

**BEFORE THE
UNITED STATES DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION
WASHINGTON, D.C.**

Notice and Request for Comments
Pipeline Safety: Information Collection
Activities



Docket No. PHMSA-2022-0060

**COMMENTS OF THE AMERICAN GAS ASSOCIATION
TO PHMSA'S PIPELINE SAFETY INFORMATION COLLECTION ACTIVITY: VOLUNTARY ADOPTION OF API
RP 1173 FOR GAS DISTRIBUTION SYSTEMS**

Submitted November 4, 2022

The American Gas Association (AGA), founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 76 million residential, commercial, and industrial natural gas customers in the U.S. of which 95 percent – more than 72 million customers – receive their gas from AGA members. AGA and its members are committed to continuing to improve the high level of safety performance and the culture compliance throughout the natural gas distribution industry. Numerous AGA programs and activities focus on the safe and efficient delivery of natural gas to customers. Safety is the number one priority and core value to AGA and its members.

I. GENERAL COMMENTS

On September 6, 2022, the Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a notice in the Federal Register titled "Pipeline Safety: Information Collection Activities: Voluntary Adoption of API RP 1173 for Gas Distribution Systems". The notice invites public comments on PHMSA's intent to request Office of Management and Budget (OMB) approval of a new, one-time, information collection to provide the data necessary to prepare the report required by Section 205 of the Protecting Our Infrastructure of Pipeline and Enhancing Safety (PIPES) Act of 2020¹.

AGA appreciates the opportunity to submit written comments in response to the information collection request and supports the intent of PHMSA's information collection request. AGA also supports the written comments submitted by the Pipeline Safety Management Systems (PSMS) Industry Team². Those comments provide recommendations that meet the intent of the information collection request while reducing the burden on the industry and improving the overall efficacy of the effort. Those

¹ Protecting Our Infrastructure of Pipeline and Enhancing Safety (PIPES) Act of 2020, Section 205. Signed December 27, 2020. <https://www.congress.gov/bill/116th-congress/house-bill/133/text/pl?overview=closed>

² The PSMS Industry Team is a broad industry coalition that, along with AGA, includes the following trade associations: American Petroleum Institute (API), American Pipeline Contractors Association (APCA), American Public Gas Association (APGA), Distribution Contractors' Association (DCA), Gas Processors Association Midstream (GPA Midstream), Interstate Natural Gas Association of America (INGAA), and the Liquid Energy Pipeline Association (LEPA).

comments recommend that PHMSA utilize the ongoing PSMS survey to generate data on the progress and feasibility of PSMS implementation for gas distribution operators. In addition, the PSMS Industry Team recommended changes to several of the questions included in the survey form proposed by PHMSA. AGA supports the revisions to the survey form proposed by the PSMS Industry Team and encourages PHMSA to adopt these changes when finalizing the survey form for this effort. A copy of the proposed changes to PHMSA's proposed survey form will be provided as an attachment to the PSMS Industry Team's joint comments, to be submitted November 7, 2022.

II. DETAILED COMMENTS

AGA is committed to enhancing safety and advancing the implementation of PSMS. As part of this commitment, AGA has implemented various safety related initiatives and programs to support its members in their voluntary adoption and implementation of PSMS. Below are just a few examples of these efforts:

Enhanced Peer Review Program

This program allows natural gas utilities to observe their peers, share leading practices, and identify opportunities to improve safety and better serve customers and communities. AGA's original Peer Review Program was piloted from 2013 to 2014 and became a full program in 2015. Each review includes AGA staff and subject matter experts from member utilities who are dedicated to helping the host utility improve. Operators can choose from 17 topics for their in-person peer reviews and/or virtual assessments. PSMS elements are incorporated under the scope of each topic. Fifty-one organizations, representing ninety-three different companies, have joined the program. To date, over 120 peer reviews and virtual assessments covering nearly 300 topics have been conducted. These reviews have involved nearly 1500 subject matter experts all focused on assisting companies and collaborating to elevate public safety, system integrity and workforce safety.

Executive Leadership Safety Summit

First held in 2007, this annual event focuses on all aspects of safety, including case studies from events and near misses, roundtables, presentations on how other industries are advancing safety, and presentations by government and industry safety leaders.

