Pipeline Safety TRUST

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June 23, 2026

The Honorable Paul Roberti
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Comment of the Pipeline Safety Trust regarding PHMSA's Direct Final Rule, Pipeline Safety: Standards Update—ASME B31.4 (Docket No. PHMSA-2026-1535)

Dear Administrator Roberti:

Pipeline Safety Trust,[1] a nonprofit 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) Direct Final Rule (DFR), Pipeline Safety: Standards Update—ASME B31.4 (Docket No. PHMSA-2026-1535). PST has concerns about the availability of the standard referenced in this DFR and as a result, the public's ability to comment on this rulemaking. PST also has a concern about unexplained changes PHMSA made in the DFR.

1. Availability of ASME B31.4

In the section of PHMSA's notice regarding "Availability of Materials to Interested Parties," PHMSA restates its statutory requirement that "the Secretary may not issue a regulation pursuant to this chapter that incorporates any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge."[2] PHMSA states that "[a]s of the publication of this direct final rule, PHMSA was not able to reach a general agreement with the American Society of Mechanical Engineers (ASME) to make the standards readily available online as ASME heavily relies on the revenue the standards generate."[3] Further, PHMSA states "Individuals and organizations may access the ASME standard incorporated by reference in this direct final rule by contacting the PHMSA standards library at the following email address: *phmsaphpstandards@dot.gov."*[4]

On April 24, 2026, PST contacted PHMSA as directed in this notice to obtain access to ASME B31.4-2022, Pipeline Transportation Systems for Liquids and Slurries: ASME Code for Pressure Piping, B31, issued December 8, 2022. On May 4, 2026, PHMSA replied to PST

[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] 91 Fed. Reg. 22,040; 49 U.S.C. § 60102(p).
[3] 91 Fed. Reg. 22,040.
[4] 91 Fed. Reg. 22,040.

indicating that PHMSA "currently [does] not have this standard available in our library as a hardcopy," but indicated that it would make an order for the standard. PST did not receive the standard for review until June 2, 2026. Of the 60 days PHMSA allowed for public comment, it used 39 days to provide access to the referenced standard, leaving only 21 days for review and consideration of its proposed changes.

PST continues to be frustrated by the lack of availability of industry standards and recommended practices to the public. PST recognizes that this failure to provide the public with incorporated standards is shared by both PHMSA and the standards development organizations (SDO) such as ASME. In other concurrent rulemakings by PHMSA, the SDO has made both the current version of the standard which is incorporated by reference (IBR) and the new version available in a reading room which is available for review by all members of the public. This demonstrates that it is possible for these standards to be made available during at least the rulemaking comment period. PST encourages all SDOs, including ASME to make standards available to the public during the rulemaking process.

PHMSA must follow its statutory directive to not issue any rulemaking, including DFRs, when the documents being considered for incorporation by reference or portions thereof are not available to the public, free of charge. In this case, PHMSA issued a direct final rule without having an available physical copy for the public to review initially. It took 39 days for PHMSA to obtain for itself and deliver a copy of the standard, leaving only 21 days for review. Documents being considered for incorporation by reference must be available for review for the entirety of the comment period for PHMSA to meet Congress' intent that these standards be accessible to the public for review and feedback.

2. Unexplained Changes to 49 C.F.R. § 195.3

In its DFR, PHMSA proposes to amend the paragraph corresponding to ASME B31.4 in § 195.3 by removing the reference to 49 C.F.R. § 195.452. While PST recognizes that ASME B31.4 is not currently referenced in the regulatory text at 49 C.F.R. § 195.452, PST believes that PHMSA owes it to the public to explain its reasoning on the record for removing the reference.

Accordingly, PST believes that this comment constitutes an adverse comment on the basis of the two issues identified above but is otherwise supportive of updating the edition of ASME B31.4 incorporated by reference. Therefore, PHMSA must advise the public and withdraw this direct final rule in whole or in part in accordance with 49 C.F.R. § 190.339(e). Thank you for the opportunity to provide feedback on this rulemaking. Please contact me if you have any questions at clayton@pstrust.org or (360) 543-5686 x111.

Sincerely,



Clayton Bodell
Technical Director