

U.S. DEPARTMENT OF TRANSPORTATION

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GAS PIPELINE ADVISORY COMMITTEE
TECHNICAL PIPELINE SAFETY
STANDARDS COMMITTEE

AND

LIQUID PIPELINE ADVISORY COMMITTEE
TECHNICAL HAZARDOUS LIQUID PIPELINE
SAFETY STANDARDS COMMITTEE

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JOINT MEETING

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WEDNESDAY
FEBRUARY 26, 2014

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The Joint Meeting convened in the
Fitzgerald Ballroom of the Westin Arlington
Gateway Hotel, 801 Glebe Road, Arlington,
Virginia, at 9:00 a.m., Colette D. Honorable,
Chair, presiding.

GAS PIPELINE ADVISORY COMMITTEE MEMBERS:

HONORABLE COLETTE D. HONORABLE, Chair
DENISE M. BEACH
J. ANDREW DRAKE
SUSAN L. FLECK
ROBERT W. HILL
RICHARD F. PEVARSKI
RICHARD H. WORSINGER
JEFF C. WRIGHT
CHAD J. ZAMARIN

LIQUID PIPELINE ADVISORY COMMITTEE MEMBERS:

MASSOUD TAHAMTANI
C. TODD DENTON
LANNY W. ARMSTRONG
TIMOTHY C. FELT
MICHELE JOY
RICHARD B. KUPREWICZ
CHARLES LESNIAK, III
RON McCLAIN
CRAIG O. PIERSON
CARL M. WEIMER

DEPARTMENT STAFF PRESENT:

CYNTHIA QUARTERMAN, PHMSA Administrator
JEFF WIESE, Designated Federal Official
TIM BUTTERS, PHMSA
LINDA DAUGHERTY, PHMSA
MIKE ISRANI, PHMSA
MAX KIEBA, PHMSA

ALAN MAYBERRY, PHMSA

STEVE NANNEY, PHMSA

JAMES PATES, PHMSA

DANA REGISTER, PHMSA

CAMERON SATTERTHWAITE, PHMSA

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P-R-O-C-E-E-D-I-N-G-S

9:02 a.m.

MR. WIESE: Last minute coordination. Thank you.

So I saw a few of our friends from Canada and I wanted to welcome them here today and thank them for -- this is the second polar vortex, isn't that, coming our way?

(Laughter.)

MR. WIESE: So thanks again. That was an hour-and-forty-five-minute commute with that snow.

(Laughter.)

MR. WIESE: I was texting Linda and praying that we had coffee here this morning.

So any rate, hope everyone had a good night. Thank you so much for your participation yesterday. It was very interesting and the plastic vote was harder than I anticipated. I talked to people afterwards, including some of the

1 manufacturers, and I really feel like there
2 was a failure to communicate early on. You
3 know, we shouldn't have to get to that.

4 That was a unanimous, by the way,
5 Cynthia.

6 There was a unanimous vote by the
7 time we got here, but I felt like it was a
8 hard vote. I think you guys understand what
9 I'm saying, that some people took it hard.
10 And it really shouldn't work that way. So our
11 apologies for not being more cognizant in
12 handling that earlier.

13 So any rate, welcome to day two of
14 the Advisory Committee. This is the informal
15 part where I just welcome you really quickly
16 and I turn it over to my amicable and ever-
17 ready and able Chair, Colette Honorable.

18 So I think I kind of went over the
19 agenda. For those of you who weren't here
20 yesterday, I'll just make it really quick.
21 We've asked the administrator and
22 representatives each of the major stakeholder

1 groups today to talk a little bit about what
2 their priorities and initiatives are for 2014.
3 And the reason we did that; it may seem kind
4 of, you know, I don't know, staid, but I think
5 there's a lot going on that people are not
6 aware of. And I also find that when we do
7 this and we talk with each other about what
8 we're doing, we'll say, hey, I need to follow
9 up with them, you know, because I'm interested
10 in that. Hopefully we'll make some
11 connections for people here today.

12 This afternoon will be largely a
13 set up for tomorrow's workshop on pipeline
14 safety management systems. I reiterate again
15 for those of you who weren't able to make it
16 yesterday that if you can't be here, and I
17 know that some of you can't, we'll be
18 webcasting it and we'll also be capturing some
19 of the panel sessions and some of the
20 presentations and putting them up on PHMSA's
21 YouTube channel. We'll send out all that
22 information to you. You don't need to worry

1 about it. But if anyone's interested in the
2 Web cast, just go to the phmsa.dot.gov and
3 you'll see it up in the news. You can click
4 on it, register and get all the data on the
5 webcast.

6 So I think the only thing I want
7 to do this morning is go over some of the
8 basis announcements and make sure everybody --
9 we have some new people here. We should be
10 clear on how to get out of here in the case
11 that we need to. Most of you probably came up
12 the stairways, but if you go back through
13 these doors and turn to your left as you go
14 out, there's a stairway that will take you
15 right to the exit and we would assemble
16 outside there.

17 Mike Israni warned me there are
18 over -- the bathrooms are out to your right
19 and there are doors that will take you out of
20 here. In the case of a fire, you can take
21 them, but don't take them unless there's a
22 fire emergency. Mike got trapped in there --

1 (Laughter.)

2 MR. WIESE: -- and had to use his
3 cell phone to get out. So that is not a
4 general egress point.

5 So I'm trying to think. We've
6 covered the basics I think, Colette.

7 So with that, I will turn this
8 over to Colette Honorable.

9 CHAIR HONORABLE: Thank you, Jeff,
10 and good morning everyone. Thank you for your
11 attention and your participation on yesterday
12 afternoon. We had very productive meetings,
13 very efficient meetings. And we also had
14 participation by our newest member, Michele.
15 Welcome back.

16 Id' like to also acknowledge Carl
17 and Tim. Thank you for being here with us.
18 We know travel and schedules sometimes get in
19 the way.

20 PARTICIPANT: And Todd.

21 CHAIR HONORABLE: And Todd. Thank
22 you. We referenced you yesterday, you know?

1 And because you were absent, you were added to
2 a subcommittee.

3 MR. WIESE: That's right. That
4 will teach you.

5 MEMBER DENTON: I volunteered.

6 CHAIR HONORABLE: Yes, we know.
7 It's a joke. Todd did volunteer. And thank
8 you for doing so.

9 And I told Carl it just wasn't the
10 same without him on yesterday.

11 But we're delighted. We have a
12 great agenda today and very pleased to be
13 joined by the PHMSA administrator, and Jeff
14 will do the honors of introducing her.

15 Again, as you are speaking today,
16 please keep in mind that we are recording this
17 committee meeting. Please raise your tent
18 cards to be recognized. And when you are,
19 please acknowledge or introduce yourselves for
20 the record.

21 So with that, I'll turn it back
22 over to Jeff.

1 MR. WIESE: Great. Thanks so
2 much, Colette.

3 And there's no votes today, but
4 I'm pretty sure we have a quorum on both
5 sides. So that's a good thing. And I'm
6 pleased that so many of you took time to come
7 up with this snow coming.

8 So it's my pleasure this morning
9 to introduce Cynthia Quarterman. I think most
10 of you and certainly everyone I think on --
11 and Michele even knows her, and she's a new
12 member. So I'll say I think all of you know
13 Cynthia. It's been my pleasure to work for
14 her for over four years now. Correct?

15 MS. QUARTERMAN: Yes.

16 MR. WIESE: Yes, over four years.
17 Probably feels like eight to her, only because
18 of me.

19 MS. QUARTERMAN: Twenty.

20 (Laughter.)

21 MR. WIESE: Yes, 20. Yes. And
22 she thought that we were the most fun sector

1 of PHMSA, but recently trains have been
2 keeping her busy. So you may have read a few
3 things about that. I think Cynthia has to
4 leave here this morning shortly after her
5 presentation to go up to the Hill and deliver
6 testimony on that fun issue. So we're glad to
7 have somebody distracting her for a little
8 while besides the pipeline side.

9 I'll just tell a quick funny story
10 on Cynthia. She knew me before and she still
11 came here, so --

12 (Laughter.)

13 MR. WIESE: Yes, she's laughing
14 really hard on this one. But I will say, and
15 Cynthia would tell you it's true, that we've
16 known each other for quite a while and at one
17 point I was interested in seeing Cynthia come
18 over here. So I met with her and she said why
19 would you want me to come over there? And I
20 said I need help, really.

21 And Cynthia has been very good to
22 work with. She's got an incredibly good mind,

1 so very helpful in terms of strategy, where
2 we're going on things. Cynthia has sort of
3 driven this process now for the past three or
4 four years where -- helpful to us. And, Rick,
5 you'll appreciate this. Rick is always
6 reminding me that we don't have enough
7 resources to do our job. I couldn't agree
8 more. But Cynthia has led the effort to
9 really prioritize what we're doing. She's
10 going to talk to that in a minute. You know,
11 but I think she's also run the hoops for us in
12 terms of resources. She's done her best to
13 try to add resources to the Pipeline Safety
14 Program, and I'm thankful for that.

15 So there's always the Congress we
16 have to work with, and you know, that's the
17 other side of the coin. Cynthia's also said
18 she's happy to stick around and take questions
19 from the Committee if you'd like.

20 So with that, I think I will stop
21 and turn it over to Cynthia.

22 MS. QUARTERMAN: Good morning,

1 everyone. It's great to be here this morning.
2 I welcome your questions. I need some
3 preparation for this afternoon's hearing.

4 (Laughter.)

5 MS. QUARTERMAN: Started right
6 now. Again, I want to thank everybody who are
7 members of the Committees for participating
8 giving us your time and your help to improve
9 pipeline safety. It is extremely important to
10 the nation and we appreciate all that you do
11 to sacrifice time away from the office and all
12 those emails and all the work there to come
13 here and help move the ball forward on
14 pipeline safety.

15 I have the distinguished honor of
16 being the longest serving administrator I know
17 of PHMSA, and it has been a great joy for me.
18 It has been a great challenge. I think it has
19 been probably some of the most challenging
20 years that the Agency has had because of the
21 series of pipeline incidents and the
22 challenges that have faced the other half of

1 our program.

2 I wanted to begin by thanking
3 Colette and Jeff for their wonderful
4 introductions and for their participation. I
5 always look forward to spending time with
6 Colette. She is a joy to be with.

7 I'm happy to see Michele Joy join
8 the Committee, having seen her in days past
9 over many, many years. It's good to see her
10 back in the pipeline safety arena and here on
11 this Committee. We look forward to your
12 involvement.

13 There are a number of members who
14 have retired or gone on to other things. I
15 just wanted to recognize the contributions of
16 Gene Feigel who recently retired from the
17 Hartford Steam Boiler and resigned in his
18 position on the Gas Committee. He was a
19 member of that Committee for 12 years, so
20 that's a great loss to us. And we appreciate
21 his service.

22 Jerry Rosendahl from the State

1 Fire Marshal and who was the director of
2 Pipeline Safety for Minnesota announced that
3 he was going to retire at the end of last
4 year.

5 Michael Bellman, the deputy
6 director for the City of Richmond Department
7 of Public Utilities retired from the Committee
8 as well.

9 And Wayne Gardner, a state
10 commissioner with Pennsylvania, also leaves a
11 government vacancy.

12 We have put forward three new
13 nominations for the Committees. We look
14 forward to getting those through the process.
15 We are still looking for other members to fill
16 the vacancies, but we want to have a full
17 committee up and running as soon as possible.

18 On behalf of the President and
19 Secretary Foxx, I want to welcome you again
20 thank you to your commitment for pipeline
21 safety. Not many of you have had the
22 opportunity to meet Secretary Foxx, but I can

1 tell you, as with respect to Secretary LaHood,
2 his focus, is first priority continues to be
3 safety.

4 Colette has had the privilege to
5 have him speak at her recent NARUC meeting
6 here in Washington, D.C. I think he was very
7 pleased to go there and speak to that audience
8 and encourage them to continue to go forward
9 with the call to action that Secretary LaHood
10 started. And I think that was a great event
11 for him.

12 He also very recently met with
13 Dave McCurdy and the members of the American
14 Gas Association and their board. I know he
15 wants to meet with every other constituent
16 sitting here at the table. And he's still not
17 a year into the job, so as you ask for
18 meetings with him, be a little bit patient as
19 he tries to maneuver around through his
20 schedule to get to every constituent
21 represented here.

22 I don't have to tell you that

1 pipelines are an important part of today's
2 infrastructure as the domestic production of
3 oil and gas. We are the United States leaders
4 across the board and what you do here is
5 extremely important in that arena. I always
6 say to my staff PHMSA is the most important
7 agency that nobody ever heard of. That's
8 changing these days, I think, as the amount of
9 oil and gas increases across the country, and
10 not just on pipelines, but movement on trains
11 and trucks and ships and everything else as
12 well.

13 I wanted to start by just
14 congratulating my staff for all of their hard
15 work in 2013. They made great advancements
16 and I just want to acknowledge a few of the
17 things that they did during that time.

18 In 2013 we put forward new penalty
19 provisions and new authority to enforce Part
20 194 of our regulations. We put in force new
21 presiding official and appeal procedures to
22 make our appeal process more open, with more

1 due process, we hope.

2 We developed and began proposing
3 an integrity verification process which we
4 hope to see move forward this year.

5 We drafted proposed rules that
6 would comprehensively update both the natural
7 gas and hazardous liquid transmission pipeline
8 regulations. You haven't seen those yet, but
9 be assured they are drafted and hopefully
10 ready to go out the door sometime soon.

11 We've fully implemented our new
12 Integrity Inspection Program throughout the
13 United States, so we are moving forward with
14 a different sort of inspection going forward.

15 We spent a lot of time last year
16 trying to modernize our Facility Response Plan
17 process and streamline Oil Response Plans and
18 our reviews. And we are in the process of
19 getting all of those plans redacted and put on
20 the Internet and make them fully available to
21 the public.

22 We improved our Enforcement

1 Program. We've had a series of years where --
2 have been the best for us in terms of getting
3 orders out, closing enforcement cases and
4 issuing civil penalties. We're very proud of
5 that record. I think we've had since I've
6 been there maybe the top three years of doing
7 that.

8 We have been working on a number
9 of construction projects, big construction
10 projects for pipelines across the country that
11 have taken a great deal of our time and effort
12 and resources to work on.

13 We have continued to work on our
14 consent decree with Enbridge Pipeline Company,
15 and our folks have spent over 300 days just
16 working on that and the details of that.

17 We have increased funding to
18 states 77 percent, \$46.5 million. We have
19 spent a lot of time with the California Public
20 Utility Commission and its oversight of its
21 programs in California in the past year.

22 We continue to expand our

1 involvement with 811 through social media and
2 other mechanisms. We're very happy. The
3 states will hopefully be happy that we opened
4 up a 30,000-square-foot Inspector Training and
5 Qualification Center in Oklahoma City, which
6 is state-of-the-art. We went out earlier this
7 year to the opening of that, and it is a
8 marked change from the dreary dregs of the
9 past, and we hope that will encourage people
10 to really take pipeline safety training
11 seriously.

12 We had 96 focus research projects
13 ongoing. And we have been able to decrease
14 the number of fatalities and injuries from
15 pipeline incidents in 2013. I think 2012 and
16 2013 were great years in terms of those
17 statistics, so we're pleased with that.

18 As we look forward to 2014, I try
19 to group -- the ABCs, I call them, of what are
20 our priorities for the coming year? There are
21 three areas that we focus on. First,
22 anticipate and avert high-consequence events.

1 Those are the big events that capture the
2 public imagination.

3 The second thing is to build a
4 public understanding of and broadcast
5 information on safety risks. This is the
6 piece where we make the public prepared and we
7 provide information for them so that they can
8 be prepared.

9 The third is to catalog and
10 curtail the highest risks. And these are
11 things that may not lead to a high-consequence
12 event, but that we see over and over and over
13 again.

14 So our programs and priorities are
15 focused on those three broad categories in the
16 coming years and in years past.

17 I'm not going to try to catalog a
18 whole list of all of our initiatives, but give
19 you a sense of some of the things that we'll
20 be focusing on this year. We are developing
21 and deploying a pipeline safety workplace
22 management strategy. That's an internal

1 effort where we're trying to look at our
2 resources inside as we hopefully continue to
3 grow them. We have had a decent budget year
4 this year for pipeline safety and we're
5 looking forward to even better years in the
6 future. And as Jeff mentioned, that's my
7 focus, trying to grow both halves of the PHMSA
8 portfolio.

9 Safety management systems, which
10 you'll be talking about here today and
11 tomorrow. And moving forward and trying to
12 expand the knowledge base on those systems and
13 encourage companies and operators to implement
14 those systems within their companies.

15 We're trying to identify more
16 meaningful performance metrics. There have
17 been a number of performance metrics out about
18 the Pipeline Safety Program over time. I
19 think Alan and Linda will be talking later on
20 about how we move forward and come forward
21 with a set that we can all agree to and
22 measure going forward to put everybody on the

1 same playing field.

2 We have a number of ongoing
3 congressional mandates. NTSB recommendations,
4 OIG, GAO recommendations. We have been a good
5 place in terms of closing the Pipeline Safety
6 Act recommendations and we're continuing to
7 work on all those over the next year.

8 We also continuing to develop what
9 we call IMP 2.0, refining in the Integrity
10 Management Program in the year to come. And
11 another of our big efforts last year and
12 continuing into this year will be try to
13 ensure that state program oversight is
14 improved.

15 Another technical issue that we
16 are looking at government because we have seen
17 evidence of some problems and some recent
18 incidents is pipeline reversals and
19 conversions ensuring that the companies know
20 what they'd need to do before that happens to
21 ensure that an incident doesn't occur in the
22 future.

1 And of course research and
2 development. We had a workshop a year or so
3 ago about that. We're planning to have
4 another one this year to continue to push the
5 envelope on tools and looking at cracking and
6 seam and defects and those kind of issues
7 where we really need better tools to improve
8 the integrity of pipelines and improve safety.

9 And we'll also be continuing our
10 Competitive Academic Agreement Program.
11 That's what we call the CAAP program, where
12 we're reaching out to young people and asking
13 for their hopefully new and novel ideas about
14 how to improve pipeline safety. We're doing
15 that not only to bring fresh ideas into the
16 pipeline safety arena, but also to bring fresh
17 people in. We're hoping that, you know, we'll
18 get new ideas and also get some of those
19 people to come work for us or for the
20 industries around the table.

21 And of course we will continue our
22 efforts on damage prevention. April is coming

1 up soon and we plan to have a lot of
2 activities associated with National Safe
3 Digging Month.

4 And with that, I think that's
5 enough for the new year to talk about right
6 now. Thank you. And I'm happy to answer any
7 questions folks might have about what we've
8 done or what we're doing.

9 CHAIR HONORABLE: Thank you,
10 administrator. My goodness. I'm not sure how
11 you all have time to undertake all of these
12 efforts, but I think it's both a challenging
13 time and an exciting time for all of us who
14 work in this area.

15 I wanted to begin the Q & A by
16 asking you, administrator, to speak a bit more
17 about the training effort in Oklahoma City.
18 I know that you all were there recently, so I
19 wanted to ask you to talk about that.

20 MS. QUARTERMAN: For those of you
21 who are industry, you perhaps have not had the
22 pleasure to go out to our training facility in

1 Oklahoma City. It had historically been on
2 the FAA Training Grounds. There was a lot of
3 difficulty getting into that building there.
4 And the facilities themselves were not great.
5 Dark, unpleasant, not an asset that you would
6 use toward getting people trained.

7 Right now we have a big facility
8 that was essentially a warehouse. We have
9 plans. We have grounds outside so that we can
10 do some testing, corrosion testing. We have
11 large classrooms. Maybe one day we could take
12 this Committee there to see the facilities
13 there. They have lots of pieces of pipe and
14 fittings and all sorts of things. It really
15 is a state-of-the-art facility and we're
16 looking forward to ensuring that as we get new
17 inspectors, all the new inspectors that we
18 want on board, both for us and for the states,
19 that they will be happy about the new
20 facilities there.

21 CHAIR HONORABLE: Thank you. I
22 certainly could say on behalf of inspectors

1 that they are excited about it. So I look
2 forward to seeing it also.

3 Are there questions? I see Sue's
4 tent card.

5 MEMBER FLECK: Thank you. Sue
6 Fleck representing the Gas Committee. I had
7 a question about performance metrics. That
8 seems to be a thing that our state regulators
9 are really struggling with trying to find the
10 right metrics to measure companies against one
11 another and against your previous experience.
12 And even within the company we struggle with
13 trying to find the right balance of leading
14 and lagging indicators.

15 So I'd be real curious to know
16 what you all are going to do this year to
17 maybe kind of try to move that forward, maybe
18 workshops or something. It's a big issue, and
19 I'll tell you what, it causes really a lot of
20 angst with the utilities dealing with the
21 regulators and trying to find the right
22 measures to really show what we're doing and

1 making improvements and where we have gaps and
2 kind of need to focus. So I'd like you to
3 comment on that.

4 MS. QUARTERMAN: Thank you. I
5 agree with that. We have struggled internally
6 recently. We're looking at performance of
7 different operators and trying to measure
8 which might be a better performing operator
9 versus not. And as we massage that data,
10 there are always changes that need to be made,
11 but it is a difficult question. However, I
12 feel great that we're going to get a result,
13 because we have two of the smartest people
14 that work for us, Alan and Linda, on the case.
15 And I will let them respond how they're going
16 to make that happen.

17 MR. MAYBERRY: Yes. Stay tuned
18 for later today, but yes.

19 (Laughter.)

20 MR. MAYBERRY: But in line with
21 that, I mean, gosh, there are so many ways to
22 go from that with initiatives we have. You

1 know, there's the NTSB recommendations that
2 relate to meaningful metrics. We have a lot
3 of momentum behind that right now and I think
4 you'll be seeing some things that come out of
5 that that will clarify, you know, what are
6 some viable measures that an operator would
7 use to measure their performance, certainly as
8 it relates to integrity management? But then
9 we have the teams that Linda and I will be
10 giving an update on later today.

11 MS. DAUGHERTY: Then my two cents:
12 This is Linda Daugherty. You know, when you
13 look at performance measures, you have sets of
14 data, but then you have to figure out if it's
15 actually telling you what you think it's
16 telling you. And we often struggle with
17 integrity. Is it a pipe integrity issue or is
18 it an operator performance issue? And how do
19 you mesh those to make sure you're getting a
20 good read on what's actually occurring and
21 that you don't choose the wrong metrics
22 because that can lead you in the wrong

1 direction and give you a false sense of
2 assurance? So it's a challenging area and
3 we're having a lot of fun with it.

4 MS. FLECK: This is Sue Fleck
5 again with the Gas Committee. I think it will
6 drive some interesting conversations. And I
7 can tell you that some metrics that measure us
8 as a company; I'm speaking from National Grid
9 perspective now, are rates like emergency
10 response rates, which I think are fair kind of
11 measures, but other ones measure incidents and
12 don't compare them to the number of
13 transactions. So it looks like, you know, a
14 company has a poor performance record because
15 we've gotten three violations. But you know,
16 if you looked at the fact that there were
17 200,000 transactions and there were 3
18 failures, and you look at failure rates, you
19 might have a different perspective.

20 So we're very concerned about the
21 optics of performance measures and what they
22 truly tell about an organization's performance

1 and their safety culture and we will anxiously
2 await this afternoon's presentation.

3 CHAIR HONORABLE: Thank you, Sue.
4 And I guess what is that those metrics should
5 be measuring? Yes.

6 So I guess that Rick maybe had a
7 comparable question. I'm not sure. You put
8 your tent card down.

9 MR. PEVARSKI: I did. It dealt
10 more with the training institute. And in the
11 past TSI used to train the industry. And are
12 there any plans to do that? I went through
13 that myself. It was a wonderful course. And
14 is there any plans to do that in the future?

15 MS. QUARTERMAN: No current plans
16 to do that, no.

17 MR. WIESE: May I add something?

18 CHAIR HONORABLE: Yes, Jeff?

19 MR. WIESE: And I agree with
20 Cynthia, but if you'll let me just expand on
21 it for a second so you better understand why.
22 We put through about 400 people a year between

1 the states and ourselves. We can't keep up
2 with the demand on the state and the federal
3 inspectors. Again, maybe someday as we can
4 expand the program, but right now our priority
5 is taking care of making sure we have the best
6 inspectors in the field that we can, both at
7 a state and federal level.

8 And then I'll say secondarily that
9 in the past when we had offered training to
10 the industry, we have had Capitol Hill call us
11 and say why are you taking money away from my
12 constituents? Basically they didn't want us
13 training industry. They thought there were
14 other avenues. But I think first and foremost
15 our priority is on the state and federal
16 inspectors, and it really has to be.

17 CHAIR HONORABLE: Andy?

18 MEMBER DRAKE: This is Andy Drake
19 with the Gas Committee. You mentioned the
20 pending rules on integrity management.
21 Certainly, as you mentioned, a lot of energy
22 has gone into those from a lot of stakeholders

1 around this room. I appreciate the venues
2 that you created and some transparency in the
3 conversations around the mechanics of those.

4 But I think, you know, the
5 question in my mind is the timeline to roll
6 those rules out. Maybe you could shed a
7 little bit of light on your thoughts on timing
8 and the issues that you have to address to get
9 them out, especially in the wake of an
10 election year and the fact that the re-
11 authorization hearings are going to start here
12 pretty shortly. And the obvious questions are
13 going to be how are we addressing the
14 legislative mandates that are in the current
15 bill on a schedule that they've already laid
16 down? I know that that's certainly a weighty
17 question, but I'd appreciate anything that you
18 can shed on that. I think that's certainly
19 something a lot of us in the room are very
20 curious about.

21 MS. QUARTERMAN: Well, I can tell
22 you the process, the official process -- and,

1 you know, the official process doesn't always
2 end up being the way things happen, which is
3 that we with PHMSA are the first people to
4 draft a rulemaking. And my staff has done
5 that at my request.

6 And I have to be candid: I have
7 been reading it. It's quite a big rule on the
8 gas side in the midst of lots of issues
9 related to crude trains. So whereas they met
10 my deadline, I have not met my deadline. So
11 I am in the process of still reading that.

12 Once we are comfortable with the
13 rule internally, it then goes to the Office of
14 the Secretary. And under the ideal situation
15 it takes a month there before it then goes to
16 the Office of Management and Budget where they
17 have a designated 90-day window. But I can
18 tell you there's a lot of back and forth
19 throughout that whole process, so those
20 timelines are not written in stone.

21 So that's what the process is, but
22 there are lots of rules in the Department, and

1 we are one agency. There's a competition
2 between agencies about what rules make it up
3 where. So, you know, it is a fluid process,
4 but not one that I can say, okay, I'm going to
5 finish reading it by the end of this week,
6 which is my plan, and then get it to the
7 Department so you'll see it in four months
8 time. It's not going to be that
9 straightforward, although I would love it to
10 be.

11 CHAIR HONORABLE: Thank you. Any
12 other questions or comments for the
13 administrator? We don't want to keep her from
14 her important business on the Hill.

15 (No audible response.)

16 CHAIR HONORABLE: Well, thank you
17 so much and on behalf of the Joint Committees
18 thank you for the work that you do. It's a
19 tremendous job, but we appreciate the fact
20 that you are always accessible to us, to me
21 personally, and the issues that we bring to
22 you. And we look forward to continuing this

1 work with you.

2 MS. QUARTERMAN: Thanks again to
3 the Committee and to you, Colette.

4 MR. WIESE: I think I can speak
5 for Cynthia when I say she'd rather be here
6 with you.

7 (Laughter.)

8 MR. WIESE: So have a great time.
9 Knock them out. Oh, I guess you're not
10 supposed to say that when it's the Hill,
11 right?

12 So, Colette, I think we're --
13 would you like me to introduce you?

14 CHAIR HONORABLE: No.

15 MR. WIESE: No?

16 CHAIR HONORABLE: I don't think we
17 need any introduction.

18 MR. WIESE: Okay.

19 CHAIR HONORABLE: Good morning.

20 Colette Honorable. I'm chairman of the
21 Arkansas Public Service Commission. I also
22 have the honor and distinct pleasure of

1 serving as president of NARUC, the National
2 Association of Regulatory Utility
3 Commissioners. Long story about how we
4 arrived at that name.

5 This year my theme at NARUC is
6 "Equip to Lead." So it's a message to
7 regulators to empower them. "Equip to Lead:
8 125 Years of Effective Regulation."

9 As you know, utility regulators
10 are economic regulators. We regulate public
11 utilities or investor-owned utilities and our
12 mission is to ensure safe affordable reliable
13 utility service.

14 This year my very top priority as
15 president of NARUC is pipeline safety. And
16 it's not a political ploy on my part. For
17 those who know me, it's near and dear to my
18 heart. And it's very important that we focus
19 together as regulators on the issue of
20 pipeline safety.

21 I'm also focused on infrastructure
22 directly regarding resilience and reliability

1 issues, how we are preparing for and
2 responding to severe weather events, cyber
3 security issues, physical attacks, how we are
4 working together to integrate renewables onto
5 the grid, DIG, and also our core function of
6 reliability. And last but not least, a focus
7 on diversity, both fuel diversity and
8 diversity in the truest sense of the word as
9 we all need to prepare for training and hiring
10 the next generation of the utility work force
11 and ensuring that from, as I say, the C Suite
12 to men and women who work on the lines every
13 day making sure that they reflect the people
14 that we serve.

15 But as the administrator
16 mentioned, we were honored to have Secretary
17 Foxx to join us at my first meeting as your
18 president. His message was a positive one.
19 It was a sobering one, but a positive one
20 reflecting the progress that we've made,
21 particularly since Secretary Lahood's call to
22 action in 2011.

1 I've also had the pleasure and
2 honor of meeting with Deputy Secretary Mendez
3 actually before he became Deputy Secretary
4 Mendez. And also Administrator Quarterman,
5 I've met with her several times. And it's
6 been important that I understand where she is
7 headed as administrator, where PHMSA is headed
8 and where we should be headed, both as
9 regulators and as inspectors.

10 So we're focused on, with regard
11 to pipeline safety infrastructure,
12 understanding what the needs of industry are,
13 because industry is on the front lines.
14 Industry will bring their proposals to the
15 state commissions. We're focused on educating
16 regulators and inspectors about this work.
17 And also focused on how this work plays out at
18 our NARUC Committees, both the Committee on
19 Gas and the Subcommittee on Pipeline Safety,
20 which are both comprised of commissioners, and
21 also our joint work with our Staff
22 Subcommittee on Pipeline Safety, which is

1 primarily comprised of our NAPSRS colleagues.

2 So with that, I'd like to present
3 the top five priorities. These are on behalf
4 of NAPSRS, which these are also embraced by
5 NARUC.

6 And I must say a word of thanks to
7 our NAPSRS friends. Many of them work on our
8 respective staffs at the PUCs and some work
9 independently of our work, but these are men
10 and women who work very hard, as you know,
11 each and every day. I often say they live,
12 eat, drink, sleep, breathe pipeline safety.
13 And thank goodness for it. They're very
14 passionate about this work and they have been
15 committed to educating us. And they've just
16 released their second compendium of laws in
17 our respective states and initiatives which
18 focus to a greater degree they're more
19 stringent than the federal code. It's a very
20 large volume of laws and efforts and actions
21 in our respective states, which demonstrate
22 our commitment to pipeline safety. And we're

1 committed to doing that going forward.

2 So with that, I'd like to offer
3 the top five priorities for 2014 of both NAPSR
4 and NARUC.

5 No. 1, the final rule regarding
6 gathering lines. We support a rule outlining
7 a clear definition of the beginning and end
8 points of gathering lines. The current
9 regulations leave the beginning and end point
10 open to interpretation depending on the
11 configuration and location of process
12 equipment. In addition, we support a rule
13 subjecting all gathering lines including those
14 operating in class 1 locations to C.F.R.
15 requirements. Requirement limitations may be
16 applicable to the gathering lines in class 1
17 locations such as limiting compliance to
18 C.F.R. Part 192(a) regarding general
19 requirements; (i) corrosion control; (k) up-
20 rating; (l) operations; (m) maintenance; and
21 C.F.R. Part 199, anti-drug and alcohol
22 programs.

1 The second priority is regarding
2 the final rule for IVP, or as you know it,
3 integrity verification processes. We
4 recommend that PHMSA provide additional
5 guidance on certain elements contained in the
6 developing IVP process. Operators have been
7 engaged in the process of verifying the MAOP,
8 or maximum allowable operating pressure, of
9 their transmission pipelines.

10 On May 7, 2012 PHMSA issued
11 Advisory Bulletin 2012-0068 reminding
12 operators to verify the MAOP as required by 49
13 C.F.R. Parts 192.517 and 195.310. The
14 advisory bulletin also informed operators of
15 a requirement to report the miles of pipeline
16 for which MAOP could be verified, as well as
17 those pipelines that do not have verification
18 records on the 2012 Annual Report.

19 The bulletin references a previous
20 advisory bulletin issued on January 10, 2011
21 that reminded operators relying on the review
22 of the design, construction, inspection,

1 testing and other related data to establish
2 the MAOP. They must ensure that the records
3 used are reliable, traceable, verifiable and
4 complete.

5 NAPSAR has identified a need for
6 PHMSA to provide timely additional guidance
7 regarding the terms "reliable," "traceable,"
8 "verifiable," and "complete." Additional
9 guidance is required to define the actions the
10 operators must take and how we carry out these
11 roles to test pipelines for which adequate
12 records are not available. And I would
13 daresay industry may well appreciate that
14 clarification as well. A timeline for
15 completing the MAOP verification testing
16 should also be provided.

17 The third priority regarding the
18 final rule for application of integrity
19 management requirements outside of high-
20 consequence areas, or HCAs. We support a rule
21 regarding expansion of the transmission
22 integrity management elements. On August 1,

1 2013 PHMSA issued an NPRM, which was 2013-161,
2 seeing public comment whether applying the
3 IMP-required elements applicable to HCAs to
4 areas beyond the HCAs.

5 The Pipeline Safety Regulatory
6 Certainty and Job Creation Act of 2011
7 required the Secretary of Transportation to
8 evaluate and issue a report on whether IMP
9 requirements should be expanded. We support
10 extending requirements currently applicable to
11 the HCAs beyond the HCAs. Alternatively, we
12 support extending the HCA elements to all
13 class 3 and class 4 locations.

14 The fourth priority is with regard
15 to the final rule on damage prevention. The
16 PIPES Act of 2006 emphasized the need for
17 consistent enforcement of damage prevention
18 requirements and outlined the nine elements of
19 an effective damage prevention program
20 document.

21 In 2009, PHMSA initiated an NPRM,
22 which was 2009-192, that sought to revise the

1 Pipeline Safety Regulations. These revisions
2 included a number of things, but establishing
3 criteria and procedures for determining the
4 adequacy of state pipeline excavation damage
5 prevention law enforcement programs. In
6 addition, establishing an administrative
7 process for making adequacy determinations,
8 establishing the federal requirements that
9 PHMSA would enforce in states with inadequate
10 excavation damage prevention law enforcement
11 programs; and as members of this Joint
12 Committee are well aware, we've taken up these
13 issues here in the last year, and establishing
14 the adjudication process for administrative
15 enforcement proceedings against excavators
16 where federal authority is exercised.

17 Per the PIPES Act the
18 establishment of a review criteria for state
19 excavation damage prevention law enforcement
20 programs is a prerequisite for federal
21 enforcement. Should PHMSA find it necessary
22 to conduct an enforcement proceeding against

1 an excavator in the absence of an adequate
2 enforcement program in the state where the
3 violation occurs, the criteria is necessary.

4 The development of these criteria
5 and the subsequent determination of the
6 adequacy of a state excavation damage
7 prevention law enforcement program -- say that
8 fast three times -- is intended to encourage
9 states to develop effective excavation damage
10 prevention law enforcement programs and to
11 protect the public ultimately from the risk of
12 pipeline ruptures caused by excavation damage.
13 This also allows for federal administrative
14 enforcement action in states with inadequate
15 enforcement programs.

16 The PIPES Act also prohibits
17 exemptions and One Call Programs pertaining to
18 municipalities and state agencies and their
19 contractors. State laws containing such
20 exemptions are no longer eligible for state
21 damage prevention and One Call Program.

22 NAPSR encourages PHMSA to issue a final rule

1 that clearly defines the expectations of an
2 effective damage prevention program and define
3 acceptable damage prevention rule exemptions
4 such as routine farm tillage operations. And
5 NARUC joins in this recommendation.

