

Extension of the JST's competencies to pipelines and other energy transports

Ampliación de las competencias de la JST a ductos y otros transportes de energía

Senador Antonio José Rodas
(interviewee)

Dante Moreira (interviewer)
Lawyer and JST delegate in
Chaco

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Abstract

There is a bill in the Senate of the Nation proposing to extend the competencies of the Transportation Safety Board (JST) to include pipelines and other energy transfer systems in all forms and sources.

This project, which already has parliamentary status, aims to extend Law No. 27514, which established the JST and defined its competencies in all modes of cargo and passenger transportation under National Jurisdiction. Chaco Senator Antonio José Rodas, the author of the bill, believes that events related to energy transportation should be investigated by the JST due to their impact on operational safety and, more importantly, on the environment.

Resumen

A través de este proyecto, que tiene estado parlamentario, se busca dar una apoyatura técnica en un tema de gran trascendencia para la población por su impacto en la seguridad operacional y ambiental.

En el Senado de la Nación existe un proyecto de ley que plantea ampliar las competencias de la Junta de Seguridad en el Transporte (JST) a ductos y otros sistemas de traslado de energía en todas sus formas y fuentes. La propuesta, que ya tiene estado parlamentario, busca ampliar la Ley N.º 27514, que crea a la JST y delimita sus competencias en todos los modos de transporte de cargas y de pasajeros de Jurisdicción Nacional. Para el senador chaqueño Antonio José Rodas, el autor del proyecto de ley, los sucesos en el transporte de energía deben ser investigados por un organismo técnico multimodal como la JST, no solo por su impacto en la seguridad operacional, sino, sobre todo, en el medioambiente.

The Argentina National Senate is now considering a bill to broaden the competences of the Transportation Safety Board (Junta de Seguridad en el Transporte, JST), with the goal of securing pipelines and other energy transportation networks of all shapes and sizes.

The proposal, which has already received parliamentary approval, aims to expand the Agency's authority under Law 27 514, which created the JST, to include all national means of passenger and cargo transportation, in all its forms and sources.

The bill's sponsor, Senator Jorge Rodas of Chaco, believes that incidents involving energy transportation ought to be looked at by a multimodal technical organization like the JST, not just for their effects on safety but also, and most importantly, for the environment.

"We believe that all safety-related issues in the transportation of energy, which is primarily transported and stored from production to consumption centers by different means such as gas pipelines, oil pipelines, polyducts, power lines, aqueducts, etc., contribute to the welfare of the population, to the conservation of the environment and to the sustainable development of production. Therefore, we believe it was appropriate to develop a proposal to extend the competence of the JST to those incidents and accidents resulting from the transportation of electrical, gaseous, or liquid fluids; this would enable the JST to function as a tool that enhances safety in energy transport operations, regardless of their form, by turning to the model that has been successfully applied in comparative Law studies," said the senator.

The goal is to give a technical foundation in an issue of great importance for the public, such as energy transportation, which is today viewed as a human right due to its significance in everyday, productive, and environmental life.

"Moreover, nature has given us some indications of systemic harm at this unique period in history. It would be simple to recall occurrences that had a significant negative influence on both safety and the environment in the transportation of gas and other hydrocarbons, as well as in the mining of pipelines. In addition to blackouts and other unforeseen circumstances that emphasize the value of safety in the conveyance of energy," he stated.

The initiative then affects safety and broadens the JST's range of capabilities, right?

That's correct. It conceptualizes, expands, and modifies articles, which creates a framework for the ex-

ension of the JST's competencies in addition to its current ones.

So it is founded on the reliable availability of energy as a service and on the widespread trust that people have in all modes of mobility?

We think that a "common good" comes before a "economic good" when it comes to having secure access to energy. It has long been recognized as a human right and is protected by our Constitution as such. But in addition, the entire project is designed to serve as a bridge between the State and the market, preventing this crucial issue (the management of energy distribution and transportation) from being left up to the market and businesses without giving way to a technical and investigative support; for which the JST is the right organization.

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Does the proposal use any other foreign models as a guide when it was being created?

We are aware that the American National Transportation Safety Board (NTSB) and the Canadian Transportation Safety Board (TSB-C), both stand out when it comes to international issues.

Other States realized that combining everything into a single organization with the goal of promoting the greatest levels of safety in transportation networks would be more efficient than multiple organizations working independently. These nations determined that accidents in transportation systems might point to flaws in system defenses, compliance, and efficiency —all of which, by definition and conception, fall under the responsibility of the authorities who are qualified to control and manage those systems, including pipelines and transmission lines.

The aforementioned organizations consequently believed that creating an independent institution to carry out investigations and offer recommendations from a technical and objective standpoint was essential.

Others went even further, such as the Kingdom of the Netherlands, where the Dutch Safety Board (DSB) included the occurrence investigations in the chemical industry, petrochemical industry, the construction sector, and the health sector, when their relevance and/or exceptionality warrant investigation, in addition to investigating road, air, maritime, rail, and pipeline transport events, concentrating on situations when people's safety is depended upon by organizations, businesses, or governmental bodies.

***“This would enable the JST to function as a tool that enhances safety in energy transport operations, regardless of their form, by turning to the model that has been successfully applied in comparative Law studies.*”**



It is along these lines, based on the lessons learned from comparative norms and the impulse to investigate the increasingly frequent exceptional events, that we not only seek to find the direct causes, but also to consider systemic failures in the definition of the processes that have an impact on the security

of citizens. With this objective in mind, we suggested this enlargement of the aspects and investigation methods. As the first public multimodal investigation agency in Latin America and the third overall in the Americas, behind the United States of America and Canada, we feel proud to have the JST in Argentina today. This serves as an example of our abilities.

What effects or difficulties do these kinds of projects have for the strategic positioning?

Climate change, energy, and the influence on population health present difficulties that call for careful, independent management with a solely technical focus that is motivated by the most effective initiatives of the top accident investigation agencies. And energy is a component of that common good of fundamental rights, just as are the availability of drinking water, natural gas, etc.

We are aware that Law 27514, was principally responsible for establishing the protection of people, their property, and the environment on national territory as a matter of national public interest.

The author is optimistic that it could be addressed next year, but even if the proposal already has parliamentary status, the treatment in Precinct still has no imminent date, at least for the time being.

Under the systemic research paradigm, which aims to enhance the transportation system as a whole, the JST would contribute energy to the modes of air, road, rail, sea and inland waters, multimodal, and environment if the bill were to become law.

