PIPELINE SAFETY: MANDATORY REGULATORY REVIEWS TO UNLEASH AMERICAN ENERGY AND IMPROVE GOVERNMENT EFFICIENCY (ANPRM)

Pipeline and Hazardous Materials Safety Administration (PHMSA)
US Department of Transportation (US DOT)

AMERICAN FUEL & PETROCHEMICAL MANUFACTURERS COMMENTS

Attention: Docket No. PHMSA-2025-0050

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I. Introduction

The American Fuel & Petrochemical Manufacturers ("AFPM") respectfully submits these comments in response to the Pipeline and Hazardous Materials Safety Administration's ("PHMSA") Advance Notice of Proposed Rulemaking ("ANPRM") entitled "Mandatory Regulatory Reviews To Unleash American Energy and Improve Government Efficiency" ("PSR"; 49 CFR parts 190–199) and the solicitation of stakeholder feedback on regulatory amendments to eliminate undue burdens and improve government efficiency.[1]

AFPM supports PHMSA's efforts to solicit stakeholder feedback on whether to repeal or amend any requirements in the Pipeline Safety Regulations to eliminate undue burdens on the identification, development, and use of domestic energy resources and to improve government efficiency. AFPM also supports PHMSA's consideration of establishing a framework for periodic, mandatory regulatory reviews, which would provide transparency, accountability, and predictability for regulated entities while ensuring that compliance obligations continue to provide safety benefits commensurate with their cost.

II. AFPM's Interest in the ANPRM

AFPM is the leading trade association representing the manufacturers of the fuels that power the U.S. economy and petrochemicals that form the foundation of essential products used in daily life, including those that enhance health, safety, and sustainability. AFPM members operate facilities that depend on safe, efficient, and reliable pipeline transportation for crude oil, refined products, and feedstocks.

To deliver these critical energy products, AFPM members must comply with the Pipeline Safety Regulations, which govern more than 3.3 million miles of pipelines, 400 underground natural gas storage facilities, and 177 liquefied natural gas facilities. While these regulations play an essential role in ensuring safety, certain provisions have not undergone comprehensive review in decades, leading to requirements that can impose disproportionate costs relative to safety benefits or that fail to reflect technological advancements.

AFPM members are committed to safety and environmental stewardship but depend on a regulatory environment that is clear, consistent, and cost-effective. Outdated or duplicative requirements create uncertainty, stifle innovation, and divert resources from higher-value safety investments. AFPM strongly supports PHMSA's initiative to identify and amend such provisions to reduce undue burdens without compromising safety.

III. AFPM's General Comments on the ANPRM

AFPM provides specific recommendations for amendments to the PSR, including:

- Definitions to clarify regulatory jurisdiction and responsibilities.

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[1] *See* Pipeline Safety: Mandatory Regulatory Reviews To Unleash American Energy and Improve Government Efficiency, Docket No. PHMSA-2025-0050, Published June 4, 2025.

- Alignment of inspection and maintenance requirements with consensus industry standards to eliminate duplicative obligations.
- Adjustments to operational requirements for idled pipelines to avoid unnecessary activities that add no safety value.
- Reforms to drug and alcohol testing protocols to improve efficiency while maintaining program integrity.
- Consideration of a structured process for mandatory periodic regulatory reviews to ensure continuous improvement of the regulatory framework.

In the sections below, AFPM provides the questions PHMSA is seeking stakeholder input on followed by an AFPM response, recommended regulatory language and cost and technical information where appropriate.

IV. Comments on Pipeline Safety Regulations (49 CFR Parts 190 and 191 Through 199)

A. Item 2 – PSR Regulations with Undue Burdens

PHMSA Question*: Do any of the terms defined in the PSR impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons supporting those recommended amendments.*

AFPM Response: Yes, certain terms currently undefined or ambiguously defined in the Pipeline Safety Regulations (PSR) under 49 CFR Part 195 may impose undue burden on affected stakeholders due to the lack of clarity in regulatory applicability, compliance obligations, and operational decision-making. Specifically, PHMSA should consider adding or modifying definitions for the terms "Idled Pipeline," "In-plant piping system," "Materials transportation terminal," and "Pressure control device." These changes would enhance regulatory clarity, reduce compliance uncertainty, and improve pipeline safety oversight.