6 The last but not least priority of
7 both NARUC and NAPSAR for 2014; you can guess
8 this one, the maintenance of effort clause.
9 We had to mention this, right?

10 The states continue to be an
11 integral and essential partner with PHMSA in
12 helping to maintain the nation's Pipeline
13 Safety Program. State pipeline safety
14 personnel comprise more than 80 percent of the
15 total state/federal work force.

16 The PIPES Act of 2006 includes
17 maintenance of effort language under Section
18 60107(b) regarding payments. "After notifying
19 and consulting with the state authority, the
20 secretary," this provision reads, "may
21 withhold any part of a payment when the
22 secretary decides that the authority is not

1 carrying out satisfactorily a safety program
2 or not acting satisfactorily as an agent. The
3 secretary may pay an authority under this
4 section only when the authority ensures the
5 secretary that it will provide the remaining
6 costs of a safety program and that the total
7 state amount spent for a safety program,
8 excluding grants of the U.S. Government, will
9 at least equal the average amount spent for
10 gas and hazardous liquid safety programs for
11 the three fiscal years prior to the fiscal
12 year in which the secretary makes the payment,
13 except when the secretary waives this
14 requirement."

15 Prior to 2006 the PHMSA Matching
16 Grants Program had not grown in proportion to
17 the needs of the state programs, and during
18 the preceding six years the federal level of
19 funding decreased from 48 percent of state
20 expenditures to below 40 percent. Due to
21 prior insufficient appropriations states were
22 forced to pay both their 50 percent share plus

1 a portion of federal share owed the states of
2 the grant funding authorized by Congress.

3 The 2006 Act increased the federal
4 share of program expenses to 80 percent of
5 total outlay by the states. The requirement
6 to maintain grantee spending commitments at
7 the three previous fiscal year averages proved
8 problematic for most states. This required
9 states to increase the total program expenses
10 to unobtainable levels.

11 The Pipeline Safety Regulatory
12 Certainty and Job Creation Act included a
13 maintenance of effort clause that allowed the
14 secretary to grant a waiver if a state could
15 demonstrate financial hardship. Many programs
16 requested such waivers simply because they
17 couldn't substantiate the type of program
18 growth required by the maintenance of effort
19 requirements in the law.

20 We do not believe a maintenance of
21 effort clause is necessary. State programs
22 are required to meet a minimum level of

1 inspection days per years, as well as a
2 required staffing level; and I would add
3 training level, to remain in compliance with
4 grant and aid requirements. Meeting these
5 requirements will ensure that state spending
6 levels would remain at or near the average
7 level for the previous years. The requirement
8 to obtain a waiver and maintain records
9 demonstrating how the suspension funding is
10 spent is an unnecessary burden and provides
11 little or no benefit to pipeline safety.

12 So with that, I greatly appreciate
13 the opportunity to present the priorities of
14 both NARUC and NAPSAR and would pause for any
15 questions or comment.

16 MR. WIESE: I wonder if I could
17 just really quickly -- and I'm happy to
18 mediate any questions you might have for
19 Colette. And I think it's a great opportunity
20 while we have her here to ask some, but if
21 you'll allow me just a couple of comments up
22 front.

1 I liked your words about integral
2 and essential partner, and I think that's
3 true. And I hope that we live up to that, you
4 know, in our dealings with the states. And
5 I've dealt with most of the state people for
6 over 15 years. A lot of great friends in the
7 state programs.

8 So but I would also comment a
9 little bit about the fact -- and Colette knows
10 this. I've always called Colette my favorite
11 commissioner and I tease --

12 CHAIR HONORABLE: I can't believe
13 you said that on the record. You're going to
14 be in trouble now.

15 (Laughter.)

16 MR. WIESE: I tease her about this
17 all the time, and here's why: She doesn't
18 mind bringing things to the table. So I think
19 you can hear that, right? But she's always
20 been there to help, you know, try to solve the
21 issue, too. So everyone brings things onto
22 our table. I mean, I'm telling you, it's like

1 every day somebody has something they want us
2 to do. But I've always found Colette very
3 helpful in solving those things. So she's
4 given me as a member of the Gas Committee at
5 NARUC really great access to talk to
6 regulatory utility commissioners about the
7 importance of the call to action and other
8 things.

9 So, you know, before it was a call
10 to action, Colette would bring me into NARUC
11 to talk to these people and try to convince
12 them of the balance between rates, you know,
13 and safety. And there is a balance. And the
14 commissioners have a tough job to do in
15 achieving that balance. So we recognize that.

16 But any rate, it's always been a
17 very good and strong partnership. I wanted to
18 thank her for that.

19 I see that Ron is up, so Ron?

20 MEMBER McCLAIN: Ron McClain with
21 the Oil Committee. You mentioned the fourth
22 priority of, you know, pressing forward on a

1 final rule for damage prevention. And one of
2 the threats we see and seems to still be
3 growing are a lot of excavations without a One
4 Call, and a surprising number of those are by
5 municipalities and counties who have
6 exemptions.

7 And so my question is what are
8 state regulators and -- because there's a
9 myriad of exemptions across different states.
10 Some almost appear nonsensical in the interest
11 of safety. But what are states doing to
12 improve? I mean, there are some exemptions
13 that make sense, but you know, to completely
14 exempt a category of excavators doesn't make
15 a lot of sense. I'd like to hear how do your
16 organizations work to improve on that?

17 CHAIR HONORABLE: Thank you, Ron.
18 And I must respond to something Jeff said, and
19 something I should have said at the outset.
20 We greatly value the partnership that we enjoy
21 with DOT and PHMSA and we are committed to
22 continuing to work to strengthen it. We don't

1 always agree on everything. I was expecting
2 Jeff to make a comment about the 80 percent
3 issue that something --

4 MR. WIESE: I let it go.

5 CHAIR HONORABLE: He let it go.

6 (Laughter.)

7 CHAIR HONORABLE: We're holding
8 hands today, I see.

9 (Laughter.)

10 CHAIR HONORABLE: But we are
11 committed, and that's the most important thing
12 we can do initially. If we both commit to
13 bring our best, to bring our brightest to the
14 table, and we're committed to do that going
15 forward. So I wanted to say that for the
16 record.

17 And to Ron's question; and I'll
18 also invite Massoud to cover anything I might
19 miss here, the states have been very committed
20 to, number one, increasing our state pipeline
21 safety codes to equal the federal codes with
22 regard to violations. And so I think Arkansas

1 might have been the first state to do that,
2 but we're also very focused on prosecutions
3 and enforcement regarding violations. I can
4 personally tell you in Arkansas I've gone to
5 meet with the prosecutors, I've gone to meet
6 with the attorney general. We are sending the
7 message to them that we all need to be
8 committed and serious about enforcement. Also
9 serious about educating the public.

10 I have some creative ideas; I
11 don't want to get ahead of myself for April,
12 but we at NARUC encourage all of the states to
13 secure proclamations from their respective
14 governors, getting the word out about National
15 Safe Digging Month, doing a press release. We
16 make it a big deal. We want press coverage.
17 We want to educate people.

18 I won't say that I know for
19 certain that the stats that you've referenced
20 are true. I would acknowledge with you that
21 we continue to see a troubling number of
22 incidents regarding excavations. My point is

1 I'm not going to cast blame and say who's
2 doing them. The point is that they're still
3 occurring in greater numbers than they should
4 and the onus is on all of us to aid in the
5 prevention of that.

6 And so we are certainly equally
7 concerned about it, equally committed to
8 addressing it. And I want to, before you jump
9 back in, Ron, ask Massoud to join me also in
10 responding to this issue.

11 MEMBER TAHAMTANI: Thank you,
12 Madam Chairman. Ron, your specific question
13 was about the localities and exemptions and
14 the fact that they don't even call before
15 they're out there. That is a problem. It is
16 unique in every state in that there is
17 politics involved. In my own state it wasn't
18 easy to bring them under the umbrella. And
19 even today we can't penalize them.

20 And after about 15 years of seeing
21 that the trend with respect to that group of
22 excavators was not improving, we've been back

1 into the law and did the best we could, which
2 is to put in the law that if trends for
3 localities are not improving, that the
4 Commission would request a formal plan to
5 reduce damages from the city manager or the
6 highest official of that locality and to bring
7 them to court, to our court and put them on
8 the stand and invite some media to see. And
9 that's working. So that's because in Virginia
10 by constitution we can't fine local
11 government.

12 My point I guess to you and others
13 in terms of operators is that sometimes the
14 hands of the commissions are tied. They can't
15 run to the legislators and say let's fix the
16 law and remove this exemption, fix the law the
17 other way. Politics is at work.

18 Utilities have a lot of data.
19 They know exactly who hits them and why they
20 hit them. I think you all need to partner
21 with each state, collect ample data. If
22 you've got serious consequences that you have

1 faced already, put those on slides and go to
2 your legislators. You've got strong lobbyists
3 in every state. You can change the law, and
4 sometimes a lot faster than the commissions.
5 I've seen that happen.

6 So my comment is that sometimes we
7 want to do the right thing as commissioners,
8 but we can't because we're facing the
9 political reality that you and I both know.
10 But in those cases you have to be the driver
11 with the data, with the consequences. No
12 legislator wants to see safety erode. And
13 again I've had a lot of success in getting all
14 exemptions removed in the State of Virginia.
15 And localities when they get the nasty letter
16 from me, they come with their attorneys and
17 try to contest a letter. And Mr. Pevarski can
18 attest to that. He sits next to me most of
19 the time during these hearings.

20 So again, in summary, I know that
21 Colette and other commissioners want to do
22 good work to remove these exemptions, but

1 sometimes their hands are tied and you need to
2 help with your data to get those laws changed.

3 MEMBER McCLAIN: Thanks, and I
4 will say I had the privilege of attending one
5 of your courts, not as a violator, but as an
6 observer --

7 (Laughter.)

8 MEMBER McCLAIN: -- and I was very
9 impressed. You know, I think Virginia very
10 much a leader in this area.

11 You know, my question; maybe it
12 translates to a comment, certainly operators
13 can take positions lobbying for legislative
14 change. I think it's helpful if we partner
15 with state regulators because failing to call
16 811, I mean, it's not a near miss. It's a
17 near catastrophe. And, you know, I am going
18 to compile recent history of -- because we
19 report every encroachment or unauthorized
20 excavation on our pipelines to my level every
21 week, and there's usually three or four across
22 our oil pipeline system that we analyze. And

1 often one or two of those are someone who
2 either has an exemption or thinks they have an
3 exemption.

4 So I think it's still a very large
5 problem. And the inconsistency one state to
6 another, it would be good if maybe there was
7 a model to gain -- maybe get past the
8 politics. And certainly I recognize there are
9 strong lobbies on the other side who don't
10 want the cost of doing that. But it's still
11 common sense to call 811 regardless of who you
12 are if you're going to excavate.

13 CHAIR HONORABLE: I agree, Ron.
14 And let me say, too, I would welcome the
15 opportunity to visit with you more about this
16 issue, NARUC, NAPSIR and you and your team. I
17 think that would be wonderful. And it's
18 certainly worth the effort if at the end of
19 the day -- similarly with the states we have
20 been very proud that I think 13 to 15
21 additional states have implemented either
22 replacement programs or accelerated programs.

1 If we can a year from now come back to this
2 table and see a decline in those incidents, it
3 would be well worth the effort. So I welcome
4 the opportunity to work with you on it.

5 MEMBER McCLAIN: Thank you and I
6 am glad it's a priority for the group.

7 MR. WIESE: I might just add a
8 couple of things really quickly on that and
9 maybe we'll move on. And by the way, I've
10 looked at the agenda. I think it's too harsh.
11 We'll maybe have one more presentation and
12 then go to break instead of waiting.

13 The board members of Common Ground
14 Alliance, you know, raise your hands.

15 You know, I think you can see --
16 well, and Massoud, I mean, he's been --

17 MEMBER TAHAMTANI: I used to be.
18 They fired me --

19 (Laughter.)

20 MR. WIESE: But he still comes,
21 you know? So I would tell you that it's a
22 passion of a lot of people at this table. So

1 we could go on on this one all morning.

2 I just wanted to add the comment;
3 and Ron knows this to be true, at PHMSA we
4 have taken a very strong stance and we don't
5 believe that anyone is exempt. There may be
6 some activities that are exempt, and I sort of
7 -- not begrudgingly, but have come around to
8 Massoud's point of view that when you can
9 prove it with data, you know, okay, you know,
10 we can talk about it. But we'd like to live
11 really against that principle that no one is
12 exempt. You know, only certain activities.
13 And I know in Ron's case I've heard about a
14 lot of these incidents, and clearly the
15 activities these people are conducting are
16 well beyond surface tilling, you know, and
17 agriculture.

18 So I think we've got a lot of work
19 to do on that and I'm very hopeful we'll move
20 the final rule on excavation damage
21 enforcement someday soon. And that is really
22 the final straw. You know, we have taken a

1 very decided course in getting to where we are
2 to build strong state programs. That is the
3 goal. And Colette and Massoud and many of the
4 people at this table have been great partners
5 in that exercise.

6 So with that, with your permission
7 I would like to take just a moment to pause
8 and recognize that Deputy Butters is in the
9 house. And he snuck in when I didn't see him.
10 I just noticed that he had come up. And Tim
11 Butters, as you know, former member of this
12 Committee. So look out.

13 (Laughter.)

14 MR. WIESE: You know, we recruit
15 from those we know. So Tim's been the deputy
16 here and he's done a lot of great work for us
17 in the area of emergency response, including
18 stuff that's going on right now. We're not
19 covering it today, but at the next meeting
20 we'll try to get caught up on what we're
21 doing.

22 But, Tim, I'd turn to you if

1 there's anything you want to add.

2 MR. BUTTERS: Thanks, Jeff and
3 Colette. Good to see you.

4 Appreciate the opportunity to
5 spend some time this morning with you. I'm
6 really here to listen, but I know that Cynthia
7 covered from the administrator's perspective
8 some of our important issues. But just to
9 reinforce the critical both Committees play
10 with our Agency, this is where we truly hear
11 your advice on how we need to move and some of
12 the issues that you're facing out there. You
13 know, we're all in this game together to
14 prevent incidents from occurring as well as
15 minimizing the consequences of those and the
16 role that all of us play in all of that.

17 So again, you know, as you move
18 forward we're going to continue to need your
19 guidance. You know, as we see this
20 unconventional energy continue to ramp up,
21 it's going to, you know, voice new challenges
22 with all of us, so staying ahead of that game

1 is really going to be important. So again,
2 appreciate the opportunity to be here and look
3 forward to talking to each of you, you know,
4 this morning. So thanks.

5 CHAIR HONORABLE: Thank you.

6 Great to see you, Tim.

7 We'll continue now on our agenda
8 with a briefing on public pipeline safety
9 priorities by Carl Weimer. And he has a
10 beautiful PowerPoint.

11 MEMBER WEIMER: Good morning.

12 CHAIR HONORABLE: Good morning.

13 MEMBER WEIMER: Yes, I'll warn
14 you, when I got on the airplane yesterday
15 there were six slides and by the time I got
16 off five hours later it had grown to 25.

17 (Laughter.)

18 MEMBER WEIMER: I thank the group
19 for the presentation, for the invitation. I'm
20 here to provide a public perspective, but I
21 certainly can't speak for the whole public.
22 You know, INGAA and AOPL and AGA have the

1 benefit of getting a group together and kind
2 of coming to a consensus of what their
3 priorities are. I can't really speak for 200
4 million Americans, so I'm not even going to
5 try. So to some degree I'll tell you what
6 we've been hearing from the public and I'll
7 tell you what the priorities for the Pipeline
8 Safety Trust are, but I certainly can't speak
9 for the whole public.

10 Now, let's see if I can work the
11 -- no, I can't. You have to point it. There
12 we go.

13 I just want to start kind of where
14 we're at. One of the things that I think
15 everybody agrees with is that the metric that
16 we're looking at is zero incidents. All the
17 industry groups have adopted that. We've
18 certainly adopted that. So this kind of shows
19 where we're at for zero. And as you look at
20 it, you can see that the number of incidents,
21 irregardless of which type of pipeline you're
22 looking at, are really pretty low. And this

1 is one of the things that we try to explain to
2 the public over and over again, that the
3 chance of anything failing is really pretty
4 low. You can see that we still have some work
5 to do with all the sectors to get to zero.

6 Here's one of the reasons I can't
7 speak for all the public because the public
8 has a variety of different opinions and the
9 Trust probably disagrees with the public as
10 often as we disagree with the industry,
11 depending on the issue. But certainly the
12 public attention has been much more focused on
13 pipelines, sometimes not really for pipeline
14 safety reasons, for other kind of things
15 associated with pipelines over the past few
16 years starting with a number of incidents and
17 then a number of other kind of corollary
18 issues that pipelines relate to.

19 It's a little hard for us to set
20 our priorities of where we should go for these
21 because there's a number of rules and reports
22 that PHMSA's working on that have come out of

1 the NTSB, Congressional mandates, Advanced
2 Notice of Proposed Rulemakings that have been
3 put out there. So one of our highest
4 priorities is just to get those reports and
5 rules out on the table. You know, the
6 Hazardous Liquid Rule has been sitting
7 somewhere for more than three years now. So
8 it's hard to tell whether we need to go
9 through re-authorization to Congress to talk
10 about that stuff or whether it's going to be
11 reflected in those rules when they come back
12 out of the black hole they've disappeared
13 into. Same with the natural gas to some
14 degree.

15 But you can see kind of our
16 laundry list of highest priorities that
17 somewhere are within PHMSA at this point.
18 Gathering lines. I love going after NARUC and
19 NAPSR when their priorities line up really
20 closely with your priorities. And everything
21 I heard Ms. Honorable say we agree with.

22 We're certainly moving towards

1 congressional re-authorization again, so we
2 have a number of priorities that we're
3 thinking about in those terms. We haven't
4 defined these all well. Our highest one is
5 gas gathering lines, which is the same as
6 NAPSIR and NARUC. And I'm going to talk a
7 little bit about some of these more with some
8 additional slides. We're also looking at the
9 idea of mandatory fines. We don't know
10 exactly what that means yet, but if you look
11 at the number of significant incidents going
12 on that are from causes that are within
13 operator's control, the number of fines is
14 less than the number of significant incidents.
15 And we don't quite understand how you can have
16 a significant incident and not have broken the
17 rules and get a fine.

18 Lots of issues around routing.
19 I'm going to talk about that a little bit
20 later in another slide. And that's whether
21 those Certificates of Public Convenience and
22 Necessity are really public convenience and

1 necessity or corporate convenience and
2 necessity.

3 Participant funding. This is one
4 of the things I've learned from the Canadians
5 over the last few years. I think it was in
6 2002 re-authorization PHMSA stepped forward
7 with a Technical Assistance Grant Program to
8 communities, which is a wonderful program that
9 lets communities help fund some of their
10 interests. One of the things that that was
11 aimed at is letting communities and the public
12 be participants in rule development, new
13 pipeline issues, standard development and
14 those types of things. And the TAG grant
15 program has never been able to do that very
16 well because the timing never lines up.

17 The Canadians have a participant
18 funding mechanism. When they're moving
19 forward on new rules or new pipelines, they
20 directly open up funding sources to help
21 people participate in that. And I think
22 that's one of the things we'd like to --

1 either look at tweaking the TAG grant program
2 so it can help do that or setting up a
3 separate program. And also; and I'm going to
4 talk about this a little bit more, to more
5 transparency and involvement in spill
6 planning.

7 So regulatory agenda. I'm going
8 to just go through this real quick. Our
9 priority is on prevention, so we're really
10 prioritizing those things in the regulatory
11 agenda that get us to zero. We've already
12 heard a talk about expanding and improving
13 integrity management. That's one of the high
14 things on our list. Expanding where integrity
15 management covers, getting better tools,
16 better response, better pigability on
17 pipelines, the whole IVP, better records.
18 That's been a huge issue. And then as we're
19 going to talk about tomorrow, just better
20 systems. Construction improvements, damage
21 prevention. I've got some other slides on
22 most all of these things. And certainly

1 information transparency and dissemination is
2 one of our highest things.

3 Construction improvements. One of
4 the things we're trying to really wrap our
5 head around because we get the public calling
6 us all the time with concerns about
7 construction and we don't really understand
8 both how the industry is dealing with new
9 construction and how PHMSA and the states
10 inspect new construction. Because people send
11 us videotapes, pictures all the time of
12 pipeline with all kinds of problems on it and
13 it's very difficult for us to know whether
14 those are really problems or whether the
15 companies are really just doing the right
16 thing by going in and removing these pipelines
17 and correcting those problems. And I know it
18 was a priority of PHMSA a number of years ago
19 to get more inspections going in the field
20 during new construction, and that's one of the
21 things we're trying to wrap our heads around.

22 Damage prevention. Certainly the

1 Common Ground Alliance, one of the reasons you
2 see the number of incidents decreasing,
3 especially in distribution pipelines is
4 because of all the great work the Common
5 Ground Alliance has done. So we certainly
6 have that as a high priority. We'd also like
7 to see more emphasis on damage prevention when
8 it comes to water crossings and unstable
9 areas. There's still a lot of damage
10 happening on unstable slopes and water
11 crossings. And some of that is really things
12 that are within the operator's control.

13 Gathering lines is our number one
14 priority, just as it sounds like it is
15 NAPSRS's, too. And I think this pretty much
16 lines right up with what you just heard from
17 Colette. We really want the definition of
18 gathering lines clarified. We want on-shore
19 gathering lines treated the same as
20 transmission pipelines. And we want the
21 incidents reported in beyond NPMS.

22 And you ask why that may be

1 important. Let me just show you. This is a
2 small county in the middle of Pennsylvania.
3 This was October 2008. October 2009. These
4 are gas wells. October 2010. October 2011.
5 October 2012. That's the number of wells that
6 have gone in or been at least permitted in
7 this small county in Pennsylvania over a four-
8 year period. All of these wells have to be
9 tied together with pipelines and most all of
10 the pipelines that tie these wells together
11 are completely and totally unregulated.

12 Some of the pipelines are 24 to 30
13 inches in diameter and operate at the same
14 pressure as these transmission pipelines. And
15 sooner or later some of these pipelines are
16 going to fail and the industry as a whole,
17 whether you're an oil pipeline or a gas
18 transmission pipeline, are going to get
19 painted with that same failure. So we really
20 need to move forward with some regulations on
21 these things.

22 Pipeline routing reform. The

1 number one thing we get calls from the public
2 are routing issues when new pipelines are
3 coming in or pipelines are getting expanded.
4 That's a fairly recent picture of a backhoe
5 working next to a house in Michigan. You can
6 see how close that pipeline is going in next
7 to this gentleman's living room.

8 So there's a whole bunch of reform
9 issues we think need to happen. There needs
10 to be a clear permitting system for new liquid
11 and intrastate gas pipelines. At this point
12 it's a patchwork. There isn't a system like
13 there is with FERC for interstate gas. So no
14 one really knows how it will work and
15 oftentimes it falls on local governments that
16 aren't very aware of this and by the time they
17 figure it out, usually it's too late.

18 We need better requirements and
19 incentives to avoid populated areas. We need
20 regulation on land agents. Lots of companies
21 contract out their land agent things and we
22 hear complaints that are across the board

1 similar from one part of the country to
2 another. So there's a problem there.

3 We think there needs to be
4 established minimum land owner's rights when
5 it comes to eminent domain. Some states
6 already include, you know, the inclusion of
7 legal fees for a contract review. When these
8 people call us, we say you need to get a
9 lawyer and make sure you understand what's
10 going on. It would be good if companies are
11 paying for that.

12 There needs to be a redefinition
13 not only with FERC, but all of these processes
14 about what really is a necessity, because
15 oftentimes we're permitting multiple pipelines
16 moving materials through the same areas
17 instead of people sharing those pipelines.
18 Just because you have customers, doesn't mean
19 it's a public necessity and there needs to be
20 a real state disclosure especially on
21 transmission pipelines.

22 Secondary regulatory agenda issues

1 for us deal with response, and we've talked
2 about some of these for years. Automated
3 valves, leak detection. Lots of movement
4 right now on community training and response
5 issues. And one of the issues that seems to
6 be growing in the public, especially from some
7 of the environmental groups is trying to
8 quantify the number of leaks and what that
9 means for climate change coming from gas
10 pipelines.

11 And then there's also regulatory
12 agenda issues for us that relate more to the
13 regulators than to the companies. We
14 certainly support both the federal and the
15 state regulators getting the resources they
16 need to do their jobs. And I think that's a
17 problem we see all across the state.

18 I've already talked about non-
19 discretionary fines a little bit.

20 Measurable metrics not only for
21 companies, but also for regulator performance.

22 Countering regulatory capture.

1 This is one of the things I get hit up from
2 the public all the time. And regulatory
3 capture is the thought that the public has
4 that the regulators and the industry are too
5 cozy. And I've heard Jeff talk about this.
6 The only way you can really make progress is
7 for the regulators and the industry to work
8 together, but sometimes people that aren't as
9 involved as we are view that as coziness.

10 I mean I even after our last
11 Technical Committee meeting had public calling
12 up and saying what were they thinking? Is
13 PHMSA tone deaf? Because who did they have
14 coming to us and talking to us about energy
15 futures? British Petroleum. That didn't set
16 well with public that's not paying much
17 attention. Who did they have coming and
18 talking to us about spill response planning?
19 Enbridge, who had just dumped a million
20 gallons into a river in Michigan. That seems
21 to be a problem.

22 When people saw the agenda coming

1 up tomorrow they saw that PG&E is here talking
2 to us about safety culture. That just seems
3 to be a problem from the public standpoint
4 that's just seeing the companies' names
5 associated with incidents and then see who's
6 on the agenda talking to the Technical
7 Committee. So that's one of those things
8 where we're caught between a rock and a hard
9 place often with the public because we
10 understand why those people are talking, but
11 just from an outside public standpoint it
12 sometimes is a problem.

13 Greater transparency from
14 regulators. I'm going to talk about that a
15 little bit more and just the timeliness of the
16 rules. Why is it the rules disappear for
17 three or four years before they pop out
18 somewhere else?

19 Just from a Pipeline Safety Trust
20 standpoint there's a whole bunch of things
21 we're going to be doing. Our conference,
22 we're expanding this year. We've actually

1 move to a different hotel, but it's still in
2 New Orleans because we've outgrown the other
3 one. So we're going to be at the Royal
4 Sonesta this year. If people haven't attended
5 our conference and want to know why it's
6 important, I think it's important because it's
7 one of the few conferences anywhere where
8 regulators, public and the industry get
9 together and really talk to each other. And
10 we see the benefits of this all the time.

11 Just in the past week I've seen
12 people from Pennsylvania talking with industry
13 in Michigan about programs on damage
14 prevention. I've seen industry folks in Texas
15 talking with people in other parts of the
16 country that they've met at the conference and
17 have developed a relationship to. Also as you
18 can see from the picture there on the left,
19 it's a real demonstration to the public of how
20 the industry sugarcoats all of their messages.

21 (Laughter.)

22 MEMBER WEIMER: We're also moving

1 forward. Our landowner's guide that we put
2 together, "A Landowner's Guide to Pipeline
3 Safety," has been very popular and we're
4 updating that and doing a reprint of that.
5 And we're actually doing a new guide this year
6 for local government for pipelines to help
7 inform local government about what really do
8 they have the rights and responsibilities as
9 far as pipelines go.

10 We're implementing more
11 scorecards. I think for a number of years now
12 we've been doing a scorecard on transparency
13 of state regulators, and it's been fairly
14 popular. A number of states have really kind
15 of stepped up once we started doing this and
16 making a lot more information available.
17 Washington and Arkansas seem to be dueling for
18 top position on this and it's kind of traded
19 and Arkansas may have just at least tied or
20 taken over because just this week they called
21 and they've put a whole bunch of new stuff on
22 their Web site that's pretty exciting. And we

1 didn't show the bottom of the list. PHMSA's
2 right up there at the top, too, if you put
3 them in the mix. But this has been one way to
4 talk with the state regulators about stuff
5 that the public is interested in and get that
6 out.

7 One of the things we're going to
8 do this year is start doing some score cards.
9 It's the whole metrics thing on pipeline
10 operators. We want to do both a transparency
11 thing on what pipeline operators provide on
12 their Web sites; we haven't got into that yet,
13 and also just a safety thing. And we've
14 already developed some of these comparing
15 INGAA companies and AOPL companies just for
16 the number of incidents per mile, those types
17 of issues.

18 One of the things we want to do
19 this year, too, because we get calls, probably
20 two or three a week, looking for expertise in
21 pipeline safety mainly from local governments
22 and sometimes citizens groups looking to hire

1 someone to explain something to them. So at
2 some point this year we're hoping to do a
3 broad RFQ looking for pipeline expertise,
4 things like metallurgists, pipeline engineers,
5 hydrologists that we can provide those names
6 to the communities that call us, because we
7 have a fairly small list right now of kind of
8 independent experts that are willing to work
9 for community groups and local government.

10 There's a number of things that
11 we're involved with that we're going to
12 continue to do, too. We're on almost way too
13 many PHMSA groups right now. The Data Quality
14 Groups, Public Awareness Work Group, this
15 Committee, the PIPA Group, which has kind of
16 gone underground again for the time being, and
17 then we've also been appointed to the
18 Governor's Citizens Committee on Pipeline
19 Safety in Washington State.

20 We continue to respond to the
21 public and local government requests for
22 assistance. We've been trying to categorize

1 that. And I've been just tracking my time,
2 and since the 1st of January I've spent over
3 60 hours just talking with local government
4 and public that calls. And the media. I
5 guess I'd throw the media in there, too. The
6 media sometimes is more than the others. So
7 a significant amount of our time is trying to
8 provide, you know, accurate information to
9 those groups.

10 And then one of our things that
11 our Board has been working on, their strategic
12 plan, and they really are trying to increase
13 our organizational capacity, because we're
14 overwhelmed with the requests for information.
15 So you'll see us ramping up all that social
16 marketing. They're going to make me learn to
17 tweet or something this year, I guess.

18 Increase outreach to affected
19 communities. When you see significant
20 incidents in communities these days, the Board
21 really wants us to start reaching out to them
22 instead of waiting for them to reach out to

1 us. We want to expand the Trust endowment.
2 You know, we were started with a \$4 million
3 endowment from a criminal settlement of a
4 pipeline case. We're investigating ways to
5 expand that endowment. We've been talking
6 with -- the City of San Bruno is really
7 interested in expanding our endowment if we
8 can create a pipeline-safety-trust-type
9 organization in California. We've been
10 talking to PG&E about that, too. And then
11 there are efforts going on in the Great Lakes
12 states around that also.

13 We're looking at investigating
14 organizational membership. We're not a
15 membership organization at this point. Often
16 people show up and say, well, your members,
17 what are they thinking? Well, we don't have
18 any members. But that may be a way for us to
19 expand our capacity.

20 And then we're looking -- it kind
21 of goes hand in hand with that RFQ That I
22 talked about, developing some advisory

1 committees. We want to have a Legal advisory
2 Committee of the lawyers around the country
3 that have looked at pipeline issues, pipeline
4 engineering expertise, that would work with us
5 on issues, those types of advisory committees
6 that can help guide us and make sure we're
7 using accurate information.

8 And that was all I had. Glad to
9 take any questions. And I'd encourage the
10 other public members to chime in also, because
11 they may have some other public viewpoints on
12 this. Thank you.

13 CHAIR HONORABLE: Thank you, Carl.
14 I'm glad you included the rankings. We're
15 very competitive in Arkansas.

16 (Laughter.)

17 CHAIR HONORABLE: And we mean to
18 take down Washington State.

19 (Laughter.)

20 CHAIR HONORABLE: So you know that
21 Phil Jones was president of NARUC immediately
22 prior to my taking the position. And so it's

1 really been a point of contention and it's
2 really strained our very good friendship.

3 So with that, in all seriousness,
4 we appreciate you giving us constructive
5 feedback about how we can improve the
6 information that we provide to the public and
7 ensuring that we do that in the very best way.
8 So thank you and your colleagues.

9 Todd?

10 MEMBER DENTON: Well first of all,
11 Carl, I appreciate --

12 CHAIR HONORABLE: I'm sorry.
13 Introduce yourself.

14 MEMBER DENTON: Oh, Todd Denton,
15 Liquids Industry Committee.

16 First of all, Carl, I appreciate
17 your role. I appreciate your organization.
18 I think it's served a good purpose of getting
19 that awareness out in the public. And, you
20 know, just last week I spoke with a new group
21 of engineers in our company, and I always use
22 the Bellingham example as why we do what we

1 do.

2 Having said that, I have to object
3 a little bit to the hyperbole. You know, some
4 of the pictures I'm not sure, you know, where
5 they're from. So for example, the pipe, you
6 know, more than likely that was cut out,
7 rejected on construction site. The backhoe
8 outside the living room window. You know, as
9 we lay new pipe, we have no incentive to be in
10 someone's back yard. We're looking for more
11 appropriate routes. You know, I don't know if
12 that was maybe a repair. We have more issues
13 with neighborhoods and commercial, you know,
14 stores being built on or near pipelines than
15 we do with building pipelines near those
16 places.

17 And then one question for you.
18 You had mentioned the spill planning
19 transparency and involvement. Can you
20 elaborate more on that?

21 MEMBER WEIMER: Sure. And most of
22 those pictures -- actually I think the picture

1 at least of the backhoe outside the
2 gentleman's window was a new pipeline
3 installation, although I think there was
4 constraints on where the right-of-way already
5 existed.

6 From a spill response planning and
7 transparency, our issue; and we've talked to
8 Congress about this; we've talked to PHMSA
9 about this, is more transparency in those
10 spill plans being available to the public; and
11 I understand that PHMSA is in the works of
12 putting those up online so they will be more
13 available, and more input from the public when
14 those are being approved. Washington State is
15 one of those things that do this. We'd be
16 glad to compete with Arkansas on this issue
17 about spill planning.

18 When there's a new facility
19 planned and up for approval, it's opened up to
20 the public for a comment period, and they're
21 made very public. At least the Department of
22 Ecology out there tells us that has created

1 and brought in new ideas that they hadn't
2 thought about, that the industry hasn't
3 thought about that helps strengthen some of
4 those spill plannings. There's no such public
5 review at the federal level.

6 It's interesting, when you get the
7 spill response plans from those states like
8 Washington State and you compare it to what
9 you can get from PHMSA at this point, the
10 amount of redaction in there. It may end up
11 being a legal it about the redaction that
12 PHMSA's doing on their spill response plans.
13 You can look at this whole page and then you
14 look at the PHMSA one and it's all black ink.
15 We don't quite understand that and we're
16 trying to understand why some states will give
17 you everything and then PHMSA redacts so much
18 of it. So that's some of the transparency
19 issues. But it's mainly the public
20 involvement part of it that's lacking at the
21 federal level.

22 CHAIR HONORABLE: Chuck and then

1 Jeff.

2 MEMBER LESNIAK: I can talk loud.
3 You all can probably hear me. I just wanted
4 to say thanks to Carl.

5 Oh, Chuck Lesniak representing the
6 public on the Liquids Committee.

7 I just wanted to say thanks to
8 Carl and just ditto to much of what he said,
9 but I did want to add a couple of things from
10 my perspective as a representative of the
11 public. Pipelines are not necessarily my
12 background over the last 20 years. I've done
13 a lot of environmental work, a lot of
14 environmental regulatory work. And when I got
15 involved in pipelines, especially national
16 pipelines, I was pretty surprised at the
17 minimal level of permitting and review and
18 approval of key documents. And I think
19 that's an issue that needs to be addressed.

20 While in a lot of ways very, very
21 safe facilities, they have the potential for
22 very, very high consequences. And, you know,

1 I'm kind of a believer in the Ronald Reagan
2 theory of trust, but verify. And I think that
3 there ought to be more review and approval by
4 the Agency itself prior to new installations
5 and start-up and major changes in operation.
6 And I'd like to see that going forward. I'd
7 like to see NEPA brought into the process
8 more. I think that is an area that's been
9 overlooked and NEPA ought to be part of more
10 pipeline siting and pipeline operational
11 changes.

12 I'd like to see a PIPA process for
13 siting new pipelines. We punted on that issue
14 on the Pipeline Committee. I think it was
15 actually in a lot of ways more critical than
16 what we did do. And I think that to be honest
17 the industry stonewalled us on that and I
18 think that ought to be addressed going
19 forward.

