

**NOMINATION OF MARIE THERESE DOMINGUEZ  
TO BE ADMINISTRATOR, PIPELINE AND  
HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION (PHMSA),  
U.S. DEPARTMENT OF TRANSPORTATION**

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**HEARING**

BEFORE THE

**COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

—————  
JULY 22, 2015  
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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION

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**WEDNESDAY, JULY 22, 2015**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:05 a.m. in room SR-253, Russell Senate Office Building, Hon. John Thune, Chairman of the Committee, presiding.

Present: Senators Thune, Blunt, Ayotte, Sullivan, Gardner, Daines, Cantwell, Markey, Booker, Manchin, Fischer, and Peters.

**OPENING STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

The CHAIRMAN. This nomination hearing will come to order.

Today we are going to consider the nomination of Marie Therese Dominguez to be the next Administrator of the Pipeline and Hazardous Materials Safety Administration.

PHMSA plays a key role in the infrastructure of the Nation, and it is important that its senior leadership be in place to ensure accountability to Congress and an array of stakeholders as we seek to improve safety and maintain and expand the Nation's pipeline networks.

These pipeline and related transportation networks fundamentally underpin our Nation's economy. So it is important that those who directly oversee these networks have the experience and skills necessary to manage this critical enterprise.

The PHMSA Administrator position has been vacant since last October when Cynthia Quarterman resigned. By the time President Obama finally announced his intention to nominate Ms. Dominguez on May 29, the post had been vacant for 237 days, well past the statutory time of 210 days contemplated by the Vacancies Act for a temporary appointment.

The lack of Presidential nominations for critical safety positions has been a standing concern of this committee. For example, the White House dragged its feet in nominating someone to lead the Transportation Security Administration, prompting even *The New York Times* editorial page, normally quite deferential to the Presi-

dent, to express the opinion that “the Obama Administration has been disturbingly slow to give the TSA strong leadership at the top.”

Thankfully, once the Administration nominated a qualified individual to lead the TSA, the Senate was able to act quickly to confirm the nominee, and Admiral Neffenger was sworn in at the TSA only 2 weeks ago.

Unfortunately, the Administration has also been slow in nominating a qualified individual to lead PHMSA.

During a Commerce Committee hearing back in March of this year, Senator Daines expressed concerns to Transportation Secretary Anthony Foxx that a PHMSA Administrator nominee had yet to be named and questioned when the PHMSA Administrator position would be filled. Secretary Foxx was unable to shed any light on the delay or when a nominee could be expected.

On May 6, *Politico* published an article entitled “President Obama’s pipeline safety agency waits for leader,” observing that “President Obama has blown past the legal deadline to name a permanent boss for the agency that oversees the safety of the Nation’s oil trains and fossil fuel pipelines.”

On May 20, 2015, ten Democratic Senators wrote a letter to President Obama calling on him to act quickly to nominate an Administrator for PHMSA, and noting that the most recent permanent Administrator left the position more than 220 days ago.

It seems to take a chorus of inquiries from the media and the Administration’s allies for it to get around to nominating individuals to lead critically important safety agencies.

I am disappointed at the length of time it took for the President to send us a nominee for PHMSA, but he has finally sent us one.

Ms. Dominguez appears to have substantial management experience while serving at the U.S. Postal Service and the Army Corps of Engineers, and we appreciate that service.

I am concerned that her accomplishments do not appear to indicate expertise or experience on issues regarding pipeline safety or hazardous materials safety. I will be asking Ms. Dominguez to respond to this concern during the hearing.

I will also be asking Ms. Dominguez about her perspective on some of the challenges facing the Nation’s pipeline infrastructure, as well as the challenges the agency is facing with respect to delays in reports and regulations mandated by the 2011 Pipeline Safety Act.

Having said all this, I would like to thank Ms. Dominguez for her willingness to serve the Nation in this important role, and I look forward to her testimony.

With that, I would like now to turn to our distinguished Ranking Member, Senator Booker, for any remarks that he would like to make.

**STATEMENT OF HON. CORY BOOKER,  
U.S. SENATOR FROM NEW JERSEY**

Senator BOOKER. Mr. Chairman, I am disappointed that you will not allow us to put Senator Warner under oath and ask him some questions.

[Laughter.]

Senator BOOKER. But absent that permission, therefore I will open with my opening statements.

I want to thank you, Chairman Thune. It is an honor to sit here, but I do so with the recognition that Senator Nelson is recovering now in Florida, and I just want to echo the thoughts of all my colleagues that we are praying for him and that he has a speedy recovery.

This is an important hearing.

And, Ms. Dominguez, congratulations on your nomination. It is an extraordinary thing to put yourself forward in public service. It is a commitment, as well as a sacrifice, and I am grateful that you were willing to do so.

This is a very important job. While I am sure that most New Jerseyans have no idea what PHMSA is, the reality is what you are doing is critical for my state and our Nation's safety. New Jersey, for example, has the highest per capita population in the country. So for my state PHMSA is absolutely critical in that sense: the Administration is charged with overseeing the transportation of hazardous materials through our state. And this is really what your focus of leadership will be about.

Although the uses of substances that are highly toxic is critical for our economy and our daily lives, their use must never come at the risk of human safety. We have seen how critical the role of PHMSA is in dealing with the movement of hazardous materials. For instance, PHMSA played a lead role in addressing safety issues that were raised by the transportation of crude oil on freight trains. Making sure that these trains that travel through our communities, our neighborhoods where Americans live and sleep and work—making sure that they are as safe as possible and moving in the best possible and safe tank cars is something that everyone here cares passionately about. And with much of New Jersey's pipeline infrastructure being several decades old, we look at ways to continually invest and improve in that system.

Ms. Dominguez, I know that you have a solid record, as was said by the Chairman, of effective leadership, problem-solving and more in your past positions. I look forward to working with you on ways that we can tackle the existing challenges ahead of us and work on these vital issues. I am confident that Marie Therese Dominguez is well-suited for this role and will bring a high level of knowledge and expertise to the position that we all can benefit from.

I look forward to today's proceedings, and I am grateful again for your being here.

The CHAIRMAN. Thank you, Senator Booker, and thank you for very ably filling in for Senator Nelson, who we continue to keep in our thoughts and prayers, and are pleased to hear the good progress reports, and look forward to having him back on our panel here soon.

And we are also delighted to have with us today one of our colleagues, the Senator from Virginia, Senator Warner, who has graced us with his presence in order to introduce our nominee this morning, and we want to welcome Senator Warner to the Committee. And please proceed with your remarks.

**STATEMENT OF HON. MARK WARNER,  
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Well, thank you, Mr. Chairman. It is great to be back in the Commerce Committee where I had the opportunity to serve with you and so many members for five and a half years. I do wonder how the Ranking Member got so far up the dais since he was fairly far down the dais when I was on the Committee.

But it is a great opportunity for me to speak on behalf of my good friend. Actually Marie Therese used to work for me at one point. So I can speak for her both as a friend and as a former employer.

Let me say at the outset I fully support her nomination as PHMSA Administrator.

And I think you both made a comment that I would concur with. One, I wish the Administration had moved quicker on this. And two, PHMSA was one of these agencies that, quite honestly, I had never heard for 4 or 5 years ago. But as we have seen the amount of, particularly, oil shipment, Bakken crude in particular, go up over 50 percent in the last 5 years, this poses enormous, enormous challenges.

In Virginia, we had a major derailment April 30 of last year. In Lynchburg, Virginia, we had a train derail going right through the heart of the city, and through simple good fortune, it fell into the river instead of falling into the town. An enormous fire took place. No one was killed, but it was just through the grace of God that the train did not derail in the other direction which could have been as devastating as some of the accidents that took place in Canada and elsewhere around the country. So making sure that we have got a qualified, capable Administrator of PHMSA is something that is terribly important.

And let me explain why I believe that Ms. Dominguez is eminently qualified to do that.

She has years of experience in both the private sector and the public sector. She has a strong background in infrastructure development and oversight with her work with the Army Corps of Engineers. She was Deputy Chief of Staff at FAA and has worked at the National Transportation Safety Board. She has also worked at the Postal Service.

Marie Therese has demonstrated her commitment to public service, serving in two administrations and gaining strong managerial and infrastructure oversight experience. But she has also worked in the private sector, somebody who spent, I will say, 2 years more time in the private sector than public sector. I think you need to bring both sets of experience to the table. And in both the public sector and the private sector, by focusing on bottom line and thriving to make sure that we have got results-oriented environments.

Now, as I mentioned, Marie Therese has worked for me in the past. I had her in a management position where I was very impressed with her capabilities. And I think she has the ability to lead PHMSA through the successful implementation of key safety reforms. I think as we talk about ways to deal with infrastructure, one critical part is going to be our pipelines, our rail systems, and others as we transport both critical energy but also, in some cases, hazardous materials. And this small, little agency that, again, I

will acknowledge 5 years ago I did not know existed—I think it is going to play an extraordinarily important role in the coming decades. So I think with that in mind, we need a strong leader and a strong manager.

PHMSA has the technical expertise. I know Ms. Quarterman, when she was Director—I brought her in. She had had some experience, but you really have to dig into the details with the technical people to get all this right, and you need somebody at the top to lead. I believe Marie Therese will do that.

And I appreciate the Committee's opportunity to allow me to come in and put in this recommendation for my good friend. Thank you.

The CHAIRMAN. Thank you, Senator Warner. We appreciate your words of recommendation. That obviously means a lot. It carries a lot of weight with members of this committee. So thanks for being here. Thanks for sharing that.

And we are very delighted to welcome to our committee Ms. Dominguez and look forward to hearing from her and again, express what has already been said, and that is your willingness to serve and go through the process that is required to serve in some of these important positions. But we welcome you to the Committee this morning, and please proceed with your remarks and then we will get to some questions. Thank you.

**STATEMENT OF MARIE THERESE DOMINGUEZ, TO BE ADMINISTRATOR, PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA), U.S. DEPARTMENT OF TRANSPORTATION**

Ms. DOMINGUEZ. Good morning. Chairman Thune, Ranking Member Booker, members of the Committee, it is an honor to appear before you today as the nominee for Administrator of the Pipeline and Hazardous Materials Safety Administration.

I would like to thank President Obama for nominating me and Secretary Foxx for his support.

I would also like to thank Senator Mark Warner, a friend and a leader. I am grateful to him for introducing me today.

I am joined today by some very special people, my incredible parents, Margaret and Larry Dominguez. The values they instilled in me of family, hard work, sacrifice, and service to others have inspired me beyond measure, leading me to a career in public service. My sister Christa, brother-in-law Sean, and my nieces Molly and Maggie could not be here today, but they are watching remotely. My family is my foundation and a true gift in my life, and I am most grateful for their support.

My father served 42 years in the United States Secret Service, the U.S. Department of Transportation, and the United States Marine Corps. As a Secret Service agent, he was with President Reagan during the attempt on his life. From him, I learned how quickly a life can change and how incredibly rewarding it can be to keep others safe. Safety is deeply personal to me, and it is at the heart of everything that PHMSA's employees do each day.

PHMSA's reach is vast, but the mission is concise: to protect people and the environment from the risks of hazardous materials transportation in all modes, including the 2.6 million miles of pipe-

line nationwide. This safety mission is what drives the talented team of experts and professionals, and safety is what drives me in my commitment to make PHMSA the premier safety organization in transportation.

As a leader, most recently at Army Civil Works, I bring to PHMSA a dedication to safety and public service; extensive experience as a senior executive in infrastructure, transportation, and safety; and a unique perspective on how to organize for success.

My very first accident launch was in 1996 when I worked at the National Transportation Safety Board. It was the ValuJet Flight 592 crash, which claimed the lives of everyone on board. I witnessed firsthand the devastation that this type of tragedy can cause, both the loss of life and the lasting impacts to families and communities.

It was also the first time I interacted with PHMSA's technical and safety experts. They were an integral part of the investigation team and contributed a critical safety solution by writing and enforcing regulations to prohibit oxygen containers for carriage in passenger aircraft.

I have also worked with complex government organizations through critical periods of change.

When I joined the Postal Service, mail volume was at record highs. But when the economic crisis hit, the market changes we thought were years out happened in a matter of months. We worked quickly to assess the organization and chart an innovative path forward, which included operational as well as legislative and policy solutions. The strategy hinged on the ability of the organization to respond to the changing marketplace. We worked within the organization, with Congress, and with our partners to implement changes that allowed the Postal Service to achieve financial stability.

I join PHMSA at a similar pivotal juncture. The U.S. energy sector is undergoing a rapid transformation. Technology and innovation have brought energy independence and new products which improve our lives, but they also may contain hazardous materials that need to be safely transported. It is our responsibility to use our regulatory and enforcement authority effectively to assure all Americans that, even as the landscape changes, safety is a constant.

Thanks to resources provided by Congress, PHMSA is growing by 25 percent to keep pace with economic growth. We need to stay ahead and ensure that industry and our State partners are maintaining the highest safety standards.