Recommended Regulatory Amendments and Supporting Rationale:

1. Add Definition for "Idled Pipeline"

- **Suggested Definition**: PHMSA should define *"Idled"* as meaning *"a pipeline that is not transporting a regulated commodity and is purged with an inert product (e.g., nitrogen or water);* or alternatively, PHMSA could adopt language it has previously considered: *a pipeline that has ceased normal operations and is empty or contains a non-hazardous amount of product for 180 days or more."*

- **Technical/Safety Rationale**: Currently, the absence of a defined "idled" status leads to inconsistencies in how operators manage inactive pipelines—especially regarding inspection, maintenance, and reporting. A formal definition would allow PHMSA to establish clear criteria for ongoing integrity management, thus preventing deterioration and mitigating risks during non-operational periods.

- **Economic Rationale**: Without a recognized "idled" category, operators may be required to maintain pipelines as though they are fully operational, incurring unnecessary costs while providing no additional safety. Operators are required to have inspectors run unnecessary tests and inspections of pipes that are unused, sometimes incurring loss of product to test them. Though routinely checking idle pipes would be necessary to ensure their integrity while not in use, these same checks would have to be done before they can be brought back online regardless of how frequently they are inspected. This wastes resources that could be better used ensuring that other areas of the plant are safe. A clear definition would enable risk-based, cost-effective oversight that preserves safety while reducing regulatory burden.

2. Add or Clarify Definition of "In-plant Piping System"

- **Suggested Definition**: PHMSA should define "*In-plant Piping System*" as "*Piping that is located on the grounds of a plant and used to transfer hazardous liquid or carbon dioxide between plant facilities or between plant facilities and a pipeline or other mode of transportation, not including any device and associated piping necessary to control pressure under § 195.406(b). The point of demarcation is the inlet of the pressure control device when moving product away from the plant, the outlet when supplying product to the plant, or, if no such device exists on plant grounds, the plant boundary."*

- **Technical/Safety Rationale**: This definition provides a clear jurisdictional boundary between PHMSA-regulated pipelines and non-jurisdictional in-plant piping. That distinction is essential for consistent enforcement and operator understanding of regulatory applicability. Without this distinction, state regulators inconsistently regulate pipes on plant premises, even when those pipes do not cross into the public space, nor pose a public danger.

- **Economic Rationale**: Ambiguity in jurisdiction leads to uncertainty in compliance obligations that unnecessarily involves multiple agencies and increases legal and operational costs. A clear, standardized definition minimizes disputes and streamlines compliance.

3. Add or Clarify Definition of "Materials Transportation Terminal"

- **Suggested Definition**: PHMSA should define "Materials Transportation Terminal" as "*Facilities used to transfer hazardous liquid or carbon dioxide between pipeline modes of transportation, between non-pipeline modes, or between a non-pipeline mode and a pipeline, not including any device and associated piping necessary to control pressure in the pipeline under § 195.406(b). In facilities used exclusively to transfer hazardous liquid or carbon dioxide between a non-pipeline mode and a pipeline, in the absence of a pressure control device, the point of demarcation is:*

    - *the first meter, valve, or isolation flange at or inside the facility property line (same operator); or*

- *the change in operational responsibility or at the first meter, valve, or isolation flange at or inside the facility property line (different operators).*
- *The location of the property line should not solely be used to determine jurisdiction when operational activities (loading/offloading) extend beyond the property line."*

- **Technical/Safety Rationale**: Like in-plant piping, this definition helps establish regulatory boundaries and improves clarity around inspection, enforcement, and safety responsibilities. It eliminates the ambiguity regarding DOT jurisdiction with these facilities. Defining this term helps terminal operators and pipeline companies assign compliance roles more effectively, reducing duplicative effort and uncertainty over regulatory reach.

