Pipeline Safety TRUST

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September 2, 2025

Ben Kochman, Acting Administrator
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Comment of the Pipeline Safety Trust regarding PHMSA's NPRM, Pipeline Safety: Eliminating Burdensome and Duplicative Deadlines for Gas Pipeline Coating Damage Assessments and Remedial Actions (Docket No. PHMSA-2025-0114)

Dear Mr. Kochman:

Pipeline Safety Trust,[1] a non-profit watchdog organization of the pipeline industry and its regulators, has prepared the comments below in response to the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) Notice of Proposed Rulemaking (NPRM) concerning amendments to the pipeline safety regulations (PSR) for gas transmission pipelines regarding the completion of direct current voltage gradient (DCVG) surveys, alternating current voltage gradient (ACVG) surveys, and other technology that provides comparable information about the integrity of the coating,[2] and remediation of coating deficiencies identified through these surveys.

As recent pipeline failures have shown, coating integrity can have a significant impact on the integrity of the pipeline as a whole. PST is aware of two major fatal natural gas transmission pipeline ruptures where the incident cause was found to be in part due to degraded pipeline coating and corrosion-related mechanisms. Among other issues, the proposed language of this NPRM allows for increased time before performing coating integrity surveys and potential indefinite delays in remediation of identified coating deficiencies; both of these impacts are inconsistent with pipeline safety. PST notes issues with the following areas of this NPRM:

Tying Deadline to In-Service Date Delays Protection from Corrosion

Tying timing of the completion of coating integrity surveys to a pipeline's in-service date delays identification of coating deficiencies and delays remediation of such deficiencies. Corrosion is a

[1] Pipeline Safety Trust is a nonprofit, watchdog organization dedicated to pipeline safety. We do this through education and advocacy, increasing access to information, and building partnerships with residents, safety advocates, government, and industry to promote safe communities and a healthy environment.
[2] From this point forward, these comments will collectively refer to "direct current voltage gradient (DCVG), alternating current voltage gradient (ACVG), or other technology that provides comparable information about the integrity of the coating" as "coating integrity surveys" for brevity.

time-dependent threat,[3] including external corrosion (EC), corrosion fatigue cracking (CFC), and stress corrosion cracking (SCC). In addition, coating degradation is also a time-dependent process.[4] Pipeline coating serves as the first line of defense against these corrosion mechanisms. The coating integrity surveys required at §§ 192.319 and 192.461 are the most efficient commonly used methods to detect coating deficiencies, which are vulnerable areas of pipeline with damaged, absent, or improperly applied coating.

As PHMSA notes in this NPRM, there can be many backfill dates, as construction can be an extensive process. After installation and backfill, a pipeline segment could sit for weeks, months, or even years before its in-service date. Delaying the important coating integrity surveys required by §§ 192.319 and 192.461 delays the identification of coating deficiencies. As the date of backfill is prior to the pipeline in-service date, corrosion and coating degradation can continue to occur over this period, regardless of whether the pipe is in service or not. Delaying coating integrity surveys allows more time for these integrity threats to act on the pipeline before the vulnerabilities are identified.

Additionally, tying the deadline to in-service date delays remediation activities, if deficiencies are identified during those coating inspection surveys. The length of time the corrosive conditions are present can exacerbate coating deficiencies as well. Delaying remediation allows for additional time for more corrosion to occur, further amplifying the problem.

Removing Requirement to Apply for Permits Results in Indefinite Remediation Time

The proposed language at §§ 192.319(f) and 192.461(h) removes the required timeframe for application of permits and thus opens the door for an operator to never request permits, letting coating deficiencies sit indefinitely without remediation. If operators don't have a deadline by which to apply for necessary permits and choose not to apply for them (as they would no longer be required to do so under the proposed language of this NPRM), they could decline to perform coating remediation activities while still responding accurately on inspections that they have not yet been granted the applicable permits to perform the remediation and thus cannot correct the deficiencies.

If PHMSA proceeds with this rulemaking, PST requests that the phrase "or as soon as practicable after obtaining necessary permits, not to exceed 6 months after the receipt of such permits" be removed from both §§ 192.319(f) and 192.461(h). This removes uncertainty from the PSR in these sections and removes the loophole regarding non-application for permits.

