



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

1200 New Jersey Ave., S.E.
Washington, DC 20590

To Interstate Gas and Hazardous Liquid Pipeline Operators Affected by Hurricane Harvey

September 1, 2017

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

In light of Hurricane Harvey, PHMSA recognizes that pipeline 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 49 C.F.R. part 192, subpart N, and part 195, subpart G, require pipeline operators to ensure through evaluation that each worker performing critical safety activities, known as “covered tasks,” are qualified under the operator’s written OQ program. Likewise, the regulations require pre-employment and random drug testing for workers who perform certain activities, known as “covered functions,” under 49 C.F.R. § 199.105.

In light of the ongoing response and recovery efforts, this letter notifies pipeline operators affected by Hurricane Harvey 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, or pre-employment and random drug testing requirements found in 49 C.F.R. § 199.105(a), (c) arising from the use of personnel for pipeline activities related to response and recovery. Operators are encouraged to maintain documentation of instances in which they are unable to fully comply with these requirements. This enforcement stay 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 monitor the recovery efforts following the storm. This document, and the associated enforcement stay, is effective from August 25, 2017, and will remain in effect until 45 days from the date of this letter, 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 letter relieves operators from compliance with any other applicable provisions of the federal pipeline safety regulations. Operators are encouraged to communicate with the National Safety Coordinator, Rod Seeley, at 281-513-1741, with any

questions related to this notification, and longer term issues they may be facing as a result of the hurricane.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan K. Mayberry", with a stylized flourish at the end.

Alan K. Mayberry
Associate Administrator
for Pipeline Safety