4. Add Definition for "Pressure Control Device"

- **Suggested Definition**: PHMSA should define "Pressure Control Device" as *"Any control and/or protective equipment necessary to adequately provide protection from exceeding the pipeline operating pressure limit. Examples include pressure control valves, pressure relief valves, pressure safety valves, pressure switches, and pumps."*

- **Technical/Safety Rationale**: While certified states must adopt the minimum federal regulations, they are also permitted to implement more stringent regulations as long as they are compatible with the federal standards. This means a state could potentially define or regulate pressure control devices in a more detailed or expansive way than the federal regulations, as long as it doesn't contradict the federal rules. Since pressure control devices serve as a line a demarcation for jurisdiction, having a consistent definition gives the industry certainty about how facilities will be regulated and allows for the development of standard operations that lead to a safer work environment.

B. Item 5 – Consensus Industry Standards

PHMSA Question: *Are there any consensus industry standards or recommended practices (or updated editions thereof) that should be incorporated by reference into the PSR to eliminate undue burdens or improve government efficiency? Please identify the pertinent standards and recommended practices that PHMSA should consider incorporating by reference, the specific provisions of the PSR that should be used for that purpose, and the technical, safety, and economic reasons supporting those recommended amendments.*

AFPM Response: Yes, PHMSA should consider incorporating by reference an updated edition of API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction" into 49 CFR § 195.3(b)(18) to explicitly apply to § 195.583(a). Doing so would eliminate confusion, reduce unnecessary regulatory burden on operators, and enhance government efficiency by aligning inspection intervals with industry-recognized standards that already provide robust safety protections.

Recommended Regulatory Amendment and Supporting Rationale:

- **Suggested Update:** Update 49 CFR § 195.3(b)(18) to include incorporation by reference of API Std 653 for § 195.583(a), in addition to the sections for which it is already incorporated (§§ 195.205(b), 195.307(d), and 195.432(b)).[2]

- **Technical and Safety Rationale:** There is a common misconception among operators that the external tank inspection interval in API Std 653 Section 6.3.2 (every 5 years) can override the atmospheric corrosion inspection interval in 49 CFR § 195.583(a) (every 3 calendar years, not to exceed 39 months). However, since § 195.3(b)(18) does not currently incorporate API Std 653 by reference for § 195.583(a), the more frequent federal requirement remains in effect.

  By formally incorporating API Std 653 for § 195.583(a), PHMSA would eliminate this confusion and bring its inspection requirements into alignment with a well-established industry standard, which was developed with safety and risk-based considerations in mind. The API standard already ensures comprehensive inspection by requiring external inspections by authorized inspectors every 5 years under Section 6.3.2, along with other provisions for identifying and mitigating corrosion risks.

- **Economic and Efficiency Rationale:** Requiring both a 3-year atmospheric corrosion inspection under § 195.583(a) and a 5-year external inspection under API Std 653 imposes duplicative and costly burdens on tank operators. The 3-year interval does not provide substantial additional safety value given the thoroughness of the API inspection framework.

  Updating § 195.3(b)(18) to include API Std 653 for § 195.583(a) would allow operators to consolidate inspection activities, reduce redundant site visits and contractor mobilizations, and focus resources on risk-based inspections that align with industry best practices. This would result in more efficient use of both operator and regulator resources without compromising safety.

C. Item 6 – Material, Design, Testing, Construction, or Corrosion Control Requirements

PHMSA Question: *Are there any material, design, testing, construction, or corrosion control requirements in parts 192 (subparts B through I), 193 (subparts C through E), and 195 (subparts C through E and H) of the Pipeline Safety Regulation that impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.*

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[2] API Standard 653, "Tank Inspection, Repair, Alteration, and Reconstruction," 3rd edition, December 2001, including Addendum 1 (September 2003), Addendum 2 (November 2005), Addendum 3 (February 2008), and Errata (April 2008), IBR approved for §§ 195.205(b), 195.307(d), 195.432(b), and 195.583(a).

AFPM Response: Yes, there are testing requirements that impose an undue burden on AFPM members. Specifically, yield strength tests found in 49 CFR 195.106.[3] AFPM has drafted updated language that relieves the regulatory burden on pipeline operators while maintaining safe operations.

