

November 8, 2023

Tristan Brown  
Deputy Administrator  
Pipeline and Hazardous Materials Safety Administration  
1200 New Jersey Ave SE  
Washington, DC 20590

*Submitted via [www.regulations.gov](http://www.regulations.gov)*

**Re: PHMSA's Notice of Proposed Rulemaking, Comments On Pipeline Safety: Safety Of Gas Distribution Pipelines And Other Pipeline Safety Initiatives - Docket No. PHMSA-2021-0046**

Dear Deputy Administrator Brown:

The undersigned organizations (collectively, Commenters) submit these comments regarding the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Notice of Proposed Rulemaking, "Pipeline Safety: Safety Of Gas Distribution Pipelines And Other Pipeline Safety Initiatives" ("proposed rule" or "NPRM"). The Commenters support the comments submitted by the American Gas Association, American Public Gas Association, and Northeast Gas Association (the Associations), and provide the additional comments below.

Pipeline safety is a top priority for our members and our industry. We support the Leonel Rondon Pipeline Safety Act, the intent of the proposed rule, and share the Administration's goal of reducing incidents, the severity of incidents, and the frequency and consequences of failure mechanisms on gas distribution pipeline systems.

PHMSA proposes revisions to the pipeline safety regulations to require operators of gas distribution pipelines to update their distribution integrity management programs (DIMP), emergency response plans, operations and maintenance manuals, construction standards, and other safety practices.

We have significant concerns with PHMSA's proposed rule, its proposed implementation of the congressional mandates in the Leonel Rondon Pipeline Safety Act, and PHMSA's overreach beyond Congress' mandates. Some of our more significant concerns with the proposed rule include:

- The lack of consistency between the concept of "know your system" and prescriptive inclusion of generic threats in Distribution Integrity Management Program (DIMP) risk models.
- Utilizing DIMP to "backdoor" for design/construction standards on existing facilities, which Congress explicitly prohibits.
- Variance from the Congressional mandate for records quality from "traceable, reliable, and complete" to "traceable, verifiable, and complete", which changes Congress's intent.
- Requiring all records associated with pressure control be accessible to all "personnel responsible for performing or supervising design, construction, operations, and maintenance activities", which is far beyond Congress's mandate for these records to be available to "all personnel responsible for overseeing relevant construction and engineering work."
- Requiring all new, replaced, relocated, or otherwise changed district regulator stations serving a low-pressure distribution system to have two methods of over-pressure

protection instead of allowing operators to implement additional prevention and mitigation measures.

- Requiring immediate pressure reduction or shut down of a distribution system in response to overpressure indications, contrary to the Congressional mandate that only requires these actions “if necessary.”
- Requiring DIMP risk assessments to incorporate the age of the pipeline and the age of the distribution system as threats in the DIMP risk model. Age is a contributing factor that may impact likelihood or consequence and is not a independent threat.
- Applying new requirements on emergency scenarios beyond those mandated by Congress, including those in current regulation.
- Requiring operators directly communicate to the public and customers information on incidents, including incidents that are not from the operator’s system. This requirement to directly communicate with the public circumvents an operator’s implementation of FEMA’s National Incident Management System Incident Command System framework and could result in a conflict between operators and public safety officials they are working with during an emergency.
- PHMSA’s requirement for public communication to occur *during* the emergency, when an operator is focused on ensuring safety for customers, the public, and employees, not after the emergency as Congress mandated.
- “Management of Change” requirements that are so broad they would apply to most gas distribution activities, not the significant and high-risk activities that Congress intended
- Unrealistic timeframes for operators to implement the required actions.
- PHMSA’s highly inaccurate accounting of the costs and benefits of the proposed rule, including PHMSA’s failure to estimate safety benefits with several provisions of the rule.
- The cost impact the rule will have on all natural gas utility customers.

We are very concerned with how PHMSA is consistently going beyond, and in some cases contrary, to Congress’s mandates and intent within the proposed rule. Congress was deliberate and thoughtful in creating the legislative mandates contained in the Leonel Rondon Pipeline Safety Act. It is PHMSA’s duty to adhere to those mandates.

We are also concerned that PHMSA is jeopardizing the effectiveness of DIMP, which has resulted in a consistent reduction in distribution incidents and the consequences of those incidents. DIMP requires operators to analyze their pipeline systems to identify threats to pipeline integrity and evaluate the relative risk of those threats. Operators are then required to take actions to mitigate risk, with the understanding not all actions must be immediate or accelerated in nature. By requiring operators to include hypothetical threats that do not currently and may never exist would result in resources being expended which could otherwise be devoted to address true risk.

The proposed one-year effective date after the publication of a Final Rule, for most elements in the proposed regulation, is clearly not feasible, reasonable, or practicable. We agree that one-year may be appropriate for a number of the proposed requirements, but PHMSA should provide operators at least 2 years to implement Management of Change requirements and 10 years to modify existing district regulator stations on low-pressure systems.

We are also extremely concerned with PHMSA’s inaccurate accounting of the impact of its proposed regulations and the perceived benefits. PHMSA bears the legal responsibility of putting forth a credible cost-benefit study for its significant rulemakings and, based upon the inaccurate and incomplete information generated in the Potential Regulatory Impact Analysis (PRIA), it is clear that PHMSA has not prioritized this work. The comments submitted by the

Associations include a compiled a list of activities that reflect the significant concerns with the PRIA.

Unless significant changes are made, the proposed rule will force operators to divert resources away from strategic efforts and hinder industry's ability to focus its resources on the most significant threats to public and pipeline safety. The final rule must provide more flexibility and time to implement substantial changes.

We would like to reiterate our support for the comments submitted by the Associations. Pipeline safety will always be a top priority for our members and our industry. We support the Leonel Rondon Pipeline Safety Act, the intent of the proposed rule, and share the Administration's goal of reducing incidents, the severity of incidents, and the frequency and consequences of failure mechanisms on gas distribution pipeline systems. We look forward to working with PHMSA and the Administration on revising these important safety regulations.

Sincerely,

American Gas Association  
American Public Gas Association  
ADD OTHERS WILLING TO SIGN