20 And the last thing is just on the
21 timeliness of the rules. I want to add
22 something to that. This is for me personally

1 and I've raised this issue before with the
2 Committee. As a member of the public and
3 different than probably 90 percent of the
4 people here in the room, this is not what I do
5 everyday, and even different from say Carl and
6 Rick. I've got another job and a whole other
7 life.

8 When I get the agenda and find out
9 what we're going to look at five days before
10 we meet, it's just not workable. And I think
11 that I know the Agency is reluctant to say
12 until they're certain what we're going to
13 cover and tell us what we're going to cover,
14 but my bet is that most of the industry folks
15 here have a pretty good idea of what we're
16 going to cover months in advance. I may be
17 wrong about that, but maybe -- I see some
18 heads shaking.

19 (Laughter.)

20 MEMBER LESNIAK: And so but if we
21 could get a list of 30 days out, 45 days out
22 tentatively this is what we intend to cover.

1 It's not a commitment on the part of the
2 Agency. But so that rules that have been out
3 there for public comment, they've been
4 published, I could start doing my research,
5 having my staff do some background research
6 for me so that I can make better informed
7 decisions. Because as it sits today, I'm very
8 concerned that I'll have to abstain from a lot
9 of votes just because I won't feel like I've
10 got the background to make an knowledgeable
11 vote, and I'd rather abstain than make an
12 uninformed vote. And so I think that' that's
13 important and I think goes to the timeliness
14 of the rules.

15 And with that, I'll stop. Thanks.

16 CHAIR HONORABLE: Thanks, Chuck.

17 We'll take those comments in the spirit of
18 being somewhat responsive to some of Carl's
19 points about the public perspective versus an
20 errant rant about late agenda reception.

21 (Laughter.)

22 CHAIR HONORABLE: So with that, I

1 think it would be appropriate to turn it over
2 to Jeff and he can respond both to Carl and To
3 Chuck's points.

4 MR. WIESE: Thanks so much.
5 Actually I sympathize, and it's a fair point.
6 So we will endeavor to be better about getting
7 materials out to you. I will tell you, Chuck,
8 that honestly this meeting we had one vote, so
9 we really work on the stuff to get to you
10 where there's a vote in here. The rest of
11 them are intended to be informational
12 briefings that kind of help round out your
13 view of everything's that's going on. So,
14 but, you know, fair comment, you know?

15 And we've also tried to -- I think
16 with your permission, by the way; except for
17 Michele, I think, since she's new, I think we
18 agreed last time to try to go electronic, you
19 know, and send you things electronically.
20 You'll have to give us some feedback on how
21 that's working. But any rate, again, I think
22 that's a fair point.

1 So I would want to, if I can,
2 commend Carl for a number of reasons. You
3 know, I've known Carl for a long time and Carl
4 can -- and I think that that's amongst the
5 best of us. He can disagree with you and
6 still not dislike you, right? It's okay. I
7 mean, Carl and I can still go out together,
8 you know, and enjoy -- Carl's one of those
9 people who always has ideas for me to work on,
10 you know?

11 (Laughter.)

12 MR. WIESE: And I appreciate that.
13 And I think we've had a good relationship.

14 I also want to commend him for
15 taking on excavation damage prevention. Carl
16 knows I've been nagging him for years about if
17 you really care about public safety, you have
18 to care about excavation damage prevention.
19 There are more people injured or killed as a
20 result of excavation damage, probably, than
21 just about anything else. A lot of those
22 people are people who work on the right-of-

1 way, but they're just as important as anybody
2 else and they're members of the public. So we
3 have to stick for those people. I know you
4 know I'm a little passionate about that. I'll
5 always push that angle.

6 But I also want to take that as a
7 platform to say on PIPA -- you know, I know
8 that several of you including Chuck commented
9 on this whole business of new pipelines.
10 Frankly, I was there when we started PIPA, as
11 you'll recall, Carl, but we couldn't get it
12 going, you know, when it was too big. We
13 pared it back. But I recall -- and Carl can
14 help me out here, I recall that we agreed to
15 move on to new pipelines.

16 So, you know, Carl gets calls all
17 the time and a lot of you get calls. We get
18 calls all the time, you know, and they're not
19 issues that we're really involved in. It is
20 a siting issue. So PIPA was intended to be
21 helpful to communities. I think it can be,
22 particularly if they use it. I'm with you.

1 I think we need to move on to new pipelines.

2 And we're seeing things and we're
3 seeing legal memos sent to communities with
4 which we disagree. People are claiming that
5 communities are preempted by our authorities.
6 You know, I don't agree to that. We're
7 writing back to these communities.

8 We built the CATS program, as you
9 know, for years and we have been sending CATS
10 out for years to talk to communities. And
11 that's our job really with the CATS talking to
12 communities. So I would encourage people as
13 they run into these issues to talk to us.

14 Last thing I would say on that
15 whole front, and it's just a caution to Carl,
16 it's my experience too that when you go out
17 for experts, you have to make sure you find
18 people who are neutral, you know, because
19 there are lots of experts out there with a
20 slanted point of view and it's not helpful.
21 I mean, basically everybody discredits the
22 work they do. If they're seen as fair and

1 balanced and neutral, you can get ahead and
2 you can move on that.

3 Let me close out my rant by
4 talking about April is National Safe Digging
5 Month, as that was brought up by several of
6 our members here. We're going to be doing all
7 kinds of things and I commend everyone in the
8 room and the members to dial it up in April.
9 This is an opportunity to get people's
10 attention to something that's really
11 critically important and I think we can do
12 that. So with that, I'll stop my rant.

13 CHAIR HONORABLE: Thank you. I'm
14 not sure who was next. Jeff? Let's say Jeff,
15 Michele and then Ron.

16 MEMBER WRIGHT: Jeff Wright, Gas
17 Committee. I guess I wanted to comment on
18 just a couple things. I'm coming from the
19 natural gas pipeline perspective as the
20 regulator that's in charge of siting new pipes
21 and additions to the pipeline inventory as it
22 were. You know, public convenience and

1 necessity, interesting term. We've had to
2 deal with it for 76 years now. The problem is
3 we define it as our actions. It's defined in
4 our actions. To change that, to get a
5 definition you're talking statutory language,
6 so we need an act of Congress. So, you know,
7 that's kind of the way to pursue that.

8 That aside, what I want to talk
9 about also is FERC has a very -- well, we
10 don't have a safety mandate. We have a very
11 open and transparent process. And as Jeff
12 said, we bring in the CATS Team. We send them
13 updates every month about what's going on at
14 FERC. And we encourage them where they can.
15 They send people to the scoping meetings, to
16 all the community meetings we have so they can
17 answer those safety questions that I know are
18 in the forefront of everyone's mind.

19 That said, and this kind of goes
20 to Chuck's question, everything we do is a
21 federal action. It requires NEPA work. That
22 is the bread and butter of what FERC does for

1 siting. So there is always a NEPA document
2 when there is a pipeline facility that is
3 going to be or proposed to be constructed.

4 I would say this, that I've never
5 seen a pipeline as proposed go out of my
6 Commission as proposed. There will always be
7 changes because of that process where we do
8 move pipe, we move compressor stations, we do
9 what we can to assuage all the stakeholders
10 that are involved. I mean, it runs the gamut
11 as you know from a landowner all the way to
12 the pipeline company and everybody in between.

13 And it's been noted here the
14 incredible run-up in gas supply that we have
15 because of the shale that's creating an
16 incredible demand for more pipe, which is not
17 so much the companies want the pipe, it's the
18 people as we turn more of our electric
19 generation needs, especially in New England
20 are becoming much more dependent upon natural
21 gas. We're seeing demands by the population
22 for more gas. So, you know, we're answering

1 not only landowners in the way. We're
2 answering the individuals who need more gas
3 service, who need more electric service.

4 So I'll end. I don't know if it
5 was a rant, but just kind of an informative
6 kind of just statement about what FERC's been
7 doing.

8 CHAIR HONORABLE: Thank you, Jeff.
9 That was very informative.

10 Michele?

11 MEMBER JOY: Michele Joy on the
12 hazardous liquid side. I also wanted to thank
13 Carl for bringing forward the public view. I
14 always find that he's very balanced and
15 engaging and very helpful to bringing these
16 things forward in a public discussion rather
17 than through the media or some other forum,
18 which really makes it very helpful.

19 I wanted to address one of the
20 issues that's come up that I'd actually like
21 to enlist perhaps NAPS or certainly the
22 states. In the part of the world where we

1 have our pipelines; and I work for Shell, we
2 are running into big problems with water
3 crossings and some of the issues you've
4 identified. And one of the things we're
5 finding; perhaps it's climate change, perhaps
6 it's weather or something else, but many of
7 the jurisdictions and the states are modifying
8 how they're managing water. And they're
9 pushing things into waterways that are now
10 causing erosion.

11 So we're going out and, you know,
12 looking at our lines. And where we're finding
13 there's issues, we immediately apply for
14 permits in order to rebury them or in many
15 cases to basically replace the crossing.
16 Those permits take a long time. We just
17 recently applied for one and we're told it
18 will take over a year. So, you know, we're
19 having to address those issues.

20 So both in the areas of water
21 management, really trying to anticipate not
22 just getting things into a waterway, but what

1 does that do around erosion? And it affects
2 the communities as well. And then once we
3 need to do some work on our assets, helping us
4 to get those permits faster so that we can
5 keep the service up, not have to de-rate our
6 pipes, not have to take other measures and
7 really try to fix it properly. So that's all.
8 Thank you.

9 CHAIR HONORABLE: Thank you. I
10 think I would speak on behalf of the states
11 and say we look forward to hearing more about
12 that issue. Massoud may know more about that
13 than I, but I certainly would be very
14 interested to hear more about it, in
15 particular if there are issues raised by
16 economic regulators, but also to be a
17 facilitator for interaction with even air and
18 environmental regulators and other state
19 actors.

20 Massoud?

21 MEMBER TAHAMTANI: Madam Chairman,
22 to your point, we are very engaged in Virginia

1 helping Colonial and others when they have
2 issues with permitting with the local
3 government for relocation and any other
4 issues. We engage. We call the locality,
5 talk to them about pipeline safety and often
6 we don't allow the CATS to come into Virginia.
7 Nothing against Jeff. But we believe that
8 this stuff can be done at the local level.
9 They understand us, we understand them and
10 things happen pretty quickly.

11 MEMBER JOY: Thank you, Massoud.
12 I found Virginia is often very, very proactive
13 and I think if we could get that in every
14 state it would be very, very helpful. So
15 thank you. And it sounds like Arkansas is
16 there as well.

17 CHAIR HONORABLE: Well, if not,
18 we'll be clipping very quickly behind
19 Massoud's heels.

20 (Laughter.)

21 CHAIR HONORABLE: As usual he's at
22 the top of the stack.

1 Ron?

2 MEMBER McCLAIN: Ron McClain,
3 Liquids Committee, and I'll be brief. I
4 certainly agree with all of the positive
5 things said about Carl and the Pipeline Safety
6 Trust, so I won't repeat all of that, but --

7 MEMBER WEIMER: Oh, go ahead.

8 (Laughter.)

9 MEMBER McCLAIN: Okay. I did want
10 to comment on maybe a perception that
11 permitting is lax or easy for pipelines. I
12 mean, it's really the biggest regulatory
13 uncertainty people face when trying to do new
14 projects. And often operators spend tens of
15 millions of dollars trying to gain permits
16 with uncertainty through the whole process.
17 And really, that's in an effort to build
18 hundreds of millions, if not billions of
19 dollars of infrastructure that benefit lots of
20 people. Jobs. I mean, all sorts of benefits
21 from it.

22 So, you know, I think operators

1 would agree there needs to be some change
2 there, but certainly not to make it longer,
3 because often by the time you get permits the
4 need has passed, and that's not really good
5 for anyone. So it is an extremely rigorous
6 difficult process. It's very, very expensive
7 with everything thrown at you that can be.
8 And a lot of people who are raising those
9 issues aren't so much concerned about
10 pipelines as just the use of carbon fuels,
11 which I don't necessarily think that's fair,
12 but it's the way it works.

13 So it's just a comment that
14 permitting is extremely difficult for pipeline
15 constructions. It's not a slam dunk in any
16 sense. And so if there are ways we could
17 address safety better and also be more
18 expedient, I think you'd find a lot of
19 welcoming from the pipeline group.

20 CHAIR HONORABLE: And I think
21 we'll conclude with Carl.

22 MEMBER WEIMER: Yes, I just wanted

1 to comment on the permitting routing issues,
2 because I agree with what's been said. The
3 FERC process is very well defined and people
4 kind of understand that and they have their
5 guides. So when you get your notice that
6 there's a new interstate gas line coming
7 through, you at least can learn fairly early
8 on what the process is.

9 When it comes to liquid pipelines
10 and intrastate pipelines, that process is much
11 cloudier. And what we've seen; and Jeff
12 alluded to it a little bit, is even companies
13 are making it more confusing when they're
14 telling local governments that they don't have
15 authority where clearly local governments do.

16 So a lot of our point is that we
17 really need to clarify the process so it's
18 really clear to everybody. And hopefully that
19 would speed the process along, too, because we
20 certainly understand the regulatory issues
21 that companies face trying to get something
22 through. I mean, we've seen that just this

1 past week with Keystone with now all of a
2 sudden Nebraska changing their minds about
3 whether there's a route or not. So lots of
4 issues. So thank you.

5 CHAIR HONORABLE: Thank you. And
6 as usual, we are paying great attention to
7 Carl's presentations. And thank you for the
8 effort that you took to prepare it, Carl.
9 Thank you most of all for the work that you
10 do.

11 And I think with that, we'll be on
12 break until 11:00.

13 (Whereupon, at 10:42 a.m. the
14 above-entitled matter went off the record and
15 resumed at 11:04 a.m.)

16 MR. WIESE: Before we reconvene
17 I'll give up a couple of my -- I only have a
18 couple of tricks in the bag.

19 The first one is close the doors
20 because people normally -- although they're
21 not taking the cue this time, they normally
22 flood in.

1 The second one is use someone's
2 name, you know? and no one else wants that,
3 so they run to their chairs. That's how it
4 worked for Chad, so that was good.

5 So any rate, with that I'll turn
6 back to Colette.

7 CHAIR HONORABLE: Thank you. It
8 didn't work Chad's seat mates.

9 (Laughter.)

10 MR. WIESE: Yes.

11 CHAIR HONORABLE: But I'm sure
12 they will return very shortly. Without
13 further ado, we will hear a briefing from Chad
14 Zamarin on gas transmission industry
15 priorities.

16 Oh, I'm sorry. I skipped Tim.
17 Forgive me.

18 MEMBER FELT: That's what happens
19 when you --

20 CHAIR HONORABLE: No. Yes. Well,
21 I went to my agenda after the break. I
22 apologize, Tim. Let me correct myself. We'll

1 hear a briefing on hazardous liquid industry
2 priorities from Tim Felt.

3 MEMBER FELT: Thank you. Tim Felt
4 from the liquid side. And I've got a few
5 slides I'll go over. Just want to share some
6 of the priorities and initiatives going on in
7 the liquid pipeline industry. And we've kind
8 of done a revamping and refocusing here the
9 last couple years, and especially recently.

10 A little bit of history. Probably
11 I think it was the late '90s when the industry
12 leaders got together and said we need to start
13 getting together and as a group focus on our
14 efforts to improve pipeline safety. At the
15 time it was at the pipeline leadership level.
16 Teams were formed, priorities were set,
17 initiatives were tackled, and a lot of
18 progress was made. And I'll cover some of the
19 topics, you know, during the presentation.

20 But then as time went on, members
21 changed, priorities changed and we probably
22 got to a point where we needed to revisit and

1 refocus. And that's what we've been doing the
2 last couple years. And so we've kind of
3 reinvigorated our process, reexamined what was
4 working, what wasn't working. I'm going to
5 talk about it because what's come out of that
6 is where we're at today. And actually this is
7 I would say probably a second or third
8 generation of our most recent process.

9 What I want to talk about and the
10 initiatives that I'll discuss are not
11 aspirational. These aren't things we're
12 hoping to do. I mean, you know, getting to
13 zero leaks, maybe you say that's aspirational,
14 but what we are doing and talking about, these
15 are things that we're actually doing. We're
16 committed to doing and we're actually
17 implementing and pursuing these type of
18 efforts. I want to distinguish that because
19 I don't want you to hear here's things we'd
20 like to do. It's these are things that we're
21 actually doing.

22 So the operators got together and

1 tried to at least get some agreement on
2 principles, and what are some of the things
3 that we want to make sure that we're committed
4 to? Well first of all, safety principles;
5 I'll talk more about those, the fact that we
6 do need to continuously improve. And we had
7 looked at some of the trends over a number of
8 years, and to the industry's credit, working
9 with the regulators, the industry's got a
10 record of improvement over a decade or so.
11 We're proud of that. But one of the things we
12 looked at was how the rate of improvement had
13 slowed down, tapered off in some categories
14 and maybe, you know, we were afraid -- or, you
15 know, we'd get a blip. Is it a blip or is it
16 going in the wrong direction?

17 And rather than waiting for a
18 couple more years of data, we said let's make
19 sure we examine where we're at right now.
20 Things have changed. And of course when you
21 get your numbers down, trying to keep up that
22 rate is not as easy when you have fewer

1 incidents to try to improve on. But still we
2 weren't at zero and still we thought we could
3 do better.

4 I'm going to talk a little bit
5 about our internal reporting on performance
6 and our strategic planning process. And I'll
7 spend probably the bulk of the time on that
8 just because that will talk about our
9 initiatives. But the thing about the process
10 I want to talk about is that when we got
11 together a number of years ago and set
12 priorities, we felt an urgency and a need to
13 set these kind of priorities. And we did.
14 And then when we started ticking them off and
15 accomplishing some of them, we felt like,
16 great, you know, we've accomplished something,
17 kind of like -- I don't want to say check the
18 box, but like, okay, this is done, move it
19 aside.

20 And we didn't necessarily have,
21 well, what are the next priorities? We didn't
22 have a process to force us to reexamine

1 ourselves. And that's what we've put in now
2 is a process where there's an annual review of
3 what are our priorities? What have we
4 accomplished? In fact, some of you probably
5 in this room have been interviewed by people
6 on our team to make sure we got; not just from
7 the managers or from the public companies, but
8 from the public and from the regulators, what
9 are you seeing that's important and taking
10 that into account as we set our priorities and
11 our initiatives going forward.

12 So some of the principles that we
13 embraced. Zero incidents. And I have to tell
14 you honestly, when we stood up and, you know,
15 recommitted to something like this, when you
16 get behind -- I don't know what is on the gas
17 side, but when you get the liquids people
18 together and you got a lot of people together
19 and you say, okay, we should commit to zero,
20 you get, well, I don't know. Are we sure we
21 want to do that? You know, that's really
22 hard. You know, that's a pretty high

1 standard. So there wasn't unanimity in the
2 beginning.

3 And we kept working this,
4 discussing it and the commitment to zero
5 incidents is across the industry now. It
6 wasn't on day one, but it is today. And I
7 want to reflect that because again it's not
8 just words on a piece of paper. It's, you
9 know, we're all putting our hands together and
10 saying we're committed to this, committed to
11 organize-wide programs on safety, not just at
12 the top level, but throughout the
13 organization. It's really a great thing to
14 see when you see people throughout an
15 organization that are committed to something
16 like this.

17 Which then gets into the next
18 point, which is on safety culture and
19 recognizing the role that culture plays in
20 preventing incidents. I think somebody said
21 earlier when you're looking at measures, you
22 need to make sure, you know, is the

1 performance of the asset or the performance of
2 the people? And culture is an important part
3 of that. And so we've recognized that.

4 I'll tell you out of all the things that are
5 up here, the culture is the hardest one for us
6 to really tackle and have a great game plan
7 on. We've got efforts, but it's the hardest
8 one I think to really measure your success at.

9 Continuous improvement. No matter
10 how good we are, until we're at zero, and even
11 if we were at zero, there's always things that
12 you can improve on.

13 Learning from experience. I'm
14 going to talk about this a little bit more,
15 but I was at a safety meeting yesterday and a
16 quote that somebody put up was -- we're
17 getting into process safety within our
18 company. And it was, "A wise person learns
19 from their experiences. A wiser person learns
20 from the experiences of others." And so we're
21 trying to do that. It's not just learn from
22 the things within our company, but other

1 companies and other industries, no matter what
2 that learning is.

3 I mean, it doesn't have to be a
4 pipeline incident that we're learning from.
5 It can be the incident in the Gulf of Mexico,
6 for example. And personally our company is
7 getting a lot of lessons from that. And I
8 don't know if I've spoken about it here
9 before, but I've spoken at other places about
10 a book that we read and we're kind of using it
11 as a little guideline throughout the company
12 about the Gulf incident.

13 Safety systems. I think we're
14 familiar with a lot that the industry and the
15 public and the regulators are working on. And
16 Ron McClain is heading up that effort.

17 Technology. We really think that
18 there's an opportunity there. I'll talk about
19 that a little bit later. And then
20 communication with stakeholders. And again,
21 I kind of mentioned not just presentations
22 like this, but reaching out to stakeholders

1 and asking for their thoughts and their
2 opinions on things. But then it gets more
3 into also sharing information. But a lot of
4 times when we talk about communication, it's,
5 okay, we're telling you this, this and this.
6 Here's a briefing. Here's a presentation.
7 Here's a letter. We're trying to make sure
8 that we also listen. And I think that's a
9 part of communication that sometimes gets
10 lost.

11 So some of our efforts that are
12 underway. So the Pipeline Safety Excellence
13 Steering Committee, that's an effort made up
14 of leaders, senior members of the pipeline
15 members. It's a steering committee that
16 really helps set those priorities, take the
17 input and -- and I talk about setting
18 priorities. There's a lot of things that we
19 want to improve on.

20 One of the things that we found
21 was that we -- I mean, I find this in my
22 company. There's a lot of things I want to

1 improve on. But if you have too big of a
2 plate, you're like this, a mile wide and inch
3 deep and you don't get a lot done. But you're
4 doing a lot of things and people are real
5 busy, but you're not necessarily accomplishing
6 things.

7 And so one of the things that the
8 steering committee is doing is focusing the
9 effort. And the other thing we found
10 ourselves, as we tried to do so many efforts,
11 is when we find a good person -- or maybe you
12 find this in your companies and organizations.
13 We find a good person, put them on a team.
14 And then we got another team. We'll put her
15 on this team, too, and then another team.
16 Well, maybe she can help out over here,
17 because really, you know, they know about the
18 other. And before you know it, you've got
19 people that are working on teams and they're
20 spread so thin and it's not fair to them and
21 it's not fair to the industry, because then
22 you're not making the progress.

1 So one of the things that the
2 steering committee does is helps set those
3 priorities. And that means we don't do
4 everybody, but we do try to focus our efforts
5 so we can make meaningful progress.

6 We have a Performance Excellence
7 Team, and this is probably I would say one of
8 our best and longest-standing teams in terms
9 of really accomplishing things, setting a
10 pace. I mean, they were the ones as a team
11 has their own strategic planning process
12 within their team, but the industry leaders
13 didn't. And so how come they've got a process
14 for setting priorities and efforts every year
15 and we don't? So we kind of took their
16 process and said will you help us go through
17 the same or a very similar process? And so
18 that's what we've done in the last couple of
19 years.

20 Pipeline Integrity Work Group.
21 Kind of self-explanatory, but working on ways
22 to improve the pipeline integrity. You've got

1 a lot of the experts in our industry working
2 together, as well as people from the outside
3 to help the Operations and Technical Group.
4 Actually the Pipeline Integrity Work Group is
5 a subset of the Operations and Technical
6 Group.

7 Cybernetics working on things like
8 integrity management systems, SCADA systems,
9 cyber security.

10 Our Public Awareness Group.

11 Again, trying to focus on how do we
12 communicate and reach out to the public, not
13 just in meeting the regulations and the spirit
14 of the regulations, but actually trying to
15 make sure that we're effective. And again,
16 communicating. Putting out information is one
17 thing, but making sure that you're effective
18 in doing it is another. And so this group
19 shares information, shares ideas, passes
20 things back and forth, tries things, works
21 together where they can to try to improve our
22 efforts in this area.

1 Operator Qualification Work Group.
2 Obviously focused on the Operator
3 Qualification Program. And then, you know,
4 it's kind of like another catch-all. They say
5 we try to focus, but there are a number of
6 other teams that are out there. And so we've
7 got at any one time rather than permanent
8 standing teams, maybe some ad hoc teams that
9 are focusing on things that are not
10 necessarily at the highest priority, but we
11 don't want to lose progress in working on
12 them. So there's a number of these teams as
13 well.

14 Just wanted to share some of the
15 numbers. You know, we do gather and share
16 information as an industry. We have our own
17 database where we kind of capture information
18 and share it, measure ourselves. Companies
19 are measured against each other. In some
20 cases I know that compensation is based on how
21 well you're performing and how you're
22 improving in this area.

1 So I won't read all the numbers
2 necessarily, but I did want to point out that
3 one at the top, that 99.99. I was at again a
4 safety briefing yesterday with some of our
5 employees and we looked at the number of
6 barrels that we moved last year and we looked
7 at what we lost and the number, the percentage
8 that we came out to for our company was
9 99.99998 percent. And we said, you know,
10 well, it's nice that we've got that kind of
11 performance or reliability. There was still,
12 you know, almost a couple of hundred barrels
13 that we lost, most of that in one incident,
14 most of that contained on site. But the fact
15 is that it was a loss, and so there's still
16 room for improvement. And again, the emphasis
17 on getting to zero.

18 You know, I read a quote somewhere
19 else that talked about if 99.9 percent were
20 good enough, what would that mean? So apply
21 99.9 percent, for example, to the airline
22 industry and I don't think we'd be happy with

1 it. So we're also recognizing that even
2 though we've made improvements and we can be
3 proud of some of the progress -- and when you
4 move a lot of volume and you have a little bit
5 of a release, it can look like numbers like
6 this. So we're talking about measures. What
7 are the right measures? Maybe 99.999 percent
8 is good, but when you still look at what was
9 lost, and if you're looking for zero, then
10 even 99.999 isn't good enough.

11 So from a strategy standpoint we
12 have four major goals and under those goals we
13 have some initiatives. I'll go through those.
14 At a high level though it's to focus on
15 technologies. That was mentioned a little bit
16 earlier today. Threat identification
17 response, the safety culture and management
18 practices, and then boosting response
19 capabilities. And we'll talk about each of
20 these in turn.

21 So the first initiative under the
22 first goal is basically to focus on detection

1 of cracks in a pipeline, improving and the
2 smart tool capabilities. You know, I think
3 the smart tools have come a long way over the
4 years, but there's actually some very
5 innovative ideas that are being pursued. And
6 it's people on the pipeline industry side that
7 are trying to work with the vendors to drive
8 that performance improvement. And we're
9 spending a lot of money and a lot of effort on
10 this and devoting a lot of pipe and we're
11 pretty comfortable that there's a couple of
12 areas that we think that we'll be able to make
13 some progress on very quickly.

14 And in fact, one of the things
15 that I didn't mention about this Steering
16 Committee that for all these efforts set -- I
17 talked about setting priorities, but it's
18 setting priorities, making sure there are
19 enough resources, but then also holding
20 ourselves accountable for getting results. So
21 what we don't want to find ourselves getting
22 into is let's do a lot of research and a lot

1 of study, but then there's nothing that comes
2 of it. And so we're trying to change the
3 focus more towards results that can be used,
4 timelines that are met versus just endless
5 programs.

6 Working on the recommended
7 practice for crack detection, especially on
8 the seam-related cracks. Again, a lot of
9 opportunities out there, but we felt that this
10 was one in particular that needed some focus.

11 The third one, or effort No. 3, to
12 develop industry-wide guidance on implementing
13 threat data integration programs. Last year
14 we completed a program where we developed what
15 we called -- it was threat matrix. So what
16 are the possible threats that are out there?
17 How do you detect them? What are the leading
18 indicators? Things like that.

19 So we had this matrix and the team
20 that was working on it kind of said we're
21 done. Let's sunset the team and let's move on
22 to something else. And this is a case where

1 we said, okay, that's nice. We now have
2 information. That's great. We can share it.
3 But let's see if we can take it a step further
4 and actually come out with recommendations and
5 guidance and help on how to better integrate
6 the data. Some companies have made different
7 progress. How do we share that information?

8 You know, There's a lot of
9 experience out there and the challenge for us
10 is getting that experience together in a way
11 that we can provide guidance to the other
12 companies in the industry so that we can
13 actually make a difference and not just put
14 out information. And that's what this one is
15 about. It's taking information and how do we
16 do something with it.

17 Deploying the newly-developed
18 Pipeline Safety Management System. You know,
19 Ron McClain has kind of been the lead
20 representative from the liquid side, so I'm
21 not going to spend a lot of time talking about
22 it other than from within the industry this is

1 an effort to try to again share information,
2 but bring everybody up to a common minimum
3 level at least. There are some companies that
4 have got robust programs that have been in
5 place for many years. There are some people
6 that have parts of programs. So let's take
7 the opportunity to develop a program that
8 everybody can use at least at some minimum
9 level, recognizing that there are small
10 companies, medium companies and large
11 companies and different operations.

12 So maybe everything that one
13 company is doing doesn't apply to another
14 company. And I think Ron is -- from what I
15 understand and him working with the rest of
16 the group, including probably a number of
17 people in this room, are coming up with a
18 management system that will be very helpful to
19 everybody, beneficial to the industry and to
20 the public as well.

21 I alluded to earlier the safety
22 culture. And again, I think this is a

1 difficult area, but it's also one where it's
2 hard to measure. It's easier to measure how
3 many incidents you have. It's a little harder
4 to measure culture, but there are things that
5 we can do to influence culture. And a lot of
6 that is sharing information back and forth.
7 So we're looking at industry-wide sharing
8 opportunities, but also how do you share and
9 learn within a company, not just between
10 companies?

11 We've got a number of efforts. We
12 have an annual conferences where things are
13 shared. We've got obviously teams that are
14 working together. We have a -- I'm trying to
15 think what they call it, but I think it's a
16 tailgate phone call where we have -- I think
17 the last couple that we've had somewhere in
18 the neighborhood of 90 to 100 people
19 participating in this. And they just dial
20 into a number. And somebody's got a set
21 agenda for covering specific lessons learned.
22 It's kept within the industry so that people

1 can be as open as possible. And then
2 afterwards if they want to have some follow-up
3 discussions, they can do that.

4 And again, none of this is
5 required. It's available. We try to track.
6 Participation is a way of seeing whether it's
7 working or not. We survey the participants
8 afterwards. What else would you like to see?
9 Is it working or what's not working about it?

10 We have what we call peer-to-peer
11 exchanges where, for example, our company will
12 call up another company and say do you mind if
13 we get together and share information? And
14 one company will go to the other company's
15 offices. They'll decide on an agenda ahead of
16 time. And it could be a day-and-a-half, it
17 could be a day. And so we've gone to
18 companies.

19 And I'm kind of mindful of a
20 comment that Carl made earlier about, you
21 know, why are you going to these companies?
22 You know, these are people that have had

1 failures. Well, sometimes those are the
2 companies that we want to go to because
3 they've been under the pressure and are
4 improving a lot faster than others. So we go
5 to people that we think are ahead of us or
6 that have had experiences that we haven't had
7 and we want to meet with those companies to
8 learn from them.

9 And again, you know, when we have
10 an industry meeting, we'll try to foster that
11 paring up of companies. Have you signed up
12 yet to meet with another company? And you can
13 have multiple of these meetings over the
14 course of the year. And this one hasn't
15 really gotten off the ground in a big way yet,
16 but the companies that are doing it are
17 getting a lot out of them. And again, you set
18 the agenda ahead of time. So it's what do you
19 want to learn about? And you talk to the
20 other company and figure out what it is that
21 you're trying to learn from them.

22 Developing a recommended practice

1 for leak detection management. Again, a
2 challenging issue for us, but it's one that we
3 recognize the need to improve on. And in
4 fact, it was even the scope of what do you
5 focus on because do you focus on the large
6 leaks or the small leaks? At one point we did
7 focus on -- and again, it goes back to
8 culture. If we know better, then why do we
9 have a leak? And if we've got the technology
10 to identify a leak, why do we try to restart
11 a pipeline from time to time?

12 And so there's all kinds of alarms
13 and signals for different things that are
14 happening on the pipeline. How do you focus
15 that operator's attention to respond to the
16 right one at the right time? And so part of
17 it -- I mentioned the Cybernetics Group a
18 little bit earlier. That's one of the things
19 that they're working on. So there's a
20 cultural aspect to it and then there's a
21 system aspect to it that we're trying to deal
22 with.

1 And then this is probably one of
2 our latest initiatives. And actually I've got
3 to compliment Shell for taking the lead. We
4 had kind of set our priorities and then at the
5 end we said, well, we need to narrow this down
6 to just a handful. We narrowed it down to six
7 efforts. And Shell came in maybe the next
8 meeting and said, you know, we really need to
9 focus on emergency response and, you know,
10 we'd like to, you know, sponsor this effort.
11 And all of a sudden it was like, well, yes, I
12 personally like that and I want to join, too.
13 And enough people thought it was important
14 enough to put it back up on a priority list.

15 And this one, if you saw the plan,
16 the detail into this plan, it's probably one
17 of the most robust and well-developed plans
18 that we have in terms of what are the efforts
19 that we're going to focus on keeping track of
20 progress being made? When this team first
21 came forward and the industry said, yes, we
22 want to go ahead, or the leaders said we want

1 to go ahead and put an effort together on
2 emergency response, come back to us, team,
3 with a plan and a budget so we can review it.
4 And they did and they came back with a plan
5 that was -- I don't remember. It was a two or
6 three-year plan and there were a couple of
7 really good initial steps and here was the
8 budget.

9 And a couple of us asked the group
10 and said is this a plan that you're presenting
11 that you think is the best approach, or do you
12 think this is a plan that you can get approved
13 by leadership? And they said, well, when we
14 discussed what we wanted to do, we thought we
15 better come up with something we thought we
16 could get approved. Wrong answer. Go back.
17 Develop the plan again. Accelerate
18 everything. And so we have significantly
19 accelerated our priorities on this.

20 I think it was Carl that talked
21 earlier about wanting to focus on prevention.
22 And so we've got a number of these efforts

1 that are focused on prevention. But
2 inevitably until we are perfect, until we have
3 perfect systems, perfect people and perfect
4 work environment, there's bound to be a
5 release somewhere. And when we have a
6 release, it's important for us to be able to
7 respond appropriately, quickly, thoroughly.
8 And that's what this one is all about.

9 And it's not just the industry.
10 It's where can we work with the responders to
11 make sure they have the tools and training?
12 Where can we work together where they can
13 understand our systems and we can understand
14 their systems and processes?

15 And we had an Emergency Response
16 Advisory Board meeting last fall and we've got
17 another scheduled for earlier this year where
18 we were bringing in people who represented
19 various response groups, you know, from a wide
20 spectrum. Fire marshals. Boy, I wish I could
21 remember all the members of it, but there were
22 probably, oh, maybe 15 outside the industry

1 organizations that were present for our
2 initial meeting and it was very helpful and
3 enlightening to see groups working together,
4 making suggestions in a very collaborative
5 cooperative way.

6 Because ultimately we all want to
7 the same thing. We all want zero incidents.
8 We want perfect safety records and we don't
9 want to have a single drop spilled outside the
10 pipeline in somebody's back yard or elsewhere
11 in the community. And so we're all equally
12 incented to make this work. And it was a
13 very, very, very productive first meeting that
14 we had.

15 So it will involve training. It
16 will probably involve some kind of standards,
17 the outreach. This happens to be one of my
18 hot buttons, so I could talk about this for a
19 little while.

20 (Laughter.)

21 MEMBER FELT: And I think though
22 that, just reiterating, getting to zero is a

1 commitment and I don't know when we'll get
2 there. And, you know, it might be bumpy as we
3 try to make progress, but what we're trying to
4 do is make sure that we prioritize our efforts
5 on things that are going to make a difference
6 and hold ourselves accountable for making an
7 impact and not just completing studies and
8 tasks that may or may not result in
9 improvement in the end.

10 Hopefully we've done that.

11 Hopefully we're focused on the right things,
12 but every year we will reassess based on the
13 latest information we have whether these are
14 the right priorities or whether we need to
15 drop one or add one or do some shifting. And
16 won't quit until we get to zero. And the nice
17 thing is we have a process now that holds
18 ourselves accountable every year to revisit
19 that to make sure that we get there. So,
20 thank you.

