

Charter of the Technical Hazardous Liquid Pipeline Safety Standards Committee

U.S. Department of Transportation

1. **Committee's Official Designation.** The Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC), informally known as the Hazardous Liquid Pipeline Advisory Committee (LPAC).
2. **Authority.** Section 60115 of the United States Code (U.S.C.), Title 49, requires the establishment and prescribes the duties of THLPSSC. 49 U.S.C. § 60102(b)(4)(B) prescribes additional duties of THLPSSC. This Committee is established in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2.
3. **Objectives and Scope of Activities.**
 - a. The Designated Federal Officer (DFO) shall submit to the committee for its consideration any notice of proposed hazardous liquid pipeline safety standards published in the Federal Register, including both new standards and amendments to existing standards, to include any supporting analyses (e.g., risk assessment or economic analysis, environmental analysis). Within 90 days after receipt by the committee of any such proposal, the committee shall prepare a report on the technical feasibility, reasonableness, cost-effectiveness, and practicability of the proposal, as well as an evaluation of the merit of the data and methods used, and any recommended options relating to the risk assessment information and the associated standard that the committee determines to be appropriate. The transcript of the meeting, together with the presentation slides documenting the committee's votes during each meeting, shall serve as the report for each proceeding.
 - b. Each timely report by the committee, including any minority views, shall form a part of the proceedings for the promulgation of the standard and be incorporated in the preamble published with the final rule in the Federal Register. The administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) may prescribe a final standard at any time after the 90-day mark following a proposal's submission to the committee, regardless of whether the committee has reported on such proposal. The administrator shall not be bound by the conclusions of the committee. In the event the conclusions of the majority of the current members of the committee are rejected, the reasons for rejection shall also be incorporated in the preamble of the final rule, 49 U.S.C. § 60115.
 - c. If the proposed safety standard is submitted as a Direct Final Rule and is approved by the committee, minority views will not be treated as adverse comments unless they are submitted to the docket.
 - d. The committee may propose safety standards for hazardous liquid pipeline facilities to the DFO for consideration. The committee may review and report on other matters related to the Department of Transportation's (DOT) pipeline safety rulemaking function, as presented by the DFO. The committee may also be requested by the DFO to make recommendations concerning policy development.
4. **Description of Duties.** The committee shall serve as a peer-review committee regarding carrying out 49 U.S.C. ch. 601.

5. **Agency to Which the Committee Reports.** The LPAC is a committee of DOT and provides advice to the Secretary.
6. **Support.** PHMSA's Office of Pipeline Safety is the committee's sponsor.
7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost is approximately \$40,000, in addition to the \$22,000 salary and benefits for approximately 0.125 full-time equivalent support staff.
8. **Designated Federal Officer.** The Associate Administrator for Pipeline Safety is designated as the DFO of the committee. The DFO (or designee) shall be the DOT official authorized to call all committee and subcommittee meetings, prepare and approve all meeting agendas, attend all committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, chair meetings when directed to do so by the Secretary, and otherwise monitor the committee's meetings and progress.
9. **Estimated Number and Frequency of Meetings.** The committee meets approximately four times each calendar year.
10. **Duration.** Continuing.
11. **Termination.** This charter will terminate 2 years after its effective date unless it is renewed in accordance with FACA and other applicable requirements.
12. **Membership and Designation.** The committee membership is established by 49 U.S.C. § 60115.
 - a. The committee shall comprise 15 members, each of whom shall be appointed by the PHMSA Administrator after consultation with public and private agencies that are concerned with the technical aspect of the transportation of hazardous liquids or the operation of pipeline facilities. Members shall be appointed based on their experience in the safety regulation of the transportation of hazardous liquids and pipeline facilities, or must be technically qualified to evaluate hazardous liquid pipeline safety standards or risk-management principles by training, experience, or knowledge in one or more fields of engineering that are applicable to the transportation of hazardous liquids or operation of a hazardous liquid pipeline facility.
 - b. Five members shall be selected from Federal or State government agencies. Two of the five shall be state officials who are selected after consultation with representatives of national organizations of state commissioners or utility regulators.

- c. Five members shall be selected from the hazardous liquid industry, after consultation with industry representatives. At least three of the five shall be currently engaged in the active operation of hazardous liquid pipelines. At least one of the five shall have education, background, or experience in risk assessment and cost-benefit analysis.
 - d. Five members shall be selected from the public, including two members who have education, background, or experience in environmental protection or public safety. At least one of the five members shall have education, background, or experience in risk assessment and cost-benefit analysis. At least one public member shall represent the interests of pipeline worker safety. At least one public member shall represent the interests of environmental impact mitigation, particularly impacts that are closely tied to safety. No public member may have a significant financial interest in the pipeline, petroleum, or gas industry. At least one of the members shall have no financial interests in the pipeline, petroleum, or natural gas industries.
 - e. Members appointed solely for their individual views or expertise shall serve as special government employees.
 - f. Within the statutory limitations, the membership shall be fairly balanced in terms of the points of view represented; the advice and recommendations of the committee shall be the result of its independent judgment (FACA §§ 5(b)(2)-(3)).
 - g. Members are appointed for a term of 3 years, except that a member may serve until his or her successor is appointed. Members may be reappointed.
 - h. To ensure that the recommendations of the Committee have considered the needs of diverse groups served by the Department, membership shall include, to the extent practicable, persons with lived experience and knowledge of the needs of underrepresented groups.
 - i. All members serve at the pleasure of the PHMSA Administrator.
13. **Subcommittees.** The PHMSA Administrator has the authority to create subcommittees. Subcommittees shall submit their findings or reports back to their parent committee for review and consideration, and must never submit directly to PHMSA or the Secretary. Each subcommittee operates under the provisions of FACA, governing Federal statutes and regulations, and governing DOT policies and procedures.
14. **Recordkeeping.** The records, reports, minutes, and other documents of the committee shall be available for public inspection and copying at the Office of Pipeline Safety, 1200 New Jersey Avenue SE, Washington, D.C. 20590, subject to the Freedom of Information Act, 5 U.S.C. § 552. In addition, the records listed above can be found on the electronic docket at: <http://www.regulations.gov>.
- The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 6.2 or another approved agency record-disposition schedule.
15. **Filing Date.** The effective date is October 21, 2022, and the charter will expire 2 years from that date on October 21, 2024, unless renewed.