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

“(F) ensuring compliance with other applicable environmental and natural resource conservation laws, including the response plan requirements of section 311(j) of the Federal Water Pollution Control Act (33 U.S.C. 1321(j)).

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

“(A) IN GENERAL.—In promulgating regulations under this subsection related to blowout preventers, well design, and cementing, the Secretary shall ensure that such regulations include the minimum standards included in subparagraphs (B), (C), and (D), unless, after notice and an opportunity for public comment, the Secretary determines that a standard required under this subsection would be less effective in ensuring safe operations than an available alternative technology or practice. Such regulations shall require independent third-party certification, pursuant to subparagraph (E), of blow-
out preventers, well design, and cementing programs and procedures prior to the commencement of drilling operations. Such regulations shall also require recertification by an independent third-party certifier, pursuant to subparagraph (E), of a blowout preventer upon any material modification to the blowout preventer or well design and of a well design upon any material modification to the well design.

“(B) Blowout Preventers.—Subject to subparagraph (A), regulations issued under this subsection for blowout preventers shall include at a minimum the following requirements:

“(i) Two sets of blind shear rams appropriately spaced to prevent blowout preventer failure if a drill pipe joint or drill tool is across one set of blind shear rams during a situation that threatens loss of well control.

“(ii) Redundant emergency backup control systems capable of activating the relevant components of a blowout preventer, including when the communications link or other critical links between the
drilling rig and the blowout preventer are destroyed or inoperable.

“(iii) Regular testing of the emergency backup control systems, including testing during deployment of the blowout preventer.

“(iv) As appropriate, remotely operated vehicle intervention capabilities for secondary control of all subsea blowout preventer functions, including adequate hydraulic capacity to activate blind shear rams, casing shear rams, and other critical blowout preventer components.

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

“(C) WELL DESIGN.—Subject to subparagraph (A), regulations issued under this subsection for well design standards shall include at a minimum the following requirements:

“(i) In connection with the installation of the final casing string, the installation of at least two independent, tested mechanical barriers, in addition to a cement
barrier, across each flow path between hydrocarbon bearing formations and the blowout preventer.

“(ii) That wells shall be designed so that a failure of one barrier does not significantly increase the likelihood of another barrier’s failure.

“(iii) That the casing design is appropriate for the purpose for which it is intended under reasonably expected wellbore conditions.

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

“(D) CEMENTING.—Subject to subparagraph (A), regulations issued under this subsection for cementing standards shall include at a minimum the following requirements:

“(i) Adequate centralization of the casing to ensure proper distribution of cement.

“(ii) A full circulation of drilling fluids prior to cementing.
“(iii) The use of an adequate volume of cement to prevent any unintended flow of hydrocarbons between any hydrocarbon-bearing formation zone and the wellhead.

“(iv) Cement bond logs for all cementing jobs intended to provide a barrier to hydrocarbon flow.

“(v) Cement bond logs or such other integrity tests as the Secretary may prescribe for cement jobs other than those identified in clause (iv).

“(E) INDEPENDENT THIRD-PARTY CERTIFICATION.—The Secretary shall issue regulations that establish appropriate standards for the approval of independent third-party certifiers capable of exercising certification functions for blowout preventers, well design, and cementing. For any certification required for regulations related to blowout preventers, well design, or cementing, the operator shall use a qualified independent third-party certifier chosen by the Secretary. The costs of any certification shall be borne by the operator. The regulations issued under this subparagraph shall require the following:
“(i) Prior to the commencement of drilling through a blowout preventer at any covered well, the operator shall obtain a written and signed certification from an independent third party approved and assigned by the appropriate Federal official pursuant to paragraph (3) that the third party—

“(I) conducted or oversaw a detailed physical inspection, design review, system integration test, and function and pressure testing of the blowout preventer; and

“(II) in the third-party certifier’s best professional judgment, determined that—

“(aa) the blowout preventer is designed for the specific drilling conditions, equipment, and location where it will be installed and for the specific well design;

“(bb) the blowout preventer and all of its components and control systems will operate effec-
tively and as designed when installed;

“(cc) each blind shear ram or casing shear ram will function effectively under likely emergency scenarios and is capable of shearing the drill pipe or casing, as applicable, that will be used when installed;

“(dd) emergency control systems will function under the conditions in which they will be installed; and

“(ee) the blowout preventer has not been compromised or damaged from any previous service.

“(ii) Not less than once every 180 days after commencement of drilling through a blowout preventer at any covered well, or upon implementation of any material modification to the blowout preventer or well design at such a well, the operator shall obtain a written and signed recertification from an independent third
party approved and assigned by the appropriate Federal official pursuant to paragraph (3) that the requirements in subclause (II) of clause (i) continue to be met with the systems as deployed. Such recertification determinations shall consider the results of tests required by the appropriate Federal official, including testing of the emergency control systems of a blowout preventer.

“(iii) Certifications under clause (i), recertifications under clause (i), and results of and data from all tests conducted pursuant to this paragraph shall be promptly submitted to the appropriate Federal official and made publicly available.

“(5) Rulemaking docket.—

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

“(B) Documents to be included.—The Secretary shall include in the docket—
“(i) all written comments and documentary information on the proposed rule received from any person in the comment period for the rulemaking, promptly upon receipt by the Secretary;

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

“(iii) all documents that become available after the proposed rule is published and that the Secretary determines are of central relevance to the rulemaking, by as soon as possible after their availability.

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

“(i) each draft proposed rule submitted by the Secretary to the Office of Management and Budget for any inter-agency review process prior to proposal of such rule, all documents accompanying such draft, all written comments thereon by other agencies, and all written responses to such written comments by the
Secretary, by no later than the date of proposal of the rule; and

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