21 CHAIR HONORABLE: Tim, that was
22 excellent. And as the old adage says:

1 Leadership starts at the top. So you're
2 absolutely setting the proper tone and I'm
3 certain it will resonate throughout the liquid
4 industry.

5 We'll hear from a couple of you.
6 Michele?

7 MEMBER FELT: I'm getting comments
8 from my own side here.

9 (Laughter.)

10 MEMBER JOY: I just wanted to
11 clarify on one point. Tim I think did a great
12 presentation, but the lawyer in me just wanted
13 to make clear when we were talking about the
14 peer-to-peer matching, those are specifically
15 around safety issues --

16 MEMBER FELT: Oh.

17 MEMBER JOY: -- not other issues
18 from an anti-competitive standpoint.

19 MEMBER FELT: Okay.

20 CHAIR HONORABLE: Of course.

21 MEMBER JOY: And the matching
22 takes place where we have a company that has

1 expressed a specific need and other companies
2 have volunteered to be a resource around, you
3 know, either inspection technology or
4 emergency response or some other thing that
5 the two companies want to work on. So I just
6 wanted to clarify that. Thanks.

7 MEMBER FELT: Thank you for doing
8 that. And that is something that we make sure
9 that is reinforced all the time, but I hadn't
10 mentioned that. And probably in a setting
11 like this it's a good thing to mention. Thank
12 you.

13 CHAIR HONORABLE: Well, too, it's
14 you all should be commended because you were
15 able to be creative and certainly observing
16 those important tenets but finding a way to
17 work collaboratively on issues of common
18 concerns. So kudos to you.

19 Todd?

20 MEMBER DENTON: Todd Denton,
21 Liquids Committee. I thought I'd just add a
22 little color around the culture piece. You

1 know, as Tim pointed out that often is hard to
2 measure. And maybe the frustrating part is it
3 takes time, you know, to see the impact of
4 that.

5 But I think one success that we
6 can point to in the industry is following the
7 Marshall, Michigan incident around rupture
8 detection and culture in the control center,
9 control rooms. Probably before that incident
10 you could point to several incidents where
11 there were restarts when there was a leak. I
12 think since that, and that's been three-and-a-
13 half years now; hard to believe, we have not
14 had a major incident that I know of where
15 there's, you know, that kind of restart volume
16 being pumped into a leak.

17 So we're putting out a white paper
18 around rupture detection, and a lot of that
19 white paper revolves -- that best practice
20 revolves around culture. And like I say, I
21 think we are seeing progress there.

22 CHAIR HONORABLE: Thank you, Todd.

1 In the interest of time Rich will be our last
2 comment here.

3 MEMBER WORSINGER: Rich Worsinger,
4 Gas Committee, and I'll be brief. I just
5 wanted to echo one of Tim's comments about
6 visiting a company that has had a failure. I
7 agree. That is one of the best things to do.
8 If we have an accident, a safety -- you know,
9 somebody's injured or even a near miss, what
10 an opportunity to look in depth what went
11 wrong and fix it.

12 And I know, Carl, you struggle
13 with that, that when you reference that as
14 something that raises a question. I hope
15 you'll use that as an opportunity to point out
16 when somebody has an incident, whether it's an
17 accident or an incident, that's when
18 everybody's going to put forth the effort to
19 find out what went wrong and develop the ways
20 to prevent it. Somebody that has a good
21 record, it might just be that nothing's
22 happened that they wondered where it was going

1 to happen. So I just wanted to echo those
2 comments.

3 CHAIR HONORABLE: Thank you.
4 Sure. Tim will have the last word.

5 MEMBER FELT: Just want to make a
6 quick comment on that, because I share it with
7 our people all the time. We want to be good.
8 We don't want to be lucky. And so, sometimes
9 you have near misses and you say, gee, if it
10 had been a second earlier or if this had
11 happened at a different location or scenario.
12 Great that it wasn't worse. But I would
13 rather be good than lucky. And so let's keep
14 focusing on getting better, not just being
15 lucky that it wasn't -- because you can have
16 good luck and you can have bad luck. So just
17 never liked to rely on luck. Thank you.

18 CHAIR HONORABLE: Good note to end
19 on. Thank you very much.

20 We're now prepared to hear from; I
21 got ahead of myself earlier, a briefing on the
22 gas transmission industry priorities from Chad

1 Zamarin. Chad?

2 MEMBER ZAMARIN: Thank you. Chad
3 Zamarin with Columbia Pipeline Group, NiSource
4 Midstream.

5 Just to kind of kick off, one
6 thing I think that is useful and reminds us of
7 the value of these forums, you're going to
8 hear a lot of I think alignment with what
9 others have spoken to, whether it's the public
10 or the industry, or even the regulators. Our
11 goal has been to engage with the stakeholders
12 and try to align our efforts.

13 I'm going to focus on a few of
14 many ongoing activities that are more tangible
15 and more I think high-profile, things that
16 you've heard, priorities at the state level.
17 Colette talked about priorities from the
18 public perspective. But we implemented an
19 action plan several years ago following the
20 San Bruno incident. And what I'll talk about
21 today is it's no longer an aspiration, it's no
22 longer a set of studies. We're implementing

1 activities and our goal is to ensure that
2 those continue to align and converge with the
3 ongoing regulatory process. So we'll talk a
4 little bit about that.

5 Strong commitments. Highlighted a
6 few that we'll talk about here. Extending
7 integrity management beyond HCAs.

8 Demonstrating fitness of service for pre-
9 regulation pipelines. That's the parallel to
10 the IVP process that PHMSA's been working
11 through. Shortening pipeline isolation and
12 improving emergency response, and implementing
13 safety management systems. So I'll focus on
14 those, but just to note there's a lot going
15 on, a lot more activity underway.

16 Also just as an opening comment, I
17 know it's been said, this is a very large
18 interstate gas system and we're chasing a very
19 small number of incidents. As an operator
20 that spends across our distribution and
21 transmission systems over a billion dollars a
22 year in modernizing aging infrastructure, we

1 still miss some of the things that cause us
2 problems. You know, I think the vast majority
3 of the industry is very committed to zero
4 incidents, but we recognize that it's hard and
5 there are things that we need to do to find
6 things that current capability and technology
7 may miss.

8 Just as a bit of background, I
9 won't go through this in detail, but there's
10 been a lot of paperwork and deliverables put
11 out over the last 12 to 18 months. You can't
12 see this up on the screen, but you know, you
13 think of IMP 1.0 in the late '90s, early
14 2000s. IMP 2.0 was already in development.
15 The San Bruno incident occurred. We
16 accelerated and put a spotlight on a lot of
17 those efforts. We've put out a lot of white
18 papers that hopefully communicate what the
19 industry is currently implementing and
20 committed to. So if you're interested in
21 those, INGAA's Web site has those publicly
22 available. And I think as you'll see we're

1 currently in the process of implementing those
2 activities.

3 Just to focus on a few and try to
4 relate them to the mandates and I think the
5 activities that are going on in the regulatory
6 environment, I'll focus on the testing of
7 untested pipelines. You know, the legislation
8 talked about remote and auto-closing valves.
9 We'll talk about pipeline isolation, which we
10 think is a bit of a broader way of addressing
11 emergency response. And then extending
12 integrity management beyond HCAs.

13 Our commitments and what we're
14 implementing is that we will verify and ensure
15 that the MAOP of pipelines that hadn't been
16 subjected to a pressure test are addressed.
17 We've put together and we presented actually
18 at the last meeting, kind of similar to the
19 IVP process that PHMSA has been working
20 through, a process that operators will go
21 through to identify the high-priority
22 pipelines starting with ones that are in HCAs.

1 But also we've shown that even beyond HCAs we
2 want to verify MAOPs and ensure that pipelines
3 have a valid pressure test to support their
4 operations, or we need to develop alternative
5 capabilities to demonstrate an equivalent
6 level of safety. That's being implemented by
7 our operators and we'll show what that
8 progress looks like.

9 We've also committed to one-hour
10 isolation of a pipeline in the event an
11 incident occurs. And we'll talk about
12 progress against that goal and commitment.
13 And we've also committed to extending
14 integrity management to -- it says here 90
15 percent of the effective population. That's
16 by 2020. We've said that every person living
17 within a potential impact along a pipeline
18 deserves to have integrity management
19 activities along that pipe.

20 And it's going to take time.
21 that's a large network to cover. There are
22 pipelines where it's much easier to cover much

1 larger areas of population. So we've said by
2 2020 we'll cover 90 percent of the people that
3 live along a pipeline that could be affected
4 by the potential impact. And by 2030 on
5 pipelines where it's going to take advances in
6 technology, pipelines may not have enough flow
7 to move pigs or there may be other challenges
8 that make it harder to extend integrity
9 management, we're working to solve those
10 challenges but would commit to covering those
11 by 2030. So, you know, we've tried to
12 establish some aggressive but achievable
13 commitments.

14 Also here you'll see kind of on
15 the far right the efforts that are ongoing.
16 I won't go into them in detail on this slide,
17 but talk a little bit more specific data.

18 So our focus has been an
19 aggressive pursuit of the action plan. Open
20 and transparent. We've developed sound
21 technical approaches. We showed the fitness
22 for service model that we had presented at the

1 last meeting. We've developed enhanced
2 anomaly response criteria and that our teams
3 are working through. In that area we've
4 looked at changes to the immediate response
5 criteria and enhancing those criteria, and
6 also standardizing on incorporating the
7 potential for tool error into the process, a
8 couple of areas that weren't addressed in a
9 prescriptive manner in IMP 1.0, but you know,
10 we think make a lot of sense for the next
11 phase and going to be a priority for us this
12 year. We talked about the extension of
13 integrity management and those commitments and
14 also safety management systems.

15 One of the challenges that we see,
16 one of the concerns that we have is the
17 regulatory process does lag. You know, we are
18 implementing activities. We're performing
19 projects. And our goal is that those align
20 and converge with and the regulatory process
21 enhances and supports those ongoing efforts.
22 You know, one concern is that if we don't get

1 that right, we'll have done a lot of activity
2 that may be at odds with where the regulatory
3 process heads. So it's been really important
4 for us to work together.

5 And I think Carl made some good
6 points. You know, we're not trying to
7 collude, we're not trying to nefariously
8 influence the process. We want to make sure
9 that the activities that are underway hit the
10 mark and that as the regulations do come to
11 light they converge with the activities that
12 are underway.

13 Just a little bit more detail on
14 the next couple of slides. We're putting out
15 our initial progress report. We've
16 established some key performance metrics.
17 There are a lot more than this, but I've
18 focused on these three that are kind of the
19 high-priority items for us. And I'll talk
20 about some actual numbers in a coming slide.

21 We will have an annual detailed
22 progress report that we've planned to publish

1 starting in April of this year and then
2 annually thereafter that will provide
3 transparency into the progress that industry
4 is making against these goals. You know, now
5 many people are we covering more each year
6 with integrity management assessments? How
7 many of our pipelines have the capability of
8 isolation within one hour? How many of our
9 pipelines have had MAOP verified through the
10 IVP or our current implemented process?

11 And if you look at a little bit
12 more detail, this is where we stand today.
13 Just to put it in perspective, a lot of work
14 already done. The last couple of years have
15 been an acceleration of effort and much more
16 to come. We have completed more than 70
17 percent of our HCA mileage as an INGAA
18 community, taken that through our fitness for
19 service process, the parallel to the IVP
20 process where we've confirmed that a test
21 exists or we have addressed that pipeline
22 through additional testing or assessment.

1 As we mentioned, you know, the
2 initial goal is to complete that for all high-
3 consequence areas. If you recall that fitness
4 for service process, that was the short-term
5 goal. Our goal was to extend that to all
6 pipelines where people could be affected, not
7 just the current definition of the HCA.

8 One-hour isolation has been
9 completed for more than 50 percent of class 3
10 and 4 and HCAs. This is again going to
11 require ongoing activity. We should see that
12 number continue to increase. But that's where
13 we stand today.

14 And extending of integrity
15 management. You know, there was a lot of talk
16 in re-authorization about the amount of
17 pipeline that the current rule covers, but the
18 reality is it covers a lot of the population
19 and additional efforts that pipelines are
20 undertaking cover even more. So we're
21 currently addressing over 60 percent of people
22 that live within a potential impact of our

1 pipelines, not just an HCA, not just an area
2 where there's a dense population, but people
3 living within and along our pipelines. We're
4 covering more than 60 percent. You saw
5 earlier the goal by 2020 is 90 percent. So a
6 lot of work to do, but a significant impact
7 that's being made.

8 Just to summarize; I'll try to be
9 brief, the commitment to zero is real, it's
10 there and we're implementing I think things
11 that we believe are going to put us on the
12 right path. It is a marathon, not a sprint.
13 You know, we have a lot of infrastructure, a
14 lot of infrastructure that was built over
15 many, many decades and it takes time. We also
16 know that we're still seeing incidents that
17 occur where even our best efforts aren't
18 addressing those accidents. And, you know,
19 what that tells us I think is that there's
20 still more to learn.

21 You know, when you have such a
22 large network and such a relatively small

1 number of incidents -- you hear a lot about
2 the ones where someone ran a tool and they
3 missed it or somebody, you know, did something
4 that they shouldn't have done, but those are
5 a fairly small number of occurrences. We
6 still have occurrences that even with our best
7 efforts we weren't ahead of, and that's
8 because, you know, we don't know yet things
9 that we don't know or we don't have the
10 technology or the capability that's robust
11 enough yet to find the needle in the haystack.
12 You know, several hundred thousand miles of
13 pipe. You saw the numbers. A few dozen
14 incidents a year. You know, we're committed
15 to zero, but we've got to figure out how to
16 find those very small occurrences.

17 You know, we are really committed
18 to the ongoing collaboration, again doing it
19 in an open and transparent way, but ensuring
20 that the things that we're doing converge with
21 the regulatory process.

22 We certainly want to elevate the

1 culture of the safety management systems, that
2 meeting that's being held tomorrow. You know,
3 we're very supportive and a big priority for
4 us this year is going to be how do we make
5 that real? How do we start implementing that
6 across all companies, start, you know, raising
7 the bar and floating, you know, all ships to
8 a higher standard?

9 And with that, I'll wrap up and
10 take any questions, but certainly again
11 appreciate forums like this to see and hear
12 what others believe the priorities should be
13 so that we can maintain alignment and make
14 sure we're doing the right things. So thank
15 you.

16 CHAIR HONORABLE: Thank you, Chad.
17 Well done. And I agree, it's great to see the
18 similarities among the industries, but it's
19 also important for us to see the priorities
20 you've placed. I think you ought to be
21 commended, you and your INGAA colleagues.

22 Are there comments or questions

1 for Chad?

2 (No audible response.)

3 CHAIR HONORABLE: He's covered the
4 groundwork very well.

5 MEMBER ZAMARIN: Talk fast.

6 CHAIR HONORABLE: And we've seen
7 the logo a few times. I'm going to be able to
8 memorize it after a while.

9 (Laughter.)

10 MEMBER ZAMARIN: Yes, it's been
11 the same for four years.

12 CHAIR HONORABLE: It has been.
13 And Don would be very pleased. Very good.
14 Tim?

15 MEMBER BUTTERS: Just one quick
16 point. And, Tim, I appreciate you and Chad,
17 your presentation here.

18 One of the things that Tim
19 mentioned as it relates to emergency response
20 which came out at the Advisory Board meeting
21 -- and again, I think both API and AOPL need
22 to be recognized for their leadership and

1 bringing that group together. And I know
2 Lanny will probably support me on this. We
3 need to make sure that when we talk about
4 pipeline emergency response that both liquid
5 and gas are -- you know, we're doing kind of
6 the same things. Because, you know, when
7 something spills out there, whether it comes
8 out of a pipeline or a rail car or anything
9 else, it's the same cast of characters that
10 are going to deal with it. And fire
11 departments don't have a Liquid Pipeline Team
12 and a Gas Pipeline Team and a Rail Team. It's
13 the same group.

14 So as we make these programs
15 mature where we can develop consistency, you
16 know, that would be something that was
17 mentioned at the Advisory Board meeting as we
18 move forward to keep that in mind.

19 MEMBER ZAMARIN: Just a follow-up
20 comment. I think it's a great point and, you
21 know, we use forums like this, but I will say
22 that the INGAA community has spent a lot of

1 time with the API and AOPL community and I
2 think that that sharing of our ongoing efforts
3 has been important. We do the same with our
4 distribution partners. And so it's really
5 been a very collaborative process.

6 But I think your point is well
7 taken. We can do more. There's a lot going
8 on that's -- and it's not just in emergency
9 response. The technologies that Tim was
10 talking about complement the things that we're
11 also challenged with. So we're very focused
12 and we'll keep our focus on sharing across our
13 industries.

14 CHAIR HONORABLE: Ron?

15 MEMBER McCLAIN: This is a little
16 unrelated, but --

17 CHAIR HONORABLE: I apologize,
18 please identify yourself.

19 MEMBER McCLAIN: Oh, I'm sorry.
20 Ron McClain with the Liquids Committee. I've
21 had a couple of times -- you know, the SMS has
22 been attributed, or at least partly, to my

1 name. And I'd just like to recognize people
2 who are here today who have really sacrificed
3 probably at least 2 days a month for the last
4 18 months. And so if I miss someone, forgive
5 me, but it's really important.

6 Mark Hareth, our content editor.
7 I think he's here. And I'm just going to hit
8 on the people I think that are present. If I
9 miss one, please speak up. But Brianne
10 Metzger-Doran of Spectra Energy, Tracey Scott
11 with Alliance Pipeline. I think I saw Bill
12 Moodey out in the hall with Southwest Gas.
13 Jeff and Linda, Jeff Wiese and Linda
14 Daugherty, very helpful in the process.
15 Massoud, very participatory. And Kate Miller.
16 I mean, it's just amazing how many of our team
17 are here. Scott Currier with AGA and INGAA,
18 respectively. Peter Lidiak with API.

19 And if I missed anyone, I
20 apologize, but I don't want it to be just
21 associated with me. It's been a tremendous
22 group of people who have come together pretty

1 sacrificially prepared every meeting to do
2 this. So I just want to make sure I say --
3 and there are others that we'll cover tomorrow
4 with recognition.

5 CHAIR HONORABLE: Thank you.

6 Seeing no other tent cards, we'll move right
7 along. And we'll turn now to the distribution
8 side with a briefing from Sue Fleck on the gas
9 distribution industry priorities.

10 Sue, take it away.

11 MEMBER FLECK: Okay. Thank you
12 very much. Again, Sue Fleck with National
13 Grid representing the gas distribution
14 industry. I have a lot of slides, but in
15 deference to the time limitations, I will try
16 to move through quickly.

17 AGA's goal has always been
18 delivering natural gas safely and reliably to
19 homes and businesses at an affordable and
20 stable prices. I don't think there's anything
21 new there.

22 I just wanted to throw this little

1 bit of data out there. There's approximately
2 300,000 miles of transmission system, but
3 100,000 miles roughly is actually operated by
4 local distribution companies. It's not all
5 managed by the pipeline. So we have a little
6 bit of a stake in what's go on there as well.

7 Last year alone the transmission
8 operators inspected about a fifth of all of
9 these lines, more than required by regulation
10 in the seven-year program. And when you dive
11 down into high-consequence areas, of which
12 there's about 20,000, over a third of those
13 received either a baseline assessment or a
14 reassessment this, again a little more than is
15 required by regulation.

16 Our commitment to safety is multi-
17 faceted. Much like you've heard from the
18 other presenters today, it's all about
19 regulation compliance enforcement, development
20 of new standards, development enhancement of
21 standards, data collection and analysis and
22 information and best practices sharing. And

1 I will talk a little bit about each of those
2 as we move forward.

3 You did also receive a couple of
4 handouts. The material on those handouts is
5 going to allow you to dig in a little deeper
6 if you want to. I will not be going into that
7 level of detail today, but you do have that at
8 your disposal, as well as additional
9 information on the AGA Web site.

10 To get right into it, here are
11 some of the major efforts, the major focus
12 points for the distribution companies this
13 year.

14 Around pipeline construction we're
15 looking at expanding operator qualification,
16 making it more effective, initiating better
17 quality assurance programs and working on the
18 understanding and installation of additional
19 either remote-control valves or automated
20 shutoff valves. So those are really on the
21 construction side. Those are the key things
22 that we'll be working on in the coming year.

1 On the operations side three
2 priorities: Advancing integrity management
3 where it makes sense and where it drives more
4 value. Enhancing data gathering and tracking.
5 See you start to see a little theme there
6 around data and information. And supporting
7 enforcement of the Dig Safe laws. We talked
8 about that a lot earlier this morning. Some
9 of the exemptions and some of the other issues
10 are creating real heartaches for us. So
11 anywhere we can strengthen damage prevention
12 obviously improves the safety of our systems.

13 On the safety side the focus is on
14 knowledge sharing, stakeholder engagement with
15 all of our stakeholders including our
16 emergency response ones, and increasing
17 technology deployment. Technology
18 improvements are moving a little quicker than
19 they have in the past, but we don't believe
20 quick enough. We need better tools, we need
21 better techniques and we're going to work
22 really hard on trying to bring that forward.

1 In 2012 AGA's board adopted this
2 voluntary plan to enhance safety beyond
3 legislation and regulation. And we also want
4 to make a point here that we recognize the
5 significant role that state regulators play in
6 supporting and funding these actions. So
7 working together with our commissions, with
8 our state safety staffs is very critical to us
9 being successful on any of these fronts. So
10 a big effort there.

11 We've talked about culture today.
12 I think probably every single presenter has
13 spoken on culture today. We've adopted a
14 culture statement that outlines our commitment
15 to provide safety throughout our industry.
16 We're committed to proactively collaborating
17 with our public official, emergency
18 responders, excavators, consumers, safety
19 advocates and members of the public to
20 continue to improve on our longstanding record
21 of providing a safe and reliable service to
22 our customers. So a lot of stakeholders, a

1 lot of efforts to collaborate and it's a
2 delicate balance. It really is. We work hard
3 at that.

4 Chad mentioned investment. I want
5 to talk about investment a little bit, too.
6 When you look at the AGA member companies,
7 we've spent more than 19 billion in an average
8 year to improve on our infrastructure and to
9 expand delivery to additional customers.
10 That's a lot of money and it's driving job
11 creation, supporting local economic
12 development and contributing to economic
13 recovery along with providing better safety to
14 those people who live along our pipelines and
15 our services.

16 I'm going to skip right over this
17 because Colette did mention lots of states are
18 accelerating investment recovery around
19 replacing aging infrastructure. We would like
20 to see that whole map be, you know, 100
21 percent, but we're making progress, steady
22 progress all the time.

1 Faster modernization of the
2 infrastructure without hurting our customers
3 in the pocketbook too much is obviously the
4 goal of the economic regulators as well as the
5 distribution and transmission companies. So
6 that map changes every day. It's getting
7 better and better, but obviously there's still
8 room for improvement.

9 Another area I'm going to touch on
10 very briefly. This is not in that list of
11 priorities I showed you that we're working on,
12 but it is something else we're working on.
13 Cyber security is a big, it's a real, it's an
14 ongoing threat, not just for gas utilities,
15 but for all critical infrastructure.

16 What we're starting to do is
17 employ prudent countermeasures to help protect
18 the natural gas systems and its customers.
19 There's a lot of programs that we're working
20 on right now to advance security and mitigate
21 the threat of a cyber attack. We've created
22 a Downstream Natural Gas Information Sharing

1 and Analysis Center. We're working with the
2 electric energy industry to share best
3 practices and understand the threats that are
4 common to both and try to learn from them.
5 We're also piloting in ways to assist smaller
6 utility companies that don't have the big
7 financial resources to help them deal with
8 security threats. And we're working with DOE
9 and DHS on strategies, activities, policies
10 and communication. So we're really doing a
11 lot around cyber security. It's an area that
12 we see becoming more important as time goes
13 forward.

14 One of the tools that we're using
15 to advance our priorities is a peer-to-peer --
16 and this is a formal peer-to-peer review
17 process where we partner up companies. And we
18 do them in groups of three or four. They're
19 like size with like kinds of issues. And we
20 take a team of people and we travel from one
21 company to the next to the next and do a loop.
22 National Grid was paired up with Pacific Gas

1 and Electric and Atmos Energy where -- focused
2 on specific topics.

3 This year's pilot included worker
4 procedures, safety management and pipeline
5 risk. We take a team of people. We spend
6 three to four days in interviews from union
7 members, supervisors, engineers, managers,
8 directors, vice-presidents through the entire
9 value chain, if you will, of an organization.
10 Dig down into these issues. And then at the
11 end of the peer review process we meet with
12 the senior management of the company that's
13 been reviewed and go through all of what we've
14 learned, the good, the bad and the ugly.

15 And having been a part of this
16 process on both being an interviewer and being
17 interviewed I can tell you that there's a
18 tremendous amount of learning that occurs
19 during these peer review sessions. The
20 companies get a very nice view of everything
21 that they're doing well and where they need to
22 refocus their energies. And it's a great

1 opportunity to learn from others in a focused
2 intense short period of time.

3 What we hope to do is wrap this
4 session up by April. We're going to finish
5 the pilot, this year's pilot and then we hope
6 to make it a national program next year. So
7 the board will be looking at the results of
8 this year's efforts and moving forward.
9 Tremendous opportunity to work together to
10 learn how to solve some problems.

11 And lastly, I just wanted to
12 mention that the items that I highlighted here
13 this morning in a very brief manner is just
14 the tip of the iceberg. There are a lot of
15 other actions that are being considered or
16 being actively worked at AGA. The commitment
17 to safety that I sent around, the one sheet,
18 will give you a lot of that detail, but I
19 threw a couple others up here just to kind of
20 generate a little of interest.

21 We have an ongoing Best Practices
22 Program we've had for years that allows

1 companies to focus in on a specific small
2 issue and kind of dig in on it right away real
3 time, where the peer review is more of a
4 stretched out process.

5 We have a board level Safety
6 Committee that pulled off an executive
7 leadership safety summit this year for a
8 couple of days. It was very well attended.
9 It was a huge attendance.

10 Safety Resource Center to share
11 materials that we have found, technical
12 publications, industry surveys.

13 We have events that allow lessons
14 learned sharing and we've done a lot of work
15 this year around emergency planning, including
16 having a nationwide mock drill for our Mutual
17 Assistance Program to see how it works. I
18 think during Hurricane Sandy we noticed some
19 gaps in how mutual assistance worked in
20 getting gas company resources moved around the
21 country to where they're needed, so we used
22 this drill to kind of iron out what those

1 issues were so that we can work harder on
2 closing those gaps.

3 I also passed out a one-page
4 summary of how the drill went. You can take
5 a look at that and we'll be providing some
6 additional resources around that going forward
7 and hope to continue to drill that until we
8 make this a very finely-tuned, smoothly
9 operating process for a company that finds
10 themselves in a distressful situation and
11 needs the help of resources from their
12 colleagues.

13 With that, I can open it up for
14 questions and concerns, I know I ran through
15 that relatively quickly, but I understand we
16 are a little bit behind on time, and you do
17 have the handouts so you can read more detail
18 if you wish.

19 CHAIR HONORABLE: Thank you, Sue.
20 We were trying to be mindful of the fact that
21 some of you might want to actually have lunch
22 before the afternoon session. Thank you. And

1 thank you for the handouts also. It's
2 interesting, too, the synergies around peer-
3 to-peer review. Linda and I were just
4 discussing the fact that maybe that's
5 something states could do. We do it
6 informally. We're always taking a look at
7 states like Virginia, Washington. What works
8 well for them, what could work well for us.
9 And clearly Arkansas is also an example in
10 some regard.

11 (Laughter.)

12 CHAIR HONORABLE: But with that,
13 why don't we open it up for any
14 questions/comments of Sue.

15 MS. DAUGHERTY: I have a really
16 quick comment.

17 CHAIR HONORABLE: They're very
18 hungry I think, Sue.

19 Linda?

20 MEMBER FLECK: I can hear the
21 grumbling.

22 MS. DAUGHERTY: I'll be super

1 quick. Something I found very interesting
2 amongst all the presentations is that everyone
3 talked about public awareness, pushing
4 information out, educating the public,
5 different areas and efforts. But what I think
6 would be really intriguing is how many of
7 those companies also are seeking information,
8 trying to figure out what are you concerned
9 about and how do we address it. And we'll
10 talk a little bit more about it in performance
11 measures later on. So what do people want to
12 know?

13 MEMBER FLECK: I think that's a
14 really great question. I know when I was
15 listening to Carl's presentation, in my mind
16 I'm thinking the public wants to be more
17 engaged. It's hard to engage the public.
18 There needs to be some better ways to do it.
19 We're able to engage with emergency
20 responders, city and town officials, police
21 departments, fire departments. We can do
22 that. We have, you know, regional meetings.

1 We bring everybody together. We talk about
2 issues of concern. There's great information
3 gathering.

4 But the public, the non-affiliated
5 public, you know, the homeowners and the
6 abutters, very, very hard to reach them other
7 than mailings and, you know, advertisements in
8 the newspaper and things like that. You don't
9 get to have a two-way conversation. It's a
10 one-way conversation. And we as an industry
11 need to figure out how to get the need back
12 into our planning better. So if anybody has
13 ideas, I'm happy to listen to that.

14 CHAIR HONORABLE: Well, anyone
15 else?

16 Rich, with your permission, I'm
17 not sure if Jeff visited with you, could we
18 take yours immediately after lunch?

19 MEMBER WORSINGER: Absolutely.

20 CHAIR HONORABLE: Okay. Thank you
21 for being flexible.

22 And we've also visited with some

1 others, Linda and others who are reporting
2 just to ensure that we can get you out of here
3 by 5:00. So we'll try to condense some of the
4 reports where we are able to.

5 So it's about 10 after 12:00. Why
6 don't we recess for lunch until 1:30? And
7 that way you'll have enough time to either go
8 downstairs or go somewhere very close. So
9 we'll be adjourned for lunch until 1:30.

10 (Whereupon, the hearing was
11 recessed at 12:10 p.m. to reconvene at 1:30
12 p.m. this same day.)

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1 out of here by 7:00 tonight.

2 (Laughter.)

3 ACTING CHAIR TAHAMTANI: So ask
4 all the questions you have and take your time
5 giving your presentation.

6 So with that, we'll just turn it
7 over to you.

8 MEMBER WORSINGER: Thank you, Mr.
9 Chairman. I just learned my 7:00 flight was
10 delayed until 7:45, so I can add another 45
11 minutes. Won't affect me.

12 (Laughter.)

13 MEMBER WORSINGER: Hi, I'm Rich
14 Worsinger with Gas Committee. I'm the
15 director or utilities for the City of Rocky
16 Mount in North Carolina and represent the
17 American Public Gas Association.

18 APGA is the national trade
19 association for publicly-owned natural gas
20 systems. Public gas systems are the non-
21 profit utilities that are owned by the
22 customers they serve. There are approximately

1 1,000 publicly-owned distribution systems in
2 the U.S., and we serve about 5 million
3 customers. There are about 200 I believe that
4 are AGA members. APGA represents 1,000
5 members, but they're much, much smaller. And
6 if you do the math, that comes out to about
7 5,000 customers per utility.

8 As I mentioned, I'm with the City
9 of Rocky Mount. Rocky Mount serves about
10 17,000 gas customers and we have 20 employees
11 in our gas division. By number of customers
12 Rocky Mount is the 43rd largest municipal
13 public gas system which puts us in the top
14 five percent of municipal gas systems. That
15 means 95 percent of public gas systems are
16 smaller than Rocky Mount. So our Engineering
17 and Co-Compliance Department consists of one
18 engineer. And most municipal systems they
19 don't even have an engineer. They also can't
20 afford to have an engineer or a compliance
21 specialist.

22 Most public gas systems are also

1 much simpler systems than interstate pipelines
2 or large LDCs. Few, if any, public systems
3 have what we would consider, what you would
4 consider a real control room or controllers.
5 Typically the gas free flows from the
6 transmission system to the customer with no
7 human intervention. System pressures are
8 typically much lower than that of a bicycle
9 tire and our pipes are much smaller than
10 transmission.

11 I provide this as a background
12 because APGA's priorities and positions on
13 pipeline safety issues are often driven by the
14 significant differences in the level of risk
15 and the resources available to a small gas
16 distribution operator compared to large
17 interstate oil and gas transmission companies,
18 or even large investor-owned distribution
19 operators.

20 APGA likes to remind PHMSA that
21 the rules apply to the many small systems as
22 well as to the big LDCs. And, Jeff, I know

1 you try to keep that in your mind. Please
2 just that reminder to keep these rules into
3 account and the impact it has on the small
4 systems. With that being said, still our
5 priority, our highest priority is the safe and
6 reliable delivery of affordable natural gas at
7 just and reasonable rates to our customers who
8 are our owners.

9 I'd like to talk about a
10 recognition program. This is the first year
11 of it and we call it SOAR, which stand for
12 System Operational Achievement Recognition.
13 The goal of SOAR is to recognize public gas
14 systems that are leaders in the safe and
15 efficient operation of public gas systems. We
16 evaluate their systems in four areas: system
17 integrity, employee safety, system improvement
18 and work force development. System integrity
19 and system improvement include may of the
20 basic elements of the Public Safety Management
21 Standard and has the same purpose as PSMS.
22 It's to encourage operators to adopt effective

1 safety management programs. We believe that
2 seeing other systems win the SOAR recognition
3 will encourage all public gas systems to
4 emulate the leaders and go beyond just
5 complying with the regulations.

6 Next I'd like to talk about
7 integrity verification. On specific pipeline
8 safety issues APGA is very concerned about
9 integrity verification. Although only about
10 five percent of APGA members have transmission
11 lines, and most of those lines are of much
12 smaller diameter and lower pressure than real
13 transmission lines, all of our members get
14 their gas from interstate transmission
15 operators. Most have only one pipeline
16 supplier and only one gate state serving that
17 entire distribution system.

18 Some of the integrity verification
19 proposals could be very expensive to the
20 transmission pipeline operators, and of course
21 they're going to pass those costs along to the
22 distribution systems they serve and their

1 customers. Some of the integrity verification
2 proposals could require shutting down
3 pipelines for testing that could interrupt
4 service to the downstream distribution
5 systems.

6 Because APGA members are customer-
7 owned, we are very concerned about any rule
8 that affects the safety, reliability and the
9 cost of providing gas to our customers, so
10 we'll be closely watching the IVP Rules as
11 they continue to be developed.

12 PHMSA recently asked for comments
13 on going away from class location and
14 regulating transmission based on integrity
15 management and the HCA concept. We feel this
16 would be a great opportunity for PHMSA to
17 revisit the definition of transmission. The
18 current definition of transmission includes a
19 risk-based criteria; anything over 20 percent
20 SMYS, but it also includes a functional
21 criteria that any line from a storage facility
22 to a distribution center is transmission

1 regardless of operating pressure or stress
2 level. I wish Don Stursma was here as he
3 could attest that there are many small low-
4 stress lines classified in transmission back
5 in Iowa and just because they run from a
6 transmission line to a town they're classified
7 as transmission.

8 Back in 1970, when the rules first
9 took effect being classified a transmission
10 line really didn't have a big impact on our
11 members because all it really required was
12 more frequent patrolling and other
13 inspections. But now with integrity
14 management in effect and other rules on the
15 horizon, being classified as transmission will
16 have significant costs that will have little
17 or no safety benefit for the types of lines
18 that our APGA members operate. APGA urges
19 PHMSA to use this opportunity to create some
20 middle-ground definition for these types of
21 transmission lines.

22 Next I'd like to talk about excess

1 flow valves. We're very interested in the
2 rulemaking expanding the excess flow valve
3 mandate to multi-family residential and
4 commercial customers. Installing EFVs on
5 single residential services has worked very
6 well and it's been relatively problem-free.
7 However, occasionally we do have a customer
8 that adds a high-demand appliance like a gas-
9 fired generator or a tank-less water heater
10 and don't notify us, and the EFV is not sized
11 for that additional load and of course when
12 that appliance operates, the EFV closes.

13 And I just want to pause for a
14 second here to point out what that means.
15 That EFV closes. That means that customer
16 then, that individual customer is without gas.
17 That means the LDC has to go out there and
18 excavate where that excess flow valve is at
19 the main. Is this an emergency? That means
20 you can not wait the two or three days for the
21 Call Before You Dig Rules? Probably not. But
22 that means that customer is without gas for

1 those two to three days. That's why it's so
2 important to make sure we get this rule right
3 so that we don't interrupt the gas supply
4 unnecessarily to those individual customers.
5 We're going to be interested to see how this
6 proposed rule addresses sizing the EFVs for
7 commercial loads considering how they change
8 much more frequently.