We need to examine our processes and our structure so we can be responsive and drive innovation that enhances our safety mission. In doing so, we will be better positioned to leverage data, research and development, and other predictive capabilities to manage risk. You have my commitment that I will focus on the continual improvement of PHMSA's safety record and enforcement regime. If confirmed, I will bring strong leadership and vision to make PHMSA synonymous with safety, trust, and innovation.

Thank you again for the opportunity to appear before you today. I look forward to answering any questions.

[The prepared statement and biographical information of Ms. Dominguez follow:]

PREPARED STATEMENT OF MARIE THERESE DOMINGUEZ, DEPUTY ADMINISTRATOR,  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, PIPELINE AND  
HAZARDOUS MATERIALS SAFETY ADMINISTRATION, ADMINISTRATOR-DESIGNATE

Chairman Thune, Ranking Member Nelson, and Members of the Committee, it is an honor to appear before you today as the nominee for Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA).

I would like to thank President Obama for nominating me and Secretary Foxx for his support.

I would also like to thank Senator Mark Warner—a friend and a leader. I am grateful to him for his support of my nomination.

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PHMSA's reach is vast, but the mission is concise: to protect people and the environment from the risks of hazardous materials transportation in all modes, including the 2.6 million miles of pipeline nationwide. This safety mission is what drives the talented team of experts and professionals, and safety is what drives me in my commitment to make PHMSA the premier safety organization in transportation.

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It was also the first time I interacted with PHMSA's technical and safety experts at its predecessor agency, RSPA, the Research and Special Programs Administration. They were integral members of the investigation team and contributed a critical safety solution by writing and enforcing regulations to prohibit oxygen containers for carriage in passenger aircraft.

I have also worked with complex government organizations through critical periods of change.

When I joined the Postal Service, mail volume was at record highs. But when the economic crisis hit, the market changes we thought were years out happened in a matter of months. We worked quickly to assess the organization and chart an innovative path forward, which included operational as well as legislative and policy solutions. The strategy hinged on the ability of the organization to respond to the changing market. We worked within the organization, with Congress and with our partners to implement changes that allowed the Postal Service to achieve financial stability.

I join PHMSA at a similar pivotal juncture. The U.S. energy sector is undergoing a rapid transformation. Technology and innovation have brought energy independence and new products which improve our lives, but may contain hazardous materials that need to be safely transported. It is our responsibility to use our regulatory and enforcement authority effectively to assure all Americans that, even as the landscape changes, safety is a constant. These and other issues will surely be discussed as this Committee and the Congress look to reauthorize pipeline and hazmat safety programs this year.

Thanks to resources provided by Congress, PHMSA is growing by 25 percent to keep pace with economic growth. We need to stay ahead to ensure that industry and our state partners are maintaining the highest safety standards.

We need to examine our processes and structure so we can be responsive and drive innovation that enhances our safety mission. In doing so, we will be better

positioned to leverage data, research and development, and other predictive capabilities to manage risk. You have my commitment that I will focus on the continual improvement of PHMSA's safety record and enforcement regime. If confirmed, I will bring strong leadership and vision to make PHMSA synonymous with safety, trust, and innovation.

Thank you again for the opportunity to appear before you today. I look forward to answering any questions.

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A. BIOGRAPHICAL INFORMATION

1. Name (Include any former names or nicknames used):  
Marie Therese Dominguez  
Nickname: Toi
2. Position to which nominated: Administrator, Pipeline and Hazardous Materials Safety Administration (PHMSA).
3. Date of Nomination: June 2, 2015.
4. Address (List current place of residence and office addresses):  
Residence: Information not released to the public.  
Office: 1200 New Jersey Ave, SE, Washington, DC 20590.
5. Date and Place of Birth: El Paso, Texas; December 29, 1965.
6. Provide the name, position, and place of employment for your spouse (if married) and the names and ages of your children (including stepchildren and children by a previous marriage). Not Applicable.
7. List all college and graduate degrees. Provide year and school attended.  
Smith College, B.A (1987)  
Villanova University School of Law, J.D. (1992)
8. List all post-undergraduate employment, and highlight all management-level jobs held and any non-managerial jobs that relate to the position for which you are nominated.

*Management-Level Positions*

- Deputy Administrator  
Pipeline and Hazardous Materials Safety Administration (PHMSA)  
(June 2015 to present)
- Principal Deputy Assistant Secretary of the Army for Civil Works  
U.S. Department of Defense (USDOD), United States Army  
(March 2000–January 2001; July 2013–June 2015)
- Vice President for Government Relations and Public Policy  
United States Postal Service (USPS)  
(June 2007–June 2013)
- Partner  
FieldWorks, LLC  
(June 2004–March 2007).
- Co-Owner and Partner  
Llamame, LLC  
(June 2004–January 2008)
- Director of Human Capital and Performance  
Resource Consultants, Inc.  
(December 2001–June 2004)
- Consultant  
MTD Consulting  
(March 2001–December 2001; August 2006–July 2007)
- Deputy Chief of Staff and Counsel  
Federal Aviation Administration, U.S. Department of Transportation  
(July 1998–March 2000)
- Special Assistant to the President and Associate Director of Presidential Personnel  
The White House  
(April 1997–July 1998)

*Non-Management Positions*

- Special Assistant  
National Transportation Safety Board  
(May 1996–April 1997)
- Intergovernmental Relations Officer  
Office of the Secretary, U.S. Department of Transportation  
(July 1993–August 1994)
- Deputy Associate Director, Office of Presidential Personnel  
The White House  
(August 1994–May 1996)
- Regulatory Policy Analyst and Project Administrator  
Science Applications International Corporation (SAIC)  
(August 1987–August 1989)

9. Attach a copy of your resume. A copy is attached.

10. List all advisory, consultative, honorary, or other part-time service or positions with Federal, State, or local governments, other than those listed above, within the last ten years.

- Department of Defense Representative, White House Initiative on Educational Excellence for Hispanics (2013 to present)
- Member, Arlington County Transit Advisory Commission (2004–2008)

11. List all positions held as an officer, director, trustee, partner, proprietor, agent, representative, or consultant of any corporation, company, firm, partnership, or other business, enterprise, educational, or other institution within the last ten years.

- Board Member, Democracia USA (2010–2011)
- Representative and Committee Volunteer, Smith Club of Washington. *Committees through the years included program, admissions, and book award.* (1987–2009)
- Co-Owner and Partner, Llamame, LLC (June 2004–January 2008)
- Consultant, MTD Consulting (March 2001–December 2001; August 2006–July 2007)
- Partner, Fieldworks, LLC (June 1994–March 2007)

12. Please list each membership you have had during the past ten years or currently hold with any civic, social, charitable, educational, political, professional, fraternal, benevolent or religious organization, private club, or other membership organization. Include dates of membership and any positions you have held with any organization. Please note whether any such club or organization restricts membership on the basis of sex, race, color, religion, national origin, age, or handicap.

- Member, Belizean Grove/Tara (2012–June 2015)\*
- Member, 116 Club (2006 to present)
- Member, Maryland State Bar (1992 to present)
- Member, Maryland State Bar Association (1992 to present)
- Member, Smith Club of Washington (1987 to present)

\**This is a professional organization in which membership is limited to women.*

13. Have you ever been a candidate for and/or held a public office (elected, non-elected, or appointed)? If so, indicate whether any campaign has any outstanding debt, the amount, and whether you are personally liable for that debt: No.

14. Itemize all political contributions to any individual, campaign organization, political party, political action committee, or similar entity of \$500 or more for the past ten years. Also list all offices you have held with, and services rendered to, a state or national political party or election committee during the same period.

Entity	Date	Amount
Richardson for President	01/08/2008	\$500.00
Friends of Hillary	05/13/2007	\$500.00
Hillary Clinton for President	03/21/2007	\$1,000.00
Friends of Mark Warner	11/04/2008	\$500.00
<i>Rendered Services:</i>		
Field Consultant, Democratic Congressional Campaign Committee (2006)		
Senior Advisor, Forward Together PAC (2006)		

15. List all scholarships, fellowships, honorary degrees, honorary society memberships, military medals, and any other special recognition for outstanding service or achievements.

- Keynote Speaker, Annual LATINA Symposium, Latina Style Magazine (2014; 2011)
- Top 25 Executive, Hispanic Business Magazine's "2010 Corporate Elite" (2010)
- Recipient, Postal Board of Governors Award (2009)
- Recipient, Herman Mitchell Schwartz Award for the most significant contribution to the achievement of equality of opportunity and treatment of women in the legal community, Villanova University Law School (1992)
- Outstanding Honorary Law Student, National Association of Women Lawyers (1992)
- Recipient, Martin Luther King, Jr. Scholarship, Pennsylvania Legal Services (1992)
- Chair, Villanova University Law School Honor Board (1992)

16. Please list each book, article, column, or publication you have authored, individually or with others. Also list any speeches that you have given on topics relevant to the position for which you have been nominated. Do not attach copies of these publications unless otherwise instructed: Not Applicable.

17. Please identify each instance in which you have testified orally or in writing before Congress in a governmental or non-governmental capacity and specify the date and subject matter of each testimony: Not Applicable.

18. Given the current mission, major programs, and major operational objectives of the department/agency to which you have been nominated, what in your background or employment experience do you believe affirmatively qualifies you for appointment to the position for which you have been nominated, and why do you wish to serve in that position?

Over the course of my 16 years in public service, I have held positions of increasing responsibility in agencies focused on logistics, transportation, and infrastructure, each with significant operations, regulatory and oversight responsibilities. I have worked on policy issues at safety-focused agencies to include the NTSB and the FAA. I began my professional career at the U.S. Department of Transportation, working with state and local leaders, and industry groups on the implementation of the first Intermodal Surface Transportation and Efficiency Act.

For the last decade, I have served as an executive and senior leader at the United States Postal Service and the Department of Defense, Army Civil Works. I know the public policy, administrative, regulatory and legislative processes and how to effectuate positive change in the public sector. I have worked effectively with stakeholders to include Congress, the Executive Branch, industry, labor and non-profits to develop legislative and policy solutions to difficult problems.

As an executive, I have led organizations through significant organizational change required as a result of various factors—from the aftermath of 9/11 to the economic downturn. I have assessed, developed policy and legislative solutions and implemented program and operational changes for Federal agencies, including working to restructure the Postal Service, to reorganizing family support services for Army Guard and Reserve family programs, post-9/11.

Clear and effective communication and transparency with employees and all partners is critical to success in achieving organizational change. I am a proven leader, capable of effectively managing people and financial resources to develop and implement solutions.

My career has been dedicated to public service. Americans count on their government to keep them safe. If confirmed to serve as PHMSA Administrator, I would bring my experience leading change to PHMSA and develop and implement policy that will enhance safety in the transportation of hazardous materials.

19. What do you believe are your responsibilities, if confirmed, to ensure that the department/agency has proper management and accounting controls, and what experience do you have in managing a large organization?

If confirmed as Administrator, my responsibility would be to lead PHMSA in carrying out its mission of protecting people and the environment from the risks of hazardous materials transportation, while providing accountability and transparency of Federal taxpayer resources.

Over the course of my career, I have managed people and budgets for various Federal agencies. In my position as Principal Deputy Assistant Secretary of the Army for Civil Works, my responsibilities included working with the Assistant Secretary to establish policy direction and provide supervision for the Department of the Army

Civil Works program. Specifically, this included providing policy, budget (\$5B annual appropriation) and performance oversight of the 35,000 person U.S. Army Corps of Engineer programs and budget.

As Vice President for Government Relations and Public Policy at the United States Postal Service, I managed two large divisions, both Government Relations (47 people) and Stamp Services components (147 people) and a budget of \$80 million, generating over \$500 million in annual revenue.

20. What do you believe to be the top three challenges facing the department/agency, and why?

The primary challenge is to achieve the goals and mission of the agency to safely transport hazardous materials, with no resulting harm. This must be achieved by developing and implementing national policy, setting and enforcing standards, educating all stakeholders, conducting research to prevent incidents and preparing the public and first responders to reduce consequences if an incident occurs.

In today's evolving transportation and energy landscape, with the increased movement of crude by rail and pipeline, new and aging infrastructure, and evolving technology—preventing and mitigating risk are primary to PHMSA's goals and objectives. To address these issues and advance the agency forward, the following challenges need to be addressed:

- Determine if the structure and functions of the agency are organized to optimize all resources, improve efficiency, enhance safety and drive innovation
  - Hire and train personnel that have been provided by Congress
  - Improve data collection and analysis to better inform risk management, decision-making and operations
  - Assess agency legal authorities in order to develop enhanced enforcement Capabilities
- Address legislative requirements and safety recommendations
  - Work to complete Congressional requirements mandated in Pipeline Safety Act 2011 and MAP-21 to include rulemakings
  - Engage with Congress and stakeholders to ensure reauthorization of the Pipeline Safety Act and of hazardous materials authorities through the surface transportation bill
  - Address outstanding safety recommendations, including those from NTSB, GAO, and the Office of the Inspector General
- Improve communication and transparency
  - Improve partnerships with state and local governments, the industry and other key stakeholders to include the Congress
  - Engage key communities in the development and implementation of rules and policies

#### B. POTENTIAL CONFLICTS OF INTEREST

1. Describe all financial arrangements, deferred compensation agreements, and other continuing dealings with business associates, clients, or customers. Please include information related to retirement accounts: None.

