

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE  
MARKEY OF MASSACHUSETTS OR HIS DESIGNEE, DEBATABLE  
FOR 10 MINUTES:

**AMENDMENT TO H.R. 1229, AS ORDERED  
REPORTED  
OFFERED BY MR. MARKEY OF MASSACHUSETTS**

Page 4, after line 6, insert the following (and redesignate accordingly):

1           “(3) OTHER SAFETY AND ENVIRONMENTAL RE-  
2           QUIREMENTS.—The regulations required under  
3           paragraph (1) shall ensure that the proposed drilling  
4           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;

1           “(E) procedures and technologies to be  
2           used during drilling operations to minimize the  
3           risk of ignition and explosion of hydrocarbons;  
4           and

5           “(F) ensuring compliance with other appli-  
6           cable environmental and natural resource con-  
7           servation laws, including the response plan re-  
8           quirements of section 311(j) of the Federal  
9           Water Pollution Control Act (33 U.S.C.  
10          1321(j)).

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

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

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

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

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

20 “(ii) Redundant emergency backup  
21 control systems capable of activating the  
22 relevant components of a blowout pre-  
23 venter, including when the communications  
24 link or other critical links between the

1 drilling rig and the blowout preventer are  
2 destroyed or inoperable.

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

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

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

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

22 “(i) In connection with the installa-  
23 tion of the final casing string, the installa-  
24 tion of at least two independent, tested me-  
25 chanical barriers, in addition to a cement

1 barrier, across each flow path between hy-  
2 drocarbon bearing formations and the  
3 blowout preventer.

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

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

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

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

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

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

1           “(iii) The use of an adequate volume  
2           of cement to prevent any unintended flow  
3           of hydrocarbons between any hydrocarbon-  
4           bearing formation zone and the wellhead.

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

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

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

1           “(i) Prior to the commencement of  
2 drilling through a blowout preventer at any  
3 covered well, the operator shall obtain a  
4 written and signed certification from an  
5 independent third party approved and as-  
6 signed by the appropriate Federal official  
7 pursuant to paragraph (3) that the third  
8 party—

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

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

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

22           “(bb) the blowout preventer  
23 and all of its components and  
24 control systems will operate effec-

1 tively and as designed when in-  
2 stalled;

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

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

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

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

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

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

18 “(5) RULEMAKING DOCKETS.—

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

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

1           “(i) all written comments and docu-  
2           mentary information on the proposed rule  
3           received from any person in the comment  
4           period for the rulemaking, promptly upon  
5           receipt by the Secretary;

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

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

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

18           “(i) each draft proposed rule sub-  
19           mitted by the Secretary to the Office of  
20           Management and Budget for any inter-  
21           agency review process prior to proposal of  
22           such rule, all documents accompanying  
23           such draft, all written comments thereon  
24           by other agencies, and all written re-  
25           sponses to such written comments by the

1 Secretary, by no later than the date of pro-  
2 posal of the rule; and

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

