

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

Pipeline Safety: Operator Qualification
Frequently Asked Questions

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Docket No. PHMSA-2020-0086

COMMENTS

**FILED BY
AMERICAN GAS ASSOCIATION
AMERICAN PETROLEUM INSTITUTE
AMERICAN PUBLIC GAS ASSOCIATION
INTERSTATE NATURAL GAS ASSOCIATION OF AMERICA**

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I. Introduction

The American Gas Association (AGA),¹ American Petroleum Institute (API),² American Public Gas Association (APGA),³ and Interstate Natural Gas Association of America (INGAA)⁴ (jointly “the Associations”) submit these comments for consideration by the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the proposed revisions to the operator qualification (OQ) frequently asked questions (FAQs) that are intended to replace the current OQ FAQs.⁵

Pipeline safety is the top priority of the Associations and our members. In general, the Associations support many of PHMSA’s proposed revisions to the FAQs. There are two principles that the Associations also believe are important for pipeline safety, but are inappropriate to include in OQ FAQs:

- Providing quality training to individuals is critical to the safe operations of pipeline systems, and
- Sound procedures are necessary for individuals to perform tasks safely.

Although the Associations generally support PHMSA’s intent in issuing the proposed FAQs,, the Associations offer the following suggested edits to PHMSA’s proposed OQ FAQs in order to improve clarity and consistency with existing regulation.

II. General Comments on Frequently Asked Questions

Before providing substantive comments on specific FAQs, the Associations would like to emphasize the importance of 49 C.F.R. § 5.85, which provides in pertinent part that “Guidance documents can do no more, with respect to prohibition of conduct, than articulate the agency or Department's understanding of how a statute or regulation applies to particular circumstances.”⁶ PHMSA clearly acknowledged this

¹ The American Gas Association, founded in 1918, represents more than 200 local energy companies that deliver clean natural gas throughout the United States. There are more than 74 million residential, commercial and industrial natural gas customers in the U.S., of which 95 percent — over 71 million customers — receive their gas from AGA members. Today, natural gas meets more than one-fourth of the United States' energy needs.

² API represents all segments of America’s natural gas and oil industry, which supports more than ten million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our 600 members produce, process and distribute the majority of the nation’s energy, and participate in API Energy Excellence, which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API was formed in 1919 as a standards-setting organization and has developed more than 700 standards to enhance operational and environmental safety, efficiency and sustainability.

³ APGA is the national, non-profit association of publicly-owned natural gas distribution systems. APGA was formed in 1961 as a non-profit, non-partisan organization, and currently has over 740 members in 37 states. Overall, there are nearly 1,000 municipally-owned systems in the U.S. serving more than five million customers. Publicly-owned gas systems are not-for-profit retail distribution entities that are owned by, and accountable to, the citizens they serve. They include municipal gas distribution systems, public utility districts, county districts, and other public agencies that have natural gas distribution facilities.

⁴ INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry. INGAA is comprised of 262526 members, representing the vast majority of the U.S. interstate natural gas transmission pipeline companies. INGAA’s members operate nearly 200,000 miles of pipelines and serve as an indispensable link between natural gas producers and consumers.

⁵ Pipeline Safety: Operator Qualification Frequently Asked Questions, 86 Fed. Reg. 3,956 (January 15, 2021) [hereinafter, *NPRM*].

⁶ 49 C.F.R. § 5.85 (“Guidance documents cannot create binding requirements that do not already exist by statute or regulation. Accordingly, the Department may not use its enforcement authority to convert agency guidance

important limitation in the Notice by stating that “FAQs are not rules, nor do they create legally enforceable rights, assign duties, or impose new obligations that are not contained in the existing regulations and standards.” The Associations have identified a few of PHMSA’s proposed FAQs that go beyond existing regulation. The Associations urge PHMSA to review and revise these overbroad FAQs to better align them with existing regulation and explicitly state that these FAQs do not create any new binding requirements beyond those already provided for in regulation. In the detailed section of these comments, the Associations describe which FAQs are overreaching and set new expectations for operators. This most often occurred when PHMSA expanded a process requirement or introduced new terms.

III. Comments on Key Items Repeated Throughout FAQs

Distinction Between Training and Qualification

Training and qualification are two separate programs, but several FAQs seem to conflate these activities. Part 192 and Part 195 require operators to qualify individuals performing covered tasks, but there is no regulatory requirement to provide *training* for all tasks. The code provides flexibility in that operators must provide *training as appropriate*. Training “as appropriate” allows operators to provide training when needed for individuals on a case-by-case basis. It does not require operators to document specific initial training and refresher training for all employees.

PHMSA clearly states in current FAQ 1.10 and 1.11 that training is not required. Moreover, in accordance with 49 C.F.R § 5.85, new training requirements can only be mandated through the formal rulemaking process.

Covered O&M Activities

The Associations are concerned that the proposed new FAQs could be interpreted as changing PHMSA’s long-standing guidance on which O&M tasks performed on a pipeline facility must be included in operators’ OQ programs. Current OQ FAQ 2.1 states that operators should include tasks “performed as a requirement of parts 192 and 195” in their OQ programs, which is consistent with the third element of the four-part test in 49 C.F.R. 192.801(b) and 195.501(b). In these new FAQs, however, PHMSA proposes that all O&M tasks “integral to meeting the requirements of the regulations” must be included in operators’ OQ programs, which could be interpreted as imposing a new, subjective, and potentially broader standard imposed on operators through guidance vice the formal rulemaking process.

The Associations recommend that PHMSA use the four-part test language in Part 192 and Part 195 to define the scope of covered tasks. Because there is no discussion in the OQ Final Rule or rulemaking history regarding “integral tasks”, it is subjective whether any given O&M task is “integral” to complying with a PHMSA regulation. Moreover, PHMSA has not provided pipeline operators notice of regarding which O&M activities are not explicitly required by Part 192 and 195 but are otherwise “integral” to meeting regulatory requirements.

documents into binding rules. Likewise, enforcement attorneys may not use noncompliance with guidance documents as a basis for proving violations of applicable law. Guidance documents can do no more, with respect to prohibition of conduct, than articulate the agency or Department’s understanding of how a statute or regulation applies to particular circumstances. The Department may cite a guidance document to convey this understanding in an administrative enforcement action or adjudication only if it has notified the public of such document in advance through publication in the FEDERAL REGISTER or on the Department’s website”).