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[3] See ASME B31.8S-2018, Managing System Integrity of Gas Pipelines, Issued November 28, 2018, (ASME B31.8S); IBR approved for §§ 192.13(d); 192.714(c); 192.714(d); 192.903 note to Potential impact radius; 192.907(b); 192.911 introductory text, (i), and 192.913(a) through (c); 192.917(a) through (e); 192.921(a); 192.923(b); 192.925(b); 192.933(c) and (d); 192.935(b); 192.937(c); 192.939(a); 192.945(a).

[4] Zargarnezhad, H., Asselin, E., Wong, D., & Lam, C. N. C. (2021). A Critical Review of the Time-Dependent Performance of Polymeric Pipeline Coatings: Focus on Hydration of Epoxy-Based Coatings. Polymers, 13(9), 1517. https://doi.org/10.3390/polym13091517; Hossein Zargarnezhad, Dennis Wong, C.N. Catherine Lam, Edouard Asselin, Long-term performance of epoxy-based coatings: Hydrothermal exposure, Progress in Organic Coatings, Volume 196, 2024, 108697. https://doi.org/10.1016/j.porgcoat.2024.108697

Addition of "Continuous" to Backfill at § 192.461

The word "continuous" has been added to § 192.461(d) prior to the word "backfill." This limits applicability of this paragraph to areas of 1000 feet or more of continuous backfill only, as opposed to both continuous and discontinuous backfill lengths of 1000 feet or more. This could reduce the number of these important coating integrity surveys and reduce the number of coating deficiencies identified and remediated. PHMSA has not provided a justification for the addition of this language.

Fails to Clarify Vague Language

PST notes that one of the main justifications provided for this rulemaking was "vague language" that is difficult and costly for pipeline operators to implement; however, as proposed, regulatory text at §§ 192.319 and 192.461 still contains "as soon as practicable," which is vague and unspecific regulatory language and difficult to enforce.

In addition, as proposed, regulatory text at §§ 192.319(f) and 192.461(h) still requires identified coating deficiencies to be repaired no later than 6 months after permits are acquired to perform such work. Notably, detail on these permits remains unclear, as the proposed regulatory text does not provide specificity on what permits should be applied for or to whom they are applied. If PHMSA proceeds with this rulemaking, PST requests that the phrase "or as soon as practicable after obtaining necessary permits, not to exceed 6 months after the receipt of such permits" be removed from both §§ 192.319(f) and 192.461(h). This removes uncertainty from the PSR in these sections and removes the loophole regarding non-application for permits, as mentioned above.

Recent Coating Related Fatal Accidents

On August 1, 2019, a natural gas transmission pipeline rupture and fire in Danville, KY caused one fatality and six injuries. The National Transportation Safety Board (NTSB) determined[5] that a flow reversal project resulted in elevated temperatures in the pipeline segment, leading to degraded coating, increased cathodic protection current levels, and eventually, hydrogen embrittlement and cracking at a hard spot, a manufacturing flaw. Improper analysis of inline inspection data and lack of reinspection caused the lack of identification of the hard spot prior to failure.

On August 15, 2021, a natural gas transmission line rupture and fire caused two fatalities and one severe injury in Coolidge, AZ. The NTSB later determined[6] that degraded coating allowed for stress corrosion cracking of the pipeline, which caused the rupture. Poor weather conditions, lack of automated shutoff valves, and inaccessible ingress routes led to excessive valve closure times. The operator did not evaluate the pipeline for stress corrosion cracking due to an inaccurately documented coating type.

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[5] Nat'l Transp. Safety Bd., *Pipeline Investigation Report: Enbridge Inc. Natural Gas Transmission Pipeline Rupture and Fire Danville, Kentucky August 1, 2019* (PIR-22-002) (Aug. 15, 2022) https://www.ntsb.gov/investigations/AccidentReports/Reports/PIR22002.pdf.

[6] Nat'l Transp. Safety Bd., *Pipeline Investigation Report: Kinder Morgan Natural Gas-Fueled Explosion Collidge Arizona August 14, 2021* (PIR-23-001) (Apr. 27, 2023) https://www.ntsb.gov/investigations/AccidentReports/Reports/PIR2301.pdf.

Adverse Effect on Pipeline Safety and Lack of Safety Justification

For the reasons discussed above, PST expects this NPRM, if finalized as proposed, will have an adverse impact on public and environmental safety by increasing the risk of pipeline failure due to corrosion and coating degradation.

