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## Gas Industry Continues to Fight Pipeline Safety Rule Created After the Deadly 2010 PG&E Tragedy in San Bruno, CA

**The Interstate Natural Gas Association of America (INGAA) has filed a petition for review as it seeks to strip safety measures from PHMSA’s final rule, “Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments.” The rule, over a decade in the making, would improve pipeline safety by making clear regulatory expectations for operators.**

**BELLINGHAM, Washington [Aug. 28, 2023]** – INGAA’s new petition comes after the April 2023 denial of its petition for reconsideration by the federal pipeline safety regulator, U.S. Department of Transportation’s Pipeline and Hazardous Materials Safety Administration (PHMSA). In April, PHMSA denied INGAA’s initial petition, which in addition to seeking changes, stalled implementation of this important rule. INGAA has continued its attempt to weaken and delay the rule’s implementation by filing a petition for review on August 14, 2023 with the United States Court of Appeals for the District of Columbia Circuit. The natural gas industry trade group’s current petition seeks judicial review of PHMSA’s final rule, the technical corrections made to the rule on April 24, 2023, and PHMSA’s denial of INGAA’s petition for reconsideration.

In a statement of issues to be raised, filed with the DC Circuit, INGAA’s counsel asked the court to consider if various parts of PHMSA’s rule are arbitrary, capricious, or contrary to law. This standard for judicial review is meant to ensure that agencies act within the law.

PHMSA’s rule, a direct response to the horrible tragedy that killed eight and injured 58 in San Bruno, CA, was derived from National Transportation Safety Board (NTSB) recommendations following its investigation into Pacific Gas and Electric’s (PG&E) 2010 pipeline disaster. The explosion and ensuing fire exposed many weaknesses in federal pipeline integrity management (IM) rules. For example, existing IM regulations allowed operators to make operational and maintenance decisions about pipelines with missing, flawed, or erroneous information

and to make poor assumptions about physical pipeline properties. The investigation led to many NTSB recommendations and congressional directives to PHMSA to make changes to improve safety. Formal consideration of these changes started with publication of an advance notice of proposed rulemaking in 2011.

“This rule has been a long time coming, and INGAA has had more than enough time to provide input before it was finalized,” Pipeline Safety Trust Executive Director Bill Caram said. “PHMSA’s new rule increases pipeline safety by making it clear that operators must have knowledge about the pipes they operate and actively mitigate threats to those pipes in a timely manner. This new rule should remain finalized as is.”

PHMSA’s new rule codifies requirements that will require all operators to incorporate commonsense practices into operations, some of which INGAA is fighting in its litigation.

The rule, “Safety of Gas Transmission Pipelines: Repair Criteria, Integrity Management Improvements, Cathodic Protection, Management of Change, and Other Related Amendments,” requires:

- Threats to be identified through a comprehensive risk assessment
- Information about those threats to be collected, such as the risk of corrosive constituents in gasses being transported
- Incorporation of newly-gathered data into a risk mitigation program meant to reduce the high number of corrosion-related preventable failures
- The use of more conservative assumptions and repair criteria to avoid failures in situations where current technology does not sufficiently or consistently recognize threats such as cracks and crack-like defects

“Industry’s continued challenges to this rule and its implementation put pipeline safety on the sideline instead of moving it forward,” Caram said. “PG&E’s pipeline in San Bruno failed over a decade ago, and industry litigation is interfering with this commonsense pipeline safety rule that will make our communities safer.”

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**About Pipeline Safety Trust:** The Pipeline Safety Trust is a nonprofit public watchdog promoting pipeline safety through education and advocacy by increasing access to information, and by building partnerships with residents, safety advocates, government and industry, that result in safer communities and a healthier environment.