9 Picture the strip mall that has a
10 shoe store and the only gas load they have is
11 maybe a hot water heater. They don't do well.
12 Go out of business. The EFV of course was
13 sized for just that hot water heater. They go
14 out of business and the next thing that comes
15 in is maybe a Chinese restaurant that has gas-
16 fired woks, use a lot of gas. That EFV was
17 not sized for that load. They're going to go
18 fire up their kitchen equipment and that's
19 going to shut down the gas supply to that
20 customer.

21 Next I'd like to talk about PSMS.
22 We are also closely following the development

1 of the Pipeline Safety Management System
2 recommended practice. We understand that it
3 is just a recommended practice, and we've been
4 assured by PHMSA's leaders that they will
5 never make it mandatory, but we have to assume
6 that eventually it will be made mandatory, and
7 if not by PHMSA, then maybe by individual
8 states. Managing safety at a municipal gas
9 system like Rocky Mount where everyone works
10 out of the same building does not require the
11 same level of formality as managing safety in
12 an interstate pipeline or even a large LDC.

13 As I stated at our August Advisory
14 Committee meeting, APGA felt our concerns were
15 not being given due consideration, but I'm
16 pleased with the changes the working group has
17 made since August and I'd like to thank Ron
18 McClain and the other working group members
19 for listening and addressing our concerns.

20 Next I'd like to shift gears and
21 talk about the Security Integrity Foundation.
22 Back in 2005 APGA formed the Security and

1 Integrity Foundation to assist small gas
2 distribution operators to comply with the
3 increasing federal regulation. As I mentioned
4 earlier, interstate pipelines or large LDCs
5 have the technical staff to address
6 compliance. Small public gas systems do not.

7 We thank PHMSA for supporting SIF
8 financially through the cooperative agreements
9 and through PHMSA's staff serving on the
10 various advisory groups. We'd also like to
11 thank the various state regulators for their
12 support and service on the SIF board and the
13 various advisory groups.

14 SIF continues to provide operator
15 qualification training and our evaluation to
16 many small utilities and master meter
17 operators who otherwise couldn't afford the
18 time and money to send personnel to off-site
19 training. This training has been provided
20 regionally across the country and at minimal
21 cost to the operators. To date SIF has
22 qualified nearly 5,000 employees of small gas

1 systems. The SIF plans to continue offering
2 the OQ training regionally to assist the small
3 operators.

4 To assist small operators in
5 complying with Distribution Integrity
6 Management Program requirements a program
7 called SHRIMP was developed. SHRIMP stands
8 for Simple Handy Risk-Based Integrity
9 Management Plan, and sure most of you are
10 familiar with it. Over 1,600 systems have
11 used SHRIMP programs to develop their DIMP
12 programs. This to me is great because if
13 there are 1,000 public systems and there are
14 200 IOUs, that means there's another 400
15 master meter operators who is a group that's
16 typically difficult to get a hold of and work
17 with that have used SHRIMP.

18 We are continuing upgrading SHRIMP
19 as new information comes out on high-risk
20 materials and the SIF is currently developing
21 smartphone and tablet apps to document the
22 installation, inspection, and maintenance

1 activities, storing the data in the cloud and
2 allowing users to view the data on Google
3 Maps.

4 Many municipal systems, especially
5 the smaller ones, do not have GIS systems or
6 computer record keeping systems. As I'm sure
7 you can imagine, extensive geographic models
8 are not needed for systems with a few hundred
9 or even a few thousand customers. We believe
10 the smartphone apps that SIF is developing
11 will give these smaller LDCs the advantage of
12 GIS at a fraction of the cost.

13 And last I'd like to talk about
14 the Carolinas Public Gas Association. Back
15 home in North Carolina we've been quite busy
16 also. My good friend Tommy Miller and I
17 recognized that North and South Carolina were
18 the only states in the Southeast that did not
19 have a gas association. Tommy heads up the
20 Department of Public Utilities for Orangeburg,
21 South Carolina is a former chairman of APGA.
22 We worked with the other public gas systems in

1 North and South Carolina and in October 2012
2 we formed the Carolinas Public Gas
3 Association. Its members are the 22 publicly-
4 owned natural gas systems in North and South
5 Carolina.

6 Carolina Public Gas Association's
7 purpose is simple: to enhance the performance,
8 safety, competitiveness and public awareness
9 of our members, and we'll be holding our
10 spring board meeting in a few short weeks.
11 Our agenda includes an update from our state
12 regulators, Vernon Gainey for South Carolina
13 and John Hall for North Carolina, as well as
14 an update from our Operator's Committee on
15 coordination of compliance and training among
16 our association members.

17 That, Mr. Chairman, concludes my
18 presentation.

19 ACTING CHAIR TAHAMTANI: Thank
20 you, Rich. Any questions on the presentation?

21 Ron?

22 MEMBER McCLAIN: Just a brief

1 comment. Thank you for recognizing the team
2 was responsive to small operators. You know,
3 I think every stakeholder had their say and we
4 tried to integrate changes into the document.
5 I don't know that we every gained agreement
6 that it would never be a mandatory document.
7 I mean, never is a long time. I think the
8 team feels that even with a short document it
9 requires a pretty massive culture change at
10 times. And so there will be time for industry
11 to figure out what the document means. How do
12 I comply?

13 And with continuous improvement,
14 you know, you're on a journey. It's not are
15 you here or there. It's where are you on the
16 journey. And even within a company, certain
17 facilities may be at a different places on the
18 journey. So I do think we've tried to really
19 make it flexible, scalable, suitable for
20 people with evolved systems and starting from
21 scratch.

22 I hope operators will embrace SMS

1 without regulatory reference, but I don't know
2 that we ever secured a promise that it would
3 never be referenced in code. But it would be
4 good I think to have operators embrace it.
5 And if you claim to be compliant with it,
6 there's a lot of "shalls" in the document.

7 ACTING CHAIR TAHAMTANI: Thank
8 you, Ron. Andy?

9 MEMBER DRAKE: I'll defer to Jeff
10 because his comment may be in response to
11 Ron's. And then I'll follow up.

12 MR. WIESE: Well, and I just want
13 to second a little bit of that, but I also
14 want to say that I think all parties adjusted
15 their positions while were together, including
16 APGA.

17 So one thing I encourage you to do
18 is listen tomorrow to a gentleman who's going
19 to be presenting to us, Armando Martinez. He
20 is from Miami Air. It's a very small airline.
21 He's a real passionate advocate on safety
22 management systems. He makes a really good

1 case for how it makes money for him, you know?
2 And he said it's not about just complying with
3 regulations. I would tell you that in the SMS
4 debate I hope we will eventually convince
5 everyone that it's about you shouldn't have to
6 be made to do things, you know? It's really
7 we will try to show you enough evidence of why
8 it can be positive for you and why it can work
9 to your advantage, protecting the public at
10 the same time it helps the company maintain
11 its operational reliability, you know, help
12 their bottom line. So I do hope to convince
13 you guys.

14 As to the matter of whether it
15 becomes a requirement or not, I mean, we
16 debated that back and forth for a very long
17 time and I don't think anyone's made up their
18 mind on it, and it may or may not be.

19 Wait for this afternoon. We have
20 some panelists coming in that have required
21 safety management systems. But I think Ron
22 wants to counteract all that antidote, but --

1 MEMBER McCLAIN: Well, we do think
2 there's a great prize in improved safety and
3 industry performance if people will embrace
4 and follow these principles. So, and I do
5 think there's a bottom line benefit for
6 companies and certainly our company has seen
7 that as we've embraced some -- we call it an
8 operations management system, and maybe touch
9 on that tomorrow.

10 MEMBER WORSINGER: And now let me
11 just respond to that, that APGA and its
12 members also embrace safety and we're looking
13 and again appreciate the changes that were
14 recognized in the process.

15 I just want to again point out,
16 Rocky Mount, we have 20 employees. We have
17 two gas crews, two supervisors, two workers.
18 That's six people. Every morning they sit at
19 the picnic table that's in the gas shed and
20 talk about what job they're going to. And at
21 the end of the day that's where they end up.
22 Communication amongst that small group -- and

1 there are smaller groups out there also where
2 you only have two or three employees in the
3 entire gas division or utility. Communicating
4 to them, you don't need to put a bureaucratic
5 process in place.

6 We just need to have that same
7 goal and let us work with you to see how that
8 goal is best reached by the small operators.
9 We thought one way to do it is through our
10 System Operational Achievement Recognition
11 Award, which has many of the same elements.

12 ACTING CHAIR TAHAMTANI: Andy, I
13 lost control over the meeting for just a
14 couple minutes there. That's not going to
15 happen again. You're next.

16 (Laughter.)

17 MEMBER DRAKE: I am quite
18 confident that you have not lost control.

19 (Laughter.)

20 MEMBER DRAKE: This is Andy Drake
21 with the Gas Committee. I just wanted to take
22 a moment to kind of back away and look at all

1 the presentations for a minute and pick up on
2 something I think that Ron has pointed to
3 here, and that is, you know, zero is a common
4 goal. I think everybody's sharing that.
5 That's good. We're all in here and we all
6 share that. I haven't heard anybody say
7 anything different than that. I think that's
8 good alignment. You know, I think it's going
9 to take our collective and coordinated efforts
10 to achieve that.

11 To me the other thing that I'm
12 hearing is this is a long and challenging
13 road. We're not going to get to zero tonight.
14 We're not going to fix everything everywhere
15 all the time right away. We've got to make
16 some really good choices, some informed
17 choices and set some priorities that we all
18 understand and can communicate to all the
19 stakeholders why those choices were made and
20 that we're all on sync that those are the
21 logical next tranche of things to be doing.

22 I think it's a deliberate process

1 around safety management systems. I think
2 there's a lot of common elements in there.
3 That conversation on safety management systems
4 -- and I think this is the point I want to
5 bring up to this Committee: To date I think
6 the conversation in the safety management
7 systems has been focused on how operators will
8 use safety management systems. That's
9 appropriate.

10 I mean, you know, we operate the
11 assets. We're touching them physically.
12 That's very, very important. We've been using
13 management systems for years. You know, we're
14 actively participating on the Committee. I
15 think it's done a great job of clarifying and
16 getting some continuity across a broad base.
17 We see it as actually a competitive advantage
18 for us. That's why we embrace it. You know,
19 we do it better, faster, smarter than those
20 around us, more deliberate, more intentional.
21 It's just good business. And I think that's
22 what's coming out of this.

1 But I think the thing that's
2 striking me here is, Tim, you mentioned
3 earlier that there's a process that we use.
4 And I think the interesting thing that I want
5 to dissect for a minute is who is we? And I
6 think a lot of the context is we, the
7 operators, use. And I think I'd like to
8 challenge this group, the we needs to be this
9 group also. It should be a both/and
10 proposition.

11 The weight of using SMS protocols
12 on how to advance safety and get to zero can't
13 rest completely on the operators, because
14 that's how you get dislocations where the
15 public feels left out of the deal. And the
16 regulators have a different agenda. And all
17 of a sudden we come colliding together and
18 everybody's got all these different priorities
19 and we're all riding different horses in
20 different directions. And guess what, all the
21 public gets out of it is you guys look like
22 chaos. I mean, this doesn't make any sense to

1 us. And it didn't feel like we were a part of
2 the train ride anyway.

3 And I think this Committee
4 provides a unique venue where all the
5 stakeholders are brought together. And I
6 think that deliberate venue that you've
7 created here should help arrest some of the
8 concerns about coziness. There is a need for
9 all the stakeholders to be together and maybe
10 some conversation with the public about this
11 process and how it works, and why it was
12 formed, and how that's shaped, but there is a
13 process that this group uses to evaluate
14 intentionally the risks on the deck to set
15 those priorities to make sure we're in sync so
16 that when we go back to our collective
17 stakeholders, we may not be in agreement, but
18 at least we understand why. Why were these
19 choices made?

20 And I think that helps bind us
21 together. When we look at other industries as
22 we were looking at safety management systems

1 in other industries, you see that it didn't
2 just fall to the operators of the airlines.
3 It didn't just fall to the operators of the
4 hospitals. It didn't just fall to the
5 chemical manufacturers. They had a role to
6 play, but there was a collective industry
7 effort that was coordinated and synchronized
8 to advance to zero as a bigger group.

9 And I think that both/and
10 proposition is kind of what I'd just like to
11 float out to this group, is you're sort of
12 almost there, you know? We're here. We're
13 talking about metrics. We're kind of talking
14 about the right things. But then we go apart.
15 We never really close the deal intentionally
16 on what are the priorities? What's the plan?
17 Why are we making these trades and choices?
18 And getting sync about them. And I think a
19 little bit more deliberate effort by this
20 group to do that serves this getting to zero
21 effort on a bigger scale and it helps even the
22 operators kind of synchronize their plans as

1 they get back into their role of marshaling
2 SMS within their companies.

3 I just wanted to float that out
4 there, just kind of an observation. I think
5 it's very timely coming into tomorrow's
6 conversation, but I don't want to hear it as
7 supplanting the goals and directions of SMS.
8 It's more of an augmenting. I think it's a
9 both/and, not an either/or. Thanks.

10 ACTING CHAIR TAHAMTANI: Good.
11 Back to Rich. You said something, Rich, about
12 when the EFV is activated and you need to go
13 dig it up to find it. Then you'll have to
14 call and wait three days. If in your state
15 that's not considered an emergency ticket,
16 then there's something wrong. Essential
17 public service is discontinued to a house, you
18 need to be able to dig it up in three hours.
19 Just a comment.

20 All right. We're caught up with
21 the agenda. It's about lunch time, but you've
22 had your lunch.

1 (Laughter.)

2 ACTING CHAIR TAHAMTANI: Move onto
3 the next item, which is Mr. Mayberry. And
4 he's going to give us a briefing on all the
5 things that PHMSA and him have to put up with
6 from NTSB, OIG, GAO, congressional people. I
7 feel sorry for both of you.

8 MR. MAYBERRY: Yes, thank you.

9 ACTING CHAIR TAHAMTANI: So with
10 that, go ahead.

11 MR. MAYBERRY: Appreciate the
12 condolences, Mr. Chairman, and it shouldn't
13 take more than about an hour, hour-and-a-half,
14 I think, max, top end.

15 (Laughter.)

16 MR. MAYBERRY: But, no, I'm
17 actually going to try to shave some time off
18 the 15 minutes I have. And just to let you
19 know, just to clarify, when you ask me how I'm
20 doing on what's going on, when I say, oh, not
21 much, you know, don't take that too seriously
22 though, because I think you'll see in the

1 slides I'm going to go through here real
2 quickly there's a lot going on. There's a lot
3 of good work being done by our staff with whom
4 I'm very appreciative. But, yes, we're not
5 standing still. That's the message here. And
6 I know many of you have been involved in some
7 of these mandates and dealing with the
8 recommendations that we have.

9 You know, there's a summary. It's
10 the congressional mandates of which we have 48
11 NTSB recs, the OIG recs. And I think the GAO
12 recs I really don't go into, but for the
13 record I'll have this for your perusal at a
14 later time.

15 I need to apologize. Going to
16 mandates, I've got a version here that's --
17 well, no, okay. That's an okay version. I
18 thought I had a different internally-tracked
19 version. I fooled myself. But there is color
20 coding here. Green means good, complete or on
21 track and yellow means in progress. And then
22 red means late or we're not going to meet the

1 date.

2 First off, the ones in blue I was
3 just going to summarize. The first one there
4 was Statutory Mandate No. 2, administrative
5 enforcement civil penalty. It's just the
6 general category. That was in section 2.
7 There are three of those that we have
8 satisfied already. This one in particular
9 under our administrative section deals with
10 our new civil penalty authority.

11 Dropping down to the bottom there.
12 And I'll be glad to answer any questions you
13 have off-line or, you know, if we have time at
14 the end. Section 5, that last one, IMP
15 expansion and classification replacement. I
16 really won't go into that. We talked about
17 that yesterday and we have the work shop
18 coming up in April.

19 Again, with the IMP expansion
20 section 5, this one actually -- I didn't
21 really talk about it yesterday, but it deals
22 with looking at the seven-year reassessment

1 interval for gas and establishing standards
2 for exceeding that by six months. And we're
3 considering that for rulemaking.

4 Moving on to leak detection.

5 That's one that's near and dear to a lot of
6 people. Section 8, you know, if appropriate,
7 based on our study that we completed, you
8 know, that's right above there in section
9 8(a), draft regulations that deal with leak
10 detection, you know, regulations for liquid
11 pipelines. We have a rulemaking in progress
12 on that.

13 The second one on administrative
14 enforcement down there, the other blue one,
15 section 10. that deals with our 194
16 regulation, the spill response and to actually
17 add language that allows us to enforce that
18 section. That's complete.

19 Moving on to -- like I said, there
20 are 48 of them. The last, the third of the
21 administrative ones dealt with the develop the
22 presiding official, which we've stood that up

1 to change how our due process is handled and
2 having one dedicated person to being a
3 presiding official. And that's been
4 implemented for a time now.

5 Gathering lines. We have a
6 report. Section 21 required us to write a
7 report. We've finished that report. It's in
8 concurrence, and that's going to be shipped to
9 the Hill after it gets through our internal
10 concurrence process.

11 You know, basically that wanted us
12 to look at the sufficiency of current
13 regulations, to look at exemptions and look at
14 the economic impacts of pulling gathering
15 lines into regulations. And we do have a
16 report on that one. It's in concurrence.

17 Let's see. Lastly, just our R&D
18 report that we transmit to Congress every two
19 years. That's been completed. And that just
20 discusses the results of our R&D program that
21 we do as sort of an accountability report to
22 the Congress that is currently -- it's been

1 written. It's just in our final concurrence
2 process.

3 Now moving on to the NTSB. We
4 have a number of open recommendations. Many
5 of them you're quite familiar with, but there
6 are some older ones I just wanted to
7 highlight. The 04-1, that actually came out
8 of the Cohasset failure a number of years ago,
9 back in 2004. It had to do with putting pipe
10 into service that couldn't be verified that it
11 was transported in accordance with the API
12 standard. They want us to remove that
13 exemption. That's in the Gas Rule and we've
14 got that in a proposed rule, but NTSB is going
15 to wait until that rule is final, until we get
16 closure on that.

17 Same with the second one that came
18 out in the same failure. It was related to
19 truck transportation and the development of a
20 standard, which has been developed. It's part
21 of our incorporation by reference rulemaking
22 business, so that one's still open but

1 acceptable. But we're planning to incorporate
2 that by reference.

3 And then coming out of the top one
4 there, out of the Carmichael, Mississippi
5 failure, had to do with performing a seam
6 study and implementing the results of that
7 study. Just to put it simply, we've had two
8 phases. We completed phase one. We just
9 started phase two a little bit ago. That's a
10 study that's costing us a little over \$4
11 million. That's probably one of the more
12 expensive R&D projects we've done. I don't
13 know of any that are higher. Just stay tuned
14 on phase two. But that one remains open,
15 acceptable.

16 Then down there at the bottom, 11-
17 8, has to do with operators providing system-
18 specific information to emergency response
19 agencies. As many of you know, we stood up a
20 Public Awareness Working Group and also an
21 Emergency Response Working Group. We're going
22 to look at the results of those groups to

1 develop our action plan going forward, whether
2 or not there will be rulemaking involved, or
3 an alternative action that will hopefully
4 address that recommendation there. I know
5 we've got many from industry and the public
6 involved in that initiative.

7 And then 11-9 related to control
8 room. This also, like the one before that,
9 came out of the Marshall, Michigan spill. And
10 this requires -- I'm sorry, this one came out
11 of the, sorry, San Bruno, requiring control
12 room operators to call 911. And we have
13 rulemaking on this that we hope to propose.
14 We did issue an advisory bulletin that we
15 hoped that would deal with this, but NTSB was
16 looking for a little bit more substantive
17 requirements, so we're looking to address it
18 possibly through regulation to deal with that.

19 Then 11-10, also out of San Bruno,
20 related to control rooms. This has to do with
21 leak detection on control rooms. And we have
22 an R&D project underway with that right now

1 that remains open, acceptable.

2 I'm summarizing these, so if you
3 have any questions, please feel free to chime
4 in. And then 11-11 -- yes?

5 MEMBER KUPREWICZ: Could you go
6 back to -- yes, to 01. So where do we stand
7 on the first phase? You guys have got the
8 report. Has it been made public?

9 MR. MAYBERRY: We've got the
10 report. It's public.

11 MEMBER KUPREWICZ: Okay. Yes.

12 MR. MAYBERRY: And then we're in
13 phase 2 right now.

14 ACTING CHAIR TAHAMTANI: Alan, let
15 me ask a question, too. You have a lot of
16 these things that are open, acceptable
17 response, recommend closure, but not closed
18 yet. Are you just waiting for NTSB to close
19 it?

20 MR. MAYBERRY: We tried. Yes, we
21 sent a letter to NTSB last April with the
22 status of all these, and we were looking to

1 possibly get closure on these based on the
2 action to date. Rulemaking is in progress,
3 for instance, for the truck standard. Issuing
4 an advisory bulletin about calling 911. But
5 they really want to see final rules. Because
6 it wasn't a "should," it was "require." And,
7 you know, there's no in between on that in the
8 advisory bulletin. We don't regulate, as we
9 know, by advisory bulletin.

10 Okay. I did 11. And 11-16,
11 assist the California CPUC in conducting a
12 compressive audit. We have done that. We
13 were hoping to get closure on that as well.
14 We probably would have, but the CPUC also has
15 the counterpart to this recommendation that's
16 still open with them. So when they get
17 closure for that, we will hopefully be okay to
18 get closure on this one.

19 We've spent a lot of time in
20 California on a number of issues. I know we
21 had our state audit this year and had actually
22 an enhanced audit and spent just a good bit of

1 time there. Lot of good work that's been done
2 there, too.

3 12-6. This came out of the
4 Marshall, Michigan incident and this has to do
5 with issuing an advisory bulletin describing
6 the circumstances and the deficiencies we
7 observed related to that incident there. And,
8 specifically, this one relates to integrity
9 management. There's another one I'll talk
10 about in a minute that's also an advisory
11 bulletin. That one has been written. It's in
12 final concurrence.

13 Then 12-9 also from that -- I'm
14 sorry. I was dropping down to 12-10, the
15 other advisory bulletin we issued on January
16 28th. And this is related to spill response
17 plans. It was to advise operators to -- first
18 off, of the circumstances around the incident
19 in Marshall and then to look at their facility
20 response plan and update the plan as
21 necessary. So that was that one.

22 And then related to the OIG, we've

1 actually, on this, actually of the nine
2 recommendations that were issued after the
3 hazardous liquid audit, there are three that
4 are open. Just one here for particular
5 interest is update the IM requirements,
6 mandate for baseline and recurring assessments
7 for non-line pipe facilities. So we're
8 looking at that right now as far as with the
9 cost benefit analysis. Again, that's non-line
10 pipe facilities.

11 That's one of the issues they had
12 noted is, you know, we do a pretty good job
13 related to line pipe, but they had noticed,
14 and some of us have discussed in this room,
15 kind of an uptick in our spills in non-pipe
16 facilities. So that was what they were
17 looking for us to do there, again under
18 assessment.

19 And really we have some responses
20 to the GAO that we're responding to
21 recommendations there. They're in
22 concurrence, but I really didn't target those

1 to really go over, because there's really not
2 much to say about those. With that, I think
3 hopefully I made up a little bit of time.

4 ACTING CHAIR TAHAMTANI: Any
5 questions for Alan? Any comments?

6 MR. WIESE: I have a question for
7 Alan.

8 ACTING CHAIR TAHAMTANI: Go ahead.

9 MR. WIESE: Where are you, Alan,
10 on that -- no.

11 (Laughter.)

12 MR. WIESE: Just for the
13 Committee's benefit, and particularly for
14 newer members, I'd like to point out that,
15 prior to Deep Water Horizon, we had completed
16 almost all statutory mandates, we had no GAO
17 or IG open recommendations, and we had six
18 NTSB recommendations, all of which were
19 successfully underway. And the NTSB was
20 happy. So apparently things were working
21 really well at that point, and they went
22 downhill for the better part of a year. And

1 I just point this out to say, this is what
2 happens in re-authorization, when you have a
3 spate of accidents right before the hearings.

4 And so it's not that we wouldn't
5 have worked on a lot of these things anyway,
6 you know, but as Rick is constantly reminding
7 me, and I do fully agree and understand, you
8 know, these become priorities. I mean, you
9 have to take care of them. That's all there
10 is to it. There's a lot of other important
11 work, you know, that doesn't happen because
12 these -- but they have to be taken care of.

13 So I just wanted to give you some
14 assurance that we'll provide you -- you know,
15 so you'll have the materials yourself to look
16 at later, because that was -- Alan had to do
17 it in whirlwind fashion here. But, you know,
18 we're set on trying to clear up that record
19 again before re-authorization. It will be a
20 bit of a challenge for reasons maybe Cameron
21 will go into in his next presentation. So
22 thanks.

1 ACTING CHAIR TAHAMTANI: Thank
2 you, Jeff.

3 The next presentation is by
4 Cameron on PHMSA's regulatory agenda. And
5 next to Cheryl, we appreciate everything that
6 Cameron's done supporting the Committee the
7 last couple days.

8 MR. SATTERTHWAITTE: Oh, no, not a
9 problem. Thank you. Cameron, Regulations
10 Office. This presentation is pretty close to
11 the presentation that was done in December,
12 and we'll just kind of go through it.

13 A lot of what the administrator
14 spoke about earlier is really caught in this
15 slide. This happens to our rules, as far as
16 significant rules versus non-significant rules
17 and so forth. The majority of our rules are
18 significant at this time, and as a result they
19 have to go through a little more scrutiny, as
20 they have to go through not only our office,
21 but they have to go up to OST and OMB before
22 getting out to the Federal Register. And as

1 Cynthia said earlier, it's supposed to be
2 estimated about a month in OST, three months
3 in OMB, but sometimes things don't happen like
4 you intend for them or they plan for, for a
5 variety of reasons. For our rules that are
6 not significant, normally just goes straight
7 from PHMSA right to the Federal Register. And
8 it's been a long time since we've seen that.

9 The determination of what is
10 significant versus non-significant is not made
11 by PHMSA. So basically it is made by OMB.
12 And, at this point, we pretty much issue what
13 we believe it to be and we try to give
14 supporting evidence behind that, but at the
15 end of the day they make that determination.

16 I'm just going to go through a
17 couple rules. As was noted earlier, Haz
18 Liquid Rule has disappeared for quite a while
19 and it is out of our office. You know,
20 hopefully it will come along soon.

21 (Laughter.)

22 MR. SATTERTHWAITTE: The Gas Rule.

1 As Cynthia talked about, she's in the process
2 of reviewing that before it goes up to OST and
3 the OMB process, so that is in progress right
4 now. And of course it will be dealing with
5 expansion of IM beyond HCAs, assessment
6 methods, valve spacing and so forth. The
7 integrity verification process is on a
8 different slide, but basically we may be
9 considering that in the same rule.

10 The Excavation Damage Provision
11 Rule is also past our office and into the
12 OST/OMB cycle. And of course you all voted on
13 that about in December of 2012. So it is in
14 the process.

15 Miscellaneous Rule as well, which
16 was voted on back in 2012. It's out of our
17 office and it also is in the OST/OMB process.
18 And that we're going to be addressing, you
19 know, leak surveys and ethanol regulations,
20 pipe transportation, things such as that.

21 EFVs as well is out of our office
22 and is in the OST/OMB process at this point in

1 time. And of course we're looking at going
2 beyond single-family residences, and getting
3 into multi-family residences, and commercial
4 buildings, and so forth. So hopefully, you
5 know, when that publishes sometime, sometime
6 soon hopefully, we'll definitely welcome the
7 discussion that will result.

8 Standards Update Rule, which was
9 voted upon at the last meeting, back in
10 December, and we just finished wrapping up.
11 We'll get started on drafting that final rule.
12 So of course that's still within PHMSA.

13 This is the Operations and
14 Qualifications Cost Recovery, aka
15 Miscellaneous 2 Rule. And that one is also in
16 development, in the later stages of
17 development within PHMSA at this point. And
18 then that we plan on addressing incident
19 reporting, cost recovery and getting into the
20 renewal process for special permits.

21 Plastic Pipe Rule. You know, that
22 is in the middle stages of development and

1 we're basically looking at getting into,
2 authorizing the use of PA12 within the
3 regulations and also getting into design
4 factors and tracking and traceability and so
5 forth.

6 Also we're starting work on the
7 Rupture Detection and Valve Rule. Of course
8 that was based on, you know, a couple of
9 mandates that were mentioned earlier, and of
10 course refers to the reports and GAO, portions
11 of that were part of that as well.

12 And that's it. That's all I have.
13 So, back to you, Mr. Chairman.

14 ACTING CHAIR TAHAMTANI: Thank
15 you, Cameron.

16 Any questions for Cameron?

17 (No audible response.)

18 ACTING CHAIR TAHAMTANI: Anybody
19 who is awake?

20 MR. SATTERTHWAITTE: I'm not taking
21 any -- no, I'm just --

22 (Laughter.)

1 ACTING CHAIR TAHAMTANI: Cameron.

2 All right. You have a question?

3 MEMBER DENTON: Todd Denton,

4 Liquids. Never thought I would say this, but

5 you know, I think we support getting these

6 out. You know, we don't know, we may not

7 necessarily agree with everything that comes

8 out, but uncertainty doesn't help anyone. And

9 I know you guys are doing everything you can,

10 but we do support getting these out as quickly

11 as we can.

12 ACTING CHAIR TAHAMTANI: Any other

13 comments such as Todd's? That was very good.

14 MEMBER JOY: Michele Joy, Liquids.

15 Also support what Todd said. I also have a

16 question on, I think you called Miscellaneous

17 2? There was a lot of big stuff in there. So

18 when do we expect to see that?

19 MR. SATTERTHWAITE: Well, for that

20 rule, right now it's in the later stages of

21 going through reviews, and with PHMSA

22 management at this point. So it's in the

1 later stages of that. And right now it's
2 probably going to be a significant rule, so it
3 will probably go into the OST and OMB loop.
4 That could be like one month in OST,
5 estimated, three months in OMB estimated. And
6 so it might be a while.

7 MEMBER JOY: So this is just to
8 get the NPRM out?

9 MR. SATTERTHWAITE: Yes, this is
10 just for the NPRM.

11 MEMBER JOY: And there was no
12 ANPRM?

13 MR. SATTERTHWAITE: There was no
14 ANPRM for this rule.

15 MEMBER JOY: Okay. So we'll just
16 watch with baited breath. Okay. Thank you.

17 MR. SATTERTHWAITE: No problem.

18 ACTING CHAIR TAHAMTANI: Andy, you
19 had a comment?

20 MEMBER DRAKE: Andy Drake with the
21 Gas Group. I'd just like to echo Todd's
22 point. I think it's an odd position for us to

1 be in. And that was the essence of the
2 question to Cynthia earlier, is we are in a
3 place where I think it's helpful to call the
4 constituents, particularly the public and the
5 legislature, to see some of their requirements
6 met and some rules that are tangible come out
7 where they can see them.

8 A lot of work has gone into it,
9 and I would hate to see our credibility
10 compromised after all this effort to get
11 basically no points on the score board. So we
12 are in the same place, and we would like to
13 see those moved forward, at least get into a
14 public place where we can have conversations
15 about them out loud with everybody.

16 ACTING CHAIR TAHAMTANI: Thank
17 you, Andy. Any other comments? Chad?

18 MEMBER ZAMARIN: Thanks. Chad
19 Zamarin, Gas Committee. Just a question. You
20 know, I appreciate there's a lot of
21 transparency being provided around the PHMSA
22 process, but we hear a lot about things

1 stalling at OMB. Is there a way for us to
2 understand better their process? Should they
3 be coming to these meetings and talking to us,
4 so that they can understand the urgency and
5 support that we all have for moving these
6 things forward? Is that a possibility?

7 (Laughter.)

8 MR. WIESE: You know, we'd be glad
9 to relay the Committee's request. I can't,
10 and I don't want to sit here and pin it on
11 OMB. I mean, the way I'd like to phrase this
12 is we are working about as hard as we can to
13 get all of those rules through. I do find it
14 odd when the industry asks for the
15 regulations. And I note the difference. You
16 say we're ready to have the conversation,
17 right? So I get it. And I think you've all
18 been around the track a few times and you know
19 happens in re-authorization.

20 So we'd be glad to relay, you
21 know, your concerns. And it's not necessarily
22 just, you know, at OMB. I mean, there is a

1 bottleneck in the system, you know, and it
2 happens everywhere you go. I think we
3 delivered a huge rule to Cynthia on the Gas
4 Rule and she's, you know, digesting every page
5 of it.

6 So, but I will say this, so the
7 gas guys at least will hopefully back me up on
8 this, we were very transparent about the
9 development of all that stuff. You know, we
10 had a lot of public dialogue about these
11 things. I don't think there's any real
12 mystery to what we we're going to propose.
13 You know, how it ends up in the final, you
14 know, I can't say, but you know, you
15 understand, I think. We would really like to
16 get the conversation underway. But a lot of
17 good work has been done by the PHMSA staff.
18 I'd be remiss if I didn't defend them and say
19 that they've worked really hard, you know, to
20 get stuff out.

21 So any rate, we'll move it as fast
22 as we can. And I promise you we're on that

1 job. Thank you, though.

2 ACTING CHAIR TAHAMTANI: All
3 right. Thank you very much. The next
4 presenters are Linda and Alan to speak about
5 performance metrics.

6 MR. WIESE: They've asked me to do
7 a segue.

8 ACTING CHAIR TAHAMTANI: Jeff's
9 going to sort of start the conversation.

10 MR. WIESE: So we're back, Carl.
11 We're going to talk about performance metrics
12 now. So we've had a lot of conversations, and
13 I'm very thankful for them with Carl, but
14 we've also had a lot of conversations with all
15 facets really of the Advisory Committee. And
16 talking about this, Sue was talking this
17 morning about the challenge of performance
18 metrics. I think until you dive into it you
19 don't fully understand.

20 You know, I would say a couple
21 things. One is: there is no metric that's
22 definitive and gives all the answers. It can

1 lead you to ask questions, but no metric by
2 itself, you know, is definitive. You know, a
3 company can have, you know, an unpredictable,
4 you know, extremely low-probability, high-
5 consequence event. And apparently the
6 performance is met, but they might have a
7 really long track record.

8 So here's what I'd like to say,
9 and I know Andy for sure, and Rick, and a few
10 others know that when we were doing integrity
11 management, remember, well over a decade ago
12 we focused on performance metrics. So we have
13 had performance metrics on our Web site for
14 well over a decade on this stuff.

15 I'm going to spin through these
16 really fast, because I think the important
17 stuff is what's under development now. I'm
18 here just to make a point to you that we have
19 been focused on metrics for well over a
20 decade, but we haven't done a very good job of
21 serving them up to people. You've seen, with
22 all the work that we have, we tend to solve a

1 problem, put it up on the Web site and then
2 move on to the next problem. Right? And I
3 think we're going to try to do a little drop
4 back and look at that again real quickly.

5 But, for people who don't know
6 this, there is a ton of information on our Web
7 site, anything from accident/incident to
8 infrastructure information. We were really
9 very early on in the transparency agenda
10 moving all of our enforcement actions up onto
11 the Web. So, you know, Carl, you might, you
12 know, know other groups. I'm not aware of
13 that many groups who are as aggressive on
14 enforcement transparency as we are.

15 All of the integrity management
16 stuff is up there. You can get to this
17 aggregated nationally. You can get it at a
18 state level. You can get it broken down to
19 individual operators. There are raw data
20 which you can download. In fact, that's where
21 we started. I think, Carl, when I first got
22 to know you, you had to download this huge

1 Excel file, and we'd say good luck. You know,
2 hope your Excel skills are better than ours,
3 and have at it.

4 Then we started putting up summary
5 tables and graphs. And I think I speak for
6 Alan and Linda in spades, when I say we were
7 very frustrated at the ability to analyze data
8 and get information out. There's tons of
9 data. Information is harder to come by.

10 So I'm just going to do this
11 really quickly. On the left-hand side, you'll
12 see on our Web site, these are what the pages
13 are called. The kinds of information you get
14 for the hazardous liquid, gas gathering, gas
15 transmission or gas distribution. Again, I
16 kind of made the point earlier at a higher
17 level. You know, go on, you can find about
18 cast iron inventories in all the states, all
19 the federal enforcement, all
20 accident/incidents sliced several different
21 ways on that.

