



**Pipeline and Hazardous  
Materials Safety Administration**

# **Public Awareness Program Enforcement**

**Arkansas Pipeline Safety Seminar  
Little Rock  
August 11, 2010**

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CATS Manager, SW Region**

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# Outline

- **Regulatory Provisions**
  - **Current Enforcement Issues**
  - **Status of 1162**
  - **Future Enforcement Issues**
  - **Questions**
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# **Pipeline Safety Program Mission Statement**

**“To ensure the safe, reliable, and environmentally sound operation of the Nation’s pipeline transportation system.”**

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# **Public Awareness Programs (PAP)**

**Under 49 CFR 192.616 and 195.440:**

**(a) Each pipeline operator must develop and implement a written continuing public education program that follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162.**

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## Regulatory Language

- **“guidance provided”**
  - **“must follow the general program recommendations of API RP 1162”**
  - **“must follow the general program recommendations”**
  - **“program and the media used must be as comprehensive as necessary . . .”**
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# Current Enforcement Issues

## Basically Non-existent:

- **Return receipts NOT generally required – especially for General Public**
  - **Just because a plan was initially reviewed by a CATS does NOT mean that it is currently in compliance**
  - **Some issues with respect to lack of enforceability because of regulatory language and language of RP 1162**
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## **Status of RP 1162?**

- **Current Version: First Edition, December 2003**
  - **Has been revised by API to eliminate duplication and simplify language**
  - **NO “watering down”**
  - **No significant substantive changes**
  - **PHMSA has commented final draft**
  - **API to vet and publish final version later this summer**
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## **Additional Consideration**

**NTSB Accident Report NTSB/PAR-09/01  
(the Dixie Incident): PHMSA is to –  
“Initiate a program to evaluate pipeline  
Operators’ public education programs,  
including pipeline operators’ self-  
evaluations of their public education  
programs. Provide the [NTSB] with a  
timeline for implementation and  
completion of this evaluation. (P-09-03)”**

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## **What has PHMSA done?**

**PHMSA formed a Public Awareness Program Enforcement Guidance Team to Create Enforcement Guidance for Public Awareness Programs. This Team has developed draft enforcement guidance and will maintain the “final” guidance in response to new regulations and Advisory Bulletins.**

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## **PAP Enforcement Team Members**

- **Wayne Lemoi (CATS SO, Chair)**
  - **James Reynolds (HQ, Facilitator)**
  - **Christie Murray (HQ CATS Coord.)**
  - **Alex Dankanich (CATS ER)**
  - **Harold Winnie (CATS CE)**
  - **John Jacobi (CATS SW)**
  - **Ross Reineke (CATS WE)**
  - **Wayne St. Germain (T&Q)**
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## **Initial PAP Team Guidance**

**“[we] not put out any written guidance on PA Programs until the Team has had an opportunity to formulate a path going forward. Such a path may include *"Interim Guidance"* approved by the Team enroute to a final guidance product or products.”**

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## **Good News!!**

**Second draft is now being reviewed!!**

**When it goes final it will be published on the  
OPS web site:**

**[www.phmsa.dot.gov/pipeline](http://www.phmsa.dot.gov/pipeline)**

**Click on “FOIA and FOIA Requests”**

**Click on “Electronic Reading Room”**

**Go to “III. Staff Manuals and Instructions”**



## **What do YOU have to worry about?**

- **“ . . . a program effectiveness survey is only required about every four years.” p. 28, current version of RP 1162 (see also Table 8-1, p.29)**
  - **PHMSA HQ has said this means the first 4- year review is due NLT June 20, 2010 (4 years after June 20, 2006)**
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## What is PHMSA doing?

**PHMSA formed an *ad hoc* committee to focus on program effectiveness (4-year review) evaluations:**

- **Operator self-evaluations**
  - **Results (including documentation)**
  - **PAP improvements identified and/or implemented**
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## **Effectiveness Evaluation Team**

- **Christie Murray (Lead, HQ CATS Coord.)**
  - **Annmarie Robertson (HQ, State Pgms)**
  - **Wayne Lemoi (CATS SO)**
  - **James Reynolds (HQ, Enforcement)**
  - **Herb Wilhite, CYCLA**
  - **Leo Hanos (NAPSR KS)**
  - **Don Ledversis (NAPSR RI)**
  - **Clint Stephens (NAPSR AR)**
  - **Ron Law (NAPSR ID)**
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## **Action Plan**

**(not final – probably close)**

- **Focused inspection questions based on overall enforcement guidance**
  - **Develop FAQs**
  - **Develop a training plan**
  - **Develop prioritization strategy**
  - **Implement a pilot program**
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# Timeline

**The Timeline is still being developed  
(negotiated).**

**There are LOTS of details that still need to  
be worked out.**

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# Public Meeting

- **Held June 30, 2010 in Houston**
  - **All day**
  - **Over 200 people attended**
  - **Approximately 150 on webcast**
  - **PHMSA, PST, NAPSR, AGA, AOPL, API, APGA, INGAA, Several Operators**
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# Public Meeting

**Go to: [www.phmsa.dot.gov/pipeline](http://www.phmsa.dot.gov/pipeline)**

**Click on “Stakeholder Communications”**

**Click on “Public Meetings”**

**Click on “More information . . .”**

**Check June 30, 2010**

**Webcast and all presentations available**

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# **Effectiveness Evaluation Team**

**Newest Addition:**

**Mary Friend, T&Q**





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## **Bottom Line on PAP**

- **PAPs should be evaluated per existing inspection protocols (II or otherwise)**
  - **If there are issues, contact your CATS Manager(s)**
  - **There will soon be a new version of API RP 1162. Don't worry about it until it happens**
  - **As to the 4-yr reviews, PHMSA has a LOT of work to do. Keep your powder dry for when the time comes!!**
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**QUESTIONS??**

**THANK YOU!!**

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