Recommended Regulatory Amendments and Supporting Rationale: Revise text as follows.

49 CFR 195.106 Internal design pressure

….

(b) The yield strength to be used in determining the internal design pressure under paragraph (a) of this section is the specified minimum yield strength. If the specified minimum yield strength is not known, the yield strength to be used in the design formula is one of the following:

(1) Nondestructive or destructive tests, examinations, and assessments in order to verify the material properties

(i) Nondestructive tests must
- *A. Use methods, tools, procedures and techniques that have been validated by a subject matter expert based on comparison with destructive test results on material of comparable grade and vintage*
- *B. Conservatively account for measurement inaccuracy and uncertainty using reliable engineering tests and analyses; and*
- *C. Use test equipment that has been properly calibrated for comparable test materials prior to usage*

(ii) For nondestructive tests, at each test location, material properties for minimum yield strength and ultimate tensile strength must be determined at a minimum of 5 places in at least 2 circumferential quadrants of the pipe for a minimum total of 10 test readings at each pipe cylinder location.

(iii) For destructive tests, at each test location, a set of material properties tests for minimum yield strength and ultimate tensile strength must be conducted on each test pipe cylinder removed from each location, in accordance with API Specification 5L.

(iv) The operator must conduct a minimum of one test per mile rounded up to the nearest whole number. For line segments greater that 150 miles with similar nominal wall thicknesses, grade, manufacturing process, pipe manufacturing dates, and construction dates, a maximum of 150 tests will be required

(v) The yield strength of the pipe is taken as the lower of the following:

(A) Eighty percent of the average yield strength determined by the tensile tests.

(B) The lowest yield strength determined by the tensile tests.

[3] *See* § 195.106 Internal design pressure.

(2) If the pipe is not tensile tested as provided in paragraph (b) of this section, the yield strength shall be taken as 35,000 psi (241,316 kPa).

- **Economic and Efficiency Rationale:** In the current language, to verify materials in a 10-mile pipeline with one type of pipe would require 27 destructive tests. This is digging up, cutting out a sample of pipe from different joints of pipe, and sending it off to a laboratory at least 27 times. The proposed language would take this down to 10 tests if it is all one type of pipe. It would also allow proven non-destructive testing methods. This is taking advantage of current technology to allow the tests to be done in-service instead of taking the line down for cutouts." This is an expensive and inefficient way to verify the materials.

D. Item 7 – Operating and Maintenance Requirements

PHMSA Question: *Are there any operating and maintenance requirements in parts 192 subparts L through M), 193 (subparts F through G), and 195 (subpart F) of the PSR that impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.*

AFPM Response: Yes, certain operating and maintenance requirements in 49 CFR Part 195 Subpart F impose unnecessary burdens on operators, particularly the atmospheric corrosion control inspection requirements in § 195.583. Specifically, PHMSA should revise § 195.583(a) to incorporate consensus industry standards for atmospheric and low-pressure steel breakout tanks, aligning inspection frequencies with API Standard 653 and API Standard 510, which are already recognized in other sections of Part 195.

Recommended Regulatory Amendments and Supporting Rationale: Revise 49 CFR § 195.583(a) to read as follows.

(a) You must inspect each pipeline or portion of pipeline that is exposed to the atmosphere for evidence of atmospheric corrosion, as follows:

If the pipeline is located:	***Then the frequency of inspection is:***
Onshore Pipelines	*At least once every 3 calendar years, but with intervals not exceeding 39 months.*
Offshore Pipelines	*At least once each calendar year, but with intervals not exceeding 15 months.*
Atmospheric and low-pressure steel aboveground breakout tanks	*According to API Std 653 (incorporated by reference, see § 195.3)*
Aboveground breakout tanks built to API Std 2510	*According to API Std 510 (incorporated by reference, see § 195.3)*

- **Technical and Safety Rationale:** Under current rules, § 195.583(a) requires atmospheric corrosion inspections every 3 years for exposed pipeline facilities, including tanks. At the same time, API Std 653 requires comprehensive external inspections by qualified inspectors every 5 years, and API Std 510 applies to certain pressure vessels and tanks. The additional 3-year inspection mandated by PHMSA provides minimal added safety benefit because the API inspections are thorough and industry-accepted.