OQ and Procedures

The Associations are concerned with the direct connection being made between procedures (§§ 192.605 and 195.402) and covered tasks (§§ 192.805 and 195.505) in the proposed FAQs. Current PHMSA regulations separate procedures and covered tasks and do not directly link the two requirements together. The regulation does not specifically state that people are required to be qualified to perform a procedure; the regulation requires people to be qualified to perform covered tasks. This is an important distinction because qualifications and procedures are not inextricably linked on a one-to-one basis. The following examples are common in industry: a single qualification may apply to more than one procedure, numerous procedures do not require performance of any covered tasks, many procedures require multiple covered tasks to be performed possibly by different qualified individuals, and a few covered tasks are simple in nature and not associated with documented procedures.

Characteristics, Procedures, and Equipment

Throughout the proposed FAQs, PHMSA utilizes the terms “characteristics, procedures, and equipment.” The Associations have concerns about the frequent use of these terms in the FAQs due to significant room for interpretation and the overly broad nature of each of these terms. For example, the term “characteristic” means a distinguishing feature. Its utilization through the FAQs would lead readers to believe that all evaluation and training materials must be unique to each individual pipeline or distribution system. Likewise, the use of the general term “equipment” implies any variation in equipment being used while performing a covered task, no matter how minor, would warrant new evaluations and training. Finally, the term “procedure” could also cause confusion for regulated entities. In some situations, operators do not have specific operator procedures for a covered task (e.g., painting a tank). Referencing these terms throughout the FAQs is impractical as it negates much of the training provided to contractors and to small operators who rely on third-party training providers. Because these terms are not defined in regulation and their inclusion within the FAQs will likely result in increased ambiguity, the Associations recommend their removal from the FAQs.

Emergency Response

PHMSA should clarify its proposed FAQ #12, involving emergency response, to ensure that this guidance does not hinder prompt and effective response to emergencies. PHMSA should clarify that OQ program requirements do not apply to first responders, including operator personnel, who act with reasonable care to protect life and property at the scene of an emergency.

PHMSA Operator Qualification Glossary

The *PHMSA Operator Qualification Glossary* includes definitions for 60 terms. While the introductory paragraph of the glossary describes how it was developed during the initial development of OQ regulations, many operators may have been unaware of its existence until this Notice seeking comment was published in the Federal Register. Some of the definitions included are codified into pipeline safety regulations in §§ 192.3 and 195.2. Others are generic terms with commonly utilized definitions (e.g., *prior* means preceding in time or order). But there are some terms that are specific to pipeline safety operator qualification (e.g. Emergency Responder, Evaluator, and Observe). These are the terms that are most concerning to the Associations.

The proposed FAQs only reference 2 of the 60 definitions: FAQ #10 references a definition for “new construction” and FAQ #38 references a definition for “significant”. Both of these are adequately defined in the FAQs themselves, negating the need for a reference to this Glossary in the FAQs.

Because the Federal Register notice for these FAQs makes no specific mention of this Glossary, the Associations are not offering comments on the specific content of each of the 60 definitions. For these reasons, the Associations recommend that all references to the *PHMSA Operator Qualification Glossary* be stricken from the OQ FAQs.

IV. Comments on Specific Frequently Asked Questions

For each proposed FAQ, the Associations provide comments below. Any recommended changes by the Associations to the answers are provided as well. Added text is underlined and deleted text is ~~stricken~~. For some of the FAQs, the Associations recommend that PHMSA retain portions of the existing FAQ language to maintain consistent and clear interpretation of the requirements. For other proposed FAQs, the Associations provide suggested edits that are aimed to add clarity. Finally, the Associations offer some suggested edits meant to ensure these FAQs do not inadvertently impose new regulatory requirements on regulated entities.

- (1) FAQ #1 - What responsibility does an operator have if it chooses to use an off-the-shelf OQ program? (§§ 192.805, 195.505)

Comments: As noted above, the Associations have concerns with the use of broad terms such as “characteristics, procedures and equipment” as these are open to interpretation. The recommended changes below direct operators to ensure that contractors’ OQ programs meet the requirements of the operator’s OQ plan.

Association Proposed Redlines:

An operator choosing to use an off-the-shelf operator qualification (OQ) program—an OQ program that is not created by the operator—is fully responsible for understanding and meeting the provisions of the OQ requirements under parts 192 and 195. The operator must ensure that any OQ program selected is applicable to the operator’s OQ plan. ~~its operating characteristics, procedures, and equipment~~. The operator is responsible for any necessary modifications to the selected program to ensure applicability to the operator’s system and compliance with the regulations.

- (2) FAQ#2 - Are contractors required to have a written OQ program? (§§ 192.805, 195.505)

Comments: In the previous version of the FAQs, PHMSA included the statement “Operators may require contractors which supply individuals to perform covered tasks to have their own OQ Program and provide documentation that these individuals are currently qualified to perform the assigned covered task.” The Associations are concerned that the removal of this sentence, without the addition of something similar in nature, could imply that operators are not allowed to accept contractors’ qualifications or those administered by third-party evaluators. The Associations recommend a similar sentence be added to this FAQ.

Associations Proposed Redlines:

No. The operator must ensure that any individuals who perform covered tasks on the operator’s pipeline system—whether contractors or operator personnel—meet the requirements of the operator’s OQ program. If contractors have their own written OQ program, operators must verify that it meets the requirements of the operator’s OQ program.

- (3) FAQ#3 - How might an operator ensure that individuals employed by contractors are qualified to perform covered tasks? (§§ 192.805, 192.807, 195.505, 195.507)

Comments: The Associations believe language from existing FAQ 1.5 was helpful and the Associations recommend that this language remain within the final FAQs. The Associations recommend that it be added to FAQ#3.

Associations Proposed Redlines:

*The operator must ensure that any individuals performing covered tasks, including contractors, comply with the requirements of the operator's OQ program. The operator must verify and document that the contractor's qualifications satisfy the operator's written OQ program. The operator must maintain qualification records for all individuals performing covered tasks, including contractors, in accordance with §§ 195.507 and 192.807. **Depending on the operator's approach to qualification of contractor personnel, the operator may maintain records related to the qualification of contractor personnel, rely on the records maintained by the contractor, or rely on records administered by a third party or consortium.***

- (4) FAQ#4 - Are contractors required to use the operator's procedures when performing covered tasks? (§§ 192.605, 192.805, 195.402, 195.505)

Comments:

The requirement for operators to prepare and follow a procedural manual is separate and distinct from the requirement to have and follow a written OQ program. Operators are only required to ensure qualified individuals perform covered tasks – they are not required to ensure individuals are qualified to perform specific procedures as the FAQ implies. The Associations have provided additional clarity language to ensure the FAQ makes this distinction clear.