22 Let's see, the other things that

1 I've missed here. EFVs installed. I know you
2 can get leaks. We'll be talking a lot more,
3 by the way, I think as we go forward about
4 methane emission reduction. And so the leak
5 data becomes really important as we get into
6 that.

7 I think I've already covered those
8 two things. So, I'm going to serve it up to
9 my colleagues here in just a second, but we
10 took an initial shot inside of the program.
11 We're not Web designers, I will say. It must
12 be obvious to all.

13 (Laughter.)

14 MR. WIESE: So but we try to do a
15 lot of things ourselves. So we thought, hey,
16 why don't we organize the data better and make
17 it easier for people to get at it. And this
18 was our initial shot. I had hoped to have
19 Jeannie Shiffer, who kind of runs a lot of the
20 media and external intergovernmental affairs
21 things here, but she's in the Bakken right now
22 with a bunch of other people from PHMSA. So

1 Jeannie would say, oh, that was dumb. She
2 didn't like what we did. And that's exactly
3 how she'd tell me.

4 So she's got some ideas and she
5 wanted me to just throw them out for you, just
6 for comment. Feel free to comment. She's
7 much more interested in a graphical
8 presentation where you can come in and say,
9 hey, what are you interested in? That yellow
10 box that's hard to see, it says U.S. Are you
11 interested in the U.S. data? Pick your state.
12 The table that comes up to the next I have
13 expanded version of. It would show you by --
14 I will correct fiscal year. I don't think
15 many people besides the U.S. Government
16 operate in this whacked fiscal year basis that
17 we're in. But a lot of ways of arraying data
18 for different kinds of operators.

19 So we're going to undertake an
20 effort with Jeannie's help to try to make the
21 current data that we have more useful to
22 people. I will, you know, hasten add -- and

1 here's by the way, she said for those of you
2 like Jeff who are not graphically-oriented,
3 here's a table you could use, you know, to get
4 at the same kind of data.

5 So we'll make a better effort to
6 use what we have and make it easier for you to
7 get to, but I think we really would welcome
8 your ideas. Jeannie tends to look at what she
9 calls the Web analytics. When people come
10 into the PHMSA Web site, what are they
11 hitting? What are they looking for? She uses
12 that to drive it. And I think we have debated
13 that extensively with her, and I'll say I
14 don't know if that's driven by current events,
15 you know, and how long of a period of time are
16 you looking over, and all that. But we
17 welcome your thoughts on how to make the data
18 that we have more readily available to people.
19 And I think we can do a better job of it.

20 I just want to close by saying
21 there is a scad of data out there. There's
22 not enough analysis. And I think you'll hear

1 a little bit more about analysis as I hand it
2 over to my colleagues here. So, Alan?

3 MR. MAYBERRY: Thank you, Jeff.

4 Now, Jeff led you into, you know,
5 how we're looking to improve the access to the
6 data that we currently collect, and really
7 develop a one-stop-shop front end, if you
8 will, that makes it more conveniently
9 accessible. Because one of the complaints
10 we've had, among others, is that, you know, it
11 just takes too many clicks to find the data.
12 So hopefully that will address that.

13 Meanwhile, we've set up teams,
14 Linda dealing with the Liquid Team and I'm
15 leading the effort with the Gas Team, to
16 identify a few key metrics that really
17 represent the industry, the performance of the
18 industry. Because, an example here is, you
19 know, currently -- and we've heard this
20 before, there's just a few metrics that we've
21 put out there that we, PHMSA, or others in the
22 industry perhaps, use when we go and present

1 to different groups on pipeline incidents,
2 pipeline incidents that have involved
3 fatalities or injuries.

4 In this case there are two that I
5 have identified under that first major bullet,
6 or the second one, the liquid pipeline
7 accidents with environmental impact. Those
8 are two key metrics that we actually have
9 right now that are internal to PHMSA. They're
10 also public, by the way, internal to DOT. And
11 that's how we're measured, or one of the
12 measures that we're rated against, as far as
13 the performance of our job, if you will. But
14 you know, those are only two measures, and
15 it's really not reflective of the industry as
16 a whole. So we set off to stand up these two
17 teams to identify 6 to 12 pipeline performance
18 measures that are reflective of the industry,
19 of the performance.

20 And this is a review, by the way.
21 We did provide an update. I think I provided
22 an update at the last meeting, shortly after

1 we kicked off. And we had a little bit of a
2 hiccup because I think one of our meetings
3 happened during the furlough. We had just
4 been furloughed when the meeting was stood up.
5 And we have since had one meeting with the Gas
6 Committee, and then have since had like a
7 couple of conference calls as well.

8 But anyway, the bottom bullet
9 there is kind of the punch line of what we're
10 trying to get out of our initial effort here
11 with standing up the teams. Now I'll turn it
12 over to Linda to talk about the Liquid Team.

13 MS. DAUGHERTY: You know, I'm
14 going to back up for just a second. I want to
15 emphasize something that Alan mentioned that
16 may need some additional emphasis.

17 Those two bullets, the
18 accident/incidents resulting in fatality or
19 serious injury, and liquid pipeline accidents
20 with environmental impact, you know, he
21 mentioned those are on our DOT score card, and
22 we're held responsible, our performance. He

1 means we're literally held responsible. Our
2 performance appraisals are dependent on
3 improving results on those two. So we have a
4 very personal interest. I know a lot of
5 companies do that. We also do that in our
6 agency.

7 So the Liquid Team has a great
8 group. We've had a couple of discussions, and
9 our general approach is to start with
10 identifying the big questions. You know, Alan
11 mentioned that we're looking at 6 to 12
12 performance indicators, and our real goal is
13 to get these agreed to prior to re-
14 authorization. And the reason why we need to
15 do this is because I can't tell you how many
16 conferences we have all been to where I'll get
17 up, and I'll say this is what the data is and
18 this is what it tells about the pipeline
19 infrastructure.

20 And then Peter Lidiak or Andy will
21 get up and he'll say, no, no, no, that's not
22 quite right. This is what the data is and

1 this is how the infrastructure is doing. And
2 then Carl blows us both out of the water,
3 because he'll stand up just right off the bat
4 and he'll say you both are wrong because here
5 is the correct data and here's what it says.
6 And we oftentimes use the same data and come
7 up with totally different results. And it all
8 depends on how you present it, and how you
9 analyze it, and what particular metrics you're
10 looking at.

11 So this attempt is to try to get
12 the different stakeholders together in groups
13 and let's talk through these things about what
14 is really important.

15 So on the Liquid Team, the first
16 thing we're trying to do is identify what the
17 big questions are. What are the questions we
18 need to answer, and then figure out what
19 measures would answer those questions. And
20 I'll give you some examples here in a little
21 bit of what I'm talking about. The third part
22 is once we identify what measures we need, we

1 have to determine do we already have the data?
2 And we may well have the data, because we
3 collect a lot of information.

4 And then the fourth is is it a
5 good quality data? Do we need to go back and
6 check it? Is it available to everyone? One
7 of the key points of these measures is we want
8 that data to be available so Carl can sit in
9 his office in Washington and pull the
10 information the same as Massoud can pull it,
11 or Andy Black can pull it. We're all
12 accessing the same set of information so we
13 have the same read.

14 And then the last part is, you
15 know, we have to make sure that if we don't
16 have the data, we get it or we fix the quality
17 and that the teams are consistent. And, you
18 know, while we're running two teams
19 separately, there's always the danger of
20 running off in different directions. So we
21 need to check in occasionally with each other,
22 and make sure that if we end up with a metric

1 that refers to serious incidents the Gas Team
2 doesn't use significant incidents without a
3 good explanation or reason. So we're trying
4 to run in parallel together.

5 MR. MAYBERRY: Okay. Related to
6 the Gas Team -- and by the way, the teams
7 include a cross-section of the stakeholder
8 community. I know Carl's been involved in
9 both committees, but we have representatives
10 from the gas operators and then our team, the
11 Gas Team is chaired by myself and Christina
12 Sames. We have a charter that we developed
13 the first day we had a conference call.

14 But anyway, we're looking at
15 measures -- when we're looking at metrics and
16 developing these key measures -- by the way,
17 we did mention this. I wanted to reiterate
18 that these are measures that we're planning to
19 put on our Web site and make very public, so
20 that when you go to our Web site you'll
21 readily see them. And we're also not just
22 looking at operator measures, we're also

1 looking at measuring the regulator. So, you
2 know, obviously it would look at the operator
3 performance, performance of the
4 infrastructure, and then also regulations and
5 then our oversight.

6 Initially, our approach was to
7 evaluate some key measures and define them
8 based on the data we currently collect. And
9 we looked at the data that we currently
10 collect in our first two meetings or so, and
11 I'll have examples of those coming up.

12 And then we plan to coordinate
13 between the Liquid Team and our team to just
14 make sure we have a consistent picture.
15 Obviously there are going to be differences
16 between the two teams a little bit because,
17 you know, liquid and gas pipelines aren't
18 exactly the same. You don't have spills on
19 gas pipelines. There are just some necessary
20 differences between the two.

21 And also, by the way, while we're
22 laying out the measures that we currently have

1 that are currently available, we're also
2 identifying gaps for future information
3 collection. And we're not just -- well, it's
4 a brainstorming session to look at the
5 measures that we currently have, the next
6 process or the next iteration would be to
7 match them up against our objectives, you
8 know, of we as a regulator and then perhaps
9 the public operators, the various objectives
10 to see which ones -- a subset of all what we
11 measure are relevant. And then also where are
12 the gaps? You know, where do we need to build
13 new measures?

14 I did mention -- already said post
15 publicly. I think this is a repeat. We have
16 representation. And then a slightly different
17 approach, where the Liquid Team looked at,
18 started with some questions up front and then
19 going to match metrics to that. We're looking
20 at metrics that we currently have, matching
21 that to what our objectives are and then
22 looking at gaps. At the end, we're going to

1 end up in the same place with slightly
2 different approaches.

3 And then, like the last bullet
4 says, we're looking at data we currently
5 measure. And by the way, this isn't just data
6 that PHMSA collects. We also are looking at
7 possibly other data sources as well. It
8 wouldn't be limited to the Government data.
9 It could also include operator data, or data
10 collected by advocacy groups.

11 MS. DAUGHERTY: So that comes back
12 to me. And on the Liquid Team, I mentioned
13 some of these big questions. So we started
14 talking about what would the public or various
15 stakeholders want to know? So some of the
16 basic questions. You know, what is the impact
17 of liquid pipelines on people and the
18 environment? And then what kind of measure
19 might be used to, you know, evaluate that?
20 How many times have liquid pipelines impacted
21 people and the environment, you know? Okay.
22 What about how the pipeline industry is

1 managing integrity? Are they doing a good job
2 or not? You know, what is being done to
3 reduce pipeline risk? And so you get the
4 idea.

5 Some of these questions are trying
6 to figure out people want to know. We talked
7 about that earlier. Sometimes we push
8 information because we think, well, here's
9 what we've got. Here's the information
10 relayed. We're trying to figure out what do
11 people need to know to improve confidence, or
12 maybe not that, maybe just get an accurate
13 assessment of the health of our
14 infrastructure.

15 Some of the questions. You know,
16 is there a different risk associated with
17 different types of hazardous liquids? You
18 know, what kind of oversight? And Alan
19 mentioned that.

20 One of the issues that came out
21 was kind of funny. If the number of
22 inspections is not an indicator of performance

1 -- because someone says if I have a big
2 system, I get inspected a lot more, so
3 therefore there's a greater likelihood I'm
4 going to have an enforcement action. Because
5 it might be something minor, but I'll have a
6 greater number of them. Is that an indicator
7 of performance? I don't know. Is enforcement
8 an indicator of performance? If a company is
9 inspected more often, they may have more
10 exposure enforcement items. So something to
11 think about.

12 My last slide on the big
13 questions; I mentioned it earlier this
14 morning, is pipeline performance more or less
15 important than operator performance, how the
16 operator manages risks? That's not an easy
17 question to answer, and it's probably a
18 combination of the two. But then when you
19 start looking at management of risk, how does
20 that reflect on a company or the national
21 safety culture, as far as the pipeline safety
22 culture? And we'll talk about safety culture

1 tomorrow, or this afternoon actually.

2 Then also we're looking at data
3 quality. If we have bad data quality, does
4 that really reflect what's going on in the
5 infrastructure? You know, how do we make sure
6 that we're reflecting the truth of the matter?

7 MR. MAYBERRY: Okay. Back to the
8 Gas Team. And with apologies to the team,
9 actually these next couple of slides we
10 actually didn't cover when I went over my
11 presentation with the group a couple weeks
12 ago, but what I thought I would do would be
13 to, sort of, advance the conversation of what
14 I think we're going to be talking about at our
15 next meeting. In fact, I know we will. It
16 will be on our agenda because we are trying to
17 whittle down the list, if you will, to a
18 subset of what we measure. And a little bit
19 later -- I'm kind of approaching this
20 backwards, but I'm going to show here some
21 measures, potentially, that we could be
22 talking about. It's really to seed the

1 conversation.

2 Obviously these would match up
3 against our mission, support our mission, but
4 they also, Sue, to your point earlier today,
5 we're looking to add context to these two. I
6 mean that's key. You know, yes, it's nice to
7 know numbers of accidents, but that's really
8 without context. It's just a raw number. But
9 to know like at a rate or, you know, per
10 distance, I think that does have meaning to
11 it.

12 So here are just a few to seed the
13 conversation, like if your objective is
14 maintaining pipeline integrity, which
15 obviously it is, we might have a measure of
16 leaks per mile, or incidents per mile, or
17 repairs per mile. You know, currently we have
18 operators report anomalies, their repairs,
19 their immediate repairs, their 180-day
20 repairs. But, you know, if you take that a
21 little bit further and add context to it, you
22 know, consider the length of the system, then

1 that would really give you a rate and be maybe
2 a more meaningful measure.

3 Then an objective of protecting
4 human safety and the environment. Incidents
5 with impact on the public for a mile, or
6 incidents with environmental impact per mile,
7 again with context. Then with the objective
8 of protecting high-consequence areas, you
9 know, incidents in HCAs or per HCA mile.
10 Again, we're matching these with objectives
11 which actually, you know, support our mission
12 of protecting the public and protecting the
13 environment.

14 Again, some more examples here.
15 Complying with the regulations. And kind of
16 tiptoeing into this one, you know, Linda
17 brought up some good points about this.
18 Violations per inspection. You know, this is
19 just an example. We're scratching our heads
20 with this one a good bit because, you know, no
21 two violations are the same. You know, I
22 would view a violation, say related to markers

1 differently than a violation related to
2 integrity management. So that's something
3 we're going to have to work on. I know our
4 inspection program now has some ability to
5 rate the issue, as far as what we call area
6 findings related to the violation, but that's
7 something we'll look at, too.

8 There's another one there just
9 related to maintaining safety of the
10 infrastructure and just -- you know, we
11 already have miles of cast iron, wrought iron,
12 bare steel. You know, in the next few slides,
13 in our initial meeting we did lay out -- oh,
14 is it -- I'm out of time? Okay. No? Sorry.

15 (Laughter.)

16 MR. MAYBERRY: I knew I was
17 getting close. Okay. And I won't go through
18 these, but this is what we currently collect,
19 or what we talked about; I'm sorry, at our
20 initial meeting, but it's based on what we
21 currently collect.

22 We spent a good bit of time

1 related to in-line inspections. You know,
2 currently we track inspection methods.
3 There's really not a way to track like
4 completion of baseline assessments. We spent
5 a good bit of time with that. We may tinker
6 with that a little bit more as far as the
7 difference between assessments and in-line
8 inspections. You know, in-line inspection is
9 a subset of assessments. It's in the
10 assessment methods. So that's one area we're
11 looking at. And then just some others. I
12 think I've already mentioned that.

13 Also, with the gas side we're
14 looking at transmission and distribution. So
15 related to the distribution side here's what
16 we currently measure. And again, at our next
17 meeting we're going to be looking at
18 developing a subset of this using perhaps that
19 format I showed you with the table, matching
20 these up with objectives to determine, you
21 know, which ones are best, which ones should
22 we end up with that meet those objectives?

1 These are kind of the bonus slides
2 for you today, but they're just some other
3 ideas to consider. Again, metrics with
4 context. I think some of these are similar.
5 I apologize. Linda and I had separate
6 presentations and we kind of force-fit them
7 together today. So these are some examples of
8 measures that we could have.

9 MS. DAUGHERTY: We're going to
10 spring something on Alan here. We're going to
11 take a break from our presentation. We have
12 some more to cover. What we want to do is
13 finish our presentation, then we have members
14 of the teams that are going to speak for just
15 a few minutes. But we have someone on a very
16 tight time frame that we need to shift to a
17 different topic, give them an opportunity to
18 talk, and then we'll come back to this later.
19 So with apologies to everyone, we're going to
20 shift on you really quick. Okay?

21 MR. WIESE: Can I ask really
22 quickly? Forgive me. If I may, can I ask,

1 anyone who's presenting, are you on a really
2 tight timeline?

3 (No audible response.)

4 MR. WIESE: Okay. The reason I'm
5 asking this, at least of the panelists needs
6 to get back to D.C. pretty quickly. But
7 they've taken time out to come here and help
8 us with the SMS. I'd like to be respectful.
9 If the Committee will indulge us, we'll just
10 take a time out on the performance measures,
11 come back, and wrap it up at the end, and
12 shift to the agenda item here at the end of
13 the day. Acceptable?

14 (No audible response.)

15 MR. WIESE: Very good. So just
16 give us a second to get organized with the
17 panel and that's what we'll do. Massoud will
18 entertain you with stories and jokes.

19 (Laughter.)

20 ACTING CHAIR TAHAMTANI: This is
21 not a break, Mr. Pevarski.

22 (Laughter.)

1 ACTING CHAIR TAHAMTANI: If you
2 are taking an official break, come back in
3 three minutes.

4 (Whereupon, at 2:49 p.m. off the
5 record until 2:52 p.m.)

6 MR. WIESE: All right. If we
7 could get going again, appreciate it. Very
8 good. We're getting them trained. They know
9 that the next thing up is I start using names,
10 you know?

11 Very good. Well, listen, as
12 people are getting settled back in, I have the
13 pleasure of introducing a panel of people that
14 we've cajoled into coming over to talk to you.
15 Been familiar with both of -- all of the
16 panelists actually for quite a while. Our
17 lines of business intersect quite a bit. But
18 I'm also very familiar with the fact that
19 they've been engaged with safety management
20 systems for some time in their current jobs
21 and in previous jobs.

22 Part of our reason for bringing

1 them up today, Ron and I and the other members
2 of the SMS Committee who are here, including
3 Massoud, were constantly juggling what do we
4 have time for tomorrow? And we decided that,
5 as a nice segue to tomorrow, we'd invite some
6 people up with a lot of experience on SMS just
7 to share their experiences with you, so you'd
8 understand that you're not alone in this
9 journey. There are other people going.

10 So with that, what I intend to do
11 is sort of one at a time we'll bring people up
12 and talk really quickly. I'll give a short
13 bio. We'll pause at the end of their
14 presentation for any quick questions you might
15 have of them. I know Jordan needs to be back
16 in D.C. at 4:00, which is why I've begged your
17 indulgence and adjust this a little bit.

18 So with no further ado, I'll
19 introduce Jordan Barab. Jordan is the Deputy
20 Assistant Secretary of Labor for Occupational
21 Safety and Health. I think he's been on that
22 job since 2009. Been involved in OSHA matters

1 for a long time, but one of the things I think
2 you'll find particularly interesting was
3 Jordan also worked for the U.S. Chemical
4 Safety Board. In fact, Bill Hoyle said to say
5 hello. So we worked with Bill. And Bill is
6 nominally a member of our Committee, although
7 he can't make many meetings, he keeps
8 commenting on all these things.

9 So Jordan has a long history in
10 working with process safety management. And
11 many of these are operators. About a third of
12 operators, third government, third public.
13 Many of the operators are quite familiar with
14 PSM, but I was afraid that others might not
15 be. So I've asked Jordan to really talk about
16 their experience with that.

17 So with that, I'll turn to Jordan.

18 MR. BARAB: All right. Thank you
19 very much and I want to thank you for your
20 indulgence. I'm sorry. I've got some tight
21 deadlines, but I hope to stay here for as much
22 of the panel as I can. I've got about a dozen

1 slides. I'm going to go through them fairly
2 quickly, because I'd like to leave some time
3 for discussion and questions afterwards.

4 And again, we're talking today
5 about our Process Safety Management Standard.
6 This is basically what we call management
7 systems. And I know that's what you're
8 discussing here. And it's not unique in its
9 form. It's similar to other management
10 systems. And again, we focus on design,
11 execution and then evaluation. And then based
12 on that evaluation, correcting what we found.

13 All of our management systems, and
14 again, this is much broader than just PSM,
15 have the same six elements, and that is, you
16 know, what you can see listed there. We focus
17 quite a bit on worker participation. We found
18 particularly in the cases of, you know, when
19 we're dealing with large chemical plants and
20 refineries that worker participation, having
21 avenues for making sure that workers have some
22 input into not only, you know, any kind of

1 designing/redesigning the system, but
2 obviously also in terms of identifying hazards
3 and how to address those hazards is extremely
4 important. And then skipping to the end,
5 which is program evaluation and improvement,
6 you know, we try to make this as much of a
7 continuous improvement process as possible.

8 A little history. PSM became
9 effective in 1992. It came out of, you know,
10 essentially Bhopal, but there were also a
11 number of domestic issues that came up in the
12 early '90s and late '80s in terms of
13 explosions in refineries. There was a big one
14 at Union Carbide in Institute, West Virginia
15 and another large explosion that killed I
16 think 20-something workers at Phillips in
17 Pasadena, Texas.

18 We were basically under a
19 congressional mandate, we as well as the EPA,
20 to develop this Process Safety Management
21 Standard. On the EPA side it was called the
22 Risk Management Program, which deals more with

1 community impact, as opposed to ours, which
2 deals with kind of on-plant and worker impact.
3 Again, we set up a management framework to
4 prevent incidents but also minimize the
5 consequences of any incidents that occur.

6 We basically, more or less,
7 divided it into three kind of categories. The
8 category in green are considered system
9 design. Again, we mentioned employee
10 participation. Process safety information.
11 We need to make sure that all the information
12 relevant to the process is accessible and is
13 used.

14 One of the most important parts is
15 process hazard analysis, where again you're
16 basically -- and we leave this very loose,
17 this whole standard really is performance-
18 based rather than specification-based. In
19 other words, we give some very broad outlines
20 in terms of what a process hazard analysis is
21 and then allow the plant to do its own process
22 hazard analysis. So again, analyzing those

1 hazards is really one of the keys here.

2 The orange or the red is system
3 execution. Again, operating procedures,
4 training, contractor safety. Contractor
5 safety was a particularly important issue that
6 came out of the Phillips 66 explosion because
7 we had done a commission and independent study
8 that found the contractors did not receive the
9 same kind of training that the regular plant
10 employees did. These days an increasingly
11 larger and larger percentage of employees that
12 are under these plants are contractors, so we
13 do focus quite a bit on making sure that they
14 receive the same kind of training and that
15 they're operating under the same procedures.

16 Pre-start-up safety review
17 extremely important. A large number of the
18 incidents we identify happen during start-ups
19 after turnarounds.

20 Mechanical integrity, again
21 another important issue which we focus on
22 because especially with refineries in the

1 United States many of them are very old.
2 Basically the equipment is wearing out. We
3 try to discourage running equipment until it
4 fails. So mechanical integrity is very
5 important.

6 Hot work permits. Management of
7 change. Again, you know, that's basically
8 what you take into consideration in terms of
9 the changes in the process when something at
10 the plant changes. And this is something we
11 are probably -- at the urging of the Chemical
12 Safety Board that came out of the 2005
13 explosion at BP in Texas City, Texas. We're
14 looking at not just management of change in
15 terms of changing processes or changing
16 equipment or possibly changing chemicals that
17 are used in the plant, but also more or less
18 system changes, management changes. In other
19 words, are you cutting your staffing there and
20 what does that imply for the safety of the
21 process? Are people receiving less training
22 or more training? So we're really trying to

1 look more at the procedural and some of the
2 staffing issues that can also impact safety at
3 the plant.

4 Incident investigation, again very
5 important. It's something that is very
6 general right now.

7 Emergency response and compliance
8 audits. And I'll talk a little bit more about
9 some of these as we move through.

10 Again, this is a performance
11 standard. All right? So we intentionally
12 make it very flexible. We try to make it
13 comprehensive to basically cover everything in
14 the plant.

15 Adaptive. Again, the frequently
16 allows the plants to adapt.

17 And again creative. We consider
18 that the people operating the plant know best
19 how to operate the plant, so we try to leave
20 as much room there for their creativity.

21 Enforcement is probably the
22 biggest issue here. You know, OSHA has

1 between, federal OSHA and the state plants,
2 about 2,000 inspectors across the country to
3 address about 8 million work places. So
4 needless to say, we can't get to every work
5 place. I think the figures are more than
6 about on average once every 130 years.
7 Needless to say, PSM enforcement, when you're
8 talking about a massive chemical complex or a
9 massive refinery, are extremely resource-
10 intensive if you're going to do, you know,
11 again a full inspection. And consequently we
12 don't do a whole to of full inspections.

13 Pre-2005; that was when again the
14 BP explosion occurred that kill 15 workers in
15 Texas City, we would basically do inspections
16 mostly only based on complaints or if there
17 were major incidents. What we found and, you
18 know, with the help of the Chemical Safety
19 Board, what they found in their investigation
20 is that OSHA did not investigate very many
21 refineries. And the refineries that we did
22 investigate were not done very thoroughly.

1 After the BP incident and the
2 investigation we decided that we really needed
3 to do more focused inspections, so we needed
4 to do more comprehensive inspections. And
5 what we decided to do was move to what we --
6 we have is our National Emphasis Programs. So
7 when OSHA decides that a certain sector or
8 process or industry needs extra attention, we
9 will issue what's called a National Emphasis
10 Program that basically determines how many
11 inspections have to be made by each of our
12 regions.

13 What we decided to do at that
14 point was basically inspect at least part of
15 every refinery in the country over the next
16 several years. And we issued an NEP in 2007
17 that again required inspections of just about
18 every refinery in the country. I say just
19 about because we also have a program called
20 our Voluntary Protection Program which is kind
21 of our best of the best and they are exempt
22 from NEP inspections.

1 First of all, we trained our
2 inspectors, more of them and better in process
3 safety management. We gave them a number of
4 rotating questions they needed to ask. What
5 they would usually do is focus on one unit in
6 every refinery, because it was really
7 impossible to do all units of all refineries.

8 And the results of this were
9 interesting. We did a midpoint evaluation in
10 this and we actually -- you know, we looked
11 at, evaluated what problems we were finding,
12 the areas we were finding the most problems.
13 And we actually sent that out to all the
14 refineries in the refineries in the country
15 and told them this is where we're finding
16 problems. We haven't visited half of you yet,
17 but this what we're really going to be looking
18 for.

19 And as we progressed through the
20 process we found then that there was no
21 improvement. Even though we basically told
22 them what we were going to be focusing on,

1 they still really hadn't addressed those
2 issues. I mean, to a certain extent it was a
3 very valuable experience for us and we hope
4 for them, but it was a sharp learning curve I
5 think for them.

6 We also found that especially the
7 associations that represent refineries and the
8 petro-chemical industry would boast about how
9 safe their facilities were and they based
10 those claims on their injury and illness
11 numbers, which we colloquially call slips,
12 trips and falls, which have very little
13 predictive value when it comes to whether or
14 not the plant is going to blow up or not,
15 which is really more determined by other
16 indicators that come out of the process safety
17 process, things that I think you'll probably
18 be discussing here. In fact, I think the
19 previous panel was discussing indicators, and
20 those are the kind of things that we're going
21 to have to focus on more as well. The slips,
22 trips and falls, illness and illness

1 statistics really don't tell us a whole lot.

2 In any case, the refinery NEP was
3 concluded in 2011. We then moved -- which
4 we're in the process of now of a chemical
5 facility NEP. This is to a certain extent
6 more difficult because there are many more
7 chemical facilities around the country than
8 there are refineries. They come in all shapes
9 and sizes from the very small kind of batch
10 operation to very large chemical facilities.
11 But we are in the process of doing that right
12 now. Obviously we're not going to get to
13 every facility in the country.

14 I want to end by just discussing;
15 and I don't know if this has been discussed at
16 all, but Executive Order 13650, which came out
17 of the West Texas explosion, the fertilizer
18 explosion that killed 15 people, mostly
19 emergency responders and wiped out half the
20 town. On August 1st, the President issued an
21 executive order addressing hazard safety and
22 security in chemical facilities around the

1 country. And it's kind of co-chaired by EPA,
2 DHS and the Department of Labor, specifically
3 OSHA.

4 And we are really trying to look
5 at the whole horizon -- on-shore, not
6 offshore, horizon of chemical safety and
7 security around the country and what needs to
8 be done to improve that. And it includes
9 communication between the agencies,
10 communication between facilities and
11 communities. It addresses data collection,
12 data transfer, data sharing, which is
13 difficult. It talks about kind of enforcement
14 issues in terms of agency cooperation around
15 enforcement and addresses policy and
16 regulatory issues.

17 And for us that means looking
18 again at our Process safety Management
19 Standard, which is now 20-something years old
20 and is in dire need of modernization. So we
21 have begun the process. We issued a request
22 for information, RFI, a couple of months ago.

1 The comment period is still open. I think
2 we're actually going to extend the comment
3 period on that until the end of March. And if
4 any of you are interested, you can go onto the
5 OSHA Web site. There are a bunch of rotating
6 boxes. One of them deals with this executive
7 order and you can find our RFI on there and
8 comment on it, if you'd like to.

9 But we're trying to deal with a
10 number of issues that have arisen, you know,
11 OVER the last 20 years, some things including
12 emergency response, for example. Between EPA
13 and OSHA there's a lot of information out
14 there about what is present and what the
15 hazards are in different facilities, but
16 there's no requirement really for a facility
17 to actually coordinate operationally with the
18 emergency response people. And so that's
19 something we're looking at.

20 PSM doesn't really cover reactive
21 chemicals, and those have been a problem in a
22 number of cases, number of explosions. We

1 have certain exemptions there that may have
2 made sense 20 years ago but don't make sense
3 right now. One of them is, for example, a
4 retail exemption, which means if a facility
5 actually -- if more than 50 percent of its
6 income comes from sales, commercial sales,
7 then it's not covered. And that has run into
8 all kinds of problems. And a number of other
9 issues. that we're going to be addressing
10 through that in terms of modernizing it.
11 We're trying to do this in coordination with
12 EPA, which again has this Risk Management
13 Program and is very much parallel to OSHA's
14 Process Safety Management Program.

15 It takes us quite a while, quite a
16 bit longer I think than almost any other
17 agency in the Federal Government to issue a
18 standard. The GAO predicted about seven
19 years. I think that's optimistic. And I was
20 also amused at the question about whether we
21 can get OMB to speed things up a little bit.
22 We'd love to jump on that band wagon.

1 (Laughter.)

2 MR. BARAB: But things are
3 relatively slow and we're trying to figure out
4 how to speed this up a little bit and try to
5 get some real results here. Because we do
6 have a lot of the information and I think most
7 of the industry has not only kind of signed
8 onto the whole process safety management
9 concept, but actually, you know, the better
10 part of the industry is way ahead of us and I
11 think there are a lot of practices out there
12 that we can model our future efforts on.

13 So I will stop here and I'd be
14 glad to take any questions.

15 ACTING CHAIR TAHAMTANI: Any
16 questions?

17 MR. WIESE: I just have a comment
18 because I'd like to encourage people. If you
19 haven't seen the RFI, I would encourage you to
20 take a look at it. Particularly I know that
21 the members of the SMS Committee who are here
22 and others were interested in that topic will

1 see, you know, that we've begun to address
2 some of those subjects within the draft
3 Pipeline Safety Management System.

4 First of all, I want to thank you
5 for the presentation, but I also think that
6 we're learning a lot from you and hopefully,
7 you know, we'll continue to learn from
8 everyone. That's why we bring people in. And
9 I think it's an attribute of a positive safety
10 culture, which is one of the other things
11 we're wrestling with is how do we learn? You
12 know, I loved Tim's comment earlier today. I
13 guess I'd heard that before, too. He said,
14 what was it, something like, you know, the
15 smart person learns from their mistakes, or
16 whatever, but the wise person learns from
17 other people's mistakes.

18 (Laughter.)

19 MR. WIESE: So we would like to,
20 you know, continue to learn, you know, as you
21 go through this process. We would invite a
22 dialogue. I'll send you all the information

1 about the work shop tomorrow and we hope to
2 have all that up on YouTube. But Bill Hoyle
3 has been very useful. He's been feeding us a
4 lot of -- I think that you know Bill pretty
5 well.

6 MR. BARAB: Oh, yes. Yes, yes.

7 MR. WIESE: And Bill has a lot of
8 opinions.

9 MR. BARAB: Yes.

10 MR. WIESE: But he's been very
11 helpful in terms of, you know, saying you guys
12 are really ignoring something you need to pay
13 attention to.

14 But I would like to commend the
15 RFI to people. You may even be interested in
16 commenting on that. But for the SMS in
17 particular it's very important.

18 MR. BARAB: Yes, and I want to,
19 you know, double that as well. You know, when
20 you look at the map of chemical regulation in
21 this country and all the different agencies
22 that are involved in different pieces of it,

1 they all seem to have different systems for
2 regulating and overseeing. So we have a lot
3 to learn obviously from what other agencies
4 are doing and trying to do as well. And we'd
5 be glad to help out any other agencies in
6 those areas where we may be ahead.

7 MR. WIESE: I'll ask you one other
8 one, if I can. If you could swing a little
9 bit at safety culture, what are doing in
10 regards to safety culture and how does that
11 factor into your SMS?

12 MR. BARAB: Yes, that's hard. I
13 mean it's hard to of kind regulate and we're,
14 you know, for better for worse a regulatory
15 and enforcement agency. It's difficult to
16 define. It's, you know, like they used to say
17 about pornography. You know, it's hard to
18 define, but you know it when you see it. And
19 for safety culture it's the same kind of
20 thing.

21 With BP, you know, we looked at
22 that. We went back when I was with the

1 Chemical Safety Board. That was my previous
2 "we" looked at BP and it was very clearly not
3 a good safety culture there. Safety was not
4 first. I mean, everybody says after an
5 incident safety is our highest priority and
6 you start looking at it and it's rarely the
7 case. So there were a number of indicators
8 there that showed that they had a very poor
9 safety culture in terms of the fact that, you
10 know, safety was not first. It was
11 production.

12 You know, I talked a little bit
13 about worker participation, how that was
14 discouraged there overtly. Not just covertly,
15 but really overtly discouraged. You know,
16 improvements, continuous improvement was
17 discouraged. Just about everything we have in
18 here was discouraged.

19 And obviously the opposite of that
20 is encouraging all these things, and that's a
21 safety culture. That's why when we do a
22 program standard like this we kind of try to

1 identify the attributes of a good safety
2 culture and, to the extent we can within a
3 regulatory process, build that in.

4 When it comes to management
5 commitment, good management commitment is
6 obviously essential for safety culture. Good
7 worker participation is essential. Going
8 around to the other end, evaluating and then
9 applying what you've learned through that
10 evaluation in the spirit of continuous
11 improvement, all of these things are essential
12 elements of safety culture. So to that extent
13 you can kind of build it into your process,
14 but really has to kind of come from the top
15 and it's got to be, you know, kind of infused
16 throughout the organization. And sometimes
17 that's very hard to kind of require there.

18 MS. DAUGHERTY: Relating to the
19 metrics, so obviously very interested in that.
20 And you mentioned that metrics for slips,
21 trips and falls are not necessarily indicative
22 of expected good performance on process

1 safety. Have you been able to identify any
2 good metrics that relate to process safety?

3 MR. BARAB: Yes, that's been a
4 difficult issue. I mean, you know, leading
5 versus lagging indicators. I'm sure you all
6 have discussed that. We try to go more to
7 leading indicators. That's not always easy to
8 do and, you know, sometimes you want to look
9 at lagging indicators because obviously some
10 lagging indicators like number of explosions,
11 number of releases will tell you something
12 even though they're lagging indicators.