2. Do you have any commitments or agreements, formal or informal, to maintain employment, affiliation, or practice with any business, association or other organization during your appointment? If so, please explain: No.

3. Indicate any investments, obligations, liabilities, or other relationships which could involve potential conflicts of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

4. Describe any business relationship, dealing, or financial transaction which you have had during the last ten years, whether for yourself, on behalf of a client, or acting as an agent, that could in any way constitute or result in a possible conflict of interest in the position to which you have been nominated.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Eth-

ics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

5. Describe any activity during the past ten years in which you have been engaged for the purpose of directly or indirectly influencing the passage, defeat, or modification of any legislation or affecting the administration and execution of law or public policy.

In my years with the U.S. Post Office, I managed the legislative and public policy objectives of the organization before the Congress. Significant policy matters at the time centered on legislation concerning postal reform efforts.

6. Explain how you will resolve any potential conflict of interest, including any that may be disclosed by your responses to the above items.

In connection with the nomination process, I have consulted with the Office of Government Ethics and the Department of Transportation's Designated Agency Ethics Official to identify any potential conflicts of interest. Any potential conflicts of interest will be resolved in accordance with the terms of an ethics agreement that I have entered into with DOT's Designated Agency Ethics Official and that has been provided to this Committee. I am not aware of any other potential conflicts of interest.

#### C. LEGAL MATTERS

1. Have you ever been disciplined or cited for a breach of ethics, professional misconduct, or retaliation by, or been the subject of a complaint to, any court, administrative agency, the Office of Special Counsel, professional association, disciplinary committee, or other professional group? If yes:

- a. Provide the name of agency, association, committee, or group;
- b. Provide the date the citation, disciplinary action, complaint, or personnel action was issued or initiated;
- c. Describe the citation, disciplinary action, complaint, or personnel action;
- d. Provide the results of the citation, disciplinary action, complaint, or personnel action.

No.

2. Have you ever been investigated, arrested, charged, or held by any Federal, State, or other law enforcement authority of any Federal, State, county, or municipal entity, other than for a minor traffic offense? If so, please explain: No.

3. Have you or any business or nonprofit of which you are or were an officer ever been involved as a party in an administrative agency proceeding, criminal proceeding, or civil litigation? If so, please explain.

Not to my knowledge.

4. Have you ever been convicted (including pleas of guilty or *nolo contendere*) of any criminal violation other than a minor traffic offense? If so, please explain: No.

5. Have you ever been accused, formally or informally, of sexual harassment or discrimination on the basis of sex, race, religion, or any other basis? If so, please explain: No.

6. Please advise the Committee of any additional information, favorable or unfavorable, which you feel should be disclosed in connection with your nomination. None.

#### D. RELATIONSHIP WITH COMMITTEE

1. Will you ensure that your department/agency complies with deadlines for information set by congressional committees? Yes.

2. Will you ensure that your department/agency does whatever it can to protect congressional witnesses and whistle blowers from reprisal for their testimony and disclosures? Yes.

3. Will you cooperate in providing the Committee with requested witnesses, including technical experts and career employees, with firsthand knowledge of matters of interest to the Committee? Yes.

4. Are you willing to appear and testify before any duly constituted committee of the Congress on such occasions as you may be reasonably requested to do so? Yes.

## RESUMÉ OF MARIE THERESE DOMINGUEZ

**Experience**

*U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration, Washington, DC*

*Deputy Administrator (06/22/15–present)*

- Execute PHMSA's mission to protect people and the environment from the risks inherent in the transportation of hazardous materials. PHMSA's responsibilities include the development and enforcement of regulations for the safe, reliable and environmentally sound operation of the Nation's gas and liquid pipeline transportation system and the shipment of hazardous materials by rail, highway, water and air.

*U.S. Department of Defense, United States Army, The Pentagon, Washington, DC*  
*Principal Deputy Assistant Secretary of the Army for Civil Works (07/13–06/15; 03/00–01/01)*

- Provided policy, management, budget and performance oversight of the U.S. Army Corps of Engineers Civil Works program (\$5B annual appropriation) for water resources infrastructure development in navigation, flood control, hydroelectric power generation, municipal and industrial water supply, outdoor recreation activities, fish and wildlife habitat restoration and ecosystems management.
- Provide direction on the Department of the Army's policies related to the Corps regulatory programs.
- Led policy initiatives on alternative financing for civil works projects, streamlining infrastructure permitting, and climate resilience.

*United States Postal Service, Washington, DC*

*Vice President for Government Relations and Public Policy (06/07–06/13)*

- Managed the legislative and public policy objectives of the United States Postal Service, a \$67B organization, with 574,000 employees, processing and delivering 563M pieces of mail and packages per day to homes and businesses throughout the world.
- Direct report to the Postmaster General, the Deputy Postmaster General and the Postal Board of Governors advising on government relations, public policy and stamp services issues.
- Developed legislative proposals and implemented targeted communications strategies around authorizing and appropriations legislation in support of corporate strategic objectives.
- Managed group of 47 legislative analysts and government relations liaisons as well as executive correspondence unit handling over 12k letters per year from Members of Congress.
- Served as primary liaison to the Executive branch specifically, the White House, the Office of Management and Budget, the National Economic Council and various cabinet agencies.
- Responsible for legislative liaison and outreach with all Federal agencies, state and local governments; and postal stakeholders including postal labor unions, industry and consumer interests.
- Managed Corporate Information and Archival programs including the corporate Library and the Postal Historian's offices.

*Stamp Services*

- Provided executive leadership to Stamp Services, a key business unit within the USPS generating over \$500M in annual revenue and comprised of 143 personnel responsible for subject selection, art design, production, manufacturing/printing, and fulfillment of all stamps and retail philatelic products produced and sold by the Postal Service. Oversaw the postal fulfillment center based in Kansas City, Missouri that services *usps.com* and all Internet and philatelic purchase orders.
- Managed cost reduction efforts—25 percent over three years, resulting in cost savings of \$20M.
- Directed strategic effort to develop comprehensive P&L statement quantifying all costs and expenditures for the stamp program.

*Fieldworks, LLC*, Washington, DC  
*Partner* (06/04–03/07)

- Woman and Hispanic owned political consulting firm specializing in grassroots organizing and customized field strategies.
- Served as field and turnout consultant for Democratic Congressional Campaign Committee (DCCC) and the Democratic National Committee (DNC).

*Llamame, LLC*, Washington, DC  
*Co-Owner and Partner* (6/04–01/08)

- Created, owned and operated a bilingual communications firm specializing in culturally conscious phone, radio and Internet messaging strategies directed to Latino audiences in both Spanish and English.

*Resource Consultants, Inc.*, Vienna, VA  
*Director of Human Capital and Performance* (12/01–06/04)

- Management consultant focused on organizational development including business process re-engineering, workforce assessment and transformation, strategic planning, training and diversity.
- Lead multi-million dollar consulting projects for Federal clients including the FBI, the Farm Credit Administration, the U.S. Army Guard and Reserve and the U.S. Air Force.
- First to analyze and develop baseline of family support services for deployed military service members. Our assessment led to the development of comprehensive recommendations for enhancement of funding and expansion of family support services for Army Guard and Reserve components, nationwide.
- Lead organizational assessment of FBI immediately after 9/11. Findings and analysis focused on organizational structure, staffing and workforce capabilities to address changing mission in post-9/11 environment.
- Lead team of 8 MBA's, Ph.D.'s, subject matter experts and support contractors.

*MTD Consulting*, Arlington, VA (3/01–12/01 and 8/06–7/07)

Developed political, legislative and field strategies for government and non-profit organizations including:

- *Senior Advisor to Governor Mark Warner, Forward Together PAC*. Developed political strategies and organizing plans for early Presidential primary states.
- *Puerto Rico Federal Affairs Administration (PRFAA)*: Provided management and legislative counsel to the Governor of Puerto Rico and her Washington, DC office (PRFAA) on appropriations, transportation and policy issues. Developed the agency's Strategic Plan.

*U.S. Department of Transportation*, Washington, DC  
*Deputy Chief of Staff and Counsel, Federal Aviation Administration*, (7/98–3/00)

- Provided counsel to the FAA Administrator on matters concerning aviation programs and policy development including aviation certification issues, safety and security.
- Represented the Administrator on several controversial airport expansion projects involving environmental, safety and capacity concerns.

*Intergovernmental Relations Officer, Office of the Secretary*, (7/93–8/94)

- Developed and implemented outreach efforts to State and local governments, trade associations, industry and labor groups for Administration and Secretarial legislative and policy initiatives.
- Organized community meetings throughout the U.S. and drafted summary report entitled, "U.S. Department of Transportation, The Intermodal Surface Transportation and Efficiency Act (ISTEA), Regional Round Table Report and Action Plan" which evaluated implementation of ISTEA and identified gaps and additional needs in U.S. infrastructure investment in preparation for the reauthorization of surface transportation legislation.

*The White House*, Washington, DC  
*Special Assistant to the President and Associate Director of Presidential Personnel*, (4/97–7/98)

- Managed the search, selection, vetting and Senate confirmation of cabinet and sub-cabinet appointments.
- Oversaw portfolio of seven cabinet agencies, eleven independent agencies and 75 presidential boards and commissions—over 2,500 positions in total.

- Managed Latino outreach efforts within the Office of Presidential Personnel including Members of the Congressional Hispanic Caucus and various national Latino organizations on the recruitment and retention of Hispanics for Federal service.

*National Transportation Safety Board, Washington, DC*  
*Special Assistant, (5/96–4/97)*

- Provided counsel to Chairman and Members of the Board. Assisted on-scene at major transportation accidents with crisis communications including press briefings, legal and security issues and family assistance. On-scene at ValuJet accident in the Florida Everglades and TWA 800 explosion in New York.
- Reviewed and analyzed proposed safety recommendations, reports and safety studies resulting from the NTSB's investigation of major transportation accidents in all modes including aviation, rail, transit, marine, gas and pipeline and hazardous material.

*The White House, Washington, DC*  
*Deputy Associate Director, Office of Presidential Personnel, (8/94–5/96)*

- Assisted in making recommendations to the President on candidates for appointment to Senate confirmed positions, Senior Executive Service and Presidential boards and commissions.
- Reviewed the statutory requirements for each position, executed searches for potential candidates. Conducted outreach to Members of Congress and relevant constituent groups.
- Wrote decision memoranda for the President, press releases, prepared nominations and assisted candidates through confirmation.

*Science Applications International Corporation (SAIC), McLean, VA*  
*Regulatory Policy Analyst, Waste Regulations Department, (1988–1989)*  
*Project Administrator, Environmental Policy and Implementation Group, (1987–1988)*

- Provided program support and analysis for the Environmental Protection Agency. Assisted in writing feasibility studies for Superfund sites; developing medical waste regulatory standards; and formulating management standards for recycled used oil.
- Responsible for financial and contract reporting requirements for several government contracts, the largest contract valued at \$83 million.

#### **Education and Certifications**

*Villanova University School of Law, Villanova, PA—J.D., 1992*  
*Smith College, Northampton, MA—B.A. in American Studies, 1987*  
*Bar Admission—State of Maryland*  
*Lean Six Sigma—Green Belt Certified*  
*Security Clearance—FBI Top Secret*

#### **Awards**

Postal Board of Governors Award, 2009 recipient  
 Hispanic Business Magazine, named one of the Top 25 Executives, “2010 Corporate Elite”  
 Latina Style Magazine, Annual National LATINA Symposium, keynote speaker 2011 and 2014

The CHAIRMAN. Thank you, Ms. Dominguez.

And I will get started with the questions and just ask a very sort of general question at the beginning. You have been a Deputy Administrator now at PHMSA for the past month. Can you just identify those things that you see as some of the major management challenges of the agency?

Ms. DOMINGUEZ. Good morning and thank you, Chairman Thune.

Based on my short time at PHMSA so far—and I have only been there a few weeks—I can honestly say that one of the first things that I would look to do is assess the organization in terms of our

organizational structure and make sure that we are actually structured in a way that can lead to long-term success.

I have also had the opportunity to understand the depth and the incredible technical expertise of the workforce at PHMSA. They bring a lot to the table, and they are incredibly dedicated to our safety mission.

So I think we have the opportunity to not only examine our internal processes, but also make improvements to the structure of the organization so that we are really driving innovation and becoming more predictive and able to use our data better in a way that actually leverages our inherent capabilities in rulemaking, regulatory oversight, and enforcement and truly driving the safety mission.

The CHAIRMAN. And I mentioned earlier your resumé reflects substantial management experience both at the Army Corps of Engineers, as well as at the U.S. Postal Service. But it does not appear to include specific expertise regarding pipeline safety and hazardous materials safety. So let me ask you what you feel you bring to the job and how will you address concerns about a possible lack of subject matter expertise, should you be confirmed.