The Associations also recommend that any references to OQ recordkeeping point back to the applicable regulatory requirements.

Associations Proposed Redlines:

*Operators must ensure that contractors follow the operator's written procedures, just as operator personnel must, pursuant to §§ 192.605 and 195.402. **Sections 192.801 to 809 and 195.501 to 509 do not require individual operator procedures to be used in the qualification process, however, operators should ensure that all contractors are provided any procedures that are required by the operator.** An operator may prepare new procedures or adopt procedures developed by a contractor for a particular task if such procedures are reviewed and approved by the operator in advance of performance of the task. The operator is responsible for ensuring that these procedures are acceptable and meet any applicable regulatory requirements. Records of contractor procedures and the operator's approval of those procedures are required to be maintained **for five years per §§ 192.807 and 195.507.** The operator is also responsible for ensuring that the contractors are qualified to perform the covered tasks using these procedures, and that the contractor's procedures meet applicable regulatory requirements.*

- (5) FAQ#5 - Who is responsible for qualifying contractor individuals who perform covered tasks on the operator's pipeline facilities? (§§ 192.805, 192.807, 195.505, 195.507)

Comments:

The Associations recommend that this FAQ focus on the operator's verification of contractor's qualifications. As proposed, this FAQ could be interpreted to prohibit a common industry

practice: operators verify that their contractors are qualified and that their qualifications are appropriate for their operations.

The Associations are concerned about the final clause in PHMSA's proposed answer, "verify and document that any program used for qualification is applicable to the operator's pipeline operating characteristics, procedures, and equipment." As written, any variance in operating characteristics (e.g., operating pressure) or equipment (e.g., welding machine manufacturer) could be interpreted as necessitating a full documented review.

Associations Proposed Redlines:

Operators are responsible for ensuring that any individual performing a covered task on their pipeline facilities are qualified, regardless of whether these individuals are operator employees or contractor individuals. ~~Operators must verify and document that any program used for qualification is applicable to the operator's pipeline operating characteristics, procedures, and equipment.~~

(6) FAQ #6 - What requirements exist related to the qualification of individuals participating in mutual assistance agreements? (§§ 192.805, 195.505)

Comments: The final sentence of this FAQ could be reasonably interpreted to mean that an operator requesting mutual assistance – during an emergency or other time of great need – is required to fully qualify all mutual aid workers under their OQ program. In situations where mutual assistance is needed (i.e., a mass customer outage or following a natural disaster), the requesting operator is already in a constrained and time-sensitive situation. Of most importance for pipeline and public safety is that the individuals responding are qualified for the tasks, not that the qualifications meet the full requirements outlined in the requesting operator's OQ program. This FAQ should be modified to allow operators to accept the responding operator's qualification. The Associations believe that some operators may appreciate additional guidance on when training is needed during mutual assistance requests. Therefore, the Associations suggest that the FAQ only address supplementary on-site in-take training on operator specific procedures within the FAQ.

Associations Proposed Redlines:

Operators sometimes form mutual assistance agreements with other operators to help ensure that they have the resources necessary to complete covered tasks, ~~particularly in times of emergency.~~ Any operator who receives assistance must ensure that all individuals who perform covered tasks on the operator's pipeline are qualified ~~in accordance with the operator's OQ program requirements, including documentation and recordkeeping.~~ Supplementary on-site training may be needed for operator specific procedures.

(7) FAQ#7 - How should training be incorporated in an operator's program? (§§ 192.805(h), 192.807, 195.505(h), 195.507)

Comments:

As noted previously, training and qualification are two separate programs. Conflating the two is problematic and this FAQ, as drafted, exemplifies that issue. There is no regulatory requirement to provide *training*. Any changes to the regulatory requirements can only be addressed through the formal rulemaking process. The Associations offer several revisions to this FAQ to separate these two activities.

Additionally, the term ‘unique’ in reference to operator’s pipeline systems implies that each individual operator has to independently provide training to their employees. This language could prevent operators from collaborating on training or utilizing third-party training providers. It also significantly impacts how the pipeline industry utilizes a contracted workforce. While operators are responsible for ensuring all qualifications are appropriate and applicable to their systems, this FAQ goes a step further and suggests that the training must be unique and individual for each operator and their system. It has been widely accepted by groups such as the Operator Qualification Integrity Program working group, that 80% of all tasks, training, and subsequent qualifications, is similar across the sector. Only 20% of tasks have elements that are unique to the operator and should be addressed separately.

The Associations suggest guidance language on training records in lieu of PHMSA’s proposal. The language proposed by the Associations leaves some flexibility for operators that utilize third-parties for some or all of their training. It also puts some responsibility on the contractors that provide a majority of the training for their workforce.

Associations Proposed Redlines:

~~Appropriate~~ Training is ~~required~~ a means to ensure that individuals performing covered tasks have the knowledge and skills needed to perform the tasks. Such training should be incorporated in practices leading to the development and qualification of new employees, as well as practices that refresh the knowledge and skills of individuals with considerable experience.

Training as appropriate, in particular, may be required in the following situations:

- When there is any significant change in how the covered task is performed. ~~the procedures for performing the covered tasks should be the subject of training for all individuals performing those covered tasks.~~
- ~~Training may also be required for equipment variations or differences.~~
- Appropriate remedial training should be provided to ~~in addition,~~ individuals who fail initial qualification or qualified individuals who fail requalification ~~should be provided with remedial training~~ in their areas of deficiency prior to reevaluation.

It is an operator’s responsibility to ~~provide training to~~ ensure individuals have the skills and knowledge necessary to perform covered tasks on the operator’s unique pipeline system. ~~Operators must retain these appropriate training records to support individuals’ qualifications and requalifications.~~

(8) FAQ#8 - What is the role of computer-based or web-based training in complying with the OQ Rule? (§§ 192.805(h), 192.807(a)(4), 195.505(h), 195.507(a)(4))

Comments: Pipeline safety regulations require operators to qualify individuals that meet the four-part test for a covered task. PHMSA has acknowledged that training is not required. See current FAQ 1.11.

The Associations argue that the proposed FAQ as written discourages operators from utilizing high quality industry generic computer-based and web-based training. The generic nature of the training means that it will not meet the requirement to address ‘an operator’s pipeline system characteristics, procedures, and equipment’ as stipulated in the FAQ. That does not mean the training is not a valuable element in the training process for qualification. Operators should be encouraged to use the highest quality content available that is relevant to their procedures and equipment, even if it is not specifically tailored to perfectly match the unique nature of their system.

