

Congress of the United States
Washington, DC 20515

April 26, 2019

The Honorable Jay Inslee
Governor
State of Washington
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Inslee:

We write in regards to SB 5579, which recently passed the Washington State Legislature. This legislation would result in a de facto ban of crude-by-rail traffic from North Dakota to refineries throughout the Pacific Northwest and would do little to advance the sponsor's intended goal of reducing risk along the rail network. We respectfully ask that you veto the legislation.

The safety and well-being of all involved during the transportation of crude oil should always be a top priority when moving product from well to refinery. However, SB 5579 relies on an unscientific understanding of crude-by-rail transportation and, according to current science, would not improve safety of workers or those along rail lines. The bill's sponsor, Senator Andy Billig (D-Spokane), acknowledged that his office had not performed an independent analysis of the bill.

Safety is just as important in North Dakota. Our State has established appropriate regulations based on the best available sound science and national standards to require companies to remove the most volatile gasses from Bakken crude to meet a certain Reid Vapor Pressure (RVP) threshold. In fact, North Dakota's standard is stricter than the required Federal limits.

Lynn Helms, the Director of the North Dakota Department of Mineral Resources recently testified before the Washington Legislature earlier this year assuring legislators that if the results from an ongoing Sandia National Laboratories study conclude that changes are needed, the North Dakota Department of Mineral Resources will look at updating the regulations appropriately.

Beyond the unscientific underpinnings of SB 5579, the bill oversteps its legal boundaries. The Federal Government maintains field preemption over the State of Washington for the operating practices and movement of hazardous materials by rail through the Federal Railroad Administration and the Pipeline and Hazardous Materials Safety Administration. While the State of Washington does have certain authority to legislate on health and safety issues, this bill does not offer a sound basis for doing so.

We urge you to veto S.B. 5579.

Sincerely



John Hoeven
U.S. Senator



Kevin Cramer
U.S. Senator



Kelly Armstrong
Member of Congress