



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

8701 S. Gessner, Suite 630
Houston, TX 77074

NOTICE OF AMENDMENT

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

August 24, 2017

Ms. Marie Ffolkes
President – Industrial Gas America
Air Products & Chemicals Inc.
7201 Hamilton Blvd
Allentown, PA 18195

CPF 4-2017-1010M

Dear Ms. Marie Ffolkes:

On multiple dates between the months of January and June of 2017, representatives of the Pipeline and Hazardous Materials Safety Administration (PHMSA) pursuant to Chapter 601 of 49 United States Code inspected Air Products & Chemicals Inc. (Air Products) procedures for Operations and Maintenance of the Gulf Coast Pipeline facilities in Texas and Louisiana.

On the basis of the inspection, PHMSA has identified the apparent inadequacies found within Air Products plans or procedures, as described below:

1. §192.805 Qualification program

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;

Air Products written qualification program is inadequate because it contained span of control limits of 1:3 for some covered tasks that only 1 non-qualified individual could perform while under the direction and observation of a qualified individual.

- Task 408OP: Inspect Cathodic Protection Rectifier
- Task 409OP: Inspect Interference Bonds
- Task 419OP: Test Point Survey
- Task 607OP: Damage Prevention: Observation of Excavating and Backfilling.

Task 408OP, 409OP and 419OP all require an individual to measure voltage and/or current using an electrical meter, so it is not reasonable that three individuals could be doing any of these tasks at the same time while one qualified individual is directing and observing them in a manner that would allow the qualified individual to intervene if necessary.

Excavation activities, including but not limited to, excavation, drilling, dredging, directional drilling, blasting, boring, tunneling, backfilling, the removal of above ground structures by either explosive or mechanical means, and other earthmoving operations. Again, it is not reasonable that three unqualified individuals can be observed by one qualified individual effectively because the qualified individual could not take immediate corrective action if necessary.

Air Products must amend their written Operator Qualification procedure to the appropriate ratio (span of control) of qualified to non-qualified personnel for each covered task.

Response to this Notice

This Notice is provided pursuant to 49 U.S.C. § 60108(a) and 49 C.F.R. § 190.206. Enclosed as part of this Notice is a document entitled *Response Options for Pipeline Operators in Compliance Proceedings*. Please refer to this document and note the response options. Be advised that all material you submit in response to this enforcement action is subject to being made publicly available. If you believe that any portion of your responsive material qualifies for confidential treatment under 5 U.S.C. 552(b), along with the complete original document you must provide a second copy of the document with the portions you believe qualify for confidential treatment redacted and an explanation of why you believe the redacted information qualifies for confidential treatment under 5 U.S.C. 552(b).

Following the receipt of this Notice, you have 30 days to submit written comments, revised procedures, or a request for a hearing under §190.211. If you do not respond within 30 days of receipt of this Notice, this constitutes a waiver of your right to contest the allegations in this Notice and authorizes the Associate Administrator for Pipeline Safety to find facts as alleged in this Notice without further notice to you and to issue an Order Directing Amendment. If your plans or procedures are found inadequate as alleged in this Notice, you may be ordered to amend your plans or procedures to correct the inadequacies (49 C.F.R. § 190.206). If you are not contesting this Notice, we propose that you submit your amended procedures to my office within [number of days] days of receipt of this Notice. This period may be extended by written request for good cause. Once the inadequacies identified herein have been addressed in your amended procedures, this enforcement action will be closed.

It is requested (not mandated) that Air Products maintain documentation of the safety improvement costs associated with fulfilling this Notice of Amendment (preparation/revision of plans, procedures) and submit the total to Frank Causey, Acting Director, Southwest Region, Pipeline and Hazardous Materials Safety Administration. In correspondence concerning this matter, please refer to **CPF 4-2017-1010M** and, for each document you submit, please provide a copy in electronic format whenever possible.

Sincerely,



Frank Causey
Acting Director, Southwest Region
Pipeline and Hazardous Materials Safety Administration

Enclosure: *Response Options for Pipeline Operators in Compliance Proceedings*