Ms. DOMINGUEZ. Thank you for that question, Chairman Thune.

I believe what I bring to the table is a depth of experience in leading and managing people in very complex, large organizations. Regardless of the topic, I have worked in transportation, infrastructure and safety for a number of years, and I have worked, again, in large, complex organizations, including the FAA, and the FBI. When I was in the private sector, I worked on an organizational assessment for the FBI in a post-9/11 environment. I have also worked, again, for the United States Postal Service and most recently for the Army Corps of Engineers and oftentimes in periods of great organizational change addressing issues that need to be addressed to structure organizations for the long term. And I believe that I bring my public policy expertise to the table in looking at these issues and believe that, if confirmed, I will be able to apply my skills and experiences in leading change at PHMSA in a positive direction.

The CHAIRMAN. Since you became the Deputy Administrator of PHMSA last month, a rupture occurred on a *Plains All American* pipeline in Illinois resulting in an estimated 100 barrels of oil being spilled. Shortly before you were nominated, a bigger rupture occurred in California on a pipeline also owned by *Plains All American* resulting in 2,400 barrels of crude oil eventually being spilled into the Pacific Ocean.

What has been your level of engagement with respect to these pipeline ruptures, and what updates can you provide to the Committee regarding these accidents?

Ms. DOMINGUEZ. The Plains pipeline—the Santa Barbara incident occurred before I came onboard at the agency, but I can assure you that we have worked diligently with the company. One of the things that we are looking to do is make sure that we better understand what their safety processes are. One of the areas of concern is response times moving forward if there is an incident.

The agency's job is to make sure that all of the regulations that we have in place are not only followed but that we are able to have

an appropriate response level. And just last week, the CEO of Plains was in. We will be working with them long-term to make sure that they are, indeed, developing a culture of long-term safety management practices for their agency and, again, as our investigation continues to understand the root causes of both accidents in Santa Barbara and in Illinois and work toward solutions that are systemic and comprehensive.

The CHAIRMAN. The current pipeline safety authorization expires September 30 of this year. Will the administration be sending a draft reauthorization bill to Congress prior to that deadline?

Ms. DOMINGUEZ. Chairman Thune, I agree with you that reauthorization is—indeed, the deadline for the Pipeline Act, in particular, is expiring at the end of September. We look forward to assessing the needs of what PHMSA can do to best structure ourselves for success moving forward with an eye toward reauthorization. It will be one of my top priorities, if confirmed, to actually, again, undertake that assessment and make sure that we work diligently with the Congress, work with you to understand what those potential needs may be and develop a solid authorization proposal.

The CHAIRMAN. As you know, last week, the PHMSA Acting Administrator, Stacy Cummings, testified before Congress that more than a dozen requirements of the 2011 Pipeline Safety Act remain unfinished 4 years later. What will you do in your role as PHMSA Administrator to fulfill PHMSA's responsibilities under the 2011 law, should you be confirmed? And is there a plan for prioritizing the remaining incomplete regulations?

Ms. DOMINGUEZ. Chairman Thune, I appreciate the strong commitment that you have made not only to making sure that the existing mandates under the 2011 Act are committed to and fulfilled. But you can be assured that I also am committed to making sure that the mandates and the recommendations are also completed.

At this point in time, we have completed approximately 26 of the 42 existing mandates. You have my commitment that moving forward, we will do everything that we possibly can to make sure that we not only complete the remaining mandates as aggressively as possible but prioritize those mandates as well. Two of the outstanding issues are a gas transmission rule, as well as a liquid hazard transmission rule. I would like to strive to get those completed before the end of this year, get out a notice of proposed rulemaking. Not only will it address a number of the existing mandates that are left in the 2011 Pipeline Act, but it will also address a number of GAO and NTSB recommendations.

The CHAIRMAN. Thank you.  
Senator Booker?

Senator BOOKER. Thank you, Chairman Thune.

First of all, I just want to say I have been here about 18 months, and that was one of the best opening statements I have heard. And I really appreciated you talking about your parents for a minute, and your father's incredible commitment to public service is something that is worthy of reverence from all of the Senate. And I know when he has the kind of level of public service, it is not just him. It is an extraordinary wife who supports him and empowers

him to serve his country. So I am grateful for that and thank you for mentioning that in your opening statement.

Recent pipeline and rail incidents demonstrate the ongoing risks posed by transporting gas and other hazardous materials and the urgent need for continued oversight by PHMSA. For example, a gas rupture in September 2010 in San Bruno, California killed eight people and damaged over 100 homes. But that is just one incident of, unfortunately, way too many that we see when it comes to the transportation of hazardous materials.

Additionally, recent increases in accidents involving trains carrying crude oil highlight the need to address safety risks posed by emerging use of rail infrastructure. Rail safety is something that is very much on my mind as a United States Senator especially because of the level with which it passes through the state of New Jersey and other vital arteries around this country.

And so I think that now that you have been there for a little bit, I just want to ask, do you think that PHMSA has the proper resources to vigorously oversee the safe transportation of hazardous materials by pipeline, rail, and other modes?

Ms. DOMINGUEZ. Thank you for the question, Ranking Member Booker.

I have to say that we are very grateful for the resources that Congress has provided over the course of the last year. Last December, Congress was generous and provided an additional 122 new positions to the agency. And I think managing that investment, moving forward, is one of my top priorities.

Our mission is to really protect people and the environment from the risks of hazardous material in transportation, and we take that very seriously. And with the increase in the energy production in this country, we need to make sure that not only are we using the dollars that Congress has invested in us wisely but also looking to see how we can efficiently structure the organization to address not only current needs but future needs so that as we look forward, we need to make sure that we are structured for long-term success to address not only the energy markets but everything that we have got on our plate.

Senator BOOKER. So as I learned in my role as Mayor and dealing with crises in my city, one of the biggest challenges always was coordinating with various levels of government. And so you, obviously, have to coordinate with the Department of Transportation's modal administrations on the oversight of hazardous materials. What would you do to foster greater coordination and seamless action in terms of prevention and response?

Ms. DOMINGUEZ. Thank you for the question, Senator.

I think that it is inherent in everything that you do as a leader to make sure that you are not only coordinating as best you can internally amongst the organization—DOT has a great leadership, we will continue to do that—but we also need to coordinate with our state as well as local partners, emergency responders, and we have great opportunity to do that. We also need to coordinate with all of our stakeholders and make sure that there is communication and transparency across the board. We certainly have opportunity to do that, but I will continue that and make sure that not only are resources provided to our emergency responders and our level

of state coordination is thorough and robust, but that we are also coordinating internally with our Federal partners and with Congress to ensure communication and transparency.

Senator BOOKER. Ms. Dominguez, real quickly in the last minute that I have. DOT recently issued new tank car standards, but some of the recent crude-by-rail accidents have involved spills from upgraded cars. Do you believe other actions are needed to prevent or mitigate these accidents?

Ms. DOMINGUEZ. I agree that we need to make sure that the tank cars that carry crude oil are, indeed, as robust—and other hazardous liquids, are as robust as possible. And the Administration has put forward—the Department put forward a high hazard flammable train rule just this past May. Those requirements include a very robust—it is a very comprehensive set of actions—include a very robust approach to rail car safety. So we would look to continue working along that path to make sure that the schedule that is outlined for operational controls, as well as tank car integrity, are pursued.

Senator BOOKER. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Booker.

Senator Ayotte?

**STATEMENT OF HON. KELLY AYOTTE,  
U.S. SENATOR FROM NEW HAMPSHIRE**

Senator AYOTTE. Thank you, Chairman.

I want to thank you, Ms. Dominguez, for your service, and this is obviously a very important position that you have been nominated for.

As I understand it, FERC is charged with issuing permits for the construction of natural gas pipelines. Is that right?

Ms. DOMINGUEZ. That is correct.

Senator AYOTTE. However, according to FERC's own website, it says the commission has no jurisdiction over pipeline safety or security but actively works with other agencies with safety and security responsibilities. I assume that includes PHMSA, given the important responsibilities you have for overseeing the safety of pipelines.

Ms. DOMINGUEZ. Yes, Senator.

Senator AYOTTE. If FERC, by its own admission has no jurisdiction over pipeline safety, how does PHMSA interact with FERC to make sure that when there is a proposed pipeline, that it is actually being sited in a way that protects people's safety?

Ms. DOMINGUEZ. Thank you for the question, Senator Ayotte. And I appreciated the opportunity to meet with you and understand the concerns of the citizens of New Hampshire. You shared your concerns about a siting of a pipeline that is under consideration.

And in answer to your question, PHMSA works aggressively with FERC. While FERC actually is responsible directly for the permitting, that permitting process includes a very robust public process. And PHMSA partners with FERC in public meetings if there are questions about the safety and integrity moving forward of a potential pipeline. We talk about our roles and responsibilities and we

look to partner with FERC as often as we can. And we would be happy to follow up with you as there is additional opportunity in public forums to communicate that.

Senator AYOTTE. Excellent, because when you and I met, I told you about a pipeline project being proposed by Kinder Morgan that would potentially travel through New Hampshire. It is called the Northeast Energy Direct Pipeline. Right now, the project is in its pre-filing stage. I have heard a lot of concerns from my constituents about pipeline safety in their communities. In fact, recently in Merrimack, New Hampshire, the Merrimack School Board voted unanimously to oppose any route for the Kinder Morgan pipeline that comes within a thousand feet of a district school building.

So as we talk about PHMSA's role in overseeing safety, would you agree with me that pipeline routes also can impact safety depending on, for example, whether they are near a school, or a wetlands, and that it's an important responsibility not just what FERC does but making sure FERC takes safety into account when they are looking at a proposed route for a pipeline?

Ms. DOMINGUEZ. Yes, Senator. I appreciate your commitment to safety and making sure that things are sited, as well as constructed, properly.

Again, our mission is to make sure that we protect people and the environment from any risk of hazardous materials transportation. So in working with FERC through the process of actually siting a pipeline, we will bring our safety expertise to bear as best we can in partnership with the agency.

Senator AYOTTE. So one thing that as I look at the process—will your role as PHMSA Administrator also include being engaged in the pre-filing process to ensure that the safest route possible is determined for the location of the pipeline?

Ms. DOMINGUEZ. I appreciate what you are saying. I would have to actually go back and understand the level of detail to which we work with FERC in terms of the actual pre-application. I do know that during the course of the pre-application process, to the degree that there is public meetings and FERC is doing due diligence, we do participate and share the safety components of the actual construction of pipelines. So I would be happy to get back with you and make sure that we provide you with the accurate data.

Senator AYOTTE. Well, this is really important to my constituents, and I have been listening to what they had to say to me about this and their concerns, and I want to make sure they are addressed.

Would you commit to coming to New Hampshire, if confirmed, to hear from citizens and stakeholders directly regarding the safety concerns of this pipeline in coordination with FERC? And would you commit to working with FERC and others to ensure the safety of this pipeline?

Ms. DOMINGUEZ. Yes, Senator. I would be happy to do that. I would be happy to work with you and your staff to visit New Hampshire and talk to your citizens.

Senator AYOTTE. Thank you. I appreciate that. Thank you very much.

Ms. DOMINGUEZ. Thank you.

The CHAIRMAN. Thank you, Senator Ayotte.

Senator Fischer?

**STATEMENT OF HON. DEB FISCHER,  
U.S. SENATOR FROM NEBRASKA**

Senator FISCHER. Thank you, Mr. Chairman.

And thank you, Ms. Dominguez. It is so nice to see you. I really appreciated you taking the time to come over when we were having votes on the Senate floor so we could have a brief meeting. I appreciate your background. I appreciate your service and that of your family. Thank you very much.

With respect to natural gas storage facilities, in 2011 PHMSA requested feedback from industry stakeholders regarding how PHMSA should properly regulate these types of facilities. And at this time, you really have taken little action on the stakeholder recommendations. So if confirmed by the Senate, will you commit to moving forward with the industry recommendations so that we can ensure greater safety for communities along the pipeline storage routes? And what specifically do you see in those recommendations that you would be interested in possibly moving forward on?

Ms. DOMINGUEZ. Thank you, Senator Fischer. It was a pleasure to meet with you the other day. I greatly appreciate you taking the time and sharing your concerns.

With regard to priorities, one of the things that we are working on, as I said, and what will be one of my priorities moving forward, will be to make sure that we publish, hopefully by the end of this year, a notice of proposed rulemaking on gas transmission pipelines. And to the degree that that actually addresses some of your concerns, I would like to make sure that I understand the full complexity of the issues that you are raising, but I do believe that a good portion of our proposed rulemaking will address some of those concerns.

Senator FISCHER. Have you had an opportunity to review specific stakeholder recommendations yet from the industry, the industry stakeholders, and do you have a personal opinion on any of those?

Ms. DOMINGUEZ. Senator, I have not had a chance to review the comments from stakeholders, but if confirmed, I will absolutely work aggressively to do that and make sure that we follow up appropriately.

Senator FISCHER. Thank you.

