



Submitted via www.regulations.gov

September 2, 2025

Sayler Palabrica
Transportation Specialist
Pipeline and Hazardous Materials Safety Administration
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Docket No. PHMSA-2025-0113: Pipeline Safety: Codify Enforcement Discretion of Incidental Gathering Lines

Dear Mr. Palabrica:

The American Petroleum Institute¹ (API), GPA Midstream Association² (GPA Midstream), and the Interstate Natural Gas Association of America (INGAA)³ (collectively, the Associations) submit these comments in support of the Pipeline and Hazardous Materials Safety Administration's (PHMSA or Agency) Notice of Proposed Rulemaking (NPRM) entitled "Pipeline Safety: Codify Enforcement Discretion on Incidental Gathering Lines" published on July 1, 2025.⁴

Background

On November 15, 2021, PHMSA published a Final Rule titled "Pipeline Safety: Safety of Gas Gathering Pipelines: Extension of Reporting Requirements, Regulation of Large, High-Pressure

¹ API represents all segments of America's natural gas and oil industry, which supports more than 11 million U.S. jobs and is backed by a growing grassroots movement of millions of Americans. Our approximately 600 members produce, process and distribute the majority of the nation's energy, and participate in [API Energy Excellence®](#), which is accelerating environmental and safety progress by fostering new technologies and transparent reporting. API was formed in 1919 as a standards-setting organization and has developed more than 800 standards to enhance operational and environmental safety, efficiency and sustainability.

² GPA Midstream has served the U.S. energy industry since 1921. GPA Midstream is composed of approximately 50 corporate members that directly employ over 57,000 employees that are engaged in the gathering, transportation, processing, treating, storage and marketing of natural gas, natural gas liquids (NGLs), crude oil, and refined products, commonly referred to in the industry as "midstream activities." In 2023, GPA Midstream members operated 507,000 miles of pipelines, gathered 91 Bcf/d of natural gas, and operated more than 365 natural gas processing facilities.

³ INGAA is a trade association that advocates regulatory and legislative positions of importance to the interstate natural gas pipeline industry in North America. INGAA is comprised of 29 members, representing the vast majority of the U.S. interstate natural gas transmission pipeline companies. INGAA's members operate nearly 200,000 miles of pipelines.

⁴ 90 Fed. Reg. 28,597.



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Lines, and Other Related Amendments”⁵ (Final Rule), which made certain amendments to the reporting requirements and safety standards for onshore gas gathering lines in 49 C.F.R. Parts 191 and 192. Among the regulatory amendments adopted in the Final Rule was the imposition of a new, 10-mile limitation on the use of the incidental gathering line designation in API RP 80. Specifically, § 192.8(a)(5) was amended to require any “new, replaced, relocated, or otherwise changed” gas gathering pipeline installed after May 16, 2022, that is designated as an “incidental gathering” pipeline in API RP 80 but is 10 miles or more in length must be classified as a transmission pipeline subject to all applicable provisions in Parts 191 and 192.⁶

On December 15, 2021, the Associations submitted a Petition for Reconsideration (Petition) of Final Rule to PHMSA. In the Petition, the Associations sought reconsideration of several provisions in the Final Rule, including § 192.8(a)(5). The Associations requested PHMSA amend the newly adopted §192.8(a)(5) to apply only to new incidental gathering pipelines that are constructed after May 16, 2022. The Associations contended that PHMSA had not accounted for compliance costs and impacts associated with implementation of § 192.8(a)(5). For example, operators who repair, replace, or otherwise change an existing but previously unregulated incidental gathering line that meets the 10-mile threshold would also find themselves having to comply with the conversion-to-service requirements in § 192.14. Additionally, the Associations argued that PHMSA did not consider the costs, benefits, and other impacts of applying the 10-mile limitation on existing Type A, Type B, or Type C incidental gathering lines that become transmission lines due to repair, replacement or other changes that occur in the future.⁷

On May 4, 2022, PHMSA published a response to the Petition, which included a notice of limited enforcement discretion regarding § 192.8(a)(5) for existing incidental gathering lines. PHMSA explained it was issuing the enforcement discretion due to the Associations’ concerns as raised in the Petition. PHMSA, however, declined to amend §192.8(a)(5) at that time, noting it would consider amendments to restrict the 10-mile limitation to newly constructed gas gathering lines in a forthcoming supplemental NPRM.⁸ PHMSA is now proposing to codify this limited enforcement discretion applicable to incidental gathering lines, satisfying its commitment expressed in the response to the Petition.

Comments in Support of NPRM

The Associations support PHMSA’s proposal to codify the statement of limited enforcement discretion for existing incidental gathering lines. The NPRM would provide regulatory certainty

⁵ 86 Fed. Reg. 63,266.

⁶ *Id.* at 63,288.

⁷ GPA and API Petition for Reconsideration of Final Rule, Docket No. PHMSA-2011-0023-0493 (Dec. 15, 2021), <https://www.regulations.gov/document/PHMSA-2011-0023-0493>.

⁸ 87 Fed. Reg. 26,296, 26,297.



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to industry stakeholders and promote a more cost-effective approach to incidental gathering lines. The Associations further maintain that the NPRM would not result in a reduction of safety to the public or environment and agree with PHMSA's statement regarding the lack of "incidents or safety conditions on the gathering lines currently subject to the enforcement discretion."⁹

The Associations believe PHMSA's proposal would alleviate unnecessary regulatory burdens consistent with Executive Order (EO) 14192,¹⁰ while continuing to promote the production and supply of American energy consistent with EOs 14154 and 14156.¹¹ As PHMSA acknowledges in the NPRM, the 2021 amendment to § 192.8(a)(5) poses a potential for significant compliance costs on existing incidental gathering lines affected by the 10-mile limitation – a concern the Associations previously argued had not been adequately considered nor addressed in the Final Rule. PHMSA also indicated that the 2021 amendment to § 192.8(a)(5) may discourage some operators from making voluntary safety improvements on existing incidental gathering lines out of a concern that those efforts could trigger a reclassification of those lines to transmission. The Associations concur with that sentiment and note that the Final Rule created a significant expansion in the safety regulation of gathering lines. This expansion imposed a host of safety requirements on previously unregulated gathering lines and further reduced the need to reclassify already regulated gathering lines to transmission. The NPRM would alleviate the potential for burdensome costs and undue impacts consistent with recent EOs, without increasing safety risks to the public or environment.

The Associations appreciate the opportunity to provide comments in support of this rulemaking action, as well as PHMSA's efforts to resolve the concerns raised in the Petition.

⁹ 90 Fed. Reg. 28,597.

¹⁰ EO 14192, *Unleashing Prosperity through Deregulation*, 90 Fed. Reg. 9,065 (Feb. 6, 2025).

¹¹ EO No. 14154, *Unleashing American Energy*, 90 Fed. Reg. 9,065 (Feb. 6, 2025); EO No. 14156, *Declaring a National Energy Emergency*, 90 Fed. Reg. 8,433 (Jan. 29, 2025).



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