

August 6, 2025

VIA ELECTRONIC MAIL TO: maionef@airproducts.com

Mr. Francesco Maione
President, Americas
Air Products & Chemicals Inc.
1940 Air Products Blvd
Allentown, Pennsylvania 18106

Re: CPF No. 4-2024-045-NOPV

Dear Mr. Maione:

Enclosed please find the Final Order issued in the above-referenced case. It withdraws the allegation of violation in the Notice of Probable Violation issued on October 21, 2024. Accordingly, 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 CFR § 190.5.

Thank you for your cooperation in this matter.

Sincerely,

Linda Daugherty
Associate Administrator
for Pipeline Safety

cc: Bryan Lethcoe, Director, Southwest Region, Office of Pipeline Safety
J.W. Riley, Compliance Manager, North American Pipelines, Air Products,
rileyjw@airproducts.com
Ron Wills, Director, North American Pipeline Operations, Air Products,
willsrm@airproducts.com

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

In the Matter of

Air Products & Chemicals Inc.,

Respondent.

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CPF No. 4-2024-045-NOPV

FINAL ORDER

From June 20 through September 27, 2023, pursuant to 49 U.S.C. § 60117, a representative of the Pipeline and Hazardous Materials Safety Administration (PHMSA), Office of Pipeline Safety (OPS), conducted an on-site pipeline safety inspection of the facilities and records of Air Products & Chemicals Inc.'s (Air Products or Respondent) hydrogen gas pipeline in Los Angeles County, California.

As a result of the inspection, the Director, Southwest Region, OPS (Director), issued to Respondent, by letter dated October 21, 2024, a Notice of Probable Violation and Proposed Compliance Order (Notice). In accordance with 49 CFR § 190.207, the Notice proposed finding that Air Products had violated 49 CFR § 192.616(a) and proposed ordering Respondent to take certain measures to correct the alleged violation. The Notice also included an additional two warning items pursuant to 49 CFR § 190.205, which warned Respondent to correct the probable violations or face possible future enforcement action.

WITHDRAWAL OF ALLEGATION

The Notice alleged that Respondent violated 49 CFR Part 192, as follows:

Item 2: The Notice alleged that Respondent violated 49 CFR § 192.616(a), which states:

§ 192.616 Public awareness.

(a) Except for an operator of a master meter or petroleum gas system covered under paragraph (j) of this section, each pipeline operator must develop and implement a written continuing public education program that

follows the guidance provided in the American Petroleum Institute's (API) Recommended Practice (RP) 1162 (incorporated by reference, *see* § 192.7).

(b) ...

(c) The operator must follow the general program recommendations, including baseline and supplemental requirements of API RP 1162, unless the operator provides justification in its program or procedural manual as to why compliance with all or certain provisions of the recommended practice is not practicable and not necessary for safety.

The Notice alleged that Respondent violated 49 CFR § 192.616(a) by failing to implement a written continuing public education program in accordance with its procedures and API RP 1162, section 2.6, step 12.¹ Specifically, the Notice alleged that Air Products conducted an effectiveness evaluation of its public awareness program on April 25, 2022, that included a set of findings and considerations for Air Products to contemplate implementing into its program. However, the Notice alleged Air Products failed to review the evaluation to determine if any of the findings and considerations should be implemented into its public awareness program.

In its Response, Air Products stated it had performed a review of the April 2022 evaluation on June 8, 2022, and that review included a discussion of whether to implement the findings and considerations listed in the report. Air Product's Response also included an attachment that it asserted was evidence of the June 8, 2022 meeting. Air Products further asserted that since the 2023 PHMSA inspection, it "has improved its process so that 'Key Findings' and 'Considerations' will have documentation on if or if not, changes were needed and why" and included a Blank Assessment Form to demonstrate this new improvement.

In a recommendation for final action submitted pursuant to § 190.209(b)(7), the Director recommended withdrawing the alleged violation of § 192.616(a).

Accordingly, the allegation that Air Products violated 49 CFR § 192.616(a) is hereby withdrawn.

COMPLIANCE ORDER

The Notice proposed a compliance order with respect to Item 2 in the Notice for violation of 49 CFR § 192.616(a). Under 49 U.S.C. § 60118(a), each person who engages in the transportation of gas or who owns or operates a pipeline facility is required to comply with the applicable safety standards established under chapter 601. As discussed above, Item 2 has been withdrawn. Therefore, the compliance terms proposed in the Notice for that Item are not included in this Order.

WARNING ITEMS

¹ See API RP 1162, First Edition, December 2003, Section 2.6, Step 12 ("Implement Continuous Improvement • Determine program changes or modifications based on results of the evaluation to improve effectiveness. Program changes may be areas such as audience, message type or content, delivery frequency, delivery method, supplemental activities, or other program enhancements. • Document program changes. • Determine future funding and internal and external resource requirements resulting from program changes made. • Implement changes.")

With respect to Items 1 and 3, the Notice alleged probable violations of Part 192, but identified them as warning items pursuant to § 190.205. The warnings were for:

49 CFR § 192.491(c) **(Item 1)** — Respondent's alleged failure to maintain a record of each test, survey, or inspection required by Part 192, Subpart I in sufficient detail to demonstrate the adequacy of corrosion control measures or that a corrosive condition does not exist; and

49 CFR § 192.907(a) **(Item 3)** — Respondent's alleged failure to follow its written integrity management program by not completing a questionnaire to select an appropriate inline inspection tool.

With regard to Item 3, Air Products included in its Response the questionnaire at issue and stated that it did not recall being asked to provide the questionnaire earlier. In a recommendation for final action submitted pursuant to § 190.209(b)(7), the Director recommended withdrawing Item 3. Accordingly, Item 3 is withdrawn. If OPS finds a violation of Item 1 in a subsequent inspection, Respondent may be subject to future enforcement action.

Under 49 CFR § 190.243, Respondent may submit a Petition for Reconsideration of this Final Order to the Associate Administrator, Office of Pipeline Safety, PHMSA, 1200 New Jersey Avenue, SE, East Building, 2nd Floor, Washington, DC 20590, with a copy sent to the Office of Chief Counsel, PHMSA, at the same address. The written petition must be received no later than 20 days after receipt of the Final Order by Respondent. Any petition submitted must contain a statement of the issue(s) and meet all other requirements of 49 CFR § 190.243. The terms of the order, including corrective action, remain in effect unless the Associate Administrator, upon request, grants a stay. The terms and conditions of this Final Order are effective upon service in accordance with 49 CFR § 190.5.

Linda Daugherty
Acting Associate Administrator
for Pipeline Safety

Date Issued