

AMENDMENT TO H.R. 1229

OFFERED BY MR. MARKEY OF MASSACHUSETTS

Page 3, after line 4, insert the following (and redesignate accordingly):

1 “(3) OTHER SAFETY AND ENVIRONMENTAL RE-
2 QUIREMENTS.—The Secretary shall not issue a per-
3 mit under paragraph (1) without ensuring that the
4 proposed drilling operations meet requirements for—

5 “(A) third-party certification of safety sys-
6 tems related to well control, such as blowout
7 preventers;

8 “(B) performance of blowout preventers,
9 including quantitative risk assessment stand-
10 ards, subsea testing, and secondary activation
11 methods;

12 “(C) independent third-party certification
13 of well casing and cementing programs and pro-
14 cedures;

15 “(D) mandatory safety and environmental
16 management systems by operators on the outer
17 Continental Shelf;

18 “(E) procedures and technologies to be
19 used during drilling operations to minimize the

1 risk of ignition and explosion of hydrocarbons;
2 and

3 “(F) ensuring compliance with other appli-
4 cable environmental and natural resource con-
5 servation laws, including the response plan re-
6 quirements of section 311(j) of the Federal
7 Water Pollution Control Act (33 U.S.C.
8 1321(j)).

9 “(4) REGULATORY STANDARDS FOR BLOWOUT
10 PREVENTERS, WELL DESIGN, AND CEMENTING.—

11 “(A) IN GENERAL.—In promulgating regu-
12 lations under this subsection related to blowout
13 preventers, well design, and cementing, the Sec-
14 retary shall ensure that such regulations in-
15 clude the minimum standards included in sub-
16 paragraphs (B), (C), and (D), unless, after no-
17 tice and an opportunity for public comment, the
18 Secretary determines that a standard required
19 under this subsection would be less effective in
20 ensuring safe operations than an available alter-
21 native technology or practice. Such regulations
22 shall require independent third-party certifi-
23 cation, pursuant to subparagraph (E), of blow-
24 out preventers, well design, and cementing pro-
25 grams and procedures prior to the commence-

1 ment of drilling operations. Such regulations
2 shall also require recertification by an inde-
3 pendent third-party certifier, pursuant to sub-
4 paragraph (E), of a blowout preventer upon any
5 material modification to the blowout preventer
6 or well design and of a well design upon any
7 material modification to the well design.

8 “(B) BLOWOUT PREVENTERS.—Subject to
9 subparagraph (A), regulations issued under this
10 subsection for blowout preventers shall include
11 at a minimum the following requirements:

12 “(i) Two sets of blind shear rams ap-
13 propriately spaced to prevent blowout pre-
14 venter failure if a drill pipe joint or drill
15 tool is across one set of blind shear rams
16 during a situation that threatens loss of
17 well control.

18 “(ii) Redundant emergency backup
19 control systems capable of activating the
20 relevant components of a blowout pre-
21 venter, including when the communications
22 link or other critical links between the
23 drilling rig and the blowout preventer are
24 destroyed or inoperable.

1 “(iii) Regular testing of the emer-
2 gency backup control systems, including
3 testing during deployment of the blowout
4 preventer.

5 “(iv) As appropriate, remotely oper-
6 ated vehicle intervention capabilities for
7 secondary control of all subsea blowout
8 preventer functions, including adequate hy-
9 draulic capacity to activate blind shear
10 rams, casing shear rams, and other critical
11 blowout preventer components.

12 “(v) Technologies to prevent a blow-
13 out preventer failure if the drill pipe is
14 moved out of position due to a situation
15 that poses a threat of loss of well control.

16 “(C) WELL DESIGN.—Subject to subpara-
17 graph (A), regulations issued under this sub-
18 section for well design standards shall include
19 at a minimum the following requirements:

20 “(i) In connection with the installa-
21 tion of the final casing string, the installa-
22 tion of at least two independent, tested me-
23 chanical barriers, in addition to a cement
24 barrier, across each flow path between hy-

1 drocarbon bearing formations and the
2 blowout preventer.

3 “(ii) That wells shall be designed so
4 that a failure of one barrier does not sig-
5 nificantly increase the likelihood of another
6 barrier’s failure.

7 “(iii) That the casing design is appro-
8 priate for the purpose for which it is in-
9 tended under reasonably expected wellbore
10 conditions.

11 “(iv) The installation and verification
12 with a pressure test of a lockdown device
13 at the time the casing is installed in the
14 wellhead.

15 “(D) CEMENTING.—Subject to subpara-
16 graph (A), regulations issued under this sub-
17 section for cementing standards shall include at
18 a minimum the following requirements:

19 “(i) Adequate centralization of the
20 casing to ensure proper distribution of ce-
21 ment.

22 “(ii) A full circulation of drilling
23 fluids prior to cementing.