The third sentence in this FAQ discusses the extent to which regulators can inspect an operator's training methods. Training methods can be diverse and unique and evolve constantly as trainers attempt to continuously improve. In other situations, operators may choose to utilize industry subject-matter-experts through vendors or third-party service providers for training. The Associations do not believe it is practicable for regulators to inspect the methods utilized by these trainers. Nor can it be reasonably expected for the documentation of such training to detail the methods used. Furthermore, there is no requirement within existing pipeline safety regulations that compel operators to define specific training methods in their OQ plans, so the discussion of the review of the methods or an operator's selection of specific training methods in the proposed FAQ is outside the scope of the applicable regulation.

The Associations believe the entire FAQ should be removed, but suggest the following edits should it be retained:

Associations Proposed Redlines:

*Operators may choose the type and method of training; computer-based and web-based training represent two **of many** choices available to operators. ~~Training must address an operator's pipeline system characteristics, procedures, and equipment. Training programs and methods may be reviewed by regulators for adequacy during inspections.~~*

(9) FAQ#9 - What operations and maintenance activities must be included in a compliant OQ program? (§§ 192.801, 195.501)

Comments:

The Associations are concerned about PHMSA's proposal in FAQ #9 to broaden an operator's obligation under the OQ regulations. PHMSA proposes to require operators to identify covered tasks for *all* O&M activities that are performed as a requirement of Parts 192 and 195, "without regard to whether such activities arise from performance-based or prescriptive requirements."⁷ The proposed changes to this FAQ also eliminate the acknowledgment that "for the purposes of the OQ rule, an O & M activity is only subject to the requirements of the OQ rule if the activity is an operations or maintenance activity and also meets the other three requirements that make up a covered task." PHMSA's proposal to include performance-based regulations "if they are integral to meeting the requirements of the regulations" is a new standard that should not be implemented through guidance. This FAQ also could be interpreted as requiring operators to develop a comprehensive list of O&M tasks, listing which are covered tasks and which do not meet the four-part test. The specific identification of all O&M tasks performed, and documenting that list, is not a regulatory requirement in Parts 192 and 195.

In support of this proposed change to the FAQs, PHMSA cites CPF Nos. 1-2017-5015 and 3-2009-5022.⁸ The Agency withdrew the 2017 case in June 2020.⁹ Regardless of the reasons for this decision, it is unclear how a withdrawn case could serve as the basis for agency guidance. In the 2009 case, PHMSA issued a finding but acknowledged that "this finding does not reach the larger issue of whether pipefitting must always be treated as a covered task for other operators

⁷ Proposed Operator Qualification Frequently Asked Questions, at 4.

⁸ Proposed Operator Qualification Frequently Asked Questions, at 5.

⁹ *In the Matter of Colonial Pipeline Co.* CPF No. 1-2017-5015, Decision on Petition for Reconsideration (June 26, 2020) at 3.

or for all repairs.”¹⁰ It is equally unclear why PHMSA is now citing this case as support for guidance which by definition is a statement of general applicability.¹¹

As discussed in the comments provided for FAQ #7 and #8 above, the Associations recommend the term “training” be removed from this FAQ. Inclusion suggests that training is required by regulation, which it is not.

Associations Proposed Redlines:

Any activity meeting the four-part test, as defined in 49 CFR §§ 192.801 or 195.501 is considered a covered task, ~~regardless of whether it is already specifically defined in an operator’s operations and maintenance (O&M) manual.~~ Reliance on an off-the-shelf OQ program does not excuse the operator from its regulatory obligation to identify a covered task, even if such a program does not offer operator qualification ~~and training~~ for a particular task.

~~The OQ regulations require operators to identify covered tasks for all O&M activities that are performed as a requirement of parts 192 and 195, without regard to whether such activities arise from performance-based or prescriptive requirements. For performance-based regulations, such as § 195.422: Pipeline Repairs, tasks are “performed as a requirement of this part” if they are integral to meeting the requirements of the regulations. If such tasks also meet the other parts of the definition of covered tasks, they must be treated as covered tasks under the four-part test. For example, PHMSA considers both pipefitting and removal of a casing to make repairs to be covered tasks. See, e.g., CPF Nos. 3-2009-5022 (issued August 14, 2012) and 1-2017-5015 (issued August 15, 2019, and June 26, 2020) on the PHMSA Enforcement Transparency website for further information.~~

Similarly, while an industry standard ~~such as ASME B31Q: Pipeline Personnel Qualification~~ may provide a useful starting point for identifying industry-accepted covered tasks, the absence of a task within an industry standard does not mean that the task is not a covered task. ~~Operators must evaluate each task they perform and determine whether it is a covered task using the four-part test.~~

(10)FAQ#10 - How should an operator differentiate between O&M tasks and new construction tasks? (§§ 192.801, 195.501)

Comments: The Associations recommend PHMSA retain some of the examples found in current FAQ 2.3 as they are helpful to operators when differentiating between O&M tasks and new construction tasks. Many qualified tasks which are used during O&M are also used during new construction. For example: welding, pressure testing and coating application are all integral to steel pipe repair, but these tasks are also used during new steel pipe installation. Without the current examples, operators may be unclear whether these shared tasks are covered.

As discussed previously, the Associations oppose the reference to the PHMSA Operator Qualification Glossary.

Associations Proposed Redlines:

¹⁰ *In the Matter of Enterprise Products Operating LLC*, CPF No. 3-2009-5022, Final Order, (Aug. 14, 2012).

¹¹ 49 C.F.R. § 5.25(c)(The Department’s definition of guidance includes any statement of agency policy that is intended to have general applicability).

New construction is not covered under the OQ regulations. New construction is the act of building a new pipeline facility or expanding an existing pipeline facility (as in looping a pipeline segment, which may also be done to meet increased load requirements or enhance reliability of the system) to provide new service to customers or meet increased demand.

The purpose of maintenance is to preserve the serviceability of existing pipelines. If a pipeline segment cannot fully and safely operate as designed without the completion of a certain task, then that task should be considered maintenance. Repairs to a pipeline, including replacement of one or more pipe joints, necessitated by threats such as corrosion or third-party damage, should be considered maintenance. The tie-in of a new pipeline or segment to an existing pipeline is an O&M task; any task carried out on that new pipeline or segment thereafter is also an O&M task. Operator accounting practices that differentiate between capital projects and O&M expenditures are irrelevant in the determination of whether a task is covered.

See the definition of new construction in the PHMSA Operator Qualification Glossary, which can be found here: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/OQ_Glossary.pdf.

