



NATIONAL ASSOCIATION OF PIPELINE SAFETY REPRESENTATIVES RESOLUTION

**Central Region
State of Illinois
Resolution 2007-04-AC 1**

Action Category 1

WHEREAS: There is a class of natural gas incidents referred to as “fire-first,” which occur when a fire initiates from a cause unrelated to jurisdictional pipeline facilities (ie; facilities covered under the federal pipeline safety regulations), but jurisdictional facilities are subsequently damaged;

WHEREAS: On November 5, 1973, the Office of Pipeline Safety issued an interpretation of 49 CFR 191.5 which found that operators were required to report “fire-first” natural gas incidents. The specific language found in the interpretation includes: “Telephonic notice of certain leaks as defined in 49 CFR § 191.5 applies to all leaks in the pipeline systems regardless of their cause. The primary purpose of the Reporting Requirements regulation is to provide for the accumulation of factual data that will give the department a sound statistical base with which to find safety problems, determine their underlying causes, and propose regulatory solutions.”;

WHEREAS: From 1984-2004, the instructions for completing a distribution system incident report specifically stated that “fire-first” incidents were not reportable. The instructions stated: “Damage from secondary ignition need not be reported unless the damage to facilities subject to Part 192 exceeds \$50,000. Secondary ignition is a gas fire where the cause is unrelated to the gas facilities such as electrical fires, arson, etc.”;

WHEREAS: This exemption language disappeared when the report form was revised in 2004;

WHEREAS: Reporting of incidents in which damage to jurisdictional pipeline facilities is secondary to other events provides no significant data relating to the safety of the pipeline system, and treating “fire-first” events as reportable incidents is misleading, improperly inflates the number of incidents occurring on gas systems, and results in a record that inappropriately includes events that did not originate on jurisdictional facilities;

THEREFORE BE IT RESOLVED: That PHMSA issue a notice of proposed rulemaking to revise CFR § 191.3 to read as follows:

"Incident" means any of the following events:

- (a) (1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and **which results in;**
 - (i) A death, or personal injury necessitating in-patient hospitalization; or
 - (ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.
- (2) An event that results in an emergency shutdown of an LNG facility.
- (3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).;

(b) Damage from secondary ignition need not be reported unless the damage to facilities subject to Part 192 exceeds \$50,000. Secondary ignition is a gas fire where the cause is unrelated to the gas facilities such as electrical fires, arson, etc.;

or in the alternative, if PHMSA believes this data has value, classify "fire-first" incidents in a separate reporting category for events that did not originate on jurisdictional facilities.

NOTE: This resolution was conditionally approved by the Board on August 30, 2007 and the modified version above, approved by the Board on September 25, 2007.