

# Blue Ridge Environmental Defense League

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March 27, 2020

The Honorable Roy Cooper  
Governor of North Carolina  
20301 Mail Service Center  
Raleigh, North Carolina 27699-301

Dear Governor Cooper:

I am writing you today on behalf of Blue Ridge Environmental Defense League (BREDL) to request that you take action to protect communities impacted by the Atlantic Coast (ACP) and Mountain Valley Pipelines and other fracked gas infrastructure.

As you may know, on March 20, 2020, the Pipeline and Hazardous Materials Safety Administration (PHMSA) issued an official notice “helping hazardous material transporters and pipeline operators prepare for the spread of Covid-19 by easing staff training and qualifications requirements.”<sup>1</sup> Specifically, the directive relaxes Operator Qualifications (OC), Control Room Management (CRM) and random drug testing pursuant to 49 C.F.R. §§ 199.

PHMSA Associate Administrator Mayberry’s notice effective March 20<sup>th</sup> states:<sup>2</sup>

This Notice advises operators affected by the National Emergency that PHMSA does not intend to take any enforcement action with regard to OQ and CRM requirements, and will consider exercising its enforcement discretion with regard to Part 199 drug testing requirements.

Further,

For intrastate operators regulated by State authorities, PHMSA will not object to waivers, special permits, stays of enforcement or similar measures granted by State authorities to pipeline operators for noncompliance due to COVID-19 with State regulations equivalent to the Federal regulations.

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<sup>1</sup> “Virus Leads Pipeline Agency to Ease Job Qualification Rules.” Bloomberg Environment. 23 March 2020. <https://news.bloombergenvironment.com/environment-and-energy/virus-leads-pipeline-agency-to-ease-some-operator-requirements>

<sup>2</sup> Alan K. Mayberry, Associate Administrator for Pipeline Safety, PHMSA, 20 March 2020, Re: Notice of Stay of Enforcement and Notice of Enforcement Discretion to Operators Affected by the Coronavirus (COVID-19) Outbreak <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-03/PHMSA%20Notice%20on%20Enforcement.pdf>

What this indicates is that the principal oversight agency responsible for safe operation of pipelines counters the loss of work hours by reducing training and enforcement. This is a flagrant disregard of public safety sanctioned by a callous exploitation of the genuine public health threat presented by COVID-19. It is unacceptable; it demonstrates additional reasons to oppose pipelines through our communities.

Governor Cooper, we hereby request that you issue a stop work order for the proposed ACP/MVP pipelines and proposed natural gas infrastructure projects under your jurisdiction.

Respectfully,



Louis A. Zeller