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United States Senate

WASHINGTON, DC 20510

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March 4, 2014

Jack Gerard
President and Chief Executive Officer
American Petroleum Institute
1220 L Street, NW
Washington, DC 20005-4070

Mr. Gerard,

As the Pipeline and Hazardous Materials Safety Administration (PHMSA) continues to study the qualities and characteristics of Bakken crude oil, it is important that regulators and industry work together to deliver the findings in a timely manner. With this in mind, I request that you work with PHMSA to provide oil samples to aid in the data collection underway at the agency as a part of the Bakken Blitz and share your findings with the agency.

In order to reach consensus on the characteristics of Bakken crude, it is necessary that a well informed and impartial study be completed and shared so that policy makers can move forward with decisions based on sound research and data. It is only after the characteristics have been studied, and the results made available, that we can truly address with certainty issues like tanker car standards, alternative routing, and speed reductions. While some of these issues have been addressed by the recent Memorandum of Understanding between the Department of Transportation and the American Association of Railroads, it is only after the chemical studies are complete that we can begin to make long term regulatory decisions based on the facts.

Recent reports regarding the volatility of Bakken crude –in particular the February 23, 2014 *Wall Street Journal* article entitled “Bakken Shale Oil Carries High Combustion Risk” – increase the urgency with which the PHMSA study must be completed. Articles and reports like the one in the *Journal*, only cause further frustration among the public and lawmakers with the inability of the Administration and producers and shippers to sit down and move this process forward.

That being said, with only 125 inspectors covering 2.6 million miles of track, PHMSA lacks the resources to collect necessary data in a timely fashion without the industry’s assistance. To that end, I have asked PHMSA to share with you the information regarding its testing methodology, sample size, and sample locations in order to provide you with the necessary information to pull and test your own samples. I have also requested that PHMSA share its findings with you as soon as possible in order to keep this process moving towards a fact based resolution.

I recognize that different stakeholders may, in the end, have different interpretations of the data that may prompt public policy responses. However, I believe that at a minimum, information

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regarding the chemical composition and characteristics of Bakken crude can be agreed to by both the regulators and industry stakeholders. Thank you for your consideration of this request.

Sincerely,

A handwritten signature in blue ink that reads "Heidi Heitkamp". The signature is written in a cursive style with a large, prominent "H" and "K".

Heidi Heitkamp
United States Senator

Cc: Hon. Cynthia Quatterman, Administrator, Pipeline and Hazardous Materials Safety Administration, United States Department of Transportation