



U.S. Department of Transportation  
**Pipeline and Hazardous  
Materials Safety Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

**NOTICE TO INTRASTATE HAZARDOUS LIQUID, INTERSTATE GAS AND  
HAZARDOUS LIQUID PIPELINE AND LIQUEFIED NATURAL GAS FACILITY  
OPERATORS AFFECTED BY HURRICANE IAN**

September 27, 2022

RE: Emergency Stay of Enforcement for Operators Affected by Hurricane Ian

In light of Hurricane Ian, PHMSA recognizes that pipeline and liquefied natural gas (LNG) facility operators impacted by events may be faced with resource constraints while engaged in response and recovery efforts. Limited resources and the exigencies of the response and recovery effort may require service by pipeline personnel that may not fully meet federal operator qualification (OQ) and employment drug testing requirements.

Federal regulations in Title 49, Code of Federal Regulations (C.F.R.), Subpart N of Part 192, Subpart H of Part 193, and Subpart G of Part 195, require operators to ensure, through evaluation or training, that each worker performing operation or maintenance activities is either qualified under the operator's written OQ program or has demonstrated capability to perform assigned functions. In addition, the regulations under 49 C.F.R. § 199.105 require pre-employment and random drug testing for workers who perform certain activities, known as “covered functions.”

In light of the response and recovery efforts, this Notice advises pipeline and LNG operators affected by Hurricane Ian that PHMSA does not intend to take any enforcement action relating to their noncompliance with operator qualification requirements found in 49 C.F.R. §§ 192.801-192.809 and 195.501-195.509, the training requirements in 49 C.F.R. §§ 193.2707-2709 and 193.2713-2717, or pre-employment and random drug testing requirements found in 49 C.F.R. § 199.105(a) and (c) arising from the use of personnel for pipeline activities related to response and recovery. Operators who determine they cannot comply with these requirements because of limited resources should notify the PHMSA National Safety Coordinator, Mr. Rod Seeley, at (281) 513-1741 or [Rodrick.M.Seeley@dot.gov](mailto:Rodrick.M.Seeley@dot.gov) and maintain documentation of instances in which they are unable to fully comply with these requirements. Please note that this stay of enforcement applies only to operators faced with limited resources as a result of the impacts of the storm and does not relieve them from acting reasonably by using trained, non-impaired workers to perform operations and maintenance tasks.

PHMSA takes this temporary action while we continue to prepare for and monitor the recovery efforts following the hurricane. This document, and the associated enforcement stay, is effective on the date of this Notice, and will remain in effect for 45 days, unless PHMSA determines in writing that it should be extended. Nothing in this letter prohibits PHMSA from rescinding this

stay and enforcing the incorporated provisions if it determines that a significant safety issue or other circumstance warrants doing so, including finding there is no longer a need for the stay.

Furthermore, pipeline operators subject to this stay remain responsible for the safe operation of their systems and nothing in this Notice relieves operators from compliance with any other applicable provisions of the federal pipeline safety regulations. Operators are encouraged to communicate with Mr. Rod Seeley regarding any questions related to this notification and long-term issues they may be facing as a result of the hurricane.



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Alan K. Mayberry  
Associate Administrator for Pipeline Safety