And from what I understand, PHMSA has not completed its hiring of pipeline personnel that was funded in 2015 appropriations. So if confirmed, do you plan to complete that hiring of personnel? And what areas do you specifically believe that more personnel is needed within the agency?

Ms. DOMINGUEZ. Thank you for the question, Senator Fischer.

Indeed, one of my top priorities will be to complete the mandates under the 2011 Act, and that includes hiring of personnel. The Congress has been incredibly generous in providing additional resources for us to do that. We were able to bring on board—we are working to bring on board 109 positions in our pipeline community alone, and 80 percent of those will be in the inspection area. And at this point in time, we have hired about 46 percent. We are striving right now to make sure that we can complete that hiring as aggressively as possible. We are looking to leverage every mechanism

that we have got available to us, whether it is social media, and really aggressively recruiting inspectors.

As you can imagine, given the energy boom, we are going head to head with private industry for the exact same type of petroleum engineer, and what we are looking to do is diversify what we are looking for. So we are also looking at transportation experts, as well as auditors, other people that can help us in this function area. So we are doing all we can to make sure that we hire as aggressively as possible.

One interesting note is that I actually heard the other day that some of the corporations are actually recruiting sophomores in their undergraduate years to come on board. So our competition is steep but we are aggressively pursuing it, and we are going to do all we can to make sure we complete it.

Senator FISCHER. I know Congress has increased the budget for the inspector staff quite a bit since 2009. I am concerned because NTSB says that accidents were a result of regulatory enforcement failures. And so I would ask you is the problem with the execution of the regulations, not so much what the rules are or the resources that the agency has available to them. Where do you see the root of the problem on this?

Ms. DOMINGUEZ. So the agency's fundamental goal is to make sure that we have a zero death and injury accident rate. And we have seen the numbers over the course of time decrease, but there is still a lot that we need to do.

So one of the first things that I will look at, one of my priorities, is actually to undertake an enforcement assessment and make sure that we are doing all we can to not only understand the levers that we have available, whether they are civil penalties, corrective action orders, et cetera, but also where can we find additional opportunities to make sure that we have the most robust enforcement program in place. So I will be looking to do that and look forward to working with you on that.

Senator FISCHER. You have good organizational skills and I look forward to you putting them to positive use within this agency. Thank you.

Ms. DOMINGUEZ. Thank you very much, Senator.

The CHAIRMAN. Thank you, Senator Fischer.

Senator Sullivan?

**STATEMENT OF HON. DAN SULLIVAN,  
U.S. SENATOR FROM ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman.

And, Ms. Dominguez, I want to echo Senator Booker's comments about your opening statement, the reference to your parents. I think that was very well appreciated, and I think it gives a deeper understanding for the Committee about your own service. So I appreciate you wanting to do this job, and your mom and dad and family backing you. I think that is very important.

You know, as mentioned earlier on PHMSA—right—a lot of people do not know. Actually in Alaska it is a fairly well known agency simply because of the importance of the Trans-Alaska Pipeline, what we call TAPS in Alaska. So have you ever seen TAPS or been to Alaska. It is really quite an engineering marvel that has trans-

ported, I believe, now close to 16 billion barrels of oil. Have you seen the pipeline?

Ms. DOMINGUEZ. No, sir. I have not had the opportunity.

Senator SULLIVAN. Well, if you are confirmed, I would love to get you up there soon because I think you can learn a lot by seeing one of the most famous pipelines in America.

Ms. DOMINGUEZ. Thank you. I would be happy to join you.

Senator SULLIVAN. I wanted to relay a quick story because it is an important one to kind of clarify some confusion in Alaska. In 2011, the Trans-Alaska Pipeline System at Pump Station 1 had a leak. It was a self-contained leak within Pump Station 1. But we shut down the pipeline. It was about 30 below 0 when this happened, so there were some concerns about actually restarting it. There were some delays, and the delays were principally caused by Federal agencies claiming jurisdiction. In particular, the EPA came up to Alaska in force and claimed that they had jurisdiction over TAPS, which confused a lot of people. I had been the Attorney General and recently was the Commissioner of Natural Resources at the time, and I told the EPA we did not recognize their authority because they did not have jurisdiction over the Trans-Alaska Pipeline System.

I later was in Washington and a couple PHMSA officials came up to me. They heard the story, and they thanked me for, quote, standing up to defend their turf.

So can I just get from you directly because it is a really important issue in Alaska—there was some confusion. I think it was another example of classic EPA overreach claiming powers that they do not have. What is the Federal agency that has primary jurisdiction over the Trans-Alaska Pipeline System?

Ms. DOMINGUEZ. Senator Sullivan, thank you for sharing your personal experience with the agency.

Indeed, PHMSA has jurisdiction over that area, but we always look to collaborate with our partners.

Senator SULLIVAN. Of course. We all do. But it is important to actually clarify who is in charge.

Ms. DOMINGUEZ. Yes.

Senator SULLIVAN. The EPA is not in charge of TAPS. You guys are.

Ms. DOMINGUEZ. Yes, sir.

Senator SULLIVAN. So I am glad you clarified that for my constituents.

You mentioned that the energy boom, the energy renaissance is something that we should seize as a country. It is a great opportunity. Do you have numbers as a percentage of volume of crude oil being moved what is the safest way to move crude oil? I am assuming it is via pipeline versus rail, but do you know the answer to that question? And if you do not, could you get us that?

Ms. DOMINGUEZ. I would be happy to get you—to look into it. But I will tell you that our responsibility is to look at all modes of transportation for any material that is moving—

Senator SULLIVAN. No, I know. But I mean, we debate rail. We debate safety. The President vetoed the Keystone XL pipeline despite 65 Senators being for that project.

By the way, do you think that was a wise move of the President to veto that project?

[Pause.]

Senator SULLIVAN. You do not have to answer that question.

Ms. DOMINGUEZ. Thank you, sir.

Senator SULLIVAN. I thought I could ask it. But I will not hold that against you, that you did not answer.

But in all seriousness, the issue of—as a volume of crude oil—as a percentage of volume, what is the safest way to actually move it. Pipeline versus rail cars? I am almost sure it is pipelines, but if you guys can answer that question, that would be very helpful.

Ms. DOMINGUEZ. Thank you, Senator.

The bottom line is that regardless of what mode of transportation is used, our job is to—

Senator SULLIVAN. No, I know. But I mean, to help us with our deliberations here, I think it is an important question.

Let me ask a final question. You know, delays can undermine safety, and unfortunately, whether it is PHMSA pipeline audits that can take up to 18 months, whether it is the notice of probable violation letters that you guys send to operators, sometimes these are delayed by 700 days after an inspection. These are delays that can really undermine safety because we want to know if there is a problem. We want to know what the problem is very quickly. Again, I think PHMSA has an incredibly important job, certainly in my state it does, but throughout the country. But there are a lot of episodes of delays, audits, these NOPV letters. And when you delay these, we do not have the knowledge of what is happening well or what is happening poorly, and then it can cause further challenges in terms of safety.

Can you commit to this committee, if you are confirmed, to use those 109 new personnel that we have authorized for you to hire to make sure they are not only doing their job, but they are doing it efficiently, meaning bringing down some of these long delays and timelines that have happened in terms of inspections and letters out to operators to let them know, hey, there is a challenge? It should not take 700 days to let an operator know that there is some kind of violation.

Ms. DOMINGUEZ. Senator, thank you very much for sharing your concerns.

Indeed, as I stated before, one of my priorities will actually be to assess our enforcement process and make sure that we are working as efficiently as possible and using all of the potential options that we have moving forward. And I will commit to working with you to make sure that we do things expeditiously.

Senator SULLIVAN. Great. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Sullivan.

And I would agree that between rail and pipeline, pipeline has got to be safer, but, Ms. Dominguez, if you could furnish the answer to that, that would be most helpful. We debate a lot around here modes of transportation, and we just moved a rail title, Senator Booker's, a lot of good work involved in getting the rail provisions in the transportation bill that we are going to consider on the floor, along with a safety title, which is really critical. But I think

as we evaluate as a policy matter too how best to move a lot of these commodities to the marketplace, I would certainly be interested to know, if that information and data is available, what is the safest way in which to transport many of these commodities.

Next up is Senator Blunt. Hold on. My apologies. I have Senator Peters and then Senator Blunt. My apologies to the Senator from Missouri and the Senator from Michigan. Senator Peters?

**STATEMENT OF HON. GARY PETERS,  
U.S. SENATOR FROM MICHIGAN**

Senator PETERS. It is no problem. Thank you, Mr. Chairman. And thank you, Senator Blunt, for noticing that. I appreciate that.

Thank you, Ms. Dominguez, for being here today, and I certainly appreciate the opportunity that we had yesterday to spend some time talking about a variety of issues and appreciate your willingness to serve. This is a big job ahead of you but one that is absolutely critical.

And I want to pick up on the discussion that Senator Sullivan mentioned and Chairman Thune mentioned as well about pipeline safety versus the railroads. Certainly railroads are a high-risk operation, but let us remember that pipelines can also be an operation that is fraught with potential problems.

In fact, I think we know it better than most in the state of Michigan because this coming Saturday on July 25, we will recognize a very unfortunate 5-year anniversary of the worst oil spill disaster on land in the United States. It was a spill that was a 6-foot break in the pipeline near Marshall, Michigan that resulted in a spill of about 1 million gallons of heavy crude oil, heavy crude oil coming from Canada, which is heavy oil, which means it sinks in water, which is even more problematic. It spread for 35 miles along the Kalamazoo River and tributaries. And I think the last count that I have seen, it has racked up costs in excess of \$1 billion to clean up this oil pipeline disaster in Michigan.

And what was probably the most troubling aspect of the disaster is that it took 17 hours before they actually shut off the oil from this pipeline. The company itself did not know the pipeline had ruptured. It was a utility worker for a different company that happened to be driving by, in my understanding, and saw the oil and called the company and said, I think you got a problem here. And they did to the tune of about a million gallons of oil spilling through the water in Michigan.

The independent investigations after the spill concluded that weak Federal regulations were a part of that spill, had a role in that. And in response, this committee played a major role in the 2011 pipeline safety bill that included a number of very important safety provisions in that legislation.

Unfortunately, as you have heard today, many of these rules and regulations mandated by Congress and recommended by safety experts have yet to be finalized by PHMSA and the Department of Transportation. Simply unacceptable. We need to step that up immediately. I know that some progress has been made, and I am certainly hopeful that under your leadership you will be fully committed to make sure that we do what has to be done in order to protect our land and our environment.

But even with those kinds of moves, I am still particularly concerned about future spills in the Great Lakes, and it is because of what we saw firsthand in Michigan and the Kalamazoo River. We are very concerned about potential pipeline breaks in the Great Lakes. And we have a pipeline now that is a very old pipeline that was sited before NEPA, before environmental regulations were in place. It is 60 years old that cross the Straits of Mackinac. And experts have all said that it would be probably the worst possible place for a spill in the event of an accident similar to what we had in Kalamazoo just 5 years ago. In fact, it would create a plume that would likely stretch for 85 miles into Lake Huron and Lake Michigan in my state.

And we have to remember that the Great Lakes contain 84 percent of North America's surface fresh water and about 21 percent of the world's supply of fresh water. And the Great Lakes provide drinking water for 40 million people. It is pretty clear that a pipeline break in the Great Lakes would be absolutely catastrophic. And this pipeline was sited prior to, as I mentioned, a lot of environmental regulations.

We have a number of experts who have said this 1950s technology is outdated. The coatings have been proved deficient in a variety of other pipelines around the country. We have zebra mussels now that create some acid that also can work against pipes. So bottom line, we have a lot of concerns.

I am running low on time. I am not going to have many questions for you. But this is going to be a number one priority for me and I hope my colleague as well, given the impact that it would have on the entire country, not just the Great Lakes region.

So I guess my initial question to you is given the fact that this occurred before NEPA, what do you see the role? Particularly when this pipeline has changed some of its operations over many of those years, how can we get in there and make sure that we are perhaps doing new cost-benefit analysis as to whether or not this pipeline should even exist anymore?

Ms. DOMINGUEZ. Thank you, Senator Peters. I really appreciate you taking the time to meet with me yesterday. I also have to say that I was incredibly struck by the fact that you just shared yesterday but as well as today that the Great Lakes provides fresh drinking water for over 40 million people. And I commit to work with you not only to make sure that our pipelines are as safe as they possibly can be but also look to make sure that we are protecting people and the environment moving forward and truly carrying out our mission. So I look forward to, again, pursuing those efforts with you directly and for the people of Michigan.

I do know that we are working on an exercise with Enbridge Pipeline for emergency responders in September of this year, look to work with the state and local governments as well to make sure that people—if there is an accident, that we are actually responding and mitigating that as much as we possibly can. So, again, I look forward to working with you moving forward.