  Aligning PHMSA's inspection intervals for breakout tanks with API standards would:

  - Maintain or enhance safety through qualified inspector programs and detailed inspection protocols.
  - Eliminate overlapping requirements that cause operational inefficiency and compliance uncertainty.
  - Support risk-based maintenance practices without compromising integrity management.

- **Economic Impact and Affected Facilities:** The duplicative inspection requirement affects thousands of aboveground breakout tanks subject to both PHMSA regulations and API standards. Each unnecessary inspection adds cost for labor, contractor mobilization, safety planning, and potential operational disruption. These costs do not yield significant incremental safety improvements.

  By revising the regulation, PHMSA would:

  - Reduce compliance costs for operators of tanks built to API 650 or API 2510 standards.
  - Improve regulatory efficiency and resource allocation for both operators and regulators.

  PHMSA should amend § 195.583(a) to allow inspections of aboveground breakout tanks according to API Std 653 or API Std 510, as applicable. This would harmonize federal requirements with widely recognized industry best practices, eliminate unnecessary duplicative inspections, and maintain strong safety performance while reducing undue burden on stakeholders.

Item 7 - Operating and Maintenance Requirements Continued

PHMSA Question: *Are there any operating and maintenance requirements in parts 192 subparts L through M), 193 (subparts F through G), and 195 (subpart F) of the PSR that impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.*

AFPM Response: Yes, certain operations and maintenance activities under 49 CFR Part 195 impose unnecessary burdens on operators when applied to idled pipelines because PHMSA has not formally defined "idled" or established criteria for deferring specific activities. Although PHMSA has stated informally that certain prescribed activities may be deferred for idled pipelines, the absence of a regulatory definition and explicit list of deferrable tasks creates confusion, inconsistent compliance practices, and unnecessary costs for operators.

Recommended Regulatory Amendments and Supporting Rationale: Add a new provision at 49 CFR § 195.402(c)(16) to address idled pipeline deferrals, as follows.

> *Idling pipeline facilities, including safe disconnection from an operating pipeline system and purging of combustibles, with the expectation to later use that pipeline in hazardous materials transportation. Deferral of certain impractical activities is permitted for purged but active pipelines. These deferred activities may include :*
>
> *(i) Breakout tank inspection under § 195.432*
> *(ii) Control room management under § 195.446*
> *(iii) Internal corrosion mitigation under § 195.573*
> *(iv) Leak detection under § 195.444*
> *(v) Overpressure safety devices and overfill protection systems under § 195.428*
> *(vi) Valve inspection under § 195.420*
> *(vii) Integrity assessments under § 195.452*
> *All deferred activities must be completed prior to, or as part of, any later return-to-service*

- **Technical and Safety Rationale:** Currently, operators of idled pipelines—pipelines that have been purged of product and are filled with an inert material such as nitrogen—are required to conduct activities such as valve inspections, integrity assessments, leak detection, and internal corrosion mitigation, even though these measures provide little or no safety benefit when the line is not in operation and contains no hazardous product. For example:

    - Inspecting valves on a nitrogen-purged line requires venting the purge, which eliminates the protective inert atmosphere and introduces unnecessary risk.
    - Midline valve inspections, integrity assessments, and leak detection offer no practical benefit because the system is inactive and disconnected.

  Providing a regulatory framework for idling pipelines and explicitly allowing deferral of these activities will ensure operators can maintain safe conditions without performing redundant or counterproductive tasks.

Economic Rationale and Impact on Affected Facilities: The absence of an "idled" pipeline status and deferral provisions creates unnecessary compliance burdens for operators of long-haul hazardous liquid pipelines, which can span hundreds of miles and include numerous valve sites, breakout tanks, and related facilities. Requiring full

compliance with all operations and maintenance rules on a pipeline that is purged and inactive can cost operators millions of dollars annually without enhancing safety.

By adopting the proposed change, PHMSA would:

- Reduce unnecessary costs for activities that provide no additional safety benefit.
- Allow operators to allocate resources to higher-risk assets and critical integrity work.
- Maintain safety by requiring completion of deferred activities prior to return-to-service.

