

Pipeline Safety

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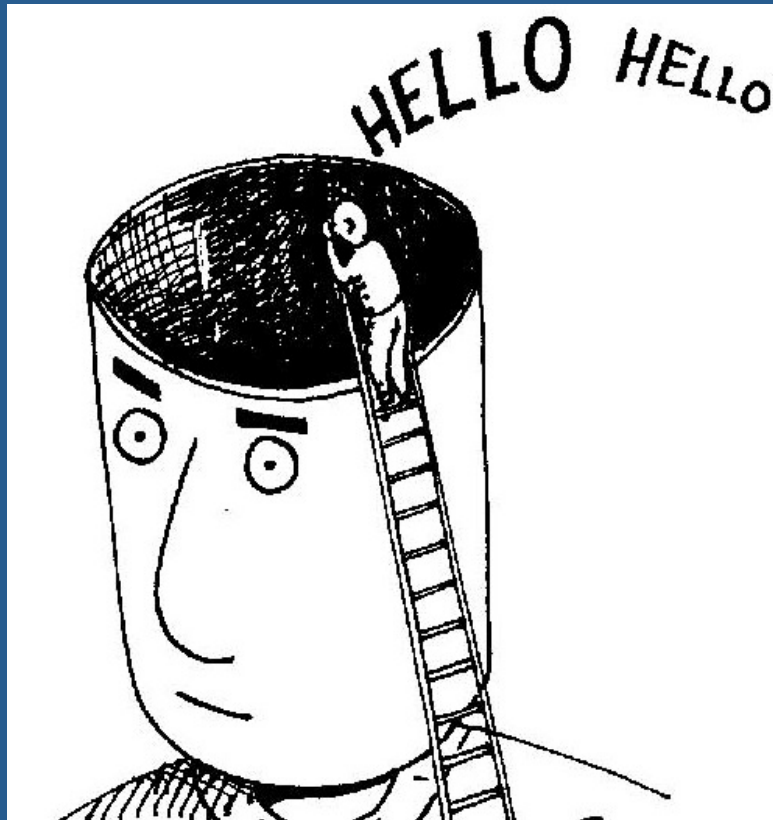
Pipeline Safety

Engaging With The Public –
Continuous Improvement Beyond Public Awareness

New Orleans, Louisiana
October 18th & 19th, 2018

Desire for Public Awareness

Things citizens need to know about pipelines



In **2005**, PHMSA incorporated by reference API RP 1162 into its regulatory program. Under these regulatory requirements pipeline operators must provide the affected public with information about the location of transmission pipelines and about how to recognize, respond to, and report pipeline emergencies, and the importance of using the one-call notification system prior to excavation

These regulations require pipeline operators to conduct continuing public awareness programs to provide pipeline safety information to four stakeholder audiences, including:

- affected public,
- emergency officials,
- local public officials, and
- excavators.

Since 2005 multiple efforts have been taken to look at ways to improve these Public Awareness programs

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January 10, 2017

Greetings to all of you -

I am writing to let you know that the Pipeline Safety Trust will no longer be participating in the review and revision of API RP 1162, and I want to explain why, although some of you may have heard these concerns before.

When the task group for this revision was being formed, we responded to the invitation by saying that we would participate in the first few calls/meetings to get a sense of the process, and then, together with our board, we would make a decision as to whether or not to continue. Our board met after our conference, and had an extensive discussion about this, but ultimately decided that the Trust would not continue to participate because, aside from whatever financial and resource allocation issues we face, they felt strongly that, especially in the context of a regulation governing public education and risk communication to the public, it is simply not appropriate for the rules to be made in a private industry proceeding with the goal that the recommended practice be incorporated into regulations by PHMSA. Public Awareness is perhaps the least appropriate subject regulated by PHMSA to be relegated to a private industry-controlled voluntary standards-setting process.

API is a private trade organization created for the benefit of its members. It markets the industry, lobbies on its behalf, and develops and sells voluntary standards intended to improve safety and reduce the variation in practices and materials across the industry and improve safety. There are subjects that are appropriate for the development of private voluntary consensus standards, and we plan to continue to be involved in at least two such efforts, the Pipeline Safety Metrics standard being developed by the Canadian Standards Association, and the new API Gas Gathering recommended practice. Educating the public about the risks of the presence of pipelines in their community is not such a technical subject, and RP 1162 is not a technical standard as defined by the Technology Transfer Act and OMB Circular a119 such that PHMSA should feel obligated to adopt it or explain why it has not. We would suggest that even if it were such a subject, a petroleum and natural gas trade association should not be considered to have the necessary technical expertise in the field of public education or risk communication.