Senator PETERS. And if I may just briefly, Mr. Chairman. And I appreciate the mitigation, but I will just let you know we had a panel sitting where you were just a month or two ago talking about the disaster in the Gulf. And what came out in the panel was a

lot of the ways that we deal with mitigating oil disasters in salt water simply do not work in fresh water. The bacteria that exists in salt water does not exist in fresh water that helps eat some of the oil that is spilled. And some of the techniques that we use also do not work apparently in fresh water, some of the dispersants. So there is a lack of knowledge of how we deal with fresh water oil disasters, which was particularly troubling.

But then the other thing I want to remind you of, if you have an oil disaster under the Straits of Mackinac in the wintertime, it is all covered with ice. The last two seasons, the Great Lakes unusually have been completely covered by ice. So you can imagine a pipeline break underneath water with currents in fresh water with thick ice. How do you clean that up? It may not even be possible to clean up until it does absolutely catastrophic damage to the environment and to the drinking water supplies for people.

So this is an issue that I am going to be in your office regularly. My staff will be there. We have got a PHMSA reauthorization coming up. This, I hope, will be at the very top of your agenda as a very fragile ecosystem and one that has incredible potential to do damage not only for drinking water but recreational uses as well as the commercial uses of the Great Lakes. So I look forward to working with you.

Ms. DOMINGUEZ. Thank you, Senator Peters. And I am committed to working with you to make sure that we address your concerns. Thank you.

The CHAIRMAN. Thank you, Senator Peters.

Thank you. Senator Blunt.

**STATEMENT OF HON. ROY BLUNT,  
U.S. SENATOR FROM MISSOURI**

Senator BLUNT. Thank you. I thank the Chairman.

A number of good questions have been asked and answered. A number of others for the record, I am sure, will be. But I had one question that actually, particularly your comment on modes of transportation and your jurisdiction on those modes of transportation. I guess my question relates to that a little bit.

There is clearly a lot of movement toward liquefied natural gas for transportation fuel. PHMSA has the siting authority for where the small-scale LNG facilities can be sited. I have heard some concerns that in siting those facilities, that there is not much consideration to how that fuel is going to be transported, not much consideration, which may go to the question of what is the best way to transport fuel which may then become one of the things you want to look at as you look at how to site these facilities.

But in those facilities, they are built as if I think they were going to be transported in a pipeline but often not. Barge, truck, train, other things. Maybe barge and truck would be the two examples that I know of that come to mind.

So are you aware of that concern about siting these LNG facilities and any comments you might have on whether how that liquefied natural gas is going to be transported should be part of the siting consideration.

Ms. DOMINGUEZ. Thank you, Senator Blunt. And I appreciate the question and your concern with regard to liquid natural gas. I do

recognize that the United States is becoming not only the world's largest—we are changing basically from an importer to an exporter, and in doing so, we need to make sure that the siting facilities for both small as well as large LNG facilities are as robust as they can be and making sure that they are complying with PHMSA regulations.

I do know initially that the agency is working on making sure that we update our rulemaking and our regulations in this area. I would be happy to work with you moving forward to make sure that we are addressing the small facilities, as well as the larger facilities, and that our packaging, meaning like literally the requirements for siting, are addressed.

Senator BLUNT. Yes. I think one of the things, Ms. Dominguez, you are seeing here today is some substantial interest by the Committee about how the fuel is transmitted and whether that should be a consideration. At least in my view of things like siting a small-scale facility, if there are two alternatives and you actually do come up with a recommended and safer way to transport and one of the alternative sites is near that and one is not, it would seem to me that would be a reasonable consideration.

I know in the Transportation appropriations bill for next year—I believe in the bill the Committee passed at least, since we have passed none of the appropriations bills on the floor, but committee-passed bill would actually direct you to do a study on this. But I think it is a significant issue. I hope, as you assume the likely leadership you are going to assume for the agency, that is something you will be thinking about and paying attention to as the siting discussion and your siting obligation goes forward.

Ms. DOMINGUEZ. I will, indeed, sir, and I look forward to following up with you to continue this discussion but also to make sure that we are looking into it appropriately. I do know, again, that we are looking to make sure that our regulations are addressing all of the emerging concerns.

One of the things that I can tell you that I am very committed to is not only making sure that the agency is addressing existing technologies and energy markets but being more predictive and understanding where the trends are likely to be in the future. And we need to do that through more robust data analysis and R&D. So I think this issue gets at the heart of that, and I look forward to working with you on it.

Senator BLUNT. Thank you. It was great to have you here and your parents with you today.

Ms. DOMINGUEZ. Thank you very much, sir.

The CHAIRMAN. Thank you, Senator Blunt.

Senator Cantwell?

**STATEMENT OF HON. MARIA CANTWELL,  
U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman.

Ms. Dominguez, congratulations on your nomination to the Pipeline and Hazardous Materials Safety Administration spot as Administrator.

You mentioned something that is very much on my mind and many people's here and that is the notion of energy security and

how we switched from being an importer to creating a domestic supply and the maximum amount of increase that we have seen because of that on our transportation networks and our systems.

Do you believe that crude oil volatility is an issue?

Ms. DOMINGUEZ. I believe certainly that we need to make sure that we are doing all we can to understand the properties of crude oil, especially crude oil coming out of the Bakken. There are indeed volatility issues that are a significant concern. I also believe that we are doing everything that we possibly can to better study and understand what those characteristics of that oil are, and moving forward, you have my commitment that we will continue to not only work with you but work to make sure that we are partnering with the appropriate Federal agencies, in this case, the Department of Energy, where we have an ongoing study with the Department of Energy and Sandia Labs to examine the characteristics of the crude oil coming out of the Bakken area and really, truly understand what that volatility threshold is.

Senator CANTWELL. So you support funding for that.

Ms. DOMINGUEZ. I believe that the Congress has provided us funding to do that. We have undertaken the study already with DOE, and we will look to make sure that we are using those dollars wisely, and if we need to invest more, absolutely.

Senator CANTWELL. OK, good. Well, that last part was critical for me because I think that is where we are. You know that DOE came up with a crude oil characteristics research study, which was a compilation of science as it exists today on the subject, which raised questions about the volatility. And so they wanted to move forward on an actual large-scale combustion testing and comprehensive program. The issue is not that they do not want to do it. The issue is at the moment they do not have the funding. So glad that you support that and that is what we need to do to make sure that that volatility testing gets done. And so I just want to make sure that as the Administrator of the Pipeline and Hazardous Materials Safety Administration that you support making sure that that gets done.

Ms. DOMINGUEZ. Thank you, Senator. I believe that it is a phased study, as I understand it. There are about six tasks that are underway. We are pursuing one through four right now, really looking at initially the sampling and characteristics of the oil, and the remaining tasks that you are referring to really do get to the larger-scale testing to understand the actual characteristics and how all the factors would come together and undertaking that study. We look to also partner with industry to make sure that we are—

Senator CANTWELL. But you want to make sure that happens.

Ms. DOMINGUEZ. Yes, ma'am.

Senator CANTWELL. Five and six or whatever it is called.

Ms. DOMINGUEZ. Yes. I think that we need to make sure that we are looking to make sure that we are doing everything we possibly can to address the volatility issue.

Senator CANTWELL. Well, I could not agree more. I think that we are leaving our fire fighters at critical junctions at these catastrophes, as we have seen explosions, without the resources and the tools to even address the fires because we have so much train traf-

fic now, three trains a day that is supposed to go as high as 15 trains a day and we have mayors from places like Seattle who say they will not send fire fighters into some of our train tunnels in Seattle if in fact there is an explosion. They will not even send people in there. That is how hazardous it is and how challenging. So I think getting these answers is critical. So thank you for that.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.  
Senator Daines?

**STATEMENT OF HON. STEVE DAINES,  
U.S. SENATOR FROM MONTANA**

Senator DAINES. Thank you, Mr. Chairman.

Welcome. Good to see you again, Ms. Dominguez. And congratulations on your nomination. It was good to have you stop by the office and get to know one another and chat a bit about the future of PHMSA.

As we discussed in our meeting, PHMSA plays a very important role in Montana. It is a big state and it is vital to ensure our safe and environmentally sound transport of our natural resources, whether it is pipeline or also by rail.

The agency's jurisdiction covers approximately 2.6 million miles of pipeline and railroads when transporting hazardous materials. Approximately 19,000 miles of pipeline and another nearly 3,200 miles of rail cross Montana. This infrastructure is truly an economic bloodline for Montana. We produce nearly 30 million barrels of crude oil, 63 billion cubic feet of natural gas, and 42 million short tons of coal annually and export about 60 percent of that energy production.

In terms of the connection to jobs, the oil, gas, and mining industries directly—directly—employ about 14,000 Montanans, and they account for about 8 percent of our state's gross domestic product. And it is about a half a billion dollars in state and local tax revenue.

So as we look at this very important job, it is imperative to Montana that we continue to move these commodities in a safe and efficient manner.

Very recently, Montana has experienced the consequences of rail car derailments and pipeline failures. In fact, just last Thursday, a train derailed near Culbertson. It released 35,000 gallons of crude oil. In January, a pipeline ruptured near Glendive and released 30,000 gallons of crude into the Yellowstone River. In 2011, a pipeline ruptured on that same river, the Great Yellowstone, and it released 63,000 gallons of crude oil there by Laurel, Montana. So I know Montanans want to be assured that our pipelines are going to be safe and our rail lines are going to be safe.

So as Administrator, how are you going to be able to regain the public's confidence—because frankly, when we have had some of these incidents, it shakes the confidence of the folks back home—that our pipelines are safe, that it is a good way to get our natural resources to market?

Ms. DOMINGUEZ. Thank you, Senator Daines. And I do appreciate the opportunity to meet with you and very much appreciate your concerns not only for the citizens of Montana, but you also articu-

lated your concerns about the natural resources that were impacted not only by the oil incident in January of this year on the Yellowstone River but also the most recent rail car derailment just last week.

The bottom line is that I think we need to make sure that everything that we do with regard to the integrity of pipelines is as robust as it possibly can be. As you know, we have worked very diligently with the state of Montana to make sure that we are identifying the highest-risk areas, making sure that we are able to address any concerns with regard to river crossings and make sure that directionally drilled pipes are in place to address any potential concerns with regard to flooding. Moving forward, we have developed a report to Congress. We will look to follow that up and address any concerns with regard to any potential—

Senator DAINES. Yes. I know the concerns on the aging infrastructure.

Ms. DOMINGUEZ. Yes.

Senator DAINES. Some of these pipelines are 50 years old or greater. As you pointed out, they were dredged into the Yellowstone versus directionally drilled. And we want to continue to work to identify these higher-risk pipelines and make sure that we have processes in place to prevent future spills.

And speaking of the state, following these incidents, it has been important for Montanans to locate information about the pipelines in their communities. In fact, the Montana legislature recently passed a bill to collect information on pipelines that intersect rivers, given we have had these two breaches on the Yellowstone in the last few years, and make sure it is publicly available online so that a Montanan can go online with transparency and see where these river crossings occur with pipelines.

I will tell you I have heard from back home there has been some frustration with the lack of response from PHMSA as the state is asking for some greater transparency. What could you do to help us ensure that Montanans have access to the information? Again, these are the folks that live the closest to the source of where these spills could occur.

Ms. DOMINGUEZ. Senator Daines, I think you raise a really good issue. And one of the things that I would like to work with you on moving forward is making sure that we have as much information as is possible about where pipelines actually are in any given community so that it is made available and is as transparent to the public as possible.

There are some concerns about—we have an opportunity. We have the National Pipeline Mapping System. We are working and hope to do an information collection here, a notice in the next couple of months that would further enhance our data with regard to the exact siting of pipelines. We also have to balance that with making sure that we are sharing information appropriately to make sure that we are not doing anything that would, indeed, threaten our national security interests as well.

That said, we also have very robust programs. The 811 program, “Call Before You Dig,” is literally geared toward citizens across the country, as well as contractors and excavators, making sure that people have information. We partner with Common Ground Alli-

ance. I would like to continue that robust partnership and make sure that there is awareness. Excavation itself is one of the worst threats to the integrity of a pipeline system, and working forward to not only provide the information on where pipelines are but also enhance our notification and information and share that more widely with the public through the 811 process.

Senator DAINES. Mr. Chairman, can I ask one more question? I am out of time. Thank you.

I look forward to working to find that right balance between protecting national security and transparency, particularly for river crossings with pipelines, and working with our State officials back home.

Ms. DOMINGUEZ. Thank you, Senator Daines.

You know, the information that we share that is more critical is done through our protocols that we establish with the Department of Homeland Security to make sure that the people that need a deeper level of interest, including emergency responders, have that information. And it is done in a very secure manner, but they have it so that they can respond appropriately and also know what is in the area.

Senator DAINES. My last question is given the recent accidents in Montana, I appreciate the transparency of PHMSA's response. It has been good. However, PHMSA's rulemaking has been quite opaque. So we are seeing transparency when there is an accident, but it has been a bit opaque in the upstream process which probably could be key to prevention. Certainly an ounce of prevention could be worth a pound of cure.

As Administrator, how would you see increasing transparency of that rulemaking process and include the coordination with industry as well as State stakeholders?