24 “(iii) The use of an adequate volume
25 of cement to prevent any unintended flow

1 of hydrocarbons between any hydrocarbon-
2 bearing formation zone and the wellhead.

3 “(iv) Cement bond logs for all cement-
4 ing jobs intended to provide a barrier to
5 hydrocarbon flow.

6 “(v) Cement bond logs or such other
7 integrity tests as the Secretary may pre-
8 scribe for cement jobs other than those
9 identified in clause (iv).

10 “(E) INDEPENDENT THIRD-PARTY CER-
11 TIFICATION.—The Secretary shall issue regula-
12 tions that establish appropriate standards for
13 the approval of independent third-party cer-
14 tifiers capable of exercising certification func-
15 tions for blowout preventers, well design, and
16 cementing. For any certification required for
17 regulations related to blowout preventers, well
18 design, or cementing, the operator shall use a
19 qualified independent third-party certifier cho-
20 sen by the Secretary. The costs of any certifi-
21 cation shall be borne by the operator. The regu-
22 lations issued under this subparagraph shall re-
23 quire the following:

24 “(i) Prior to the commencement of
25 drilling through a blowout preventer at any

1 covered well, the operator shall obtain a
2 written and signed certification from an
3 independent third party approved and as-
4 signed by the appropriate Federal official
5 pursuant to paragraph (3) that the third
6 party—

7 “(I) conducted or oversaw a de-
8 tailed physical inspection, design re-
9 view, system integration test, and
10 function and pressure testing of the
11 blowout preventer; and

12 “(II) in the third-party certifier’s
13 best professional judgment, deter-
14 mined that—

15 “(aa) the blowout preventer
16 is designed for the specific drill-
17 ing conditions, equipment, and
18 location where it will be installed
19 and for the specific well design;

20 “(bb) the blowout preventer
21 and all of its components and
22 control systems will operate effec-
23 tively and as designed when in-
24 stalled;

1 “(cc) each blind shear ram
2 or casing shear ram will function
3 effectively under likely emergency
4 scenarios and is capable of shear-
5 ing the drill pipe or casing, as
6 applicable, that will be used when
7 installed;

8 “(dd) emergency control sys-
9 tems will function under the con-
10 ditions in which they will be in-
11 stalled; and

12 “(ee) the blowout preventer
13 has not been compromised or
14 damaged from any previous serv-
15 ice.

16 “(ii) Not less than once every 180
17 days after commencement of drilling
18 through a blowout preventer at any cov-
19 ered well, or upon implementation of any
20 material modification to the blowout pre-
21 venter or well design at such a well, the
22 operator shall obtain a written and signed
23 recertification from an independent third
24 party approved and assigned by the appro-
25 priate Federal official pursuant to para-

1 graph (3) that the requirements in sub-
2 clause (II) of clause (i) continue to be met
3 with the systems as deployed. Such recer-
4 tification determinations shall consider the
5 results of tests required by the appropriate
6 Federal official, including testing of the
7 emergency control systems of a blowout
8 preventer.

9 “(iii) Certifications under clause (i),
10 recertifications under clause (i), and re-
11 sults of and data from all tests conducted
12 pursuant to this paragraph shall be
13 promptly submitted to the appropriate
14 Federal official and made publicly avail-
15 able.

16 “(5) RULEMAKING DOCKETS.—

17 “(A) ESTABLISHMENT.—Not later than
18 the date of proposal of any regulation under
19 this subsection, the Secretary shall establish a
20 publicly available rulemaking docket for such
21 regulation.

22 “(B) DOCUMENTS TO BE INCLUDED.—The
23 Secretary shall include in the docket—

24 “(i) all written comments and docu-
25 mentary information on the proposed rule

1 received from any person in the comment
2 period for the rulemaking, promptly upon
3 receipt by the Secretary;

4 “(ii) the transcript of each public
5 hearing, if any, on the proposed rule,
6 promptly upon receipt from the person who
7 transcribed such hearing; and

8 “(iii) all documents that become avail-
9 able after the proposed rule is published
10 and that the Secretary determines are of
11 central relevance to the rulemaking, by as
12 soon as possible after their availability.

13 “(C) PROPOSED AND DRAFT FINAL RULE
14 AND ASSOCIATED MATERIAL.—The Secretary
15 shall include in the docket—

16 “(i) each draft proposed rule sub-
17 mitted by the Secretary to the Office of
18 Management and Budget for any inter-
19 agency review process prior to proposal of
20 such rule, all documents accompanying
21 such draft, all written comments thereon
22 by other agencies, and all written re-
23 sponses to such written comments by the
24 Secretary, by no later than the date of pro-
25 posal of the rule; and

1 “(ii) each draft final rule submitted
2 by the Secretary for such review process
3 before issuance of the final rule, all such
4 written comments thereon, all documents
5 accompanying such draft, and all written
6 responses thereto, by no later than the
7 date of issuance of the final rule.