(10A) FAQ #10A - Can certain tasks be either covered or non-covered depending on when and where they are performed? (§§ 192.801, 195.501)

Comments: The Associations recommend PHMSA retain current FAQ 2.5 as it is helpful to operators. The value of FAQ 2.5 is widely known due to the extent by which it is referenced during audits and inspections. The majority of the text from FAQ 2.5 comes from the preamble to the Operator Qualification Final Rule which is another reason for retaining this FAQ.¹²

Associations Proposed Redlines:

Yes; the "where" was addressed in FAQ #10. "When" may also impact certain tasks performed on pipeline facilities. Tasks may be covered tasks when performed in the course of operation and maintenance activities, but may not be covered tasks when performed in the course of other activities. For example, "welding" would be a covered task when performed as an operations and maintenance activity on a pipeline, such as when installing a weld-over sleeve to repair an anomaly. However, "welding" is not a covered task under this subpart when performed during the fabrication of (a) new installations (because new construction is not an operations and maintenance task) or (b) replacement components where the work is performed away from the pipeline facility (because this activity would fail one part of the four-part test).

(11) FAQ#11 - Does the location where a task is performed affect whether it is a covered task? (§§ 192.801, 195.501)

Comments:

This FAQ, as proposed, could create further confusion instead of providing clarity. In the example provided in FAQ#11, if the testing of a regulator occurred on the same property as co-located pipeline facilities, but disconnected and physically removed from the pipeline system, it would not meet criteria for being identified as a covered task. The Associations believe the example creates more confusion than clarity and suggest it be removed in its entirety. Instead,

¹² Pipeline Safety: Qualification of Pipeline Personnel, 64 Fed. Reg. 45,853, 46,860 (Aug. 27, 1999).

the Associations recommend that PHMSA incorporate the example provided in the 1999 Final Rule into this FAQ.¹³

Associations Proposed Redlines:

Yes. For example, an individual who works on a pipeline component that is physically connected to the pipeline system is performing work “on a pipeline facility” and may be subject to the final rules, regardless of whether or not product is flowing through the pipeline. However, a person who repairs a pipeline system or appurtenance, that has been removed from the system, would not be performing work on the pipeline, and therefore would not be performing a covered task. ~~For example, if an individual performs a bench test on a regulator at the manufacturer's shop, the activity is not a covered task because the test was not “performed on a pipeline facility,” as specified in the regulatory definition of covered task. However, if an individual were to perform the same bench test on a regulator at a compressor station, which is a pipeline facility, the task would be a covered task and the individual would need to be qualified.~~

(12)FAQ#12 - Do emergency responders need to be qualified under the operator’s program? (§§ 192.801, 195.501)

Comments: The Associations oppose the language proposed in this FAQ. A pipeline safety regulation (or guidance) should not create an unsafe situation by preventing a person from taking reasonable action to protect life and property. Sec. 60102 (a)(1) of 49 USC states “*The purpose of this chapter is to provide adequate protection against risks to life and property posed by pipeline transportation and pipeline facilities by improving the regulatory and enforcement authority of the Secretary of Transportation.*”

Operators have close relationships with emergency responders. Those relationships are often unique for each operator and for each emergency department. The important distinction for purposes of OQ is whether the first responder is acting on behalf of the operator or is simply performing activities to protect life and safety. In the unique and rare circumstances where the operator has trained and made arrangements with the fire department to operate pipeline facilities on the operator’s behalf, the operator may be expected to qualify responders on that covered task and then maintain the qualification for each individual emergency responder.

As currently drafted, this FAQ could create a public safety risk. Aside from scenarios where an operator has made pre-arrangements with responders to act on the operator’s behalf, the OQ regulations and these FAQs should not create an unsafe situation by preventing a person from taking reasonable action to protect life and property. This FAQ should clarify that OQ program requirements do not apply to first responders, including operator personnel, who act with reasonable care to protect life and property at the scene of an emergency.

This guidance is not practical as currently drafted. For gas distribution operators, if it is not their desire to qualify each individual homeowner in their service territory, should they explicitly tell homeowners and fire departments to never shut off natural gas service at their homes in the event of an emergency? This would negate the very important work done through the Ready

¹³ Pipeline Safety: Qualification of Pipeline Personnel, 64 Fed. Reg. 46,859 (August 27, 1999).

Campaign¹⁴, a federal public awareness campaign sponsored and supported by the Department of Homeland Security, the Federal Emergency Management Agency, and The White House.

Lastly, the Associations do not recommend PHMSA intermingle the pipeline safety requirements for operator qualification with the requirements for emergency liaison or public awareness activities. Therefore, the Associations recommend that PHMSA delete references to those sections in pipeline safety regulations in this FAQ.

Associations Proposed Redlines:

Emergency responders, such as firefighters, who are performing covered tasks on behalf of an operator, and company personnel who would reasonably be expected to perform covered tasks, are required to be qualified under the operator's OQ program. OQ program requirements do not apply to first responders, including operator personnel, who act with reasonable care to protect life and property at the scene of an emergency. PHMSA recognizes that emergency responders may arrive on scene before operator personnel. Section 192.615 requires operators to establish and maintain relationships with fire, police, or other appropriate public personnel, and § 195.403 requires operators to conduct advance emergency response planning with emergency responders. Any emergency responder who could be reasonably expected to perform manual valve closures or any other covered tasks must be qualified under the operator's OQ program¹⁵.

- (13)FAQ#13 Will the PHMSA Office of Pipeline Safety urge, strongly recommend, or encourage inspectors to use a master list of covered tasks to inspect operators? (§§ 192.801(b), 192.805(a), 195.501(b), 195.505(a))

Comments: As discussed in previous sections, references to operating characteristics, procedures, and equipment are overly broad, not addressed in pipeline safety regulations, and should be defined in rulemaking prior to their use in guidance documents.

Associations Proposed Redlines:

No, the PHMSA Office of Pipeline Safety does not develop or maintain a master list of covered tasks applicable to all pipeline operations. Operators must identify covered tasks that are applicable to their pipeline systems' operating characteristics, procedures, and equipment.

- (14)FAQ#14 - What are acceptable evaluation methods, and what is observation of an individual? (§§ 192.803, 195.503)

Comments:

The Associations request PHMSA provide additional clarity on the third statement in this FAQ: "Operators must be able to demonstrate that the method(s) associated with each task... can determine whether an individual is qualified to perform that task." A requirement for operators to *demonstrate* the adequacy of an evaluation method is an unclear request. How does an operator *demonstrate* adequacy? What documentation would be expected for this *demonstration*? The Associations recommend the changes below to add clarity.