PSMS Executive Steering Committee

Formed in October 2020, the committee promotes the sharing of incidents and near misses between operators (including apparent incident causes and any lessons learned), assists the industry in advancing PSMS, and provides oversight and guidance on implementation of AGA PSMS initiatives. The committee has developed templates to share event learnings and have agreed to share some of these event learnings, beyond the committee, through the secure PSMS Portal (details below). The committee meets monthly.

PSMS Workshop

AGA hosts an annual PSMS workshop which showcases how industry leaders and policy makers envision and implement safety management systems. Presentations demonstrate how operators are beginning their PSMS journey, how operators who are further along in their implementation are using their learnings to modify their operations and work, and finally how operators have leveraged the information provided from AGA or other third parties to assess an operator's PSMS program.

PSMS Discussion Group

Discussion groups serve as a virtual roundtable where members hear presentations and exchange information, ideas, and practices. The PSMS Discussion Group's focus includes the elements described in API RP 1173, Pipeline Safety Management Systems, Recommended Practice. Presentations and discussions include sharing operators' existing programs and practices, how pipeline safety management systems compare to other management systems, and how AGA members are implementing API RP 1173.

Operational Risk Data Committee (ORDC)

Formed in October 2020, the ORDC conducts a deep dive analysis of PHMSA's natural gas distribution and transmission pipeline incident data. Data Bulletins have been written for all incident cause categories to provide an overview of PHMSA's incident data, the committee's analysis of trends and common causes found in the data, summarize any conclusions drawn therein, and suggest potential actions operators might take to mitigate the threat of a similar incident from occurring on their distribution and transmission systems.

PSMS Portal

AGA recently launched a secure data site that is used to collect and analyze pipeline related events and near misses voluntarily submitted by AGA members. The voluntarily submitted and anonymized data will supplement PHMSA's aforementioned pipeline incident data in the Operational Risk Data Committee's analysis of potential trends associated with incident and near-miss causes.

Excavation Damage Prevention Executive Task Force

Formed by the AGA Board of Directors in October 2021, this Task Force was created to provide tactical guidance to AGA member company utilities on strategies that may reduce the number of damages caused by excavations. The task force is currently developing a document that describes: 1) the required characteristics for an effective state damage prevention law; 2) language incorporated in state laws on critical elements, and the preferred language that reflects positions generally supported by the natural gas industry; 3) the apparent strongest state damage prevention laws based on excavation damage data; and 4) guidance on how utilities can work with other stakeholders to achieve legislative outcomes that support effective damage prevention in their state.

In addition to the initiatives and programs AGA offers to its members, AGA supports the Pipeline Safety Management System Industry Team (PSMS Team). The PSMS Team is comprised of eight trade associations representing gathering, transmission, and distribution pipeline operators, as well as the American Petroleum Institute (API), American Pipeline Contractors Association (APCA), American Public Gas Association (APGA), Distribution Contractors' Association (DCA), Gas Processors Association Midstream (GPA Midstream), Interstate Natural Gas Association of America (INGAA), and the Liquid Energy Pipeline Association (LEPA). As part of a commitment to the advancement of PSMS and the PSMS Team, AGA supports and participates in the annual survey collection among gathering, transmission and distribution pipeline operators in order to better understand and measure implementation progress and program maturity, and identify any associated barriers to implementation. Additionally, AGA supports the PSMS program funding, ongoing development of the RP, creation and printing of the Annual

Report³, funding of PSMS meetings and workshops, website maintenance, and supporting and updating PSMS implementation tools.

AGA members recognize the responsibility of delivering natural gas safely and will go beyond minimum code requirements when necessary. AGA's Board of Directors recently approved an updated Commitment to Enhancing Safety, Environment and Security which has specific references to PSMS element maturity levels. A copy of this Commitment, originally published in 2012, is provided as Attachment 1 to these comments. This supplements previous commitments by AGA and its member companies to promote a positive safety culture within the industry (see AGA's Safety Culture Statement, originally published in 2011, provided as Attachment 2 to these comments).