PHMSA should amend § 195.402 to include a new provision allowing defined idled pipeline status and a list of specific deferrable activities. This would clarify regulatory expectations, eliminate unnecessary costs, and maintain operational safety and integrity.

E. Item 11 – Drug and Alcohol Testing Requirements

PHMSA Question*: Do any of the drug and alcohol testing requirements in part 199 (which incorporates by reference Departmental requirements at 49 CFR part 40) impose an undue burden on affected stakeholders? Please identify any specific regulatory amendments that PHMSA should consider, as well as the technical, safety, and economic reasons (include a description and number of the affected pipeline facilities) supporting those recommended amendments.*

AFPM Response: Yes, certain drug and alcohol testing requirements under 49 CFR Part 199, which incorporates 49 CFR Part 40, impose undue burdens on pipeline operators by limiting available testing options and requiring unnecessary administrative steps that do not improve safety. PHMSA should consider two key regulatory amendments to reduce these burdens while maintaining robust safety standards.

Recommended Regulatory Amendments and Supporting Rationale:

1. Designate Oral Fluid Testing Laboratories under 49 CFR § 40.81

DOT regulations allow for the use of oral fluid testing as an alternative to urine testing under 49 CFR § 40.81, which could improve detection reliability and provide greater flexibility. However, no laboratories have been accredited by DOT to conduct oral fluid testing, making this option unavailable in practice.

- **Proposed Amendment:** Require DOT to designate and approve oral testing laboratories to perform drug testing under the standards specified in Part 40.

- **Technical and Safety Rationale:** Oral fluid testing provides reliable drug detection, particularly for recent use, and reduces opportunities for sample tampering compared to

urine tests. It also allows for observed collections without privacy concerns, improving the integrity of the testing process.

- **Economic Rationale:** Allowing oral fluid testing could significantly reduce collection costs for operators, especially in remote areas where urine collection sites are scarce. It would also standardize testing methods across laboratories, reducing administrative complexity.

2. Permit Immediate Stand-Down Without Waiver under 49 CFR § 199.7

Under current rules, employers must obtain a waiver from DOT to allow employees to be stood down immediately after a positive drug test result, even for substances with no legitimate medical use (e.g., certain Schedule I drugs). This creates delays and additional administrative burdens without providing a clear safety benefit.

- **Proposed Amendment:** Revise § 199.7 to permit immediate stand-down for verified positive tests of substances with no medical use without requiring a waiver.

- **Technical and Safety Rationale:** Requiring a waiver delays the removal of individuals who have tested positive for illicit substances from safety-sensitive duties, potentially increasing risk to the public and employees. Immediate stand-down ensures a faster, more effective response to confirmed drug use.

- **Economic Rationale:** Eliminating the waiver process reduces administrative time and costs for operators and DOT, while also minimizing liability risks associated with keeping impaired employees in safety-sensitive positions. These changes would apply to all operators subject to Part 199, including hazardous liquid and gas transmission pipeline companies, as well as LNG facilities. The improvements would simplify compliance across thousands of regulated entities, reduce costs, and enhance the effectiveness of drug testing programs.

V. Conclusion

AFPM appreciates PHMSA's proactive approach in reviewing the Pipeline Safety Regulations to ensure that compliance obligations remain necessary, effective, and aligned with technological advancements and operational realities. A structured process for identifying and eliminating outdated or duplicative requirements will enhance regulatory clarity, reduce unnecessary costs, and allow operators to focus resources on the most impactful safety measures.

We strongly encourage PHMSA to adopt amendments that clarify definitions, align inspection intervals with consensus industry standards, allow deferral of low-value activities for idled pipelines, and modernize drug and alcohol testing protocols. These changes will improve regulatory efficiency without compromising safety, strengthen industry's ability to deliver essential energy products, and support the national interest in maintaining a reliable, affordable energy supply chain. Please contact me at (202) 457-0480 or rkelsey@afpm.org if you wish to discuss these issues further.

Sincerely,

Robert Kelsey

Rob Kelsey,
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