Ms. DOMINGUEZ. Senator Daines, I agree with you that communication and transparency are fundamental to the process moving forward, whether it is rulemaking or communicating any of our information that we have available to share.

My experience, having led a number of organizations, is really making sure that as we move forward in any rulemaking process, there is a healthy, robust opportunity for not only stakeholders to provide comments in the rulemaking process but that we are responsive, whether it is through reports to Congress or other means, to sharing information along the way, taking that transparent opportunity of comments through the rulemaking process, working through them, addressing them, working with our stakeholders and understanding where they are coming from, and then truly writing the most robust rules that we possibly can addressing concerns that are there, recognizing that we have to do that in a cost-benefit manner.

Senator DAINES. Thank you.

Ms. DOMINGUEZ. Thank you.

The CHAIRMAN. Thank you, Senator Daines.

I think that wraps things up. So, Ms. Dominguez, again thank you for being here and responding to our questions and for your willingness to put your name forward as a nominee for what is a critically important safety position in the administration. As you could hear today, lots of questions, a lot of interest. And we will

look forward, if confirmed, to working with you to address many of those.

The hearing record will remain open for 2 weeks. During this time, Senators are asked to submit any questions for the record. Upon receipt, the witness is requested to submit her answers to the Committee as soon as possible.

So with that, again, I want to thank you for appearing here today and thank you so much for having your family join us and for the long history that you and your family have of serving our great country.

This hearing is adjourned.

[Whereupon, at 11:17 a.m., the hearing was adjourned.]



## A P P E N D I X

### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN THUNE TO MARIE THERESE DOMINGUEZ

*Question 1.* Ms. Dominguez, pipeline and hazmat safety are PHMSA's primary responsibilities. Should you be confirmed, how will the agency consider other factors, including the environment, when establishing rules and prioritizing agency resources under your leadership? While other factors may impact your decision making, would you agree that safety always needs to be the paramount consideration for PHMSA?

Answer. Safety is PHMSA's top priority. Our mission is to protect people and the environment from the risks of hazardous materials transportation. We achieve our mission by ensuring infrastructure is built and operated safely.

*Question 2.* Ms. Dominguez, in your response to the Committee questionnaire, you described a challenge facing PHMSA as "assess[ing] agency legal authorities in order to develop enhanced enforcement capabilities." What enhanced enforcement capabilities do you have in mind and want to develop, should you be confirmed?

Answer. PHMSA is a safety agency and our goal is to have zero deaths or injuries. While PHMSA has seen a decrease in the number of significant incidents over the last ten years, there is more work to do. I am committed to using all tools at our disposal—including strong regulations, rigorous safety inspections, outreach and education—to improve safety. Enforcement authorities are a critical aspect of preventing and deterring accidents. If confirmed, I will assess our enforcement capabilities and determine how PHMSA can use them more effectively.

*Question 3.* OMB delays in reviewing proposed PHMSA regulations give OMB a share of the blame for missing deadlines under the 2011 Pipeline Safety Act. Should you be confirmed as PHMSA administrator, what will you do to make pipeline safety a higher priority within this Administration?

Answer. During my 16 years of public service, I have worked extensively through the administrative, regulatory and legislative processes, and I have experience working with OMB and stakeholders. The rulemaking process is methodical, inclusive and transparent. It enables PHMSA to fully consider stakeholder input and to ensure that new regulations stand up to cost-benefit scrutiny. I believe this process results in meaningful rules that can be implemented. If confirmed to serve as PHMSA Administrator, I will work within the Department, with OMB and stakeholders to prioritize and complete the remaining mandates and recommendations.

*Question 4.* Ms. Dominguez, the 2011 Pipeline Safety Act required a report to Congress on expanding integrity management beyond populated areas for natural gas transmission pipelines. This report appears to be a year late in terms of being completed. When will this report be submitted to Congress?

Answer. PHMSA continues to raise the bar on safety as part of our integrity management program. PHMSA's Report to Congress regarding its evaluation of expanding pipeline integrity management beyond High-Consequence Areas and whether such expansion would mitigate the need for gas pipeline class location requirements is currently under review, and I will continue to work with the Department and OMB to complete it by the end of the calendar year.

*Question 5.* Ms. Dominguez, Congress responded to requests last year for more PHMSA funding by increasing PHMSA's pipeline safety budget by 23 percent in FY 2015. Should you be confirmed, how will you as PHMSA Administrator ensure these funds yield tangible pipeline safety improvements?

Answer. On behalf of the Department, I'd like to thank Congress for its support in approving the 2015 increase in funding for PHMSA. Those resources present PHMSA with the opportunity to grow our workforce by approximately 25 percent. As we bring on new staff and encounter a changing economy, I will assess the agency to ensure we're structured for success and to use the resources you have given us effectively. Of the 122 additional positions we are hiring for, 109 of those are in the pipeline area. About 80 percent of the new pipeline positions will be working

in inspection and enforcement—the vast majority of them out in the field. These new inspectors and enforcement personnel will allow us to conduct additional inspections and training and improve enforcement of our regulations and standards. I will ensure we leverage these resources to mitigate risk, drive innovation and improve safety.

*Question 6.* Ms. Dominguez, PHMSA Acting Administrator Stacy Cummings testified recently at a House hearing that the agency has so far hired about half of the 100-plus new PHMSA employees expected under the FY 2015 funding increase provided by Congress. Should you be confirmed, what will you do as PHMSA Administrator to complete this hiring, and what will you do to ensure that new staff is qualified, trained, and on the job improving pipeline safety?

Answer. PHMSA is committed to using every available tool to hire qualified staff more quickly. We are leveraging existing resources and personnel to implement an agency-wide recruitment strategy aimed at removing barriers and increasing accountability within our organization. We are also investing in new media tools to identify well-qualified candidates. We are working to reduce hiring times and mitigate fierce industry competition for candidates with the necessary qualifications, by prioritizing efficiency in our hiring and offering incentives and other strategies to increase our hiring. We are also targeting professional organizations and are looking to partner with colleges and universities to create a pipeline of candidates interested in public service. As we onboard these new hires, we are developing and implementing a rigorous training program to ensure they are able to maintain the highest level of safety.

*Question 7.* Ms. Dominguez, in your response to the Committee questionnaire, you described a challenge facing PHMSA as “improv[ing] partnerships with state and local governments, the industry and other key stakeholders.” Do you support joint PHMSA and industry efforts to improve pipeline inspection technology research and development?

Answer. If confirmed, my priority will be to drive innovation to further our safety mission. PHMSA’s grant programs, research and development forums and outreach initiatives support the development of new technologies and best practices that enhance safety. Thanks to generous congressional support, PHMSA’s nearly \$45 million in investments have contributed to 22 patent applications and 25 new pipeline technologies entering the market. These tools can help detect engineering defects, safety risks and possible incidents, and play a contributing role in helping us reach zero deaths and incidents. If confirmed, I will work to ensure that PHMSA continues to communicate with all stakeholders to identify and address common safety challenges.

*Question 8.* Currently, PHMSA does not have regulations for natural gas storage facilities. In 2011, PHMSA did seek to develop a regulatory program for natural gas storage facilities, as part of an advanced notice of proposed rulemaking. In the meantime, industry has developed a set of safety standards for these facilities, which could be used by PHMSA to jumpstart the creation of a Federal safety program. Will you commit to getting a Federal oversight program for these facilities initiated during your tenure?

Answer. PHMSA is working to improve our understanding of trends and innovations in our economy and energy landscape. If confirmed, I will continue PHMSA’s work to develop regulations that provide certainty and reflect new standards for the design, construction and operation of natural gas storage facilities. I will coordinate with other Federal agencies to address the safety and regulatory issues related to these facilities.

*Question 9.* Do you use an official government e-mail account for official business?

Answer. Yes.

*Question 10.* Do you use an alternate, alias, or other official account (apart from your primary official account) for official business?

Answer. No.

*Question 10a.* If so, is the Department’s Chief FOIA Officer aware of this practice?

Answer. Not Applicable.

*Question 10b.* Have you ever used a non-official e-mail account for official business? If yes, please explain your purpose and justification for this practice.

Answer. No.

*Question 10c.* Have you ever used a personal, non-official device to send and/or receive text messages for official business? If yes, please explain your purpose and justification for this practice.

Answer. No.

*Question 10d.* Have you ever used any internal instant messaging system for official business? If so, are these messages properly archived?

Answer. No. I have not used an internal instant messaging system for official business.

*Question 10e.* Have you ever used any external instant messaging system, such as Google Chat, for official business? If yes, please explain your purpose and justification for this practice.

Answer. No.

*Question 11.* Are you aware of any other Department or Administration officials who use or have used non-official e-mail accounts and/or personal, non-official devices for official business?

Answer. I am not aware of Department or Administration officials who use or have used non-official e-mail accounts for official business, but DOT employees are permitted to access their DOT e-mail accounts from personal devices through remote access solutions, including Outlook Web Access and Virtual Desktop Infrastructure. Activity is monitored/captured by the DOT system and is in line with all cybersecurity guidelines.

*Question 12.* Are you aware of any unlawful or accidental removal, alteration, or destruction of electronic Federal records in the Department's custody or control, including e-mails? If so, has the Department reported these incidents to NARA? Please provide details of any such incidents, including the dates, number and type of records, and custodians involved, as well as any reports, including dates, made to NARA.

Answer. No. I am not aware of any unlawful or accidental removal, alteration, or destruction of electronic Federal records, including e-mails, in the Department's custody or control.

*Question 13.* Are you aware of any Department employee's use of a private or independent e-mail server to conduct official business?

Answer. No.

*Question 13a.* If yes, who approved its use?

Answer. Not Applicable.

*Question 13b.* What was the rationale or justification for its use?

Answer. Not Applicable.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. ROY BLUNT TO  
MARIE THERESE DOMINGUEZ

*Question 1.* PHMSA has established a 120-day internal time schedule for the processing of special permits and approvals. Other industrialized nations take three to four weeks. Will you commit to streamlining this process?

Answer. It is my understanding that the special permits and approvals process has been improved in recent years, and I am committed to ensuring that all our processes achieve safety in an effective and efficient manner. PHMSA is working to complete regulatory proposals that will incorporate a large number of special permits into regulations, expand the standard operating procedures in the regulations, reduce redundant approval procedures, and streamline the special permit process.

*Question 2.* One of the bottlenecks to the efficient processing of explosives classification approvals is the re-examination of the classification recommendations from PHMSA-approved labs of the thousands of applications submitted annually. Currently, PHMSA has approved five labs to perform this task. Has PHMSA considered committing resources to oversee the operations of the five-approved labs so that their classifications recommendations could be accepted without reexamination?

Answer. As I look to assess the organization to determine opportunities for efficiency, I am aware that PHMSA has, through rulemaking, authorized Fireworks Certification Agencies (FCA) to act as third-party laboratories to certify new consumer fireworks. As a result, there are six FCAs that have helped improve PHMSA's efficiency in processing firework applications. Moving forward, as we continue to assess the organization and our processes, we will look for additional efficiencies in this area.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. DAN SULLIVAN TO  
MARIE THERESE DOMINGUEZ

*Question 1.* The 2011 Pipeline Safety Act had 42 obligations for PHMSA to complete. It's my understanding that there are 16 still outstanding. If confirmed, you will be taking on these obligations. What is the specific reasoning for this lack of completion? How much time will you need to complete these remaining items?

Answer. To date, PHMSA, in coordination with the Department, has completed 26 of the 42 mandates in the 2011 Pipeline Safety Act. Completing all congressional mandates is critical to PHMSA's pipeline safety program because it allows us to meaningfully strengthen our oversight program. PHMSA is diligently pursuing closure of the remaining mandates and has made significant progress.

In the past month alone, in coordination with the Department and OMB, PHMSA issued two notices of proposed rulemaking on incident notification requirements for pipeline operators and operator qualifications, and the expansion of excess flow valve requirements. Two of PHMSA's highest rulemaking priorities, the notices of proposed rulemaking titled "Safety of Gas Transmission Pipelines" and "Safety of Hazardous Liquid Pipelines," address a number of the remaining mandates and will be published by the end of the year.

PHMSA will address several mandates and actions through additional rulemakings that are already in progress and reports to Congress that are currently under review or edit. Report topics include integrity management and class location, CO<sub>2</sub> pipelines, and non-petroleum hazardous liquid transportation. PHMSA will address the remaining mandates and actions through future regulatory activities and possible information collection activities, which will be advanced over the course of the next 18 months.

A more complete status report, which includes the most recent actions taken on each mandate, is available on PHMSA's homepage at <http://phmsa.dot.gov/pipeline/psa/phmsa-progress-tracker-chart>.

*Question 2.* Please list the pending rules from PHMSA and the expected completion date for each.

Answer.

