term?

INGAA members’ top priority is the safe and reliable delivery of natural gas to homes, businesses, and industries throughout our nation. Although the COVID-19 emergency is unprecedented, interstate natural gas pipeline operators are confident that we will continue to deliver energy supplies safely and reliably across the country throughout this crisis.

The stability and interconnected nature of our coast-to-coast natural gas pipeline grid, and the diverse sources of natural gas supply and storage we can draw from, provide a high level of energy dependability for the nation. Pipeline companies have business continuity plans in place to address a wide range of emergency scenarios and ensure the continued execution of core operations and business functions during emergencies. These plans have been updated to reflect the unique challenges presented by COVID-19 and have proven successful in protecting the health of our workforce and communities while continuing to ensure safe and reliable natural gas transportation.

While not directly related to the COVID-19 pandemic, we wish to make the Committee aware that INGAA members’ construction, inspection, maintenance and repair efforts could be hindered by the recent nationwide injunction affecting U.S. Army Corps of Engineers NWP 12. NWP 12 is used for activities that have minimal environmental effects. Since 2017, the Corps has issued this particular permit 37,000 times.

¹ See *Northern Plains Res. Council v. U.S. Army Corps of Eng’rs*, No. 4:19-cv-00044 (D. Mont. Apr. 15, 2020).

INGAA members annually rely upon NWP 12 for the timely authorization of thousands of construction, maintenance, and repair activities, including activities to comply with the Pipeline and Hazardous Materials Safety Administration (PHMSA) pipeline safety regulations. If INGAA members are required to apply for individual Clean Water Act permits instead of using NWP 12, the additional time required to obtain individual permits could delay critical maintenance and repair work. Such delays could threaten the reliability of our nation's natural gas pipeline network, restrict consumers' access to natural gas, and may raise costs for consumers. Obtaining timely authorizations to conduct necessary pipeline work is particularly important as operators modify and reschedule work planned for 2020 to address the constraints imposed by COVID-19.

How have critical infrastructure employees been affected during the COVID-19 crisis while performing their duties, and what steps have your members taken to protect them?

INGAA is proud to report that despite the many personal and professional challenges created by COVID-19, the natural gas pipeline workforce has demonstrated steadfast commitment to continue performing the operations, maintenance, and construction work that is essential to keep energy flowing throughout our nation. Our workers are meeting and exceeding their obligations, and INGAA member companies are in turn committed to our responsibility to protect the health and safety of our employees and contractors.

INGAA members are following the guidance of the Centers for Disease Control and Prevention and state and local health departments to ensure our workers and communities remain safe and healthy. The INGAA Foundation has issued a [guidance](#) document that synthesizes practices that the pipeline industry is using to prevent and control the spread of COVID-19 during construction, maintenance, and safety-related field activities. Examples of specific actions that INGAA members are taking include:

- Implementing social distancing practices, such as teleworking where possible, limiting site access to essential workers, and separating essential workers into separate shifts and locations;
- Enhancing hygiene and health practices, such as deep cleaning of work locations and implementing personal hygiene protocols;
- Testing critical systems, such as communications equipment and alternate control room locations, to ensure that operations remain uninterrupted;
- Collaborating with service and equipment providers to implement pandemic planning across the supply chain;
- Coordinating with federal agencies, states, and localities to ensure that essential workers are able to travel to work locations and have access to COVID-19 testing, PPE, and health supplies; and
- Developing robust plans to respond to a probable or confirmed COVID-19 infection at a work location.

The U.S. Department of Transportation has a number of authorities that can be utilized to respond to extraordinary and unanticipated events. How has the use of these authorities affected your members during the COVID-19 crisis, and are additional authorities needed to provide additional support to the transportation sector in unforeseen circumstances?

INGAA members have coordinated early and often with various government agencies, including the DOT, HHS, Department of Homeland Security (DHS), and Department of Energy to ensure a united effort to confront COVID-19.

PHMSA, which regulates pipeline design, construction, testing, inspection, operations, and maintenance, has taken several timely actions to respond to the unique challenges presented by COVID-19. For example, PHMSA promptly established a mechanism for pipeline operators to notify the agency of a need to reschedule non-essential compliance activities until after the COVID-19 emergency subsides. This approach has allowed pipeline operators to refocus resources on essential operations, safety, and maintenance activities during this emergency, including developing new plans and procedures to continue work within the limitations of social distancing. PHMSA has also rescheduled in-person inspections of pipeline operators to protect agency inspectors and pipeline company employees, including conducting certain inspections remotely where practicable.

Providing clear direction and funding for the nation's pipeline safety programs is critically important as PHMSA and state pipeline safety agencies work to recover from the COVID-19 emergency and adapt to the dynamic environment that we will all be living and working in for the months to come. As you know, PHMSA's authorization expired last September. INGAA continues to support a prompt reauthorization of the Pipeline Safety Act that increases funding for federal and state pipeline safety programs and establishes clear policy priorities for PHMSA. We appreciate the Committee's work to advance a bipartisan reauthorization bill last July and look forward to continue working with you on this important legislation.

INGAA also appreciates the efforts of DHS's Cybersecurity and Infrastructure Security Agency (CISA) to provide timely and clear guidance to state, local, and tribal governments regarding the essential nature of natural gas pipeline operations, maintenance, and construction activities.² CISA's nationwide guidance has facilitated consistent state and local implementation, which has been key to enabling our industry's inherently interstate operations to proceed unimpeded during COVID-19.

A significant challenge that natural gas pipeline companies continue to face is acquiring sufficient access to COVID-19 testing, PPE, and other health-related supplies. It is of the utmost importance to our national interests that federal agencies, states, and localities prioritize essential critical infrastructure workers for access to these supplies. This prioritization is particularly

² See CISA, ADVISORY MEMORANDUM ON IDENTIFICATION OF ESSENTIAL CRITICAL INFRASTRUCTURE WORKERS DURING COVID-19 RESPONSE (Mar. 28, 2020), https://www.cisa.gov/sites/default/files/publications/Version_3.0_CISA_Guidance_on_Essential_Critical_Infrastructure_Workers_1.pdf.

critical as “stay at home” orders and similar restrictions are loosened because the reopening of non-essential businesses will create a surge in demand for these supplies.

INGAA asks Congress to work to ensure that DOT, FEMA, and HHS continue collaborating with state and local emergency management agencies and public health departments to facilitate access to COVID-19 testing, PPE, and other health-related supplies for essential critical infrastructure workers. We are grateful that this coordination is already occurring to some degree. It is essential that these efforts be strengthened and continued for the months to come.

Thank you again for the opportunity to provide input as the Committee continues its work to respond to the COVID-19 emergency. Should you have any questions regarding INGAA’s responses or seek any further input on the initiatives that our members are taking to continue to safely deliver natural gas during the COVID-19 pandemic, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Oehler', with a stylized flourish at the end.

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