

Congress of the United States
Washington, DC 20515

December 8, 2022

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Bureau of Safety and Environmental
Enforcement
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Washington, D.C. 20240

Amanda Lefton, Director
Bureau of Ocean Energy Management
1849 C. Street, NW
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Dear Mr. Sligh and Ms. Lefton,

Thank you for drafting a programmatic environmental impact statement (PEIS) for Oil and Gas Decommissioning Activities on the Pacific Outer Continental Shelf (OCS) (BOEM-2021-0043) and considering our comments on the matter.

We appreciate that in issuing a draft PEIS, the Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM) recognize that California's offshore oil and gas infrastructure is nearing the end of its useful life. While we applaud the programmatic approach and attention to future decommissioning needs, we encourage BSEE to use this opportunity to address shortcomings with prior decommissioning processes. We also encourage BSEE to incorporate three core components in the final PEIS and individual decommissioning decisions: (1) a comprehensive assessment of the long-term implications of remnant infrastructure, including pipelines and platforms, (2) a commitment to a science-driven approach, and (3) the protection of American taxpayers' best interests today and for years to come.

BSEE maintains responsibility for enforcing oil and gas standards and regulations to enhance environmental protection and safety. We urge BSEE to comprehensively assess the long-term implications of any decommissioning proposals—including environmental and community consequences—before approving actions. Additionally, we expect BSEE to conduct thorough oversight of approved decommissioning activities to ensure that pre-severance, removal, and disposal phases are sufficiently completed without damage to the marine environment, ocean users, or communities during execution and into the future.

To date, BSEE has failed to recognize, assess, and consider the harms of offshore infrastructure, including pipelines, platforms, and byproducts such as shell mounds. For example, a 2021 Government Accountability Office (GAO) report on the Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning alarmingly states, "BSEE does not have a robust process to address the environmental safety risks posed by leaving decommissioned pipelines in place on the seafloor due to the cumulative effects of oversight gaps before, during,

Congress of the United States

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and after the decommissioning process.”¹ The report also found that BSEE fails to account for such risks in the review of decommissioning applications, leading to 97% approval of all decommissioning pipeline miles being abandoned in place. BSEE has effectively created a standard of inaction by oil and gas companies, which is maintained by including pipeline decommissioning-in-place in Alternatives 2 and 3 of the PEIS. GAO’s report also found that BSEE fails to ensure decommissioning operators adequately meet decommissioning standards, as they do not observe any decommissioning activities, and BSEE does not conduct monitoring or mapping of pipelines following decommissioning-in-place. Given the gravity of GAO’s findings, we encourage BSEE to address these inadequacies immediately.

Remnant oil and gas infrastructure poses a significant risk to the environment, other offshore infrastructure, and frontline communities. In the PEIS, BSEE notes that platforms abandoned-in-place risk deterioration and structural failure. BSEE’s differentiation between abandoning platforms in place and reefing in place in the context of risk mitigation² underscores that BSEE may overlook that ‘reefed’ platforms are similarly subject to degradation and structural damages. This oversight is concerning given that, since 1986, the Department of the Interior has approved over 550 Rigs-to-Reef projects, rejecting only six—a 99% acceptance rate.³ BSEE’s status quo has provided the oil and gas industry with a convenient subsidy and alleviated companies of the duties they committed to under the governing lease terms. This status quo is not a solution.

BSEE’s 99 percent acceptance rate for Rigs-to-Reef proposals is misaligned with the best available science. Decades of artificial reef research, including federally-funded research on the ecological implications of oil and gas platforms⁴, provide little scientific evidence that rigs-to-reefs benefits regional marine systems.⁵ BSEE must incorporate the best-available science in decommissioning decisions, including the evidence that abandonment-in-place and Rigs-to-Reefs, and their long-term consequences, are more similar than distinct.

Through science-driven decision-making, we encourage BSEE to consider all potential costs and benefits to the environment and frontline communities of each proposed decommissioning alternative. BSEE must consider the impacts of proposed activities on the marine environment public health, including the effects of explosive severance techniques (Sub-Alternatives 1a, 2a, and 3a), the implications of toxic leakage from remnant infrastructure or shell mounds, and other long-term consequences of partial removal or abandonment of pipelines or shell mounds on the seafloor (Alternatives 2, 3, and 4). In the case of partial removal, BSEE should establish and execute processes for long-term monitoring and mapping of remaining infrastructure and

¹ GAO (2021). *OIL AND GAS, Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning*.

<https://www.gao.gov/assets/gao-21-293.pdf>

² <https://www.bsee.gov/faqs/can-inactive-oil-and-gas-platforms-be-marked-for-navigation-and-left-standing-in-place>

³ <https://www.bsee.gov/faqs/how-many-rigs-to-reefs-proposals-has-bsee-approved-denied>

⁴ <https://www.bsee.gov/what-has-the-federal-government-been-doing-to-examine-the-potential-impacts-of-the-removal-or>

⁵ University of California, Select Scientific Advisory Committee (2000) *Ecological Issues Related to Decommissioning of California’s Offshore Production Platforms*.

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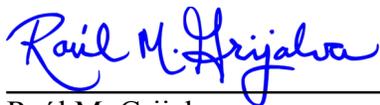
pipelines to protect our ecosystems and communities from future harm. Further, BSEE should thoroughly assess the environmental justice implications of onshore disposal practices included in Alternatives 1, 2, and 3 to ensure these processes do not harm vulnerable environmental justice communities.

Lastly, we urge BSEE to consider the long-term financial implications of releasing decommissioning liabilities. For too long, American taxpayers have been liable for cleaning up after the oil and gas industry. According to conservative estimates, fully decommissioning all 23 platforms will cost over \$1.6 billion.⁶ All decommissioning decisions must ensure taxpayers are not, either now or in the future, left financially responsible for carrying out decommissioning activities, remediation, or cleanup resulting from the approved decommissioning actions.

Californian constituents already pay the price for mitigating oil and gas infrastructure failures and legacy dumping hazards. Beyond cleanup costs, these preventable tragedies harm public health, impede our communities' ways of life, and hinder future economic opportunities. BSEE must comprehensively consider these factors, as any alternative outside complete decommissioning could hinder opportunities for future ocean uses off California's coast, such as clean energy development or aquaculture.

BSEE has the opportunity to protect the best interests of Americans and our marine environments through comprehensive science-driven decision-making. While reviewing applications on a case-by-case basis, we urge BSEE to keep these key points in mind. It's time to turn the page into a new chapter and release our chains to the past.

Sincerely,



Raúl M. Grijalva
Member of Congress
Chair, Committee on Natural
Resources



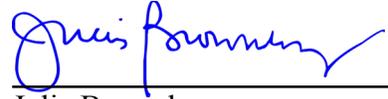
Alan S. Lowenthal
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⁶ InterAct PTMI (2020). *A Study for the Bureau of Safety and Environmental Enforcement (BSEE): Decommissioning Cost Update for Pacific Outer Continental Shelf Region (POCSR) Facilities, Vol. 1.*

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