

February 27, 2024

**VIA ELECTRONIC MAIL TO: john.d'andrea@bp.com**

John D'Andrea  
Vice President  
BP Pipelines (North America) Inc.  
30 S. Wacker Drive  
Floor 10S  
Chicago, Illinois 60606

**Re: CPF No. 2-2023-020-NOPV**

Dear Mr. D'Andrea:

Enclosed please find the Final Order issued in the above-referenced case. It makes findings of violation and finds that the civil penalty amount of \$41,600 has been paid in full. This case is now closed. Service of the Final Order by e-mail is effective upon the date of transmission and acknowledgement of receipt as provided under 49 C.F.R. § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

Enclosures (Final Order and NOPV)

cc: Mr. James A. Urisko, Director, Southern Region, Office of Pipeline Safety, PHMSA  
Mr. Chris Vodicka, Vice President, BP Pipelines (North America) Inc.,  
chris.vodicka@bp.com  
Mr. Timothy J. R. Smith, Compliance Manager, BP Pipelines (North America) Inc.,  
timothy.smith@bp.com



Mr. Jim Bruen, Senior DOT Compliance Advisor, BP Pipelines (North America) Inc.,  
jim.bruen@bp.com  
Mr. John Page, DOT Compliance Advisor, BP Pipelines (North America) Inc.,  
john.page@bp.com

CONFIRMATION OF RECEIPT REQUESTED



**U.S. DEPARTMENT OF TRANSPORTATION  
PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION  
OFFICE OF PIPELINE SAFETY  
WASHINGTON, D.C. 20590**

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<b>In the Matter of</b>	)		
	)		
<b>BP Pipelines (North America) Inc.,</b>	)		<b>CPF No. 2-2023-020-NOPV</b>
	)		
<b>Respondent.</b>	)		
	)		

**FINAL ORDER**

On December 21, 2023, pursuant to 49 C.F.R. § 190.207, the Director, Southern Region, Office of Pipeline Safety (OPS), issued a Notice of Probable Violation and Proposed Civil Penalty (Notice) to BP Pipelines (North America) Inc. (Respondent). The Notice proposed finding that Respondent had violated the pipeline safety regulations in 49 C.F.R. Part 199<sup>1</sup> and proposed a civil penalty of \$41,600. Respondent did not contest the allegations of violation or the proposed civil penalty and paid the proposed civil penalty in full on January 19, 2024.

Based upon a review of all of the evidence, pursuant to § 190.213, I find Respondent violated the pipeline safety regulations listed below, as more fully described in the enclosed Notice, which is incorporated by reference:

49 C.F.R. § 40.25(a) (**Item 1**) — Respondent failed to obtain the information listed in § 40.25(b) about employees seeking to begin performing safety-sensitive duties for the first time in calendar year 2022; and

49 C.F.R. § 199.105(e) (**Item 2**) — Respondent incorrectly conducted DOT return-to-duty drug tests of two covered employees for the presence of a prohibited drug when these employees had not refused to take a drug test and did not have a positive drug test result and were required to take and pass a DOT pre-employment drug test before returning to perform covered functions.

These findings of violation will be considered prior offenses in any subsequent enforcement action taken against Respondent. In accordance with 49 C.F.R. § 190.223, Respondent is assessed the proposed civil penalty amount of \$41,600, which Respondent has already paid in full.

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<sup>1</sup> In accordance with 49 C.F.R. § 199.5, violations of the DOT Procedures in 49 C.F.R. Part 40 regarding anti-drug and alcohol programs required by 49 C.F.R. Part 199 are considered violations of Part 199.

**Warning Item**

With respect to Item 3, the Notice alleged a probable violation of 49 C.F.R. § 199.119(f) but did not propose a civil penalty or compliance order for this Item. Therefore, this is considered to be a warning item. If OPS finds a violation of this provision in a subsequent inspection, Respondent may be subject to future enforcement action.

The terms and conditions of this order are effective upon service in accordance with 49 C.F.R. § 190.5.

February 27, 2024

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Alan K. Mayberry  
Associate Administrator  
for Pipeline Safety

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Date Issued