REVISED 2R

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):

"(3) OTHER SAFETY AND ENVIRONMENTAL REQUIREMENTS.—The regulations required under paragraph (1) shall ensure that the proposed drilling operations meet requirements for—

"(A) third-party certification of safety systems related to well control, such as blowout preventers;

"(B) performance of blowout preventers, including quantitative risk assessment standards, subsea testing, and secondary activation methods;

"(C) independent third-party certification of well casing and cementing programs and procedures;

"(D) mandatory safety and environmental management systems by operators on the outer 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.