

Congress of the United States

Washington, DC 20510

October 3, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Biden,

We write regarding our shared goal to implement policy initiatives that will address the catastrophic effects of climate change on public health and the ongoing rulemaking at the Pipeline and Hazardous Materials Safety Administration (PHMSA) concerning the transport of carbon dioxide (CO₂) via pipelines. While we are pleased the agency is working on updating regulations to improve the safety of this process, we urge you to issue an Executive Order declaring a moratorium on any federal permitting of new pipelines that transport CO₂ and related infrastructure until PHMSA's carbon dioxide pipeline safety regulations¹ are finalized.

As an invisible and odorless asphyxiant, CO₂ spewing from a ruptured pipeline can suffocate humans and animals without notice. Transporting CO₂ under the extremely high pressure required to maintain a supercritical fluid state can cause ruptures that “unzip” a pipeline over long distances, allowing CO₂ to escape before the flow can be stopped. Due to the risk posed by carbon pipelines, PHMSA's updated safety rules must be in place before the Administration issues any permits for new CO₂ pipelines.

A recent report commissioned by the Pipeline Safety Trust highlights several significant issues with current regulations including an inadequate definition of CO₂, unreliable incidents data, the complexity of CO₂ transport, massive and undetermined impact areas for ruptures, corrosiveness of CO₂ combined with common impurities, and significant risks to first responders to name a few.² Unfortunately, current regulations do not cover pipelines transporting CO₂ as a gas or subcritical liquid³, and are tailored to address the transport of hydrocarbon hazardous liquids, such as crude oil and refined petroleum products, which carry vastly different safety risks.⁴

¹ RIN 2137-AF60

² Kuprewicz, Richard B. “Accufacts’ Perspectives on the State of Federal Carbon Dioxide Transmission Pipeline Safety Regulations as It Relates to Carbon Capture, Utilization, and Sequestration within the U.S.” *Pipeline Safety Trust*, Mar. 2022, pstrust.org/wp-content/uploads/2022/03/3-23-22-Final-Accufacts-CO2-Pipeline-Report2.pdf.

³ 49 C.F.R. § 195.2

⁴ “Carbon Dioxide Pipelines: Safety Issues.” *Congressional Research Service (CRS)*, July 2022, www.crs.gov/Reports/IN11944?source=search.

Our concerns are exemplified by the 2020 rupture of a pipeline, operated by Denbury Gulf Coast Pipelines, transporting CO₂ in Satartia, Mississippi. The Satartia rupture caused dozens of residents—even those miles away—to be evacuated and hospitalized, and posed significant challenges for first responders who were ill-equipped to respond to such an emergency.⁵ New pipeline infrastructure will invariably put more communities in danger given the complexity of transporting CO₂ thousands of miles with what could create dozens of points of entry and exit for CO₂.

Since PHMSA has authority over the safety of CO₂ pipelines, states confront preemption issues, restricting their ability to protect residents from the dangers CO₂ pipelines pose. The absence of strong regulations leaves urban and frontline communities at greater risk, as carbon capture and storage, which depends on CO₂ pipelines to function, rises in prominence. We are pleased that PHMSA is expected to release updated CO₂ regulations in 2024. However, as portions of this rule will not retroactively apply to pipelines that have already been constructed, a moratorium is necessary to protect communities from the construction of pipelines that we know will soon be operated under outdated safety standards. In addition, at least some of the proposed carbon dioxide pipelines will be completely free of federal safety standards until PHMSA's rules are updated.⁶

We urge you to issue an Executive Order declaring a moratorium on any federal permitting of new carbon pipelines and related infrastructure until PHMSA's safety regulations are finalized. We further request that the Administration direct PHMSA to consider the unique hazards of CO₂ and the knowledge gaps about CO₂ transportation safety to ensure we do not have more disasters like the one that happened in Satartia, Mississippi.

Sincerely,



Ilhan Omar
Member of Congress



Jesús G. "Chuy" García
Member of Congress

⁵ Simon, Julia. "The U.S. Is Expanding CO₂ Pipelines. One Poisoned Town Wants You to Know Its Story." *NPR*, 21 May 2023, www.npr.org/2023/05/21/1172679786/carbon-capture-carbon-dioxide-pipeline.

⁶ Soraghan, Mike, "Midwest CO₂ pipeline rush creates regulatory chaos." *E&E News*, 3 March 2023, <https://subscriber.politicopro.com/article/eenews/2023/03/03/co2-pipeline-rush-creates-regulatory-chaos-00083325>.



Jamaal Bowman, Ed.D.
Member of Congress



André Carson
Member of Congress



Raúl M. Grijalva
Member of Congress



Jared Huffman
Member of Congress



Henry C. "Hank" Johnson, Jr.
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Barbara Lee
Member of Congress



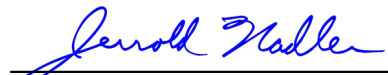
Summer Lee
Member of Congress



Rashida Tlaib
Member of Congress



Alexandria Ocasio-Cortez
Member of Congress



Jerrold Nadler
Member of Congress

A handwritten signature in black ink, appearing to read "Delia C. Ramirez", written over a horizontal line.

Delia C. Ramirez

Member of Congress