13 So we're looking at where there
14 are lagging indicators we want to make sure
15 they're the right ones. And then again, if
16 it's just number of releases, number of
17 incidents, that type of thing and making sure
18 then that those are evaluated and analyzed.
19 The one good thing -- well, not the one good
20 thing, but one of the good things the Chemical
21 Safety Board does is root cause analysis, and
22 that really a much superior process to our

1 process, for example, where we're basically
2 looking at violations of our law, which is not
3 always the same thing as a root cause
4 analysis.

5 Leading indicators, we're looking
6 more at, you know, close calls, near misses,
7 that kind of things. And that again is --
8 it's interesting. It's difficult. You try to
9 get the facilities themselves to look at
10 those, which they can do. It's more difficult
11 though. And Jeff was talking about learning
12 from other people's mistakes. They don't want
13 to advertise their mistakes very much. And
14 it's one of these things.

15 There are some areas in the
16 country that require that. Contra Costa
17 County has a law that actually requires, you
18 know, posting of near misses and releases,
19 even releases that don't cause any injuries or
20 really any major exposures. And those can
21 give you, you know, some pretty good
22 indicators, I think, in terms of the overall

1 safety of the plant.

2 But, you know, the down side of
3 that is of course the people who are best at
4 reporting tend to be labeled as the worst
5 behavior, because you know, the ones that are
6 cheating and are hiding stuff actually end up
7 looking better on paper. So you do run into
8 those kinds of problems enforcing that kind of
9 openness.

10 So anyway, it's something we're
11 looking at, something we very much want and
12 put on as part of our process safety
13 management RFI, but you know, it's not easy.
14 And it's a good question. We'd actually like
15 to learn, you know, from what you all are
16 trying to figure out as well here.

17 ACTING CHAIR TAHAMTANI: Sue, go
18 ahead.

19 MEMBER FLECK: Sue Fleck
20 representing the Gas Committee. Could you
21 please clarify when the comments are due back?
22 The notice says March 10th.

1 MR. BARAB: Yes.

2 MEMBER FLECK: And I'm wondering
3 if there may be an extension on that or --

4 MR. BARAB: We're going to
5 probably extend that to the end of March.

6 MEMBER FLECK: Okay.

7 MR. BARAB: The reason is that --

8 MEMBER FLECK: Thank you.

9 MR. BARAB: -- there's kind of a
10 parallel process as part of the executive
11 order where we were required as of a couple of
12 months ago to issue a number of regulatory and
13 regulatory process policy options as part of
14 the executive order and get comment on those
15 before we prepare a report for the President.
16 And the deadline on that is the end of March,
17 so we decided it made more sense probably to
18 coordinate those. So I think what we're going
19 to do -- in fact, I've got to go back and
20 figure out if this is happening, but is extend
21 the RFI comment period to the end of March as
22 well.

1 MEMBER FLECK: Thank you.

2 MR. BARAB: And the RFI, it's a
3 very early part of the regulatory process, so
4 we aren't nearly as strict on deadlines in
5 terms of sending information as we would be
6 when we get the proposal or the final stage.
7 So if you have comments, you're going to be a
8 little late on it, you know, don't worry too
9 much about it. We'd much rather have late
10 comments than no comments at all.

11 ACTING CHAIR TAHAMTANI: Rick?

12 MEMBER KUPREWICZ: Rick Kuprewicz
13 on the Liquid Committee representing the
14 public. Just to reinforce the slips, trips
15 and falls, in the four decades I've been
16 involved in process safety management
17 processes in both chemical refining as well as
18 pipeline, even though it's not a regulatory
19 requirement, I would say there's absolutely no
20 correlation between lost work day injuries.
21 And I want to reinforce those comments.

22 In fact, what we find is

1 investigations; not at the regulatory level
2 for other reasons, that if anybody's trying to
3 draw a correlation, you have a serious problem
4 both in your process safety management
5 approach and probably in your integrity
6 management approach. They're just two
7 different animals. And while I understand
8 some of the management may try to think there
9 is a correlation there, that's a clear
10 indication from our observation; trying to be
11 a neutral party here, not a judgmental party,
12 that they just don't get it. The culture
13 doesn't get it.

14 So you don't want to be doing
15 that. And it's an easy trap to fall into.
16 I'd advise people just to kind of, you know,
17 think of them as two different boxes and move
18 on. Sorry for that lengthy comment.

19 MR. BARAB: Yes. No, I couldn't
20 agree with that more. In fact, I spoke a few
21 years ago after -- I think it was right after
22 the Anacortes explosion that killed I think

1 seven workers in Washington State at one of
2 the Petroleum Industry Associations who just
3 as that explosion happened issued a press
4 release saying this is one of the safest
5 industries in the country based on again, you
6 know, their injury statistics. And I mean, I
7 kind of lost it a little bit. I said you
8 cannot be issuing this kind of stuff based on
9 basically faulty information while people are
10 literally burying their husbands and sons.
11 And they know it. I mean, that's what kind of
12 pisses me off. I mean, they know there's no
13 relationship there, but it sounds good again
14 in the sound bites.

15 MR. WIESE: Well, Jordan, I think
16 that that resolves the questions. You're
17 welcome to stay as long as you want, but I
18 wanted to close that section out by saying I
19 appreciate the work that you and Dr. Michaels
20 are doing and your staff. Been actually
21 pretty good partners. I remember Dr. Michaels
22 drug Linda down to Texas.

1 MR. BARAB: Yes.

2 MR. WIESE: You had the risk-based
3 regulation. Some of the members of this
4 Committee have been working with us for 15
5 years on risk-based regulation.

6 MR. BARAB: Yes.

7 MR. WIESE: And it is a double-
8 edged sword, as you know --

9 MR. BARAB: Yes.

10 MR. WIESE: -- you know, probably
11 better than most.

12 MR. BARAB: Yes, yes.

13 MR. WIESE: You know, it is
14 probably the way to go, you know, but there
15 are a lot of challenges --

16 MR. BARAB: Yes.

17 MR. WIESE: -- with doing risk-
18 based regulations. So I think the one thing
19 we agreed on there, and hopefully we're off
20 the record, right?

21 (Laughter.)

22 MR. WIESE: No. Well, I think it

1 was OMB who asked to start coming to our
2 meetings and we said no. You know, said no
3 thanks.

4 (Laughter.)

5 MR. WIESE: And all the agencies
6 would clam up.

7 MR. BARAB: Yes.

8 MR. WIESE: But we were trying to
9 learn from one another. So really thank you
10 for your leadership on that. But also for the
11 work that you're doing with us now. We've got
12 a motion of support from the Committee
13 yesterday to create a Midstream Working Group
14 where we'll be looking at OSHA and our
15 jurisdiction, where they match up against each
16 other in the midstream sector. And with the
17 onset of all the shale plays in the U.S. this
18 is getting to be a bigger and bigger issue.
19 So really thank you for your support on that
20 one.

21 So barring any other questions, I
22 think we'll move on and move next to Brian

1 Salerno. I'm pleased to introduce Brian. He
2 was sworn in as the Director of the Bureau of
3 Safety and Environmental Enforcement on August
4 26th, 2013. I'm reading his standard bio, but
5 I know for a fact, and it's not in here, he
6 was actually actively engaged with BSEE for
7 some time before that in helping Jim Watson
8 kind of get, you know, together what he wanted
9 to do at that time.

10 Jim will be speaking to us
11 tomorrow morning, so you can talk to him about
12 that.

13 But for those of you who are not
14 that familiar with BSEE; I actually have a
15 soft spot in my heart for it since I worked
16 for the predecessor agency for 15 years when
17 it was MMS, but basically taking care of all
18 regulatory oversight and enforcement on
19 offshore operations on the U.S. Outer
20 Continental Shelf.

21 Prior to this appointment Brian
22 served in the U.S. Coast Guard as the Deputy

1 Commandant for Operations, had a pretty
2 extensive profile of things there. He
3 attained the rank of vice-admiral within the
4 Coast Guard, which is pretty serious. And a
5 2000 graduate of the U.S. Army War College
6 with a master's in strategic studies. Also a
7 graduate of the Naval War College Non-Resident
8 Program, and holds a master's degree in
9 management from Johns Hopkins.

10 So with that, I hope you'll help
11 me welcome Brian to the Committee.

12 Thank you, Brian.

13 MR. SALERNO: Well, thanks, Jeff.
14 Good afternoon everybody. Well, it's great to
15 be here. Thanks for the invitation and I was
16 very interested in what Jordan had to say.
17 I'm going to repeat some of the themes that he
18 has raised, because I think when you talk
19 about safety culture, safety management, a lot
20 of these themes do -- I mean, they're fairly
21 common across industries.

22 I'm also glad to be on the panel

1 with my friend Patrick, my neighbor, colleague
2 and counterpart to the north. And I just want
3 to thank him for his graciousness and not
4 rubbing in the U.S. defeat last week.

5 (Laughter.)

6 MR. SALERNO: The men's hockey,
7 and even more so that he didn't rub in the
8 fact that we are now obligated to keep Justin
9 Bieber.

10 (Laughter.)

11 MR. SALERNO: Or maybe he just
12 hasn't had the chance to yet. I don't know.

13 (Laughter.)

14 MR. SALERNO: But and I'm sure a
15 lot of what I'll say, you know, Patrick has
16 some, you know, similar thoughts but from a
17 slightly different perspective.

18 I do want to share some concepts
19 and thoughts as to why safety culture has
20 become such a compelling topic of conversation
21 within the offshore oil and gas industry, as
22 well as a topic of great discussion about

1 regulators. And I mean that not only within
2 the U.S., but internationally. It's really
3 become a subject of great prominence.

4 The safety culture and safety
5 management systems are in many ways changing
6 the relationship between the industry and the
7 regulator, and even the way we carry out our
8 regulatory duties. And I would predict that
9 it's going to continue to change that
10 relationship and our methodologies as we go
11 forward.

12 Now, I won't get into the weeds.
13 I want to try to keep this at a pretty high
14 level, but I think you'll see there are
15 parallels, you know, to what you do in your
16 own industries and what is taking place in the
17 offshore. And for those of you who do have,
18 you know, or oversee pipelines that are
19 connected to offshore infrastructure, you
20 know, there may be more of a direct connection
21 there as we approach safety. And I think part
22 of the value of talking in a FACA committee

1 such as this.

2 So traditionally, you know,
3 regulators have typically taken the approach
4 of, you know, they establish regulations for
5 the industry to follow. You know, there's
6 generally an inspections component, a process
7 whereby the regulator verifies the compliance
8 with those regulations. And we've all seen
9 that. It's very familiar.

10 This is a notional chart, but
11 we've seen, you know, many of us that, you
12 know, when companies are coming due for
13 inspection, you know, they dig out the
14 regulations. A safety person does a pre-exam.
15 You know, a lot of things that may have
16 slipped into non-compliance or on the deferred
17 maintenance list, you know, they get some
18 attention. They get fixed before the
19 inspector shows up and you get the facility
20 ready for inspection. So you have that steep,
21 you know, uptick here in this chart, you know,
22 leading up to inspection. Getting ready.

1 You know, it's a little bit like
2 if I invited you to dinner at my house, I'd be
3 doing that, you know, trying to get the dishes
4 washed in the sink and the dirty laundry, you
5 know, just to make it look presentable. And
6 you'd show up and you'd think everything
7 looked pretty good. And that's often what
8 happens in an inspection. You know,
9 everything looks pretty good.

10 But unless the company has a
11 commitment to maintain that level of safety,
12 you know, things tend to degrade. You know,
13 something would break down, it goes on the
14 deferred maintenance list and it slowly starts
15 to taper off, you know, and you see this type
16 of a curve here.

17 So can we conclude after we do an
18 inspection that the operation is safe? Maybe
19 in some cases you can, but I think it's
20 probably not a wise thing to do, you know, in
21 general terms. You need really more
22 information to go on to conclude that the

1 operation is safe. It doesn't tell you in
2 that snapshot inspection how a company really
3 does its business, how employees and how
4 managers behave when no one else is watching.
5 And that's really I think what it comes down
6 to. That's what a safety culture is. What do
7 you do when no one's looking over your
8 shoulder?

9 So if safety is not, you know,
10 part of the normal routine, compliance tapers
11 off and potentially, you know, high-risk
12 behavior, including decision making, you know,
13 can occur on what might otherwise be thought
14 of as a compliant facility. And in the worst
15 cases, you know, it could result in deaths,
16 injuries, environmental damage. And from a
17 company's perspective pretty serious economic
18 loss. And for years we've seen this type of
19 cyclical rhythm, you know, in compliance, you
20 know, where it peaks and then tapers off. And
21 it has not served the interests of safety very
22 well. It gave a false sense of security to

1 the regulator and in many cases even to senior
2 company management.

3 It also results, I think, in a
4 misplaced burden of responsibility. You know,
5 who's ultimately responsible for managing
6 safety and maintaining safety? Is it the
7 regulator that periodically does these spot
8 checks or is it the operator, you know, who's
9 there every day and has intimate knowledge of
10 his own plant, people and processes?

11 A compliance-based verification
12 approach also feeds into, you know, a term
13 that I've heard used called an affirmative
14 defense mentality. You know, in other words,
15 I passed the inspection. All the boxes are
16 checked. I'm in compliance. I'm safe to
17 operate. You know, you put the burden on the
18 regulator to find something and if the
19 regulator doesn't find it, you know, well it's
20 not my fault.

21 So many people started looking at,
22 you know, how do you level this out? How do

1 you have that straight line across the top
2 where you maintain safety and you shave off
3 the peaks and valleys? And to make a very
4 long story short, the prevailing view is that
5 the only way to do that is to maintain that
6 steady state, and the appropriate level is to
7 really define that burden of responsibility.
8 In effect, it's to shift the emphasis to the
9 operator for managing safety at all times, at
10 all levels, not just in preparation for the
11 regulatory compliance checks.

12 And along with that goes an
13 adjustment to the way regulators interact with
14 the industry, the way regulations are
15 constructed and the type of compliance
16 verification procedures that are put in place.
17 In effect, it's more of a performance-based
18 system that will get you there rather than a
19 purely prescriptive based checklist approach.

20 In the offshore industry a lot of
21 this restructuring of that relationship really
22 began in the U.K., the United Kingdom, and it

1 occurred after a very serious accident. This
2 was the Piper Alpha accident in 1988. There
3 over 160 fatalities. It was a fire an
4 explosion. A very, very serious event. Many
5 more were injured in that event and it really
6 caused, you know, a very serious look into how
7 safety is managed in the offshore environment.
8 And the North Sea of course is pretty extreme
9 environmental conditions to begin with.

10 So, you know, to make a long story
11 short, they decided to move towards a safety
12 case approach, and I'm sure many of you have
13 heard that term. And essentially what it does
14 is the operator identifies all the risks and
15 their procedures and their safeguards. They
16 are reviewed and developed in conjunction with
17 labor and with the Government. The regulator,
18 you know, ultimately if they're satisfied,
19 would accept the operator's plan and then that
20 operator is obligated to conduct business in
21 accordance with the plan. It has all the
22 safety features woven into the fabric of the

1 safety case and the operator assumes
2 responsibility.

3 It sounds pretty good, and a lot
4 of companies have done that, but it doesn't
5 necessarily apply in every jurisdiction around
6 the world. In the U.S., for example, we
7 haven't gone with the safety case approach,
8 but we've borrowed from it and we've, you
9 know, adopted some of its principles in an
10 effort to achieve very much the same effect.

11 We still have retained our
12 regulatory structure. We still have
13 inspectors. We still go out and we make sure
14 that there's compliance with regulation, but
15 we've also added to that a performance-based
16 system which we call SEMS. It's an acronym.
17 It stands for the Safety and Environmental
18 Management System. SEMS. So what we've done
19 in the U.S. essentially is a hybrid. We
20 retained the traditional regulatory approach
21 plus the SEMS performance-based system.

22 SEMS has about 13 different

1 elements in it. It's actually a requirement.
2 A company now is required to have a SEMS plan.
3 This is an outgrowth of the Gulf oil spill,
4 the Macondo oil spill. As you recall, you
5 know, there were a lot of studies. There was
6 a presidential commission that looked at that.
7 There was the National Academy of Engineers,
8 National Academy of Sciences. There were
9 probably a dozen different studies done, and
10 many of them really focused on performance-
11 based regulatory approaches as an answer, as
12 a way ahead in this.

13 So we've adopted a lot of that and
14 whereby prior to the oil spill SEMS was a
15 voluntary system, after the spill a regulation
16 went into effect, made it mandatory. So we
17 don't tell people, you know, what constitutes
18 their safety plan. We defined elements that
19 they need to address. It's up to them to
20 address it in a way that makes sense for their
21 operations and then to operate in accordance
22 with that. So you've got the baseline

1 compliance and then SEMS on top. And there's
2 about 13 different elements that we require
3 them to include in their plan.

4 Last year we took two actions, and
5 this kind of gets into the whole, you know,
6 how do you regulate a culture? Well, I don't
7 know that you can. I don't think it's
8 possible, as Jordan was saying, but you can
9 try to influence the way people operate and
10 the way they think. And our beginning
11 approach to that was to issue a safety culture
12 policy. It was really just a set of guiding
13 principles that would help, we hope, influence
14 the way industry makes their decisions. I
15 won't try to go through all of it, but you can
16 see in general it's an attempt to reflect a
17 pattern of thinking and behaving that
18 emphasizes safety above, you know, other
19 considerations.

20 Now in reality there's always
21 going to be that trade-off between safety and
22 cost and schedule. I mean, that's the tension

1 point and, you know, every company has to
2 manage that. But from our perspective, if
3 there's a serious issue and it's in tension
4 with cost and schedule, you know, our
5 preference would be that the company would err
6 on the side of safety. And we continue to
7 preach that in the hopes that, you know,
8 industry will start to internalize many of
9 those values, and I think many of them have.

10 The second action we took was
11 actually to improve our SEMS plan. And I
12 mentioned we've got 13 different elements.
13 It's a bit of an eye chart. I'm not going to
14 read them all, but it has some of the kinds of
15 things that Jordan was mentioning. You know,
16 it has hazard analysis and it has, you know,
17 safe work practices and training and change
18 management and those types of things. So
19 those are the elements that are required to be
20 included in a plan.

21 But what SEMS II did was really
22 emphasize the ability of workers to exercise

1 stop work authority. You know, so it put some
2 responsibility on the workers themselves and
3 it created the expectation that companies will
4 respect that relationship with their workers.
5 It also added in a much more robust audit
6 program. So there's a third-party audit
7 requirement that, you know, every so often,
8 every three years the company gets audited on
9 a certain percentage of its facilities to see
10 how they're truly operating under their SEMS
11 plan. And then that of course is submitted to
12 the Government.

13 By the way, safety management is
14 by no means unique to drilling, as was already
15 mentioned. My Coast Guard background, I can
16 tell you I had a lot of exposure to the
17 shipping industry and shipping has also been
18 doing this type of thing for a number of
19 years, and for the same reasons. Shipping
20 also is a very international industry, like
21 drilling, and as a result there's actually
22 been an international code for safety

1 management. And all ships that come to the
2 United States are required to comply with that
3 safety management code. And if they don't
4 comply, I mean, they're subject to sanctions.
5 They could be detained in port and so forth.
6 And in fact that has happened quite a bit.
7 When I was in the Coast Guard one of the
8 leading reasons we detained ships was because
9 many of them were not following their own
10 safety plans. They had lack of familiarity
11 with it.

12 So it has not necessarily been a
13 smooth transition in every industry. In
14 shipping, you know, quite honestly, it was in
15 danger of becoming a paperwork exercise. And
16 it was through a concerted effort by the
17 regulator to hold people accountable, you
18 know, to their plans, follow their plans that
19 a significant change in behavior started to
20 take place. So again, you influence by the
21 way you regulate.

22 Our experience in the offshore is

1 far more recent and I would say that, too, is
2 a bit of a mixed bag at this point. You know,
3 some companies are very committed. They have
4 the resources, they have the desire. Many of
5 them do not want to be in the newspapers
6 unless it's for some really good reason. They
7 don't want to be in there because something
8 went terribly wrong. And they're committed to
9 making sure that things don't go wrong.

10 But then there are others that
11 really just don't get it. And we've had a few
12 cases even within the last year of serious
13 accidents, including fatalities, which should
14 not have happened, a complete breakdown in
15 safety, an absence of safety culture and
16 people died needlessly. So there are some
17 that don't get it. And there are some that
18 still feel that they're operating in that
19 affirmative defense model. Just tell me what
20 I need to do to operate, which is not a safety
21 culture.

22 That doesn't mean that the safety

1 culture concept is wrong. It does mean that
2 we need to do a better job in how we oversee
3 activities in the industry, how we adjust our
4 regulatory practices to reinforce a safety
5 conscious behavior and to dis-incentivize very
6 perfunctory behavior on the part of the
7 industry.

8 So one of the things we're trying
9 to do within BSEE is to institute a risk-based
10 inspection process, you know, so that where
11 companies have demonstrated a commitment to
12 safety, have very strong performance records,
13 we would exercise a much lighter degree of
14 regulatory oversight in contrast to companies
15 that just don't get it and almost by
16 definition pose a higher risk. They would
17 tend to see us much more frequently. And that
18 of course goes to even the way we enforce.
19 When we encounter a defect, for example, if
20 the company is taking corrective action under
21 its own plan, our view is they ought not to be
22 cited for non-compliance. We'll give them

1 credit for operating under their plan, for
2 doing the right thing. We'll still follow up,
3 but we want to incentivize and encourage the
4 use of them operating under their plan.

5 So we're making progress, but
6 we're not there yet. I think moving ahead,
7 you know, we can do a better job of
8 quantifying risk. We're doing a lot of work
9 with some of the national laboratories on risk
10 bow ties and, you know, on barriers. There's
11 a lot we're borrowing from the chemical
12 industry as you look at barriers, you know,
13 people, process and plant. Pretty good break
14 down on criteria. So we're doing a lot of
15 work there.

16 There's also a lot more we can do
17 in the offshore on process safety or system
18 safety. You know, it is one thing to look at
19 slips, trips and falls, lost time accidents
20 and so forth. I mean, that's important and
21 I'm not going to minimize that because, I
22 mean, that affects real people and we've put

1 a lot of emphasis on reducing that. But we
2 also have to pay attention to the low
3 probability, high-consequence events which can
4 have widespread effects on life, on the
5 environment and from a company perspective,
6 you know, a huge effect on their liabilities.

7 You know, the Deep Water Horizon,
8 the Gulf oil spill, is a good example of that.
9 There was really poor risk management, cutting
10 corners on critical processes, misinterpreting
11 information, you know, all of which
12 contributed to a disaster that, you know,
13 occurred on what was seemingly a compliant
14 operation. So it's a very real problem. So
15 building process risk into our SEMS plan, our
16 SEMS system is I think the next step in the
17 evolution of safety in the offshore.

18 And I'll finish up on final
19 thought. One area that is of interest to me
20 and why I'm very interested in talking with
21 this Committee is the extent to which multiple
22 regulators can or should adapt compatible

1 approaches to safety management, you know,
2 especially when the industries that they
3 regulate sometimes have to operate under
4 multiple regulatory regimes. This is most
5 apparent in the offshore environment between
6 my organization, BSEE, and my former
7 organization, the Coast Guard. You know,
8 together with the Coast Guard we've worked to
9 harmonize two very different safety management
10 systems. You know, we have SEMS within BSEE.
11 The Coast Guard has a safety management system
12 which applies to vessels. And it seems like
13 it ought to be pretty easy to blend those two
14 together. And actually it was kind of hard.

15 There were differences in
16 terminologies and reporting requirements, and
17 even in the target audience, but the goals
18 were very similar. And as I talked with the
19 industry, they said why can't you guys as
20 regulators, you know, get it together? You
21 know, we're all after the same thing here, but
22 you're making it hard for us and you're

1 forcing us to adjudicate between two
2 regulators. And I have to admit they had a
3 point.

4 So even going back and trying to
5 harmonize that between two regulators, it's
6 not quite there, but it's almost there, and
7 it's been, you know, I think a worthwhile
8 process that would benefit the industry in the
9 end.

10 But there may also be an
11 opportunity to do something similar with
12 offshore pipelines, you know, with PHMSA. You
13 know, BSEE has some regulatory
14 responsibilities over offshore pipelines;
15 PHMSA I think has more, but they all connect
16 together. And we're both talking about safety
17 management system. So potentially, you know,
18 we can do a better job of harmonizing our
19 regulatory approach in a safety management
20 perspective. And the practical value of that,
21 you know, I think is fairly clear.

22 You know, a pipeline failure

1 offshore that results in an oil spill or a gas
2 release is going to bring a lot of regulators
3 together in a hurry in a response mode, as
4 well as the affected industries and naturally
5 we'd much rather prevent that than have to
6 respond to it. But a key to preventing it is
7 having the right systems in place to spot a
8 potential problem before it occurs.

9 So, you know, I guess my pitch is
10 that, you know, a safety management system
11 where companies take ownership of the risks,
12 they identify their vulnerabilities, they
13 actively manage them, employees are empowered
14 to act on behalf of safety and they're
15 rewarded for doing so, in short, where a real
16 safety culture exists, you know, when all of
17 that is present, I think we're collectively
18 better able to avoid the kinds of things that
19 none of us wants to see.

20 So, I'll stop there and take any
21 questions.

22 ACTING CHAIR TAHAMTANI: Thank you

1 very much. Great presentation.

2 Any questions? Andy?

3 MEMBER DRAKE: This is Andy Drake
4 with the Gas Committee. Could you back up
5 to --

6 MR. SALERNO: Oh, sure. Okay.
7 The other way?

8 MEMBER DRAKE: I was trying to
9 catch you before you shut it down.

10 MR. SALERNO: Okay.

11 MEMBER DRAKE: To the slide that
12 had the core values and behaviors. I think it
13 was great.

14 MR. SALERNO: This one here?
15 Okay.

16 MEMBER DRAKE: Yes. There's a
17 thought there that I want to tease out a
18 little bit; and that is, you know, I think we
19 all agree, and have many unfortunate incidents
20 that show people that were having slips, trips
21 and accidents metrics and doing well in those
22 programs and extrapolated that to their asset

1 integrities. And that was not appropriate.

2 MR. SALERNO: Yes.

3 MEMBER DRAKE: But I like the way
4 you've worded this, because I think the
5 question I have is although it's not
6 appropriate to extend performance in one to
7 the other, do you see that the behaviors and
8 the values and the characteristics of good
9 safety performance; physically, personnel and
10 asset, are similar? I mean, when you look at
11 that statement, you could apply that to people
12 or plants.

13 MR. SALERNO: Right.

14 MEMBER DRAKE: Do you see the
15 behaviors and characteristics are sort of the
16 same, that there's some commonality of zero on
17 this front and how to get there as there is on
18 zero on this front and how to get there? You
19 have to be careful about how they extend
20 performance in one to the other.

21 MR. SALERNO: Yes, and in fact
22 that's why I kind like, you know, that risk

1 bow tie approach where you have a risk event
2 in the barriers. And the way the chemical
3 industry has done it, you know, they'll have
4 people, they'll have plant, you know, which is
5 the physical assets, and they'll have process.
6 And all of those three interrelate. And I
7 think you really have to look at it, you know,
8 through that lens. They all contribute to,
9 you know, preventing the unwanted risk event.
10 They're all essential. If any of them fails,
11 you know, obviously you're closer to that risk
12 event. But, yes, I think it permeates.

13 Culture has to start at the top of
14 an organization. It can't be more than just
15 a wink and a nod. It has to be something
16 serious. There has to be I think a sense from
17 the employee's perspective, that if they
18 report something, their job's not in jeopardy,
19 you know, that they're actually going to be
20 rewarded for looking after the company. You
21 know, they're looking after their colleagues,
22 their coworkers, they're preventing something

1 very expensive and unwanted from happening.

2 And that takes some time to
3 develop and it's a real mental shift for a lot
4 of people. But again, some companies are
5 already there and I think they've achieved the
6 benefits of that. And that's what we want to
7 incentivize. You can't regulate that kind of
8 thinking. You can't force people to think a
9 certain way you can, you know, maybe I think
10 incentivize it.

11 One of the things we're trying to
12 do as well along those lines; and Jordan
13 mentioned the near miss reporting, a lot of
14 companies on their own are studying that
15 within their own operations and getting a
16 better idea of what are the kinds of things
17 that almost happened, you know, and how close
18 did we come to, you know, something bad? As
19 a regulator I don't have a window into that
20 right now, but I'm trying to get it.

21 Actually we signed an agreement
22 with the Bureau of Transportation Statistics

1 as one of those entities that can collect
2 information and then make it anonymous, you
3 know, so it can kind of give us a little more
4 of a picture of what's taking place. It's not
5 rolled out yet. We're still working the
6 details, but it's been very effective in other
7 industries. The aviation industry, very
8 effective in collecting that type of
9 information, creating a picture of, gee, what
10 almost happened? And very, very powerful in
11 improving safety. And I think we can do that
12 in the offshore and I think it could be done
13 in almost any industrial setting, but there
14 has to be the confidence in the system, you
15 know, so that people can report it without any
16 fear of, you know, being exposed or any
17 penalty.

18 But again, it all feeds that
19 culture of safety, that almost obligation to
20 do something at all levels, whether you're a
21 worker, mid-manager or senior manager if, you
22 know, there is an unsafe activity taking

1 place, or conditions, unsafe conditions.

2 I hope I answered your question.

3 I get a little long-winded at times.

4 ACTING CHAIR TAHAMTANI: Well,
5 actually Andy requires that kind of answer
6 from time to time.

7 (Laughter.)

8 ACTING CHAIR TAHAMTANI: Great
9 job.

10 Any other questions?

11 (No audible response.)

12 ACTING CHAIR TAHAMTANI: All
13 right. Jeff, back to you.

14 MR. WIESE: Just a couple of quick
15 comments if I can. Hopefully you can
16 understand why we invited Brian to come talk
17 to you, because we've actually been having
18 very similar conversations and I think we
19 wanted you to understand that it's not unique
20 in our world. And Patrick I think will show
21 you again. Patrick we've had a 8 or 10-year
22 relationship with, and so I think we think

1 very similarly. But we've gotten to know
2 Brian and I think you can see the leadership
3 that he brings to BSEE is very similar in many
4 regards to the things that we've been talking
5 about.

6 If you'll allow me, I would like
7 to pick up on a couple things: First of all,
8 we welcome the partnership. So I think we're
9 more than happy. In fact, I look forward to
10 it. So as you know, I love the offshore stuff
11 and I really enjoy the pipeline thing, so this
12 will give me an opportunity to marry those up.

13 But I did want to pick up on a
14 couple of things you brought out, if you'll
15 allow me. Actually I said something recently
16 on a panel with Gaetan Caron and it was picked
17 up in the media and it became a subject of
18 discussion in our Agency, but both you and
19 Jordan have hit on it, and I bet Patrick would
20 as well. What I said to the group of NARUC
21 people and the public is that I'd like to make
22 clear that nobody at the table operates

1 pipelines. You know, we're commissioners and
2 regulators. We do not operate pipelines. Yet
3 every time there's a failure, the regulator
4 really takes a pounding. And I know that you
5 know that in spades.

6 So it starts bringing on the
7 question of responsibility. Where is the
8 responsibility for safety? The regulators'
9 traditional job has been really about, as you
10 said, prescribing things, checking for
11 compliance. But you know, fortunately we're
12 better off than Jordan; and don't get any
13 ideas on that once every 100 years or whatever
14 inspection.

15 (Laughter.)

16 MR. WIESE: But, you know, the
17 point I want to say is our resources are only
18 sufficient to allow us to sample what an
19 operator is doing in a slice in time. It's
20 that simple. You know, so that alone is not
21 enough to equate to safety. I think that's
22 what takes us in the direction of safety

1 management systems shifting responsibility.

2 I think most of the good operators welcome it,
3 you know, and they take it. And many of them
4 can embrace it. And it's like Andy said,
5 actually you can make money at it, you know?
6 It works for them.

7 So I just think that it's worth
8 keeping that discussion alive, that, you know,
9 our responsibility while many want to
10 prescribe it to compliance, I think we would
11 agree, all of us, that that doesn't equate to
12 safety. You know, that's at a minimum federal
13 code. Some people hate hearing that, but it
14 doesn't equate to safety. There's more to
15 safety than just minimal compliance with a
16 code that had to go through a regulatory
17 Gordian knot.

18 And somebody was talking about OMB
19 earlier. Dr. Michaels has shared with us the
20 challenges he's had in getting changes to PSM
21 out. And I think you've been luckier. Your
22 stuff has moved, but you probably had a

1 freight train right behind yours. I guess.

2 (Laughter.)

3 MR. WIESE: So at any rate, I just
4 wanted to close mostly by thanking you. I
5 knew what you would bring to the discussion
6 and I very much appreciate it. I think this
7 Committee is going to be actively engaged in
8 those matters and we'll look forward to an
9 ongoing relationship with you. So thank you
10 so much.

11 Okay. So with that, we'll turn
12 right now to one of our colleagues from north
13 of the border. And Brian stole all of our
14 jokes about hockey and everything else.

15 (Laughter.)

16 MR. WIESE: So we're going to let
17 those drop. Besides we've worn out every joke
18 in this 8 or 10-year relationship with the NEB
19 by now.

20 I'd like to introduce Patrick by
21 saying first of all when the idea of meeting
22 with the NEB first came up -- and, gosh, I

1 don't even really know how that happened,
2 whether you initiated or we did -- but
3 irrelevant, I initially thought, well, this is
4 good government. You know, we ought to just
5 get together and chat. And I was thinking,
6 well, they can report back, well, we met with
7 our colleagues on the other side of the
8 border. That would make sense. But the
9 conversation was extremely good. You know, I
10 think we really liked it.

11 Actually, you know, Brian, it was
12 modeled off of the International Regulators
13 Forum and I know that you both participated in
14 that, where regulators get together and talk
15 about what's the role of the regulator and all
16 these various things. So that relationship
17 has evolved over the course of, you know,
18 nearly a decade. I think we readily exchange
19 information on accidents with operators who
20 operate on both sides of the border. We
21 welcome your gesture. You know, the
22 offshore/on-shore and all North American

1 alignments makes sense for everyone, you know?
2 And so we'll continue to work with you and
3 with the NEB towards that goal.

4 But by way of introduction,
5 Patrick is the business leaders of the
6 Operations Business Unit, Chief Conservation
7 Officer at the Canadian National Energy Board.
8 He's been there since May of 2011, had a
9 number of other postings on there. He's also
10 worked for the Province of British Columbia.
11 And one of your colleagues at NEB must have
12 swapped places.

13 MR. SMYTH: Yes.

14 MR. WIESE: Yes, you threw him out
15 and sent him over to B.C. and took his place.

16 But I would just say that he's got
17 a lot of responsibilities that align with ours
18 very closely. Some of them go beyond ours.
19 They have a larger environmental mission, for
20 example, than we do. He may be more involved
21 in security matters than we will. We were
22 heavily involved in those prior to 9/11, and

1 then the stand-up of DHS here sort of resolved
2 a lot of that.

3 I think I'll conclude with that,
4 but saying that I really want to thank
5 Patrick. He's come to talk about safety
6 management systems today, but he's also
7 talking about safety culture tomorrow. So
8 these two are very tightly intertwined, as we
9 know.

10 So thank you, Patrick.

11 MR. SMYTH: All right. Thanks,
12 Jeff. And, yes, I agree we've got a great
13 relationship with PHMSA. It helps us out an
14 awful lot and I hope that we're able to help
15 PHMSA out. And we're just embarking on what
16 I hope will be a similar relationship with
17 BSEE. It's a year ago that we signed our MOU
18 and I'm up here with one of my colleagues, Jim
19 Fox, who's sitting over here. And Jim and I
20 are going to have our first annual meeting
21 with BSEE tomorrow to talk about the MOU and
22 what the relationship could look like going

1 forward. So I think good things are happening
2 on all fronts for us and it's great to have
3 what I consider partners like these two
4 organizations to share information with.

5 It's appropriate that I go last
6 because I've got a few more slides and I'm
7 bringing it up a little bit. And I'm going to
8 tell a little bit of a story around what our
9 regulatory framework looks like and how the
10 requirements for management systems are
11 entrenched within that regulation, and a
12 little bit of our research into why it's
13 important to have robust management systems.
14 And as far as safety culture, I'll talk a
15 little bit about that, but I'm going to keep
16 my powder dry because we have a presentation
17 that I'll offer up tomorrow specifically on
18 safety culture.

