

**Statement of
Karen Haase
on behalf of API and AOPL
at the
PHMSA Public Awareness Workshop
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Introduction:

Good morning—I'm happy to be here representing API—the American Petroleum Institute and AOPL—Association of Oil Pipelines.

The thing that stands out to me and to many of the operators I've talked to about public awareness is that we're at the start. Over the past four years, they have been taking on a very challenging job for the first time.

When the first edition of RP 1162 was being drafted, the goal was to craft public awareness regulations that were clear, reasonable and practical so that pipeline safety was enhanced. That meant clarifying what public awareness actually means, determining the techniques and logistics for achieving it, and then measuring it.

And it meant taking on this task for the many millions of people who live or work along the hundreds of thousands of miles of pipeline that run across our nation. Communicating anything is hard. Teaching children to read and write. Convincing the public to wear seatbelts. Convincing people one political candidate is better than another.

Educators and communicators barrage people with information to accomplish these things, and it is hard to do. Sometimes people aren't listening because they do indeed have more important things to do. Or don't have time. Or don't have enough interest even though we think they should.

We have to be honest and realistic about the magnitude of our challenge and the fact that we are at the relative beginning of our learning curve. This is not an excuse not to bring our best efforts, to try new things, and to keep at it. But it's a call for some realism. We are still in the early stages of doing some very hard things. We are not as good as we're going to get. And operators and regulators need to work together to get better together. Already, much has been done to enhance public awareness since the first version of RP 1162 came out in 2003---and much has been learned. We are getting better at making stakeholders aware. But we will improve as we gain more experience.

And, as part of that effort, we will make RP 1162 better as we are now doing with a new edition scheduled to come out later this year. The 1st edition was a monumental achievement – and kudos go out to all of the folks in the industry and at PHMSA who worked so hard on it. Creating something from nothing is tough. Building something from the ground up is hardest. That first edition was a first cut at a very difficult

problem. It was not perfect. Putting it into practice revealed some shortcomings. It was not as clear, practical and straightforward as everyone had hoped. And as we continue to learn more in implementing public awareness programs, further changes may be required beyond the improvements now in the pipeline.

The proposed revisions in the second edition of RP 1162 address some of the challenges that industry Operators face, as well as increase the effectiveness of Operator public awareness programs—provisions such as more flexibility on delivery methods and increased guidance to help an Operator determine the parameters to distribute its public awareness materials to the affected public. One notable change is the elimination of impractical provisions, such as “Measure 3—Desired Behaviors by the Intended Stakeholder Audience” as a gauge of program effectiveness. While changing behavior is a desirable goal, the focus of the RP is increasing **awareness** and it is impossible for an operator to make a determination that it was its public awareness program that prompted the behavior change.

Examples

As Operators have tried to work their way through the first implementation period, they've encountered several challenges. **Evaluating the effectiveness of their programs** was something that most Operators had never done before and this was perhaps the biggest challenge. How can you actually prove how many individuals were actually reached with your communications?

Triggers for supplemental programs and a **requirement for measuring changes in behavior** are two more examples of industry challenges.

The regulations give a lot of discretion to operators to decide whether and what supplemental elements should be added to their basic programs. But if they can't exercise that discretion without a lot of second-guessing from inspectors, it puts operators in a difficult position. Flexibility and discretion are critical because one-size-fits-all solutions don't make sense with such a diverse industry operating in so many different environments. Operators need leeway.

In a few places, the regulations are overambitious to the point of impossibility. We can work to enhance awareness. We can roughly gauge progress in raising awareness. But it's not possible to measure changes in behavior in any statistically significant way. Anecdotally, some information of this nature may come to the attention of some operators, and it's worth looking at and may even provide insights that could strengthen programs, but a systematic effort to measure behavior across stakeholder groups is impractical and would waste resources that could be put to better use.

In surveying our members about the challenges they face, several mentioned that they felt PHMSA was expecting them to implement activities above what is required by regulation. While they would not want the regulation to be incredibly prescriptive, it is difficult to predict what an individual inspector views as “improvement.” One Operator said that during a recent inspection, when the Operator mentioned that it annually sends

informational materials to all stakeholders—which is a higher frequency than the regulation requires—it was asked to prove that the mailing was received. The survey method used—including the API survey and the Operator’s own survey cards—was not viewed as adequate for evaluating effectiveness of this population.

Conclusion

Ultimately, what operators want are reasonable, clear rules. They want to know what they are expected to do before they are inspected, not as a result of an inspection. If they are to be given discretion in what to do in some areas, that discretion should be respected.

A key ingredient to success is clear communication from PHMSA. Operators need to know what PHMSA’s expectations are and how it interprets the regulations. PHMSA also needs to do a better job communicating internally with its field personnel, so inspections and audits are handled consistently regardless of who the auditor is.