¹⁴ "Launched in February 2003, Ready is a National public service campaign designed to educate and empower the American people to prepare for, respond to and mitigate emergencies, including natural and man-made disasters. The goal of the campaign is to promote preparedness through public involvement". (www.ready.gov)

¹⁵ The final sentence of this FAQ is largely duplicative to the first sentence.

More importantly, this FAQ attempts to impose a new standard not currently provided in pipeline safety regulations. Currently, the regulations (§§ 192.803 and 195.503) only require that an evaluation “determine an individual’s ability to perform a covered task”; however, this FAQ attempts to impose a more comprehensive standard of evaluating “the knowledge, skill, and ability”. The OQ Final Rule makes no mention of evaluating knowledge or skill, but only discusses evaluating a person’s “ability.”

Finally, the Associations remind PHMSA that not all covered tasks have specific procedures and, therefore, the generic term “task” should be used in this OQ FAQ.

Associations Proposed Redlines:

Acceptable evaluation methods can be found in 49 CFR §§ 192.803 and 195.503. The evaluation methods selected must be appropriate for the covered task. Operators must ~~be able to demonstrate that~~ describe the method(s) associated with each task in their written OQ programs and describe how those method(s) are used to ~~can~~ determine whether an individual is qualified to perform that task. ~~This includes evaluating the knowledge, skill, and ability of an individual relevant to the task. Evaluation methods for initial and subsequent evaluations must also be specified.~~

Observation of on-the-job performance is an acceptable method of evaluation, but may not be used as the sole method of evaluation under §§ 192.809(e) and 195.509(e). In order to determine an individual’s ability to perform a covered task, observation must include methods of assessing the individual’s knowledge of the task procedure, as well as the individual’s ~~skill and~~ ability to perform it. The evaluation must include appropriate questions and responses relevant to the covered task. The mere act of watching without any interaction between the observer and the observed is inadequate to determine that an individual is qualified.

(15)FAQ#15 - What capabilities should be evaluated to qualify an individual to perform covered tasks? (§§ 192.805(b), 195.505(b))

Comments: There appears to be a typo in this FAQ. It is unclear to the Associations what PHMSA intends the FAQ to say. The Associations support the final sentence provided in the proposed FAQ.

Associations Proposed Redlines:

~~The qualification process, whether for an initial qualification or a requalification~~ *The definition of “evaluation” in §§ 192.803 and 195.503 of the OQ regulations provides acceptable methods of evaluating these capabilities.*

(16)FAQ#16 - When evaluating individuals to ensure they are qualified, under what conditions will individuals be considered to have passed their evaluations? (§§ 192.805(b), 195.505(b))

Comments: This FAQ misrepresents the explanation given in the OQ Final Rule (cited in the FAQ) with regards to the purpose of evaluations. In the preamble of the OQ Final Rule, PHMSA states “the evaluation of an individual’s qualifications should be an objective, consistent process that documents an individual’s ability to perform the covered task.” The Associations believe that this FAQ is largely inconsistent with this previously expressed position of PHMSA.

The Associations also remind PHMSA that “knowledge and skills” is not part of the regulations pertaining to evaluation. These attributes only qualify the intent for training as appropriate in the regulations.

Associations Proposed Redlines:

The evaluation of an individual's qualifications should be an objective, consistent process that documents an individual's ability to perform the covered task. The operator should establish the acceptance criteria for the evaluation method used. See 64 FR at 46861. ~~*In order to ensure individuals are qualified, the operator must establish the acceptance criteria appropriate for the evaluation method(s) used to verify that individuals who are qualified to perform covered tasks possess the required knowledge, skills, and ability. See 64 FR at 46861.*~~

- (17)FAQ#17 - If an individual seeking qualification to perform a covered task fails the evaluation process, how many times can the individual be reevaluated? (§§ 192.803; 192.805(b), (h); 195.503; 195.505(b), (h))

Comments: Requiring operators to predefine the number of acceptable failures during OQ evaluations negates the numerous extenuating circumstances an individual could encounter during an evaluation. It also diminishes the variances in task difficulty and criticality. There may be Human Resource implications to inflexibility defining the number of evaluation failures that are permitted. Furthermore, current pipeline safety regulations do not require that operators track and document failed evaluations. If PHMSA wishes to implement this requirement, such a change needs to be promulgated through regulation.

The Associations recommend PHMSA revert to the first sentence in the agency's current FAQ response.

Associations Proposed Redlines:

Determining the number of times an individual can be reevaluated is up to the operator. An operator must not permit a candidate who fails the reevaluation process to perform the covered task until that person has passed the evaluation or is directly observed by a person who is qualified to perform the covered task.

~~*The operator should determine and specify in its OQ program the number of times an individual can be reevaluated. Remedial training should be considered prior to subsequent reevaluation.*~~

- (18)FAQ#18 - What is a reasonable time between failure to pass an evaluation and reevaluation? (§§ 192.805(b) and (h), 195.505(b) and (h))

Comments: The Associations recommend minor revisions to the language in this FAQ to ensure it is clear that this is guidance for operators to consider and not a specific mandate.

Associations Proposed Redlines:

While the regulation does not specify the period of time that may elapse between evaluations, the operator should establish requirements for reevaluation after an individual's failure to pass an evaluation. Operators ~~should ensure that~~ may inform the individual of the reason for failure is recognized and addressed prior to reevaluation. If knowledge, skill, or ability gaps are identified as reasons for the failure, the operator ~~may~~ should provide additional training prior to reevaluation. The operator's written program should describe how the operator identifies and corrects the causes of failures before reevaluation.

(19)FAQ#19 - Should operators implement measures to ensure that the procedures on which qualification is based are consistent with the operator's O&M procedures and the actual practices implemented in the field? (§§ 192.805, 195.505)

Comments: The Associations recommend this FAQ be removed. The OQ FAQs should be kept to OQ requirements. Management of procedures is not an OQ requirement.

Associations Proposed Redlines:

~~Yes.~~

(20)FAQ#20 - What credentials ~~must~~ should a person have to be an evaluator? (§§ 192.805, 195.505)

Comments: PHMSA should strive to avoid the term "must" in its guidance documents, especially for guidance on items not required by regulation.

Associations Proposed Redlines:

None.

(21)FAQ#21 - Is third-party evaluation a mandatory method? (§§ 192.805, 195.505)

Comments: None.

Associations Proposed Redlines:

None.