The API process, in practice, is simply not one that provides a real opportunity for the public to participate and to weigh in on the development of the regulations being developed. Nor, in our opinion, is it one that provides sufficient balance to meet the requirements of ANSI's accreditation standards. But regardless of whether it meets the letter or intent of those requirements, the "balance" created by slicing and dicing the industry participants into categories, e.g., vendors who perform contracted compliance activities for operators plus various types of pipeline operators, simply isn't the same as having actual balance of varied interests actively participating in developing a standard. Besides the presence of the Pipeline Safety Coalition's Executive Director, the Trust's

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ANSI - 1.0 Essential requirements for due process

1.1 Openness

Participation shall be open to all persons who are directly and materially affected by the activity in question. There shall be no undue financial barriers to participation.

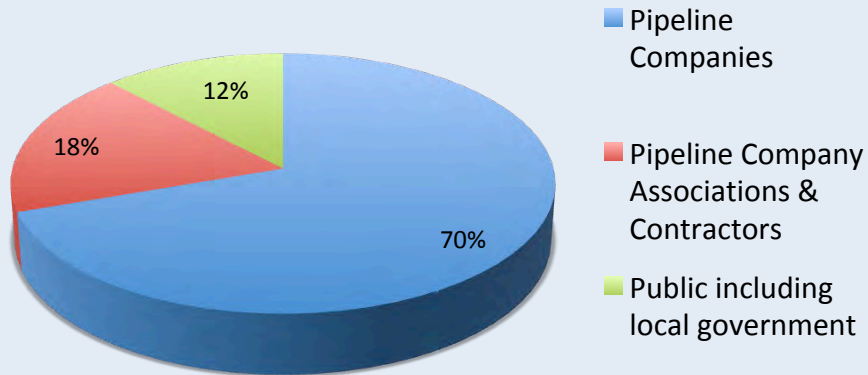
1.2 Lack of dominance

The standards development process shall not be dominated by any single interest category, individual or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

1.3 Balance

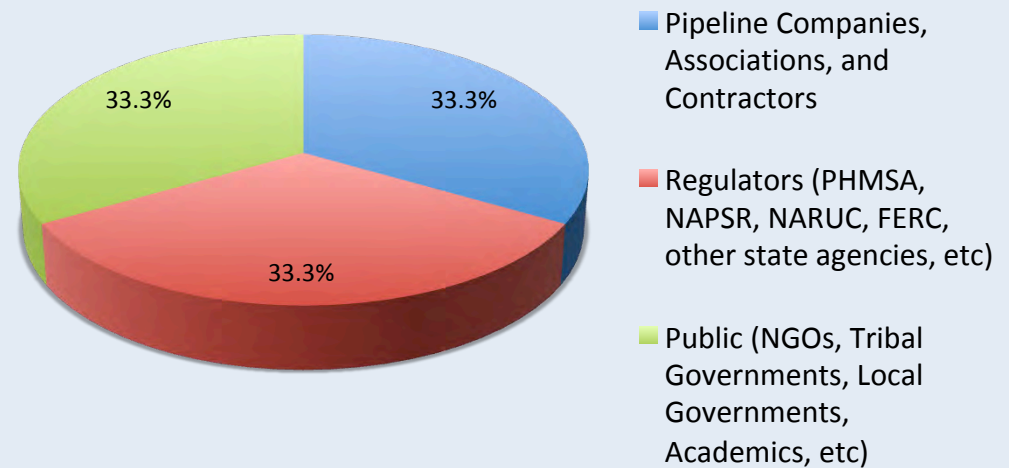
The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance.

Current Pipeline Public Awareness API 1162 Voting Group



Lets talk about “Lack of Dominance” and “Balance”

How We Think The Voting Group Ought To Look



Let's talk about “no undue financial barriers to participation.”



Frequent (at least 5-7) meetings often in Houston or DC. Travel costs of around \$5000-7000, plus the cost of staff time to participate.

National Standards for Community Engagement



“It is abundantly clear that the goal of this effort is to have PHMSA incorporate by reference whatever relatively minor changes the group decides on in a “consensus” process that requires no actual consensus, and that a wholesale review of the standard, including an unbiased look at the efficacy and enforceability of the current standard is not in the cards.”



“Should PHMSA’s resources be used in participating in this private process that is not in any real sense open to the public, or would its resources be better used in undertaking an open public rulemaking?”



“we have determined that this issue is sufficiently important that we will not continue to participate in the 1162 review **when our presence could be used to legitimize a process we feel is fundamentally inappropriate.**”

Now What?



Time to create a process that truly includes the public that these efforts are aimed at, and goes beyond one-way, top-down awareness efforts to also define some needed two-way engagement

The PST's 2019 Engagement Effort

- Define some engagement nexuses to focus on
- Hire third party facilitator
- Put equal numbers of smart, well connected folks in a room to produce some engagement best practices
- Test what's developed with the affected public group
- Share with all to get but in

Possible Engagement Nexuses

- Proposed new pipelines
 - Local governments (includes tribal)
 - Electeds
 - Emergency planners
 - Land use planners
 - Landowners
- After an Failure
- During Routine Testing & Maintenance
- When Questions and Concerns Arise

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Next Up – 5:30PM

**Pipeline Safety Trust Board of Directors'
Reception for Attendees – *Royal Room***