PHMSA Rulemakings	Status (as of 8/3/2015)
Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains	Final rule announced by Secretary Foxx on 5/1/2015. Final rule published in the Federal Register on 5/8/2015. Received five appeals to date.
Pipeline Safety: Enforcement of State Excavation Damage Laws	Final rule published July 23, 2015
Hazardous Materials: Reverse Logistics	Final Rule publication anticipated in August 2015.
Hazardous Materials: Miscellaneous Amendments	Final Rule scheduled for publication in November 2015.
Hazardous Materials: Requirements for the Safe Transportation of Bulk Explosives	Final rule publication anticipated in August 2015.
Hazardous Materials: Special Permit SOP and Evaluation	Final Rule in formal concurrence; scheduled for publication in September 2015.
Hazardous Materials: Corrections Rulemaking	Publication of Final Rule tentatively scheduled for September 2015.
Hazardous Materials: Special Permit Incorporation	Final Rule scheduled for publication by October 2015.
Pipeline Safety: Issues related to the Use of Plastic Pipe in Gas Pipeline Industry	NPRM published May 21, 2015; comment period ended 7/31/2015
Pipeline Safety: Excess Flow Valves In Applications Other Than Single-Family Residences in Gas Distribution Systems	NPRM published July 15, 2015; comment period ends September 14, 2015
Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Changes (RRR)	NPRM published July 10, 2015; comment period ends September 8, 2015
Pipeline Safety: Safety of On-Shore Liquid Hazardous Pipelines	Under OMB review; expect to publish NPRM by end of 2015

PHMSA Rulemakings	Status (as of 8/3/2015)
Pipeline Safety: Gas Transmission	Under OMB review; expect to publish NPRM by end of 2015
Hazardous Materials: ASME Code	Supplemental NPRM (SNPRM) is tentatively scheduled for August 2015. SNPRM is currently under review.
Hazardous Materials: Cylinder Petitions	NPRM publication scheduled September 2015.
Hazardous Materials: Oil Spill Planning and Information Sharing for High-Hazard Flammable Trains.	NPRM under Agency review; expected publication November 2015.
Hazardous Materials: Wetlines	Under Agency review; expected publication November 2015.
Hazardous Materials: Notification of the Pilot in Command and Response to Air related Petitions for Rulemaking	Publication of NPRM tentatively scheduled for November 2015.
Hazardous Materials: Response to Petitions for Rulemaking	Publication of NPRM tentatively scheduled for November 2015.
Hazardous Materials: Review and Update of Rail Carrier Regulations in Part 174	Drafting NPRM; expected publication December 2015.
Pipeline Safety: Amendments to Parts 192 and 195 to require Valve installation and Minimum Rupture Detection Standards	NPRM in development; expected to publish Feb. 2016

*Question 3.* API recently released Recommended Practice 1173, Pipeline Safety Management Systems. I understand PHMSA participated in the development of this Recommended Practice. What is your view of the role safety management systems have in pipeline operations and your view of this guidance for the industry?

Answer. Safety is our priority, and Safety Management Systems (SMS) promote a higher level of safety by encouraging operators to enhance their safety cultures. Safety Management Systems have improved safety performance in a variety of industries, including aviation, nuclear and healthcare. I believe SMS can help drive necessary improvements to pipeline safety in the U.S.

*Question 4.* It's my understanding that with respect to the regulation of small-scale natural gas facilities, PHMSA is currently using standards that are more than a decade old. These standards, updated several times since 2001 by the same standard setting group (National Fire Protection Association), are slowing the construction of facilities designed to supply LNG as a fuel. Do you believe that PHMSA should base its regulatory regime on the most up to date standards?

Answer. I believe that PHMSA's regulations must keep pace with innovation, and, if confirmed, ensuring that the agency is predictive and innovative will be a top priority for me. PHMSA is working to develop regulations that provide certainty for the design, construction and operation of LNG facilities and reduce the need for special permits. To expedite the rulemaking process, PHMSA is focusing on updating outdated codes and standards in current regulations.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. STEVE DAINES TO  
MARIE THERESE DOMINGUEZ

*Question 1.* As we previously discussed, Montana produces 63 billion cubic feet of natural gas annually. Additionally, we have another 590 billion cubic feet of natural gas reserves. With natural gas as the most widely used energy source to heat homes during cold Montana winters, nearly 54 percent of households, it is important to streamline its production.

I have heard that PHMSA has told businesses that special permits, waivers, or equivalency determinations are needed to build small-scale LNG facilities that seek to use the latest technologies for design, construction, and operation. As the Administrator of PHMSA, what initiatives will you lead to keep up with safety technology innovation and advances, to reduce the need for special permits and decrease regulatory uncertainty?

Answer. PHMSA is working to improve its understanding of trends and innovations in our economy and energy landscape in order to improve regulations for design, construction, and operation of LNG facilities and reduce the need for special

permits. If confirmed, I will work to advance PHMSA's research efforts to be more predictive and position PHMSA to drive innovation.

*Question 2.* The Energy Information Administration (EIA) recently noted crude by rail delivered in the U.S. and from Canada to the U.S. exceeded 1 million barrels per day in 2014. EIA also predicts U.S. crude oil production will grow by another 1 million barrels per day by 2020. Unless we want to double the number of crude by rail cars currently traveling across America to meet this new production forecast, we need to build more pipelines. How will you as PHMSA Administrator support the construction and safe operation of new crude oil pipelines?

Answer. We have a renaissance in energy that has resulted in a significant increase in new gas and liquid pipeline construction projects over the last decade. PHMSA's pipeline safety regulations require pipeline operators to evaluate newly constructed pipelines to check for issues that could affect a pipe's overall ability to operate safely prior to placing the pipeline in service. Although PHMSA does not have a role in approving permits for pipelines, it does have safety oversight for the design, construction and operation of approved pipelines. If confirmed, I will make sure that PHMSA inspects and monitors any newly approved pipeline throughout the construction and testing phase, and into its operational life.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. EDWARD MARKEY TO  
MARIE THERESE DOMINGUEZ

*Question 1.* In the 2011 reauthorization of the Pipeline Safety Act, Congress doubled the fines that could be levied against pipeline operators who violate regulations to a maximum of \$200,000 per incident per day with a maximum for related violations of \$2 million. However, for large oil and gas and pipeline companies, these fines still amount to nothing more than a slap on the wrist. For instance, for its 2013 spill of 5,000 barrels of tar sands crude in Arkansas, Exxon was fined \$2.7 million, in a year in which it made \$32.6 billion in profits. These penalties need to be real financial deterrents. Ms. Dominguez, would you agree that the maximum fines PHMSA can levy against companies who violate the law need to be at a level where they are sufficient financial deterrents?

Answer. PHMSA currently has many tools available to improve safety following a pipeline incident, including Corrective Action Orders, civil penalties, and judicial actions. Corrective Action Orders can be very costly to an operator—they can last weeks and even years, and often compel the operator to make system-wide investments that improve safety. PHMSA also actively supports Department of Justice and Environmental Protection Agency investigations, which also may involve significant sanctions and penalties.

For hazardous materials violations, the GROW AMERICA Act would increase the maximum civil penalty amount from \$75,000 to \$250,000; or for a violation that results in death, serious illness, or severe injury to any person or substantial destruction of property, from \$175,000 to \$500,000. (Section 6011). It also would give PHMSA additional tools to stop unsafe conditions or practices that may cause an emergency situation involving a threat to life, personal injury, or harm to property or the environment.

If confirmed, I will assess our enforcement capabilities and determine how PHMSA can use them more effectively.

*Question 2.* Ms. Dominguez, PHMSA has continued to refuse to provide my staff with unredacted copies of the pipeline oil spill response plans that ExxonMobil had submitted for its pipeline in Arkansas that ruptured as well as for Plains Pipeline's Line 901 that recently spilled oil in Santa Barbara. In fact, a more complete version of Plains' spill response plan was even provided to news agencies by state regulators while PHMSA continued to withhold it from Congress.

It is imperative that Congress has the ability to review these documents so that we can conduct proper oversight of these programs. In withholding these spill response plans, PHMSA has cited exemptions under the Freedom of Information Act, which do not apply to Congress. Will you commit to providing my staff with unredacted or more complete versions of the oil spill response plans for ExxonMobil's Arkansas spill and the recent Plains Pipeline Santa Barbara spill?

Answer. I am committed to ensuring PHMSA's transparency and communication with all our partners and stakeholders, and with Congress in particular. My understanding is that, consistent with U.S. Department of Transportation policy, PHMSA will provide certain unredacted documents upon a request of the chair of a congressional committee or subcommittee with jurisdiction over that issue. I will continue to work with the Department to ensure that PHMSA provides information to our partners in Congress.

*Question 3.* Ms. Dominguez, aging, leaking natural gas distribution pipelines cost consumers billions of dollars, contribute to global warming and pose a threat to public health and the environment. In fact, according to a report issued by my staff, over the last decade, consumers have paid roughly \$20 billion over the last decade for gas that they may have never received. The Administration's Quadrennial Energy Review called for addressing our Nation's old, leaking natural gas pipeline infrastructure. Do you agree that this is an issue that we should seek to address?

Answer. Safety is PHMSA's top priority. Our mission is to protect people and the environment from the risks of hazardous materials transportation. We achieve our mission by ensuring infrastructure is built and operated safely. We also collaborate with our Federal partners on initiatives in the energy sector, such as the Quadrennial Energy Review, to further promote safety. If confirmed, I look forward to working with you and with our State partners to continue to address aging infrastructure and prevent pipeline failures.

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RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOE MANCHIN TO  
MARIE THERESE DOMINGUEZ

*Question 1.* I am interested in the Pipeline and Hazardous Materials Safety Administration's (PHMSA) role in the construction of small-scale liquefied natural gas (LNG) facilities which play an increasingly important role in creating a fueling network to meet growing market demands. I understand that operators of these facilities have asked PHMSA to update their regulations governing small liquefaction plants to reflect technological advances that improve safety, but I still hear reports of a one-size-fits-all regulatory regime that does not accurately address the dramatic changes we have seen in this industry over the past few years.

Do you believe the current standards for small-scale LNG facilities are up-to-date and risk-based, and, if not, what would you do if confirmed to address this issue?

Answer. I believe that PHMSA's regulations must keep pace with innovation, and ensuring that the agency is predictive and innovative will be a top priority for me. PHMSA's current regulations provide for the safe design and operation of both small-scale and larger facilities and apply to all LNG facilities that fall within PHMSA's jurisdiction. PHMSA is working to update outdated codes and standards in current regulations and to make revisions to provide certainty for the safe design, construction and operation of LNG facilities.

*Question 2.* Can you describe how PHMSA interacts with state governments when they share enforcement authority over critical projects and facilities?

Answer. A key element of pipeline safety is the partnership we enjoy with our state partners. As Federal regulators, we set the minimum safety standards for all pipelines. In turn, we depend on state public utility commissions, which we support through grants, certification and training, to inspect and enforce these regulations for about 80 percent of the pipeline mileage in the U.S. Although PHMSA has granted some states the authority to inspect interstate pipelines, PHMSA has sole authority to enforce its regulations against interstate pipeline operators. States are often responsible both for inspections and for enforcing minimum Federal safety standards for intrastate pipelines. We greatly respect the role of the states in achieving safety, but we also must ensure that each state is enforcing Federal regulations. Congress has authorized PHMSA to set safety standards for the Nation's entire pipeline system.

*Question 3.* Could PHMSA responsibly reduce overhead expenditures and the overall cost to taxpayer by better leveraging existing partnerships with state agencies?

Answer. As Administrator, I will assess PHMSA to ensure we are structured for success and are using the resources granted to us by Congress wisely and efficiently. In addition, I will work to strengthen our relationships with all our stakeholders, including our state partners, to enhance safety.

*Question 4.* West Virginia is at the center of natural gas development in the United States, and the single most common refrain I hear from the industry is the need for clear, straightforward safety regulations. If confirmed, one of your first orders of business will be to update and expand the "integrity management" rules that help ensure finite resources are focused in the places near communities and critical habitat that would be most impacted by a pipeline failure. I think transparency and cost-benefit analyses are easy ways to regain peoples' trust and give the industry the stability they need to make investments.

How do you plan on moving forward with the new “integrity management” rules, and when will the public be able to see this data?

Answer. PHMSA’s Report to Congress evaluating expanding pipeline integrity management beyond “High Consequence Areas” is currently under review, and I will continue to work with the Department and OMB to complete it by the end of this calendar year. We’re working to improve integrity management with two of PHMSA’s highest rulemaking priorities, the notices of proposed rulemaking titled “Safety of Gas Transmission Pipelines” and “Safety of Hazardous Liquid Pipelines,” which will be published by the end of the year as well.

*Question 5.* Will you include a cost-benefit analysis in the updated rules to ensure that this is a wise investment that improves safety?

Answer. Yes, as with all rules proposed by PHMSA, those on gas transmission and hazardous liquid pipelines will include an analysis of the costs and the benefits. The rulemaking process is methodical, inclusive and transparent. It enables PHMSA to fully consider stakeholder input and to ensure that new regulations stand up to cost-benefit scrutiny. I believe this process results in meaningful, implementable rules. As PHMSA Administrator, I will work within the Department, with OMB and with stakeholders to complete rulemakings that improve safety in a manner that accounts for the costs and the benefits.



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