(22)FAQ#22 - Are qualified individuals required to carry cards to show the covered tasks for which they are qualified? (§§ 192.805, 195.505)

Comments: The Associations believe only the first sentence is needed to address this FAQ. The balance of the proposed answer is overreaching for guidance and should be removed.

Associations Proposed Redlines:

~~No. The operator is responsible for maintaining a record of the current qualification status for individuals performing covered tasks. Some method is needed to allow a supervisor, foreperson, or a representative of a regulatory agency that has jurisdiction to determine whether the individuals who perform covered tasks are qualified. The issuance and possession of ID cards is one method to make this determination. Other methods could include an electronic database accessible to the appropriate personnel that would contain qualification records of all individuals qualified to perform covered tasks for the operator. Paper records (hard copies) may also be appropriate.~~

~~Positive identification of the individual performing the covered task should be made in cases where the individual and his/her qualifications are unknown to the job supervisor. In this case, the operator should require a government-issued identification in order to confirm that a qualified individual reported to the job site for the performance of the covered task.~~

(23)FAQ#23 - Must plumbers and independent installers performing covered tasks on customer-owned curb-to-meter service lines be qualified? (§ 192.805(b))

Comments: None.

Associations Proposed Redlines:

None.

(24)FAQ#24 - Can new employees work under the guidance of other qualified crewmembers for a period of time? If so, how long? (§§ 192.805(c), 195.505(c))

Comments:

The Associations offer edits to the language in this FAQ to help ensure clarity.

Associations Proposed Redlines:

The OQ regulations allow for unqualified individuals, ~~including new employees or employees that are no longer qualified,~~ to perform covered tasks only if they are directed and observed by a qualified individual. While not required by regulation, the operator may establish limitations on the amount of time an unqualified individual can perform certain covered tasks under the direction and observation of a qualified individual.

(25)FAQ#25 - Should an OQ program specify the maximum distance a qualified individual ~~may~~ must be from an unqualified individual who is performing a covered task? (§§ 192.805(c), 195.505(c))

Comments: The Associations provide the suggested edit in the wording of this FAQ to help distinguish between guidance and regulatory requirements.

Associations Proposed Redlines:

None.

(26)FAQ#26 - What is the maximum number of unqualified individuals performing a covered task that a qualified individual can direct and observe? (§§ 192.805(c), 195.505(c))

Comments: Current pipeline safety regulations do not require that operators explicitly define the number of unqualified individuals that can be directed and observed by a qualified individual (span-of control). While this FAQ indicates that this activity is suggested, the Associations are concerned that it could be interpreted as a new requirement. The Associations are providing modified wording to make it clear that this is not a new requirement. If it is PHMSA's desire to require operators to define and document the number of individuals that can work under span-of-control for a specific covered task, this needs to be added to §§ 192.805 and 195.505 through the rulemaking process.

Associations Proposed Redlines:

While not required by regulation, operators ~~should~~ may choose to determine the appropriate number of unqualified individuals that can be directed and observed by a qualified individual for some covered tasks. The operator should consider all relevant factors, including physical space limitations for multiple individuals to properly and safely perform the covered task, as well as environmental conditions (e.g. noise, visual obstructions, weather, or other on-site conditions).

(27)FAQ#27 - What constitutes a work performance history review? (§§ 192.803; 192.809(c), (d); 195.503; 195.509(c), (d))

Comments: It is important that this FAQ be limited to a work performance history review of the individual at their current employer. There is not a full industry database for this information on all individuals, therefore such a requirement is not practicable.

Associations Proposed Redlines:

A review of work performance history should include a search of existing records at an individual's current employer for documentation of an individual's past satisfactory

performance of covered tasks and verification that the individual's work performance history contains no indications of substandard work or involvement in an incident (as defined in part 191) or accident (as defined in part 195) caused by an error in performing a covered task.

- (28)FAQ#28 - Under what conditions can a work performance history review be used for qualification of individuals performing covered tasks? (§§ 192.809(d), 195.509(d))

Comments: None.

Associations Proposed Redlines:

None.

- (29)FAQ#29 - Do qualified individuals need to recognize and react to abnormal operating conditions? (§§ 192.803, 195.503)

Comments: The Associations support this FAQ as proposed by PHMSA, but believe additional clarity should be added to ensure consistent interpretation by all stakeholders. Qualified individuals should be able to *recognize* and *react* to AOCs. However, there should not be an expectation that they are able to *recite* the AOCs in the operator's O&M, at least without the ability to reference the manual.

The Associations also provide an edit to ensure consistency between this guidance and the regulatory requirements.

Associations Proposed Redlines:

To be qualified to perform a covered task, individuals must not only demonstrate the ~~knowledge, skill, and~~ ability to perform the task, but must also be able to recognize and react to abnormal operating conditions (AOC) that the operator determines the individuals may be reasonably expected to encounter while performing a covered task. Individuals should not be expected to recite AOCs for the covered tasks without referencing manuals or guides provided by the operator. See 64 FR at 46861-62.

- (30)FAQ#30 - Should operators incorporate criteria in their OQ programs regarding the suspension or disqualification of an individual who performs covered tasks? (§§ 192.805(d), (e); 195.505(d), (e))

Comments: None.

Associations Proposed Redlines:

None.

- (31)FAQ#31 - How should an operator address a situation in which an individual who is qualified to perform a covered task is performing that covered task incorrectly? (§§ 192.805(e), 195.505(e))

Comments: The Associations recommend two changes in terminology to ensure clarity.

Associations Proposed Redlines:

Each operator should develop process ~~procedures~~ for dealing with performance deficiencies and for suspending and/or disqualifying ~~revoking~~ an individual's ~~qualification to perform from performing~~ a covered task. An individual who is found to be incorrectly performing a covered task for which the individual is qualified should be immediately removed from performing that covered task pending reevaluation or disqualification.

(32)FAQ#32 - What must an operator consider in its incident (or accident) investigation and analysis to satisfy provisions of the OQ regulations? (§§ 192.805(d), 195.505(d))

Comments: None.

Associations Proposed Redlines:

None.

(33)FAQ #33 - How should operators monitor individuals between reevaluation intervals to ensure that the individuals continue to remain properly qualified? (§§ 192.805(e), 195.505(e))

Comments: None.

Associations Proposed Redlines:

None.

(34)FAQ#34 - How should an operator determine the reevaluation interval for individuals performing covered tasks? (§§ 192.805(g), 195.505(g))

Comments: The Associations suggest removing the second sentence as it does not enhance the guidance provided in this FAQ and may lead to more confusion instead of providing clarity.

