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## THE TRANSFORMATION OF THE ENERGY SECTOR

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### PIPELINES

#### NTSB turning to voluntary recommendations

Mike Soraghan, E&E News reporter

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COLUMBUS, Ohio — Safety watchdogs at the National Transportation Safety Board (NTSB) are starting to favor recommending voluntary measures to industry rather than demanding regulatory changes, an agency pipeline official said.

"With NTSB regulatory recommendations, we're getting diminishing returns," Robert Hall, the agency's director of railroad, pipeline and hazardous material investigations, told a conference of state pipeline officials here. "There is definite shift in the NTSB to move toward industry recommendations."

Hall made his remarks at the end of a series of presentations to the state officials about "safety management systems," an effort to get companies to move past minimum regulations and instill a culture of safety.

He traced the trend back to an 800,000-gallon pipeline spill near Kalamazoo, Mich., in 2010, which was followed a few weeks later by a fatal pipeline blast in San Bruno, Calif. In its report on the spill, NTSB recommended that the American Petroleum Institute (API) develop a safety management system for pipelines.

It was a "deliberate move" to make the recommendation to industry, Hall said, rather than federal pipeline regulators at the Pipeline and Hazardous Materials Safety Administration (PHMSA).

That resulted in API's new Recommended Practice 1173, which according to API literature "establishes a pipeline safety management systems (PSMS) framework" for operators.

PHMSA officials have been promoting the safety management system concept at the national meeting of the National Association of Pipeline Safety Representatives, being held here at the Columbus Zoo and Aquarium. But Alan Mayberry, a top career official, stressed that the agency doesn't intend to add the voluntary guidelines practice to agency regulations.

"We believe in it so much, we don't need to regulate right now," said Mayberry, associate administrator for pipeline safety. "We want people to want it and not force it down throats."

He noted the agency could still order compliance with the standard as part of a corrective order.

But some pipeline officials have taken a skeptical view of "SMS," as safety management systems are called. Some see it as simply another buzzword. Others fear it's destined to be incorporated into federal regulations.

"The underlying concern is that someday this is going to be a regulation," said Leo Haynos, chief of gas operations and pipeline safety at the Kansas Corporation Commission.

But Massoud Tahamtani, director of the Virginia State Corporation Commission Division of Utility and Railroad Safety, said SMS helps to forestall federal regulations by making accidents less likely.

"When bad things happen, we lose control," Tahamtani said. Pointing to Hall, he said an accident could lead NTSB to push for stricter federal rules.

Hall said NTSB has been happy with the results of its recommendation to API.

"It's working from our perspective," he said. "I don't see us changing with the next big accident."

NTSB did recommend regulatory changes to PHMSA after the 2010 pipeline spill. But Hall said the request to API was a key recommendation.

Some aspects of an oil pipeline rule expected later this year grew from the Michigan spill, such as requirements for leak detection. And Hall noted that NTSB is still pushing for a recommendation derived from the San Bruno tragedy to remove a "grandfather clause" exemption and require older pipelines to undergo certain types of pressure testing.

But the length of time it takes to change regulations has NTSB looking for ways to make faster improvements in safety, Hall said.

"They're hard to get done," he said, "and you're getting to more prescriptive, tiny little things that you're asking to change."

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Twitter: [@MikeSoraghan](#) | Email: [msoraghan@eenews.net](mailto:msoraghan@eenews.net)



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