



Credible.
Independent.
In the public interest.

300 N. Commercial St., Suite B, Bellingham, WA 98225 Phone 360-543-5686 Fax 360-543-0978 <http://pipelinesafetytrust.org>

Comments of the Pipeline Safety Trust
on Docket number PHMSA-2018-0109:

**Agency Information Collection Activities;
Proposals, Submissions, and Approvals: Pipeline Safety:
Information Collection Activities
Gas and Liquid Pipeline Safety Program Certification**

Thank you for the opportunity to comment on this information collection proposal from PHMSA.

From the abstract published for this proposal, PHMSA describes how this information is used:

A state must submit an annual certification to assume responsibility for regulating intrastate pipelines. Certain records must be maintained to demonstrate that the state is ensuring satisfactory compliance with the pipeline safety regulations. PHMSA uses this information to evaluate a state's eligibility to receive Federal grants.

Under the proposal's terms, PHMSA intends to make no changes in the gas and liquid pipeline safety program certification reporting requirements. The proposed decision to implement not a single change in this reporting requirement is completely inexplicable to the Pipeline Safety Trust. PHMSA's proposal misses a huge opportunity to begin eliminating some of the data gaps and reaping the potential safety benefits the agency itself identified in a report to Congress only a few weeks ago. *Nationwide Integrated Pipeline Safety Regulatory Database, Department of Transportation Feasibility Study, submitted to Congress September 13, 2018, pursuant to Section 11 of the PIPES act of 2016*, incorporated here by reference(<https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/news/69271/reports-congress-09262018.pdf>). The reports from state grantees provides data upon which PHMSA relies, or *could rely*, not only for evaluating a state's eligibility for future grants, but to determine whether previous grants have been effectively used, whether federal minimum safety standards are being appropriately and equitably enforced by certified state agencies, whether state enforcement against particular

operators or for particular violations can be included in PHMSA's risk-based modeling for future inspections, and more. The agency's report to Congress succinctly laid out the potential safety benefits of, and the data gaps currently preventing the establishment of a common database for PHMSA and state regulators to share operator-level enforcement and inspection information. Such a database would also make clear to PHMSA and to Congress how grants given to certified states for enforcement of minimum federal safety standards are being used.

Better, more complete and more consistent reporting from the states would help PHMSA make better risk based decisions relating to future inspections. Such reporting would give PHMSA information vital to determining whether certain types of failures that occur on state-regulated lines require additional federal regulation or warnings. It would also improve fiscal responsibility over the grants awarded to certified states by providing PHMSA with consistent information about how states use those grants in inspections and enforcement of pipeline safety regulations.

The Report to Congress also identified the barriers to creating a common database: some of them fiscal, related to staffing and technical challenges. But some of the barriers stem from a lack of consistent reporting, and that is precisely the problem that could begin to be resolved by improvements in this information gathering/reporting effort. Not all of the data gaps need to be resolved immediately, but it seems foolish not to begin resolving these data challenges given the opportunity. It could be as simple as requiring the reporting of the regulations violated by operators in enforcement proceedings following inspections or incidents; or an indication of whether a civil penalty was assessed and if so in what amount; or, perhaps even more fundamentally, the name and operator ID of the operator involved. This information collection is the perfect opportunity to begin resolving some of the data gaps identified by PHMSA that currently prevent the agency from making basic information about operator level inspections and enforcement proceedings accessible to the public regardless of whether a pipeline is regulated by the state or by PHMSA. PHMSA should seize this opportunity and make the first small steps toward improving the information it requires of its state grantees.

We urge you to reconsider the possibility of adding some additional reporting requirements to this information collection to improve agency oversight of state grants and fill agency-identified data gaps.

Rebecca Craven
Program Director
Pipeline Safety Trust