

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

Pipeline Safety: Information Collection Activities } Docket No. PHMSA-2021-0054
}

**COMMENTS IN RESPONSE TO INFORMATION COLLECTION ACTIVITIES
NOTICE**

**FILED BY
THE INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA**

May 10, 2022

I. Introduction

On March 11, 2022, the Pipeline and Hazardous Materials Safety Administration (PHMSA or the Agency) published a Notice and Request for Comments seeking input on the Agency’s proposed revisions to the Annual and Incident Reporting forms and associated instructions (the Notice).¹

The Interstate Natural Gas Association of America (INGAA)² provides the following comments in response to the proposed revisions to the Gas Transmission and Gathering Incident Report Instructions (the Instructions).³

II. PHMSA should remove the Section A4 data collection as it is now duplicative of the newly proposed Section A19 (time of confirmed discovery).

PHMSA proposes in the Notice to begin collecting the date and time of confirmed discovery.⁴ As set forth in the pipeline safety regulations, ‘confirmed discovery’ is the time “when it can be reasonably determined, based on information available to the operator at the time *a reportable event has occurred*, even if only based on a preliminary evaluation.”⁵ If PHMSA collects the date and time that an operator *reasonably determines that a reportable incident has occurred* (A19), it is no longer necessary to also collect the date and time *when incident reporting criteria was met* (A4). In order to avoid unnecessary confusion, INGAA recommends that PHMSA remove Section A4 and proceed with the newly proposed A19.

III. If PHMSA chooses to proceed with both Sections A4 and A19, INGAA requests that the Agency modify the proposed amendments in Section A4.

PHMSA should incorporate the “confirmed discovery” concept into A4 to eliminate any confusion on duplicative questions. In addition, PHMSA’s proposed redlines to the A4 instructions contradict the Agency’s long-standing position that property damage totals are estimates based on best available information.

PHMSA proposes to replace a clear acknowledgment that “[the] date/time must be *estimated* based on information gathered during the investigation” with “enter the date/time that the

¹ Pipeline Safety: Information Collection Activities, 87 Fed. Reg. 14,092 (Mar. 11, 2022).

² INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry. INGAA is comprised of 26 members, representing the vast majority of the U.S. interstate natural gas transmission pipeline companies. INGAA’s members operate nearly 200,000 miles of pipelines and serve as an indispensable link between natural gas producers and consumers.

³ GT GG Incident Form and Instructions - PHMSA F 7100 2 (rev 1-2020) Redlines 2021-0, <https://www.regulations.gov/document/PHMSA-2021-0054-0002> (Mar. 10, 2022).

⁴ GT GG Incident Form and Instructions - PHMSA F 7100 2 (rev 1-2020) Redlines 2021-0, <https://www.regulations.gov/document/PHMSA-2021-0054-0002> at 12 (Mar. 10, 2022).

⁵ 49 C.F.R. § 191.3 (emphasis added).

consequences *first occurred*...”⁶ PHMSA explains in the preamble that it is proposing this change to “ensure the form collects the time consequences *occurred* rather than the time operators fully *documented* the extent of the consequences.”⁷ In the Instructions, the Agency frames it a bit differently stating that “for fatality, injury, and property damage reporting criteria, enter the date/time that the consequences *first occurred* rather than the date/time the consequences are *fully quantified*.”⁸

This proposed change is inconsistent with the existing Incident Reporting instructions. In section D7 of both the report and the instructions, the Agency acknowledges that property damage amounts are typically estimated. PHMSA states that “[o]perators are to report costs based on the best estimate available at the time a report is submitted. It is likely that an estimate of final repair costs may not be available when the initial report must be submitted (within 30 days, per §191.15). The best available estimate of these costs is to be included in the initial report.”⁹

Although in some situations it may be easier to pinpoint the date and time of when a fatality or injury occurred, preliminary calculations and discussions are required to determine whether an event triggered the property damage threshold and is therefore reportable. For these reasons, INGAA requests that PHMSA reconsider these proposed changes and acknowledge that the date and time is often estimated.

INGAA proposes the following revisions. Blue font signifies additions and deletions are in red font.

A4. Earliest local time (24-hour clock) and date an incident reporting criteria was met

Enter the earliest local date/time **that it was reasonably determined that a reportable event occurred. This date/time should be consistent with the data entered in A19 (confirmed discovery)** ~~an incident reporting criteria was met. Consequences occur when the pipeline system fails, but the extent of the consequences are often not fully known until hours, days, weeks, or months later.~~ The date and time that a fatality or injury first occurred or when an operator can reasonably determine that the amount of commodity released or property damage costs incurred have exceeded the incident reporting threshold are often estimated.

⁶ GT GG Incident Form and Instructions - PHMSA F 7100 2 (rev 1-2020) Redlines 2021-0, <https://www.regulations.gov/document/PHMSA-2021-0054-0002> at 6 (Mar. 10, 2022).

⁷ Pipeline Safety: Information Collection Activities, 87 Fed. Reg. 14,092 14,095, (Mar. 11, 2022) (emphasis added).

⁸ GT GG Incident Form and Instructions - PHMSA F 7100 2 (rev 1-2020) Redlines 2021-0, <https://www.regulations.gov/document/PHMSA-2021-0054-0002> at 6 (Mar. 10, 2022).

⁹ Instructions (rev 1-2020) for Form PHMSA F 7100.2 (rev 1-2020) INCIDENT REPORT – GAS TRANSMISSION AND GATHERING SYSTEMS, https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2022-03/GT_GG_Incident_Instructions_PHMSA%20F%207100%202020-01%20thru%202022-05.pdf at 20.

~~For the fatality and injury, and property damage reporting criteria, enter the date/time that the consequences first occurred rather than the date/time the consequences are fully quantified.~~

~~For the release volume reporting criteria, estimate the date/time when the amount of commodity released reached the volume reporting criteria.~~

IV. Conclusion

INGAA appreciates the opportunity to provide these comments and looks forward to working collaboratively with PHMSA to provide consistency and clarity in incident reporting.

Respectfully submitted,
Date: May 10, 2022

A handwritten signature in black ink that reads "Ben Kochman". The signature is written in a cursive, flowing style.

Ben Kochman
Director of Pipeline Safety Policy
Interstate Natural Gas Association of America (INGAA)
25 Massachusetts Ave NW, Suite 500N
Washington, D.C. 20001
Office: (202) 216-5913
bkochman@ingaa.org
www.INGAA.org