In this NPRM, consistent with other recently published rulemaking actions, PHMSA notes that the proposed "amendments align with industry stakeholder recommendations." Instead of focusing on PHMSA's stated mission[7] to "protect people and the environment by advancing the safe transportation of energy and other hazardous materials," PHMSA is implementing wish-list cost savings initiatives proposed by the regulated industry.[8] PST questions why PHMSA has chosen to prioritize this rulemaking, and others like it, instead of publishing final rules in critical safety areas such as carbon dioxide pipelines, leak detection, and gas distribution.

Notices and Analyses

PHMSA failed to complete a preliminary Regulatory Impact Analysis (PRIA) for this NPRM, a requirement under Executive Order (E.O.) 12866,[9] which has been in place since 1993. PHMSA claims cost savings but fails to quantify those cost savings or even qualify them. This is an invalid approach under E.O. 12866. Cost savings must be quantified, even if they are variable, or an explanation as to why they cannot be quantified must be given, and at a minimum, an attempt to qualify them must be made.

PHMSA notes that this NPRM has been determined to be "insignificant," but does not state who made this designation or when it was made. This designation belongs to the Office of Information and Regulatory Affairs (OIRA), a division of the US Office of Management and Budget (OMB); it cannot be self-designated by an agency. As this rulemaking action is not yet included in the Unified Agenda published by the Federal Register, the public cannot access the official OIRA/OMB designation. PST requests PHMSA submit the official OIRA/OMB designation determination letter to the public docket for transparency.

The National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) requires that Federal agencies assess and consider the impact of major Federal actions on the human and natural environment. PHMSA states in the NPRM that it has "preliminarily determined that the rulemaking should not adversely affect safety and therefore will not significantly affect the quality of the human and natural environment." However, PST disputes this claim. The proposed language of this NPRM allows for extended time before performing coating integrity surveys and potential indefinite delays in the remediation of coating deficiencies. These are adverse impacts on public and environmental safety. PHMSA must perform an environmental assessment to fully evaluate the environmental impacts of this rule.

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[7] PHMSA, *PHMSA's Mission* https://www.phmsa.dot.gov/about-phmsa/phmsas-mission.
[8] See Docket No. DOT-OST-2025-0026-0897 (May 5, 2025).
[9] Regulatory Planning and Review, E.O. 12,866 (Sep. 30, 1993) https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf.

Failure to Grant Comment Extension

PHMSA has a long history of granting extensions to comment periods, as part of an effort to fully include stakeholders in the rulemaking process. To date in 2025, PHMSA has published dozens of notices, direct final rules, "technical corrections," NPRMs, and advanced notices of proposed rulemakings to the Federal Register. On one day alone, PHMSA published 28 of these regulatory actions to the Federal Register, including this NPRM. This flurry of regulatory activity, which traditionally would be appropriately accompanied by extended comment periods to ensure stakeholder involvement in the process, has instead been paired with the minimum response period allotted. Many of these regulatory actions are direct final rules, which means that there will be no further opportunities for the public to comment on these changes to regulation.

To allow a thorough review and full opportunity for the public to engage with these regulatory actions, PST requested a comment extension, which was denied after a significant delay. PHMSA did not provide a justification for denying this request. PST questions PHMSA's new policy of limiting stakeholder engagement in the regulatory process while flooding the Federal Register with regulatory actions. If PHMSA remains committed to public engagement in their regulatory process, PHMSA should reevaluate this approach.

Conclusion

PST finds that this NPRM, if finalized as proposed, will have an adverse impact on the safety of the public and the environment, as it increases the risk of corrosion and coating degradation. The proposed regulatory amendments delay both the identification and remediation of coating defects, placing gas transmission pipelines at increased risk of corrosion and coating related failures. These incident causes have been responsible for recent fatal pipeline ruptures on natural gas transmission pipelines, showing their significant impact on pipeline safety. The proposed amendments still contain vague language and introduce a significant enforceability issue with regards to remediation of identified coating deficiencies. PST also notes issues with the required notices and analyses, as well as limitations to public engagement with the rulemaking process and a lack of transparency.

Thank you for the opportunity to comment on this rulemaking. It is our opinion that PHMSA should withdraw this rulemaking as it is inconsistent with pipeline safety. If PHMSA proceeds, PST believes a public meeting of the Pipeline Advisory Committees (GPAC and LPAC) is warranted. This meeting should be held both in person and online, for full public access and transparency, with sufficient notice and in a location that can accommodate the attendance of all interested members of the public. If you have any questions or would like to discuss this comment, please contact me at erin@pstrust.org or (360) 543-5686 x107.

Sincerely,



Erin Sutherland
Policy & Program Director/Counsel