III. REGULATORY BURDEN

AGA appreciates and supports PHMSA's effort to capture information through its GD-SMS-2022 form⁴. However, the time required to complete the questionnaire will exceed the one-hour noted in the PHMSA form. For some questions, most operators do not have the information requested. AGA believes PHMSA is underestimating the time required to complete the questionnaire and is placing an unintended burden on many operators. AGA maintains that any data collection PHMSA initiates should result in meaningful, accurate information being submitted. Operators consider it a serious responsibility to report information as accurately as possible to PHMSA. Therefore, PHMSA must be clear and intentional in the data it is seeking from operators. Clearly written guidance should accompany this form so that operators are not interpreting questions incorrectly or differently.

As currently written, PHMSA is proposing that operators submit a separate survey request for each operator ID. The proposed form requests specific metrics, including implementation percentage, costs, and manhours for each element in RP 1173. Identifying implementation costs and hours specific to each element is not realistic for many large, multi-state operators. As an alternative, AGA recommends capturing the number of distribution operators who have made leadership commitments, conducted gap analysis, identified gaps or improvement opportunities, prioritized gap closures, actively participated in external sharing events, developed a management review process and conducted a review, assessed safety culture, and evaluated SMS maturity, as outlined in the Pipeline SMS Maturity Model⁵.

Finally, AGA does not believe the information being requested in Questions 8 and 9 can be accurately captured, nor would it provide a meaningful operator comparison. Specifically, the proposed form fails to define "implementation", and asking operators to disclose when elements were 'fully implemented' or 'complete' does not reflect the guiding principles of SMS implementation or continuous improvement. The API RP 1173 defines PSMS and clearly states that "[i]mplementation of Pipeline SMS is a journey, not a destination," and the purpose of PSMS is to "systematically manage pipeline safety, and continuously manage pipeline safety, and continuously measure progress to improve overall pipeline safety performance." AGA suggests better aligning the proposed form with RP 1173 and asking

³ 2021 Pipeline Safety Management Systems Annual Report. (July 2022). <http://pipelinesms.org/wp-content/uploads/2022/07/2021-Pipeline-SMS-Annual-Report.pdf>

⁴ PHMSA GD-SMS-2022 Form and Instructions, posted by the Pipeline and Hazardous Materials Safety Administration, September 1, 2022, available: <https://www.regulations.gov/document/PHMSA-2022-0060-0003>

⁵ Pipeline SMS Maturity Model, 2018, Available: <http://pipelinesms.org/pipeline-sms-maturity-model/>

if operators have completed steps in their implementation journey or their perceived maturity toward the PSMS Maturity model. Again, see the proposed changes to PHMSA's proposed survey, attached to PSMS Industry Team's joint comments submitted November 7, 2022.

IV. CONCLUSION

AGA appreciates the opportunity to submit comments in response to the above referenced notice and request for comments regarding PHMSA's data information collection. Overall, AGA supports PHMSA's data collection effort, but offers the above comments to allow operators to provide data more efficiently and in a manner that reflects the intent of API RP 1173. AGA urges PHMSA to utilize the existing PSMS Annual Survey to generate data on the progress and feasibility of SMS implementation, rather than creating new collection efforts. This would also provide PHMSA with the information needed to effectively respond to Congress' mandates while reducing the burden on the industry.

ATTACHMENTS

Attachment 1 – AGA Commitment to Enhancing Safety, Environmental Stewardship, and Security

Attachment 2 – AGA's Safety Culture Statement

Commitment to Enhancing Safety, Environmental Stewardship, and Security

September 14, 2022

AGA's Commitment to Enhancing Safety, Environment and Security

AGA and its members are committed to enhancing safety, improving the environment, and increasing the security of all pipeline facilities. As part of this commitment, below is a list of new and existing voluntary actions to help ensure safe and reliable operation of the nation's 2.5 million miles of energy pipelines that span all 50 states with diverse geography and varying operating conditions. The actions listed below enhance safety, reduce greenhouse gas emissions, and improve security when implemented as part of an operator's specific safety program and are a continuation of commitments first adopted in 2012.

By proactively collaborating with all stakeholders to drive improvements, AGA and its members safely and effectively deliver clean life sustaining energy to more than 72 million customers while advocating for reasonable regulations that meet federal objectives and National Transportation Safety Board recommendations. Both the need to implement and the timing of implementation of these actions will vary with each operator considering system integrity, geography, risk analysis and what has been deemed reasonable and prudent by state regulators. Not all listed actions are applicable to all operators.