19 So with that, I'll talk a little
20 bit about the role of the National Energy
21 Board. We are the organization established by
22 the Parliament of Canada in 1959 to regulate

1 the construction and operation of
2 interprovincial and international pipelines,
3 as well as international and designated
4 interprovincial power lines.

5 About 20 or 25 years ago we
6 assumed the responsibility of regulating oil
7 and gas exploration and production in Canada's
8 north and certain offshore areas that aren't
9 covered by offshore accords. We also regulate
10 the export and import of oil, gas, natural
11 gas, liquids, and electricity, and then
12 finally pipeline traffic, tolls, and tariffs.
13 We do regulate through the entire life cycle
14 of a project, so our first interaction with
15 companies will be prior to receiving the
16 application and then we'll regulate right
17 through to abandonment. I like to equate it
18 to kind of a combination of what you see with
19 FERC, PHMSA, and BSEE down here. A lot of
20 stuff going on with 450 people based out of
21 Calgary.

22 So here's what our world looks

1 like north of the border. This is the
2 pipeline network and it goes from the Pacific
3 Coast to the Atlantic Coast. There's one
4 pipeline right now that comes down from the
5 Northwest Territories. And there are a number
6 of other pipelines on the drawing board. The
7 National Energy Board Panel late last year
8 released its decision on a proposed northern
9 gateway project from Edmonton to the Pacific
10 Coast. And that's now with the government of
11 Canada to make their decision. And in front
12 of us are a couple of significant projects in
13 Enbridge's Line 9 reversal, Energy East for
14 TransCanada, and Kinder Morgan's twinning of
15 the Trans Mountain Pipeline that goes from
16 Edmonton down through the Rockies to the
17 Vancouver area.

18 So with respect to the regulation
19 of pipelines, specifically their construction,
20 operation and eventual abandonment, the NEB
21 has in place a comprehensive suite of enabling
22 legislation, regulation and national

1 standards. The key instruments are referenced
2 above on this slide. And if you bear with me,
3 as I go through this there's a lot of detail
4 in some of the analysis we've done. And I am
5 going to be referring to the notes on my
6 slides here.

7 So when one looks at our
8 regulatory framework, you'll see that we start
9 by defining the safety and security,
10 environmental protection and economic
11 efficiency outcomes to be achieved. For the
12 most part this approach provides regulated
13 companies with the flexibility to determine
14 the means to achieve the outcomes. This
15 approach encourages innovation and the use of
16 most appropriate technology. Companies must
17 persuade us that they have selected the
18 appropriate means to achieve those outcomes.

19 And I've got an example and it
20 comes out of the Canada Oil and Gas Drilling
21 and Production Regulation, Section 19. The
22 operator shall take all reasonable precautions

1 to ensure safety and environmental protection.
2 So with that, the company needs to provide
3 evidence to us that what they've selected or
4 what they're proposing to do meets the
5 objective that we've set in regulation.

6 So the framework offers a
7 systematic approach to managing risk. It
8 includes several management system frameworks.
9 All have common elements such as leadership
10 commitment, communication with personnel at
11 all levels, comprehensive identification of
12 hazards, risk assessments, proactive reporting
13 of near misses and incidents, as well as
14 continual improvement. Continual improvement
15 is critical and must make reference to the
16 day-to-day operations and standardized
17 consistent documented and robust management of
18 safety, security and environmental protection
19 during all regulated activities.

20 So here's where I want to tell a
21 little bit of a story, and it's some analysis
22 that we've done. And we started looking at

1 the evolution of safety as it relates to major
2 hazard industries, be it pipeline, be it
3 offshore, be it on-shore oil and gas
4 exploration.

5 So in between points 1 and 2, and
6 point 1 is on the left-hand side of the slide,
7 was the stage where people kept making
8 mistakes. Concept is you can't fire them all,
9 so it resulted in a supervise them approach.
10 At stage 2 in the middle safety departments
11 were created. Siloed safety professionals
12 tried to supervise errors out of the system.
13 Later they tried to advance human factors
14 awareness. And finally on the right-hand side
15 at stage 3 these professionals realized that
16 there were deeper lying conditions that set
17 the individuals up to commit errors. There
18 were active and latent threats in the system
19 that created conditions for errors and
20 accidents to occur. Soon these professionals
21 found themselves in the board room as
22 advocates trying to argue for bigger budgets,

1 more resources, greater power to effect change
2 beyond their predefined safety scope.

3 Over time there was success as the
4 evidence mounted through accident
5 investigation findings. Systems thinking
6 introduced a more holistic approach to safety
7 once it was demonstrated that often management
8 unwittingly created the conditions for an
9 accident to occur. Safety became everyone's
10 business, not just that of the safety manager
11 and team. Executives became engaged as they
12 were made aware of the potential impact of
13 their decisions, particularly those related to
14 the allocation of human and financial
15 resources.

16 This forms part of the culture
17 shift that accompanies a management systems
18 approach to safety, which leads us to the
19 latest step change in safety management, the
20 understanding of culture indicators, et
21 cetera. At our board, and I know with other
22 regulators, we are in the early days of this

1 very discussions, the relationships between
2 management systems and safety culture.

3 So I ask the question. Is this
4 just a theory or do we have evidence that this
5 holistic approach can effectively advance
6 safety, security and environmental protection?

7 James Reason, a psychologist who
8 studies human error and accident causation,
9 notes that there are different types of
10 accidents, individual and organizational.
11 Organizational accidents are rare yet
12 catastrophic, have widespread consequences on
13 uninvolved populations, assets and the
14 environment or current systems that have been
15 built with multiple defenses, have multiple
16 causes involving many people, include judgment
17 and decision making errors and have impacts
18 that endure long after the event itself.

19 Reason notes that organizational
20 accidents are a result of advancements in
21 technology which have radically altered the
22 relationship between systems and the humans

1 working with them. And while these types of
2 accidents are difficult to predict, there are
3 patterns that can be detected in their root
4 causes and so there are lessons to be learned.
5 Management systems as a means of addressing
6 risk is one such development.

7 And here's the evidence. The NEB
8 recently commissioned a study that compared
9 investigation reports from several major
10 hazard accidents. A cross-section of
11 industries were included in the study and the
12 results provide great awareness to the
13 question why management systems?

14 So we look at the Ocean Ranger
15 offshore platform sinking, Chernobyl nuclear
16 power plant radiation release, the Piper Alpha
17 offshore platform explosion and fire, the
18 Westray mine explosion, Esso Longford gas
19 processing plant explosion in Australia, the
20 Columbia Space Shuttle breakup upon entry, the
21 Texas City Refinery explosion, and finally the
22 Deep Water Horizon accident.

1 In this graph a red X indicates
2 that the investigation report identified a
3 related deficiency to the management system
4 element. A green thumbs up indicates that
5 investigators found the element to be
6 adequate, in other words, not a causal factor.
7 Not addressed in text indicates that the
8 investigation report was silent on the subject
9 and no judgment could be made on its
10 effectiveness.

11 Here we see a very clear pattern
12 emerge. Safety policy and commitment
13 statements were present in each of the
14 management systems, however hazard
15 identification, risk assessments and the
16 related controls were deficient in the
17 majority of the scenarios.

18 Looking at the implementation of
19 the management system we see that very few
20 elements were present or effectively executed
21 in order to create barriers to negative
22 consequences. Management of change was noted

1 as a causal factor in all incidents that
2 considered this particular factor.
3 Communication, documentation and document
4 control as well as operational control --
5 that's procedures to address normal and
6 abnormal conditions -- were consistently noted
7 as inadequate.

8 Finally, when we look at the
9 checking and review elements which are
10 critical to ensuring continual improvement
11 within the system, we see another clear
12 pattern emerge. Inspections and monitoring,
13 corrective and preventative actions to address
14 identified deficiencies, records management
15 and management review were consistently noted
16 as being causal factors. The effectiveness
17 and the internal auditing were noted in four
18 of the eight incidents with three reports
19 remaining silent on the subject.

20 The overall findings of the NEB
21 Commission report indicate that when
22 organizational accidents occur there is often

1 a noted disconnect between the company's
2 vision and policies, in other words, what they
3 say, and their planning, implementation,
4 monitoring and review, in other words, what
5 they do. The authors of the report also
6 acknowledge that it is critical that
7 organizations capture their contractors'
8 activities in their Safety Management Program.
9 in addition, accidents and near misses, or
10 what we like to call near hits, contain vital
11 information about active and latent threats to
12 safety. This learning must be acted upon and
13 communicated in order to effectively manage
14 safety.

15 So here we look at what we've got
16 in place at the National Energy Board. So
17 looking at the NEB we have management system
18 requirements under all of our enabling
19 legislation. Under the Canada Oil and Gas
20 Operations Act we have the Drilling and
21 Production Regulations which require operators
22 who apply for authorizations to demonstrate

1 that they have a management system in place in
2 order to even qualify for an authorization,
3 that they have a safety plan and environment
4 protection plan that makes reference to the
5 management system and demonstrates how it will
6 be applied to the proposed work or activity.

7 Under the National Energy Board
8 Act we have the On-Shore Pipeline Regulations
9 1999, or OPR-99, which includes outcome-based
10 provisions for safety, integrity and
11 environmental protection programs. The
12 Canadian Standards Association, CSA-Z662,
13 called Oil and Gas Pipeline Systems, was
14 incorporated by reference in the OPR. This
15 included a requirement for a safety and loss
16 management system.

17 While the OPR-99 was effective, it
18 didn't include a couple of key areas of
19 regulation, that being security and emergency
20 management. In the spirit of continuing
21 improvement the board moved forward in 2011
22 with a proposed regulatory change to build on

1 and address some gaps within the OPR-99.

2 Last year the new OPR was
3 promulgated. It contains a full spectrum of
4 plan, do, check, act cycle. It's tailored to
5 the NEB mandate for pipeline regulation,
6 ensures linkage between the company's policies
7 and their planning, implementation,
8 monitoring, and review. It applies to all OPR
9 program areas including integrity, safety,
10 security, environmental protection and
11 emergency management. And it also includes
12 safety culture provisions for an accountable
13 officer to be appointed who's responsible for
14 the management system, also a requirement for
15 an annual report on performance on the
16 management system and a policy and process for
17 internal reporting of hazards.

18 So I'll end with this slide, and
19 this is where I would normally lead into the
20 safety culture discussion. This slide is
21 important because, as our chair says, it's all
22 connected. You need to have a management

1 system and within that management system you
2 need to have the concept of safety culture
3 intertwine there. And of course if you don't
4 have leadership, you're going to fail. So we
5 like this diagram. And, Jeff, I know you've
6 seen it a couple times. We've used it in
7 Calgary and we'll continue to use it to
8 demonstrate how everything needs to be working
9 together.

10 So, Jeff, I'll leave it at that.

11 ACTING CHAIR TAHAMTANI: Thank
12 you, Patrick.

13 Any questions for Patrick?

14 You're saving it all for tomorrow,
15 is that what you're doing? Tomorrow's going
16 to be a late presentation, Patrick, right?

17 MR. SMYTH: I'll try.

18 ACTING CHAIR TAHAMTANI: It may be
19 just you and me in the room.

20 (Laughter.)

21 ACTING CHAIR TAHAMTANI: Go ahead.

22 MR. WIESE: Well, first of all,

1 thank you, Patrick. And thank you again,
2 Brian. Because I think as you see, these
3 discussions I think are going to be more and
4 more sort of a facet of our landscape in this
5 Committee. We have our Management System
6 Standard draft, which I've sent to both of you
7 again, for the purposes I think, Brian, that
8 you brought up, you know, better alignment
9 makes sense for everyone concerned.

10 But Gaetan Caron had an
11 interesting comment at -- and he's the chair
12 of the NEB. He sits on the NARUC Gas
13 Committee with me and we did a panel recently.
14 I loved his quote. I'm not sure I'll get it
15 quite right. But we were talking about safety
16 culture and what's the role of the regulator?
17 And that's been actively debated within our
18 Committee, you know? And to this day I'm not
19 sure that I have a good answer to the
20 question. You remember Gaetan's quote?

21 MR. SMYTH: Yes, I actually have
22 it here. And he referenced it again at a

1 meeting I attended with him in Montreal just
2 at the beginning of this week. He says we're
3 not quite sure how we're going to move forward
4 with the concept of safety culture, and he
5 equated it to a bit like that dog chasing the
6 car. It's succeeds by grabbing the rear
7 bumper, but what does it do with the car next?
8 So we haven't figured it out. We're chasing
9 the bumper. We think we've almost got it.
10 We're trying to figure out so what does it
11 look like after we've got the bumper?

12 MR. WIESE: Yes. But I'll say
13 that your graphic does make a lot of sense.
14 I think we all understand that you can have
15 the best safety management system in the
16 world, but without an appropriate safety
17 culture it will fail, you know? But if you
18 just build the safety culture, you know, and
19 work on those issues, it's probably not going
20 to succeed. So it does take kind of an
21 interaction of all these things.

22 I hope that the Committee and the

1 public who attend the work shop tomorrow will
2 see a lot of this discussion that's coming
3 forward. So I really look forward to that and
4 I know Patrick is going to be talking about
5 safety culture more there. Jim Watson will be
6 kicking us off. And I'm pretty sure that
7 he'll be addressing all of these things.
8 Although I gave Jim, you know, carte blanche
9 to cover what he wanted, I've known him long
10 enough to know that he'll hit it, he'll hit
11 the target.

12 So I just wanted to thank you both
13 for taking time out of your schedules, I know
14 you're both busy, to come and join us. And
15 hopefully we can continue that dialogue. So
16 very good.

17 MR. SMYTH: Thank you for asking
18 me.

19 MR. WIESE: Yes, absolutely.

20 ACTING CHAIR TAHAMTANI: I think,
21 Andy, you had question?

22 MEMBER DRAKE: I was just going to

1 see if we could get copies of your
2 presentation materials, both of you. I think
3 it would just be good for reference material.
4 I think there's a lot of thinking that's going
5 to go on on this issue.

6 MR. WIESE: Actually, all the
7 presentations will be posted to the docket,
8 but if you'd like, we can email them out to
9 the Advisory Committee members.

10 (Off the record comments)

11 MR. SMYTH: With the deck that I
12 just went through you're going to get the
13 added bonus of I think about a dozen slides
14 beyond this that talk about the safety culture
15 work we're doing. Yes, so it's a good thing.

16 Before I wrap up, Jeff, I just
17 want to say that it's not the Canadian thing
18 to do to rub salt in the wound, Brian.

19 (Laughter.)

20 MR. WIESE: There we go.

21 MR. SMYTH: But I will mention
22 that in addition to Brian -- to Justin Bieber

1 having to stay down here and to Canadian men
2 winning gold, the Canadian women went gold as
3 well.

4 (Laughter.)

5 ACTING CHAIR TAHAMTANI: All
6 right.

7 MR. WIESE: We won't talk about
8 medal counts though.

9 (Laughter.)

10 ACTING CHAIR TAHAMTANI: Thank
11 you, Patrick.

12 MR. WIESE: So I think we're going
13 to continue on with our performance measures
14 thing. We decided in the interest of time and
15 with your permission -- you know, we
16 interrupted Alan and Linda before. We'll give
17 them an opportunity to talk. Performance
18 metrics are obviously part of this whole
19 system that we're having to talk about, so
20 with your permission we'll continue with that
21 and I'll turn them and let them run that.

22 ACTING CHAIR TAHAMTANI: You know,

1 if it were up to me I would have given you two
2 breaks by now.

3 (Laughter.)

4 ACTING CHAIR TAHAMTANI: But PHMSA
5 is just a tough hardworking -- who's up? Alan
6 and Linda?

7 MS. DAUGHERTY: Yes. We'll be
8 short.

9 So where we were, we were talking
10 about some of the items that we had up on this
11 list. You know, we talked about, you know,
12 the Liquid and the Gas Team. The things that
13 we have here on PHMSA's score card Alan was
14 mentioning, these are items that PHMSA has
15 looked at. What we've done is we've gone
16 through our data to say if we need to evaluate
17 operators and try to figure out how one
18 operator compares to the norm of similarly
19 situated operators. In other words, large
20 operators versus large operators, small versus
21 small.

22 Here are some of the things that

1 we've put on. Not going to go through them,
2 but they'll be in your slides. The Data Teams
3 can mull over them. We've presented them to
4 the Data Teams. They can just say, hey, is
5 this useful or is this not good information?
6 There's a whole lot of stuff in here we are
7 currently using and refining.

8 The next step is, you know, you've
9 heard Alan and I talk. We've talked about all
10 the different things we're doing and how we're
11 trying to get the Data Teams together. We've
12 asked a few folks representing different
13 sectors to hum a few bars on what they see.
14 And we're just talking a short amount of time.

15 So I know everybody's ready for
16 their break or ready to go end the day. So
17 without further ado I'm going to spool up Andy
18 Black to speak on behalf of Liquids.

19 MR. BLACK: First, self-
20 introduction. I'm Andy Black with AOPL, the
21 Association of Oil Pipe Lines. We represent
22 the owners and operators of liquids pipelines

1 as does API and my colleague Peter Lidiak.

2 There's an expression on Capitol
3 Hill that is used to describe situations like
4 this when members of Congress are eyeing
5 flights and their interest in debate starts to
6 wane, and that expression is that the smell of
7 jet fuel is intoxicating.

8 (Laughter.)

9 MR. BLACK: I smell jet fuel here,
10 so I will not take that long.

11 We think this is a great idea.
12 AOPL and API have long maintained metrics for
13 assessing how the industry has done and how
14 operators individually are doing and we think
15 the idea of PHMSA to pursue a consensus set of
16 metrics is a great idea. We've been using our
17 own metrics on an ad hoc basis with
18 stakeholder and presentations of the Pipeline
19 Safety Trust and other places. We've recently
20 standardized that. When Tim Felt walked you
21 through some of the reporting that we're
22 doing, there's a commitment now to do annual

1 reporting on how the industry is doing year
2 over year.

3 The two metrics that we have
4 generally used in those settings are releases
5 per miles of pipe or releases nominally and
6 volumes. And I think that's consistent with
7 the theme that Linda is talking about. We
8 have a pipeline performance tracking system
9 for the liquids industry that collects
10 information about incidents in addition to
11 what is reported to PHMSA. It collects a
12 little more information that our teams have
13 been mining through a data mining team to try
14 to identify some learnings and leading
15 indicators and identify where safety is not
16 improving as fast on a subset of issues as it
17 is on other sets of issues. We've used that
18 type of analysis of data in our strategic
19 planning. Those seven initiatives that Tim
20 Felt outlined are partly informed by where we
21 want to improve safety where it again is not
22 improving at the pace of other things.

1 We believe that in this
2 conversation the metrics should be about
3 performance. In a group we have suggested two
4 general goals of metrics in accessing
5 performance. The first is to identify the
6 success of operators and of the industry in
7 integrity management. And the second is to
8 measure the effects of pipeline releases upon
9 people, property and the environment.

10 For the first goal of assessing
11 the success of integrity management programs
12 we have suggested in the early discussions of
13 this liquids consensus metrics discussion the
14 following. That we use PHMSA data on the
15 right-of-way and assess failures attributed to
16 integrity-related failure causes per mile. So
17 that's failures of corrosion and of pipe
18 material and weld, again per mile so that
19 PHMSA can assess how the industry has done
20 over time on managing integrity-related
21 failure causes.

22 That second goal I mentioned is to

1 assess the effects of pipeline releases upon
2 people, property and the environment. And the
3 metric that we have suggested in the early
4 stages of this group is to use the PHMSA
5 definition of significant releases and
6 identify releases per miles of pipe.

7 Now I'd like to spend just a quick
8 moment on what PHMSA includes in its
9 definition of significant releases. It's any
10 incident involving a fatality or an injury
11 requiring hospitalization, any release on the
12 liquid side involving an explosion or fire,
13 any release of 5 barrels of a highly-volatile
14 liquid, of 50 barrels of any other liquid, and
15 any release involving a total cost of \$50,000
16 measured in 1984 dollars. We want to use
17 significant releases because they're more
18 significant than all other releases.

19 When we continue this discussion,
20 we'd advocate perhaps a revision of
21 significant, not so that we have fewer
22 identified, but that we're focusing on the

1 types of releases that really matter. I said
2 5 barrels of highly-volatile liquid, 50
3 barrels of other liquids. Perhaps that number
4 should be higher. That's a conversation that
5 we look forward to having within this group.

6 And one criteria for a significant
7 release is \$50,000 of total costs measured in
8 1984 dollars. We're not really sure that's
9 the right way to measure the effect upon
10 people, property and the environment when that
11 includes clean-up costs. And you might have
12 releases in area A reach that threshold but
13 not in area B.

14 So we're excited about the
15 opportunity to discuss this. Those are two
16 we're ready to discuss more. We hope that in
17 a future meeting we bring to you a consensus
18 that we've identified with Carl and other
19 members of the public and PHMSA, because we
20 think this is a good effort. Working on
21 metrics measuring the industry and operators
22 over time is something that we believe in.

1 MS. DAUGHERTY: Thank you.

2 MR. BLACK: Thank you.

3 MS. DAUGHERTY: Thank you, Andy.

4 Very nicely done.

5 And our next speaker is?

6 MR. MAYBERRY: Yes, thanks, Andy.

7 For the Gas Team I'd ask Scott Currier to come
8 talk to us.

9 Scott is a member of the team and
10 he'll just give some comments from his
11 perspective representing the operators.

12 MR. CURRIER: Yes, so I got an
13 advanced copy of this slide deck and I think
14 there's only 30 slides in it, so I think
15 there's only me and two slides between you and
16 getting out of here. So I'll hopefully make
17 it short here.

18 My name is Scott Currier. I'm
19 with INGAA. We have about 24 member companies
20 representing about 200,000 interstate natural
21 gas pipeline miles. And just wanted to echo
22 the comments that were said here previously my

1 Andy, Linda and Alan.

2 And first of all, I wanted to
3 applaud PHMSA for putting together this team
4 to focus on the data quality. It last came up
5 at a work shop that was held last January, the
6 Data Quality Workshop I believe it was called,
7 where Christina Sames of the AGA called for
8 these committees to be put together to really
9 focus on the quality of the data we're
10 currently collecting and to really standardize
11 on the analysis and what the data was telling
12 us and agree on common messaging.

13 So I think I'd like to recognize
14 her for bringing that to everyone's attention
15 and applaud PHMSA for putting together this
16 team, even though unfortunately the first time
17 we met, we showed up that morning and PHMSA
18 was nowhere to be found because they were on
19 furlough.

20 (Laughter.)

21 MR. CURRIER: But needless to say,
22 you know, we got some stuff during that

1 meeting, but the next one was much more
2 productive.

3 I think Linda said two key points
4 here that I'd like to reemphasize; and that's,
5 you know, focusing on on leading and lagging
6 indicators both and that, you know, at this
7 Data Quality Work Shop that was held last
8 January the various stakeholders showed up,
9 plotted the same data on different graphs.
10 And, you know, I think one of the things we
11 want to do is drive common messaging and agree
12 with, you know, Carl, PHMSA and all the other
13 interested stakeholders on what the data is
14 actually telling us.

15 And I think one of the primary
16 focuses of this effort is to really first ask,
17 you know, what are we trying to find out and
18 then tell us, you know, what kind of data do
19 we need to tell us that versus taking the data
20 we already have, plotting it and then trying
21 to gather from it conclusions that it might
22 not willingly lend us to.

1 One of the other things that I
2 believe is really important to the Gas Data
3 Quality Action Team is the quality of the data
4 going into all these metrics. I know that's
5 something that maybe wasn't discussed here
6 quite yet, but I wanted to spend a minute
7 talking about it.

8 There are a lot of instructions
9 that accompany these annual report forms and
10 incident report forms and sometimes I think
11 the operators filling it out have the best
12 intention trying to fill out the most accurate
13 data they possibly can, but sometimes the
14 instructions, you know, can be interpreted one
15 or multiple different ways. So I think that's
16 an effort that the Committee here is going to
17 take up in reviewing that data to make sure
18 we're getting quality data as it's very
19 important when we end up rolling all this data
20 up into the performance metrics.

21 And then one last thing that I
22 wanted to talk about is, you know, you saw a

1 much of metrics flashing up on the screen
2 there and I think they're all very important
3 and they're a starting point for this group.
4 They might change over time, but one of the
5 things that I think this Committee, this Gas
6 Data Quality Team is going to look at is, you
7 know, prior to actually plotting the data what
8 are the conclusions we're going to gather from
9 it so we don't plot it and then we try to
10 force fit our opinions on what it's telling
11 us? So I look forward to those discussions
12 with Carl, PHMSA and others so that we can
13 really narrow down on our messaging to
14 determine the state of pipeline safety.

15 I know there's one thing in
16 particular that from, you know, time to time
17 there's always these underlying messages to
18 the data that gets plotted. You know, one
19 such nuance is significant incidents where the
20 definition of those has changed over time. So
21 when you see these spikes and valleys in the
22 data it's really hard to trend. So I think

1 I'd really like the team to focus on that and
2 review sort of what it means when we end up
3 plotting it and maybe put some messaging to
4 it.

5 So that's all I had. Appreciate
6 you guys.

7 MR. MAYBERRY: With that, I know
8 we're getting close on time, Carl, I don't
9 know if you wanted to weigh in or -- okay.
10 All right.

11 ACTING CHAIR TAHAMTANI: Somebody
12 find Jeff?

13 PARTICIPANT: Yes, he'll be right
14 back.

15 ACTING CHAIR TAHAMTANI: Or I'll
16 finish it off without him.

17 PARTICIPANT: He wanted to close
18 it out.

19 ACTING CHAIR TAHAMTANI: Yes. So,
20 no questions for these fine two teams that are
21 headed by two fine people that will have a
22 product to us no later than the end of the

1 year?

2 You all didn't give us a deadline
3 here. I knew I'd get somebody to start
4 talking.

5 MEMBER FLECK: One just quick
6 general question while we're waiting for
7 someone to return.

8 (Laughter.)

9 MEMBER FLECK: Actually I was
10 really fascinated by all the discussions on
11 performance measures, and there's one that has
12 me concerned and there's one that's had me
13 concerned for a long time, and that's any
14 measure around the number of violations a
15 company receives from their regulators. And
16 I think what you need to do is really think
17 hard about materiality, about comparisons, one
18 company against another.

19 Some states do an extensive amount
20 of analysis and create violations for one-
21 hundred of a pound excursion over MAOP,
22 missing a date, an inspection date by one day.

1 In Hurricane Sandy, you know, we missed a day
2 because the hurricane hit. You know, those
3 kind of things. But if you just print those
4 measures, you know, number of violations on an
5 external Web site and the public looks at it
6 and they see 1,000 violations and they don't
7 understand the context and materiality behind
8 it, they can become unnecessarily anxious and
9 upset.

10 And I think that's one that's
11 going to need more art than science and I wish
12 you luck in figuring it out, because that's a
13 tricky one that you're going to have to deal
14 with. And Massoud knows what I'm talking
15 about. If you look at the enforcement across
16 the various states, it is far from even. And
17 we don't even define a leak the same way, so
18 we don't define a violation the same way.
19 It's a really tricky one and I'm very
20 concerned about it, as are a lot of companies
21 in the states that do have the extensive
22 inspection and writing violations.

1 ACTING CHAIR TAHAMTANI: Thank
2 you, Sue.

3 Jeff?

4 MR. WIESE: Well, Carl, I was
5 counting on you for enough time to get out.
6 Since this guy is such a task master, we can't
7 even get a body break.

8 So be that as it may, there are
9 other ones that I would point out here, and
10 Carl and we have debated this time and time
11 again, how many violations you have per
12 inspection. And the public and even the other
13 entities in Government who look at our
14 regulations always want to ask how many more
15 inspections are you going to do? And I go,
16 well, you know, it is not that simple.

17 You know, we had about a dozen
18 different kinds of inspections. Oftentimes
19 they were layered in by statutory
20 requirements. We built a program. We
21 executed it. We went out and we went around.
22 Now what we're doing is an integrated

1 inspection. And I think you heard comments
2 about risk-based inspections coming out of
3 people. You heard I think things that take us
4 -- and it's useful to have a conversation on
5 that topic. Craig Pierson is going through
6 one of our integrated inspections right now,
7 so I'm sure that he would have some
8 interesting comments. I don't know, have any
9 of you guys had an II yet? You have?

10 PARTICIPANT: We had one last year
11 and we're getting another inspection this
12 year.

13 MR. WIESE: Oh, okay. But
14 integrated inspection -- so for what defense
15 I'll make there, is to say that the integrated
16 is an attempt to stop coming out to see you
17 six times for different kinds of things.
18 We're trying to come out and see people for
19 the reasons that we need to be there. Right?
20 And it's a really useful conversation to have
21 because it relies on the data, it relies on
22 performance metrics, you know, and we don't

1 have enough resources to go everywhere.

2 You know, we used to run our
3 inspection program that we would try to
4 inspect everyone every two years. Well, first
5 of all, it was hard to do. And secondly,
6 Congress kept layering in new requirements.
7 So eventually we've integrated these things.
8 But I think we have a long ways to, but I
9 think it's the right direction. But it's not
10 as easy as people think and we can't even get
11 people to agree on risk ranking of the code,
12 you know? You know, what violation is worse
13 than another one? Oh, my God. You know, we
14 had knock-down drag-outs even inside the House
15 on that thing.

16 So any rate, I'll just say we have
17 a lot of work to do on performance metrics.
18 It's a pretty difficult subject, but it's
19 really important. And close to my friend Ron
20 by saying it's very much part of the SMS, you
21 know? And I think that that's a related
22 conversation.

1 ACTING CHAIR TAHAMTANI: Well,
2 Jeff I hope you don't mind that I gave Alan
3 and Linda a deadline of the end of the year
4 to --

5 MR. WIESE: You gave them that
6 long?

7 (Laughter.)

8 MS. DAUGHERTY: I like this.

9 MR. WIESE: Was there money that
10 changed hands here or what?

11 MR. MAYBERRY: We were going to
12 say April and he gave us --

13 MR. WIESE: Oh, great.

14 (Laughter.)

15 ACTING CHAIR TAHAMTANI: End of
16 the year.

17 MR. WIESE: And they say you're
18 tough. You know, where is that?

19 ACTING CHAIR TAHAMTANI: Not when
20 I'm close to D.C.

21 With that, I think we've completed
22 the agenda and I'm going to turn it over to

1 Jeff for some closing remarks.

2 MR. WIESE: Okay. As usual, I
3 don't have --

4 ACTING CHAIR TAHAMTANI: I'm
5 sorry, I thought we were done.

6 MEMBER KUPREWICZ: Yes, I'm going
7 to hold everybody for a couple comments here.
8 Rick Kuprewicz representing the public on the
9 Liquid Committee.

10 First of all, in terms of
11 transparency of data and the progress that has
12 been made over the last 10 years you have an
13 excellent story to tell here. Okay? Are you
14 there? No. You've come quantum leap from a
15 public perspective, and Carl can speak for,
16 you know, his organization, but input I'm
17 getting from various representatives of the
18 public. So if you look at the studies that
19 have been made, it's a very good story, so you
20 want to carry that into the next re-
21 authorization as a possible suggestion. All
22 right?

1 So it says you need to get this
2 fairly complete. Now, complete doesn't mean
3 perfect. All right? And you're going to hear
4 a lot of people getting apprehensive. I would
5 use as an example the much effort that went
6 into the performance metrics for the DIMP
7 regulation. And from what I've seen and
8 various testimonies and various different
9 companies associated with DIMP, you know,
10 they're not perfect metrics, but they really
11 are showing that people are getting it. So
12 kind of keep it at that higher level. You
13 want to be able to get that to the public in
14 some manner that they can figure out.

15 And the comment about minimizing
16 the number of clicks, I'm fairly conversant in
17 Web stuff and all that and I'm looking for
18 stuff and I can't find it. And I have to go
19 call Carl and say do you guys know how to get
20 there, because I don't? And so there is a way
21 to improve that.

22 So don't look at perfection on

1 this. Continually move on the transparency
2 issue. It's an excellent story on a lot of
3 stuff that everybody's complaining about, but
4 you've made a good stride here. So build off
5 that success and don't look for perfection.

6 And with that, I'll shut up.

7 MR. WIESE: Yes, I'll pay you
8 later, Rick? Okay.

9 (Laughter.)

10 MEMBER KUPREWICZ: Fifty bucks.

11 MR. WIESE: Fifty bucks. Okay.

12 Remember, they've frozen our pay for three-
13 plus years now, so we'll have to negotiate
14 that one.

15 So with your permission, I really
16 don't have much to add. I mostly wanted to
17 thank you and wish you well and safe travels
18 back to your homes. I really enjoy -- you
19 know, I'll tell a quick story by saying when
20 I first joined OPS and I went through several
21 of the Advisory Committee meetings, I remember
22 thinking -- I'll use different terms, but what

1 a pain. You know, what a pain.

2 (Laughter.)

3 MR. WIESE: Because I had to do a
4 lot of work to prepare for it. The beauty of
5 it now is other people do the work and I just
6 show up at the meeting.

7 (Laughter.)

8 MR. WIESE: No. No. Just
9 kidding. I really have come to appreciate the
10 Advisory Committee. We build a consensus
11 here, and sometimes it's not pretty like the
12 plastic vote. You know, that was rough and I
13 never like to cause, you know, that kind of
14 anxiety. For some of the people I think you
15 missed some of this, but there were some tense
16 moments. And we had some side conversations
17 and I think we did the right thing, you know,
18 but certainly not all parties walked away from
19 that one happy campers. So don't like to do
20 that. Like to do the work in advance so that
21 when we get there it's not that kind of a
22 fight, but I appreciate that.

1 And as I talked to some of the
2 members about that fight they openly said that
3 they were conflicted, you know, and they
4 couldn't have voted to support the party who
5 lost in this particular case, but you know,
6 were quite torn. So I realize it's not an
7 easy task sometimes. It's not black and
8 white, the stuff that we do. And I very much
9 appreciate it.

10 So I'll close with commending
11 those of you who can and reminding you that
12 we'll have a full day work shop tomorrow
13 starting at 8:00 a.m. I think in this same
14 room, although we'll be set up differently.
15 I do encourage you to come. If you can't
16 come, there's a Web cast and we'll also be
17 doing YouTube portions for some of the panels.

18 So I think with that I'll wish you
19 well and thank you again.

20 MR. SATTERTHWAIT: Oh, just real
21 quick.

22 MR. WIESE: Sure.

1 MR. SATTERTHWAITE: Actually
2 they're going to move us down a couple of
3 rooms.

4 MR. WIESE: Oh, we are? Okay.

5 MR. SATTERTHWAITE: So we'll be on
6 the end.

7 MR. WIESE: Good.

8 MR. SATTERTHWAITE: So they did do
9 that. It was like a last-minute thing.

10 MR. WIESE: Okay.

11 MR. SATTERTHWAITE: Another thing
12 on the presentations. We'll go first probably
13 on the meeting page for members of the public.
14 And it will be in the docket and it will be on
15 our Web site. And I'll try to send something
16 to the members as well. If you have any
17 questions as far as like the electronic -- you
18 know the briefing sheet or anything like that,
19 feel free to give me a call or send an email.
20 We were trying to figure out we want to do
21 that. Feel free to send any comments that you
22 have. I don't know if we're going to do any

1 other type of survey on that. But that was
2 all I had.

3 MR. WIESE: Okay. And I also want
4 to thank Cameron. I mean Cameron picked up
5 several jobs here unexpectedly due to people
6 being ill. We had two people in that group go
7 out.

8 So I did see, by the way, the
9 cervical fusions that John had. There was an
10 X-ray of those. Quite interesting to take a
11 look at that.

12 But I thank you very much,
13 Cameron.

14 I think I did make sort of a
15 general offer to the group that we'll just
16 send out to them the PowerPoints, whatnot.
17 Andy or somebody had asked for that, so we'll
18 try to do that.

19 MR. SATTERTHWAITTE: Also wanted to
20 just add in there Cheryl did a great job just
21 setting things up, because it was easy to pick
22 up. So she did a good job, as she always

1 does, even though she wasn't here to get the
2 credit, but I do want to give her the credit.
3 A lot of work she did communicating with you
4 all throughout the year and things such as.
5 And if there are any errors or anything like
6 that in your name tags or anything, feel free
7 to give us a call and we'll work on it to get
8 it better than we have. So that's all.

9 MR. WIESE: All right. Thanks,
10 Cameron. Thank you again.

11 All right. Safe travels.

12 (Whereupon, the meeting was
13 adjourned at 4:36 p.m.)

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