Associations Proposed Redlines:

Necessary reevaluation intervals may be affected by task difficulty or complexity, task importance or safety sensitivity, and the frequency with which a task is performed. ~~Operators may consider existing consensus standards and industry practice, their operating history, and the operational characteristics of their pipeline facilities.~~ For infrequently performed tasks, such as hot tapping, an operator may choose to evaluate and qualify individuals immediately before the task is performed.

(35)FAQ#35 - How should an operator document compliance with OQ regulations? (§§ 192.807, 195.507)

Comments: The Associations believe that the clear and concrete recordkeeping language within the current FAQ response is beneficial. The Associations recommend that it be retained.

The Associations also note that PHMSA's draft FAQs organize this FAQ under the header "Program Performance and Improvement." It may more appropriate to title this section of the FAQs "Program Documentation" or something similar.

Associations Proposed Redlines:

The OQ regulations require the operator to maintain records that demonstrate compliance with subpart N of part 192, subpart G of part 195, and with its written OQ program.

All records and documents referenced in the operator's OQ program and necessary to verify compliance with provisions of the regulations must be available and retained for the period specified in the program, consistent with regulatory requirements. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of at least five years.

(36)FAQ#36 - Must records be maintained on the methods used to identify which tasks are covered tasks? (§§ 192.805(a), 192.807, 195.505(a), 195.507)

Comments: None.

Associations Proposed Redlines:

None.

(37)FAQ#37 - Must records be maintained that show how the operator determined the intervals at which an individual performing a covered task will need to be reevaluated? (§§ 192.805(g), 195.505(g))

Comments: The process by which operators determine their reevaluation intervals is not required by regulation. Operators are simply required to have those intervals defined in their OQ plans. The Associations recommend the removal of this FAQ to ensure consistency between guidance and regulatory requirements.

Associations Proposed Redlines:

~~Yes.~~

(38)FAQ#38 - What types of changes should be communicated to individuals performing covered tasks? (§§ 192.805(f), 195.505(f))

Comments: The Associations largely support this FAQ, but believe the reference to the overall OQ plan leaves too much room for interpretation or an overly broad expectation. The Associations recommend that reference be deleted. The Associations also suggest modified language for the first type of change to make it broadly applicable and appropriate for this OQ FAQ.

As discussed previously, the Associations also recommend that references to the *PHMSA Operator Qualification Glossary* be removed from the FAQs.

Associations Proposed Redlines:

Numerous changes may occur that impact how a covered task is performed. Changes that need to be communicated to individuals performing covered tasks may include:

- a. Modifications to ~~company~~ operator O&M manuals, policies or procedures;
- b. Changes to State or Federal regulations;
- c. Utilization of new equipment and/or technology; and
- d. New information from equipment or product manufacturers.

The operator should ~~document~~ include provisions in its OQ program for communicating information on significant changes to individuals performing affected covered tasks. ~~to describe what changes must be communicated, how these changes are to be communicated, to whom they are to be communicated, and within what time frame communication is required.~~

The program plan should also describe conditions under which changes are sufficiently substantive to require individuals performing covered tasks to be retrained and reevaluated prior to performing the task subject to the change. See 64 FR at 46863.

Under §§ 192.805(i) and 195.505(i), the operator must notify the PHMSA Administrator or a State agency if the operator significantly modifies its OQ program after the Administrator or State agency verifies that the program complies with the pipeline safety regulations. ~~As defined by the PHMSA Operator Qualification Glossary,~~ In this FAQ, "significant" includes (but is not

limited to): increasing evaluation intervals and span-of-control ratios, eliminating covered tasks, ~~and changing~~ mergers and/or acquisitions, and evaluation methods (e.g. written versus observation methods), ~~and the overall OQ plan. The PHMSA Operator Qualification Glossary may be found here: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/OQ_Glossary.pdf.~~

(10.1) Will state or Federal regulators disseminate OQ Program review criteria to operators?

Comments: While the Associations appreciate that this FAQ may be deemed obsolete due to the implementation of existing OQ Program evaluation protocols, the Associations ask that PHMSA describe in the finalization of these FAQs their intention with protocols going forward. It is the Associations' hope that protocols continue to be utilized for regulatory consistency.

Associations Proposed Redlines: None.

(39)FAQ#39 - What will the role of the Federal or State inspector be in evaluating the validity of written examinations and the associated answer keys? (§§ 192.805(b), 195.505(b))

Comments: This FAQ does not provide detail on what methods regulators will use in inspecting written examinations and associated answer keys. The Associations recommend that a universal and transparent approach be adopted by federal and state regulators. It is also unclear how inspectors will evaluate the effectiveness of evaluations performed by third-parties. Is it PHMSA's intention to evaluate these third-parties independently?

Furthermore, the Associations believe requiring qualified individuals to understand the basic steps in a procedure is beyond what is expected of these individuals. What is important is that they are able to perform the task safely.

Associations Proposed Redlines:

Written examinations should be designed to objectively evaluate the knowledge of the individual seeking qualification to perform a covered task. These examinations will not necessarily evaluate the skills and abilities of the individual; however, testing should cover key information needed to perform a task, ~~possibly including the reasons behind the basic steps in a procedure. Federal or State inspectors will evaluate the effectiveness of all evaluation methods, including written examinations.~~

(40)FAQ#40 - Does a supervisor or foreperson need to be qualified for all tasks carried out under his/her management? (§§ 192.805(b), (c); 195.505(b), (c))

Comments: None

Associations Proposed Redlines:

None

Respectfully Submitted,

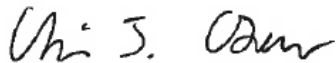
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Erin Kurilla, Vice President, Operations
and Pipeline Safety
American Public Gas Association
201 Massachusetts Avenue, NE
Washington, D.C. 20002
(202) 905-2904
ekurilla@apga.org



Dave Murk, Pipeline Manager
American Petroleum Institute
1220 L Street, NW
Washington, D.C. 20005
(202) 682-8000
murkd@api.org



C.J. Osman, Vice President, Government Affairs
Interstate Natural Gas Association of America
20 F Street, NW
Washington, D.C. 20001
(202) 216-5912
cjosman@ingaa.org



Christina Sames, Vice President, Operations and
Engineering
American Gas Association
400 North Capitol Street, NW
Washington, D.C. 20001
(202) 824-7214
csames@aga.org



Sonal Patni, Director, Operations and
Engineering Services
American Gas Association
400 North Capitol Street, NW
Washington, D.C. 20001
(202) 824-7328
spatni@aga.org