- Advance a Safety [Culture](#) that continuously improves employee, contractor, customer, public and pipeline safety as well as system and process safety.
- Implement Pipeline Safety Management Systems (PSMS) or similar "Plan, Do, Check, Adjust" program
 - Follow [API Recommended Practice \(RP\) 1173 standard or similar framework](#)
 - Create and implement a plan to continuously [improve PSMS maturity](#)
 - Measure PSMS maturity and effectiveness using the [PSMS Maturity Scale](#)
 - Advance the maturity level of each PSMS element to 3 or higher within 5 years
 - Confirm contractors performing work that impacts pipeline safety are integrating PSMS principles
 - Track and trend Key Performance Indicators for review with senior management
 - Share commitments to implementing PSMS with stakeholders
- Leverage industry best practices and actively share safety information
 - Implement and share best practices through [AGA's Best Practices Program](#), Enhanced Peer Review Program, [Committees](#), [Discussion Groups](#), workshops, and by utilizing [technical papers](#) and [publications](#)
 - Participate in the PSMS annual industry survey and other surveys that share company practices and how the industry is advancing on safety, environmental stewardship, and security
 - Support the evaluation of plastic pipe system performance by providing plastic material failure data to the Plastic Pipe Database or [PPDC](#).
 - Share lessons learned from internal and external events with employees, contractors and others as appropriate
 - Share employee and pipeline safety events and near misses/close calls to the secure AGA PSMS Portal
- Enlist in National Mutual Aid Programs to advance emergency preparedness via the [AGA National Mutual Assistance Program](#).
- Execute AGA's [10 commitments for reducing emissions](#) to address climate change and accelerate initiatives to advance energy efficiency
- Incorporate [TSA Pipeline Security Guidelines](#) into company security plans and apply National Institute of Standards and Technology or NIST [Framework](#) for Improving Critical Infrastructure Cybersecurity, including Identify, Protect, Detect, Respond/Recover in accordance with AGA's [Commitment to Cyber & Physical Security](#)
- Assess and identify business network applications that, if unavailable for an extended time, would significantly disrupt gas flow. Use this knowledge to improve system resilience and recovery.

AGA's Safety Culture Statement

The American Gas Association (AGA) and its member companies are committed to promoting positive safety cultures among their employees throughout the natural gas distribution industry. All employees, as well as contractors and suppliers providing services to AGA members, are expected to place the highest priority on employee, customer, public and pipeline safety.

COMMITMENT BY MANAGEMENT: A positive safety culture begins with the organization's top leaders. Management must emphasize and demonstrate that the safety of employees, customers, the public and our pipeline systems is a value that is paramount. All decisions must take into account the importance of safety. For example, production, cost, and schedule goals should be developed, communicated and implemented in a manner that demonstrates that employee, customer, public and pipeline safety is an overriding priority.

SPEAK UP: A positive safety culture also means that every individual communicates safety concerns without fear of retaliation. Open and honest communications across all levels of an organization, and to all key stakeholders, are necessary for a positive safety culture.

IDENTIFY HAZARDS: A positive safety culture expects its employees and those providing services to identify hazards and act on them. Any potential situations that could affect employee, customer, public, or pipeline safety should be promptly identified, fully evaluated and appropriately addressed. Identified hazards and near miss incidents should also be shared across the organization so that others may learn of a possible hazard.

MANAGE RISKS: A positive safety culture expects employees to understand the inherent risks presented by their activities serving customers and operating natural gas assets. These risks must be effectively managed through appropriate programs and management systems designed to safeguard the public as well as employees and contractors.

PLAN THE WORK, WORK THE PLAN: A positive safety culture encourages employees and those providing services to take the time to assess a job site and the work to identify the steps that must be performed to achieve the desired result safely, and then implements that plan in fulfilling any work activity.

PROMOTE A LEARNING ENVIRONMENT: A positive safety culture is one within which everyone is encouraged to learn new methods and processes to improve safety. Ongoing monitoring of safety programs and analyzing incidents provide the basis for a continuous improvement process.

PERSONAL ACCOUNTABILITY: *A positive safety culture is one where each individual takes responsibility and accountability for safety in their day to day work activities. This means individuals should focus on what more "I" can do to ensure that we, and our fellow employees, are complying with all safety standards applicable to any particular task. Working safely and keeping our pipeline systems, customers and the public safe means committing to the safety culture for ourselves, our family, our friends, our companies and our community.*