

## **Technical Advisory Committees Summary – Administrative Matters of the Committees**

The following is a summary of comments received by the technical advisory committees in response to a request by the committee's Executive Director seeking counsel on several committee administrative matters including: recommendations on the committee charters, suggestions to improve the process for conducting meetings, and ideas on topics for future policy sessions. Of particular interest was the question of whether or not we should include term limits in the committee charters.

Twelve members responded to our information request -- two Government representatives, two public members and eight industry representatives responded to the request for information on meeting process and format.

### **Charter/term limits -**

*Information request:* Please review the committee's charter. In particular, we would like your advice on the terms of committee members. The current chart does not include a limit only states that members may be reappointed. At the December 2009 meeting, it was suggested that a term limit of three terms (or nine years) be considered.

### **Terms – overall conclusion**

- *Eight of the 12 respondents had no objection to term limits or favored them.*
- *Four of the 12 respondents think the current language in the charter is adequate.*
- *All of the respondents agree we need to have a rotation cycle that ensures that one member of each group remain on the committee to retain historical knowledge.*

### **Comments on pros/cons**

- One member who previously served on the committee when the charter set a term limit stated that was just getting a good handle on the issues and then her term ended.
- Term limits would assure continual rotation of members with new backgrounds and viewpoints.
- Several respondents were in favor of a three-term limit as long as historical knowledge can be retained on the committees by rotating membership in such a way that at least one member from each representative group remains with historical knowledge of the issues.
- Members may spend unnecessary time on bringing members up to speed on topics they felt were already fully vetted.
- Two members felt there is generally adequate turnover in membership so that term limits are not needed. In fact they believe, it is useful to have some more seasoned members on the committee to provide some legacy knowledge as issues and processes are addressed. A good example is Ted Lemoff with NFPA whose role in the LNG standard is unique among any others.
- Bottom line, it would be best to not change the charter and retain the flexibility of extending terms on a case-by-case basis.

- Clarify whether or not a member would be eligible for reappointment after a break in terms (e.g., Could someone serve three consecutive terms, take one term off, and then serve three additional consecutive terms?)

## Meetings and process improvements

*Information request:* At the December meeting we considered two detailed rules with many distinct issues upon which we solicited advice. Our question: How can we help to make this process go more smoothly in the future? Is the sample language provided to call a motion useful? If not, how can we improve it? What documents have you found the most useful to prepare for and undertake committee deliberations?

### *Meeting materials/briefing papers/voting – overall conclusions*

- *Provide handout materials earlier to give the members more time to review and to provide PHMSA staff time to rehearse their presentations.*
  - *E-mailing documents is helpful provided materials are well organized and the files names adequately describe the content.*
  - *Members like the briefing books to help them follow the meeting agenda.*
  - *Provide standardized briefing papers and presentations. Include the following information: topic, current rule language, summary of comments, options for consideration,*
  - *Voting language is good for overall vote of a rule.*
  - *Discuss and vote on more complex issues separately.*
  - *Make sure members fully understand what they are voting on including any suggested changes to the rule language.*
- One member prefers a good summary of the comments, issues and PHMSA response.
  - Several indicated they would like to have meeting materials a little earlier.
  - One member felt the materials e-mailed in advance of the meeting are helpful.
  - One member stated that the briefing books are a valuable resource at the meetings.
  - One member stated the following information would be helpful in every briefing paper in order to evaluate the appropriateness of proposed rule changes: The present wording, safety concerns regarding that wording, proposed changed wording, and the benefits/associated cost of the proposed changes.
  - Two members commented on and found the document provided at the December meeting with a heading “Major Comment Areas” (with three columns – Topic, Concerns, Options for Consideration) was helpful however, they suggested the Topic column also include the proposed language from the NPRM. They suggested relabeling the Concerns column with “summary of comments” to be sure the reference for these Concerns is clear.
  - Two members stated they understand that PHMSA is not permitted to favor a particular option or make their recommendation in the committee forum. However, they felt it would be very beneficial to find a productive way to deal with this constraint, or if they cannot be provided the actual language, at least ensure that a commensurate level of detail is provided to accurately and adequately reflect the complexity and key impacts of the rule.

- Identify and use a consistent format - Note the comments above regarding the “Major Comment Areas” sheets for the One Rule rulemaking. Note the same documents for the Periodic Update of Standards NPRM was a little different format with columns headed “Issue Categories” (kind of a summary of the NPRM) and “Primary Comments” that was a summary of comments received.
- Five respondents stated that more specific information on the issues and regulations upon which the committee is being asked to vote or provide feedback is needed. These respondents felt it had been difficult to tell from the materials being provided how simple or complicated an action to be discussed is. (e.g., at the last meeting in December, the briefing papers on PHMSA’s “One Rule” did not convey the various issues to be discussed very well or in enough detail. The briefing papers should convey whether an action is simple and noncontroversial or more complex and controversial and be scaled appropriately. This will allow committee members to seek appropriate briefings on the issues and come better prepared to engage and/or vote.

### **Voting and sample voting language –**

- Vote on significant questions individually.
- The sample motion language is only suitable for a final motion on the whole package.
- One member suggested providing guidance on how to make a proper motion.
- One member suggested that based on comments received that are acceptable to PHMSA, you might prepare revised rule language for the committee to see and vote on. Several versions may be prepared if comments are varied.
- Five respondents suggested that more complex actions should be taken section by section, edited language should be provided in paper form or displayed with markups, and voted on in discrete pieces so that committee members know what they are voting on as was done for the Control Room Rule in December of 2008. Even the voting on the Control Room Rule was complicated due to the bifurcated voting on provisions for Section 192 vs. Section 195. Truly simple actions can continue to be accomplished with a simple vote using the draft language on motions your staff has suggested.
- One respondent stated the sample language is long but is fine.
- The current rote language for proposing a vote has been developed to assist the committee during sometimes complex motions and votes. However, it is too generic and sometimes not suited to voting on a complex rule.
- Two respondents felt they needed the briefing material in the binder a week before the meeting.

### *Meeting format –*

*Information request:* On day two of the December meeting, we arranged several policy presentations to highlight current topics in the pipeline safety industry. Did you find these presentations worthwhile? Would you like to see similar presentations in the future? If so, do you have any topics you want to recommend?

- *Use the previous meeting format - conduct separate meetings on commodity-specific topics (gas/liquid) and a joint meeting to avoid confusion – specifically when voting is an agenda item.*
- *Provide longer lead times for meetings.*
- One member suggested returning to the earlier format when there were two-day meetings scheduled with a 1/2 day for each of the committee then a joint meeting. Each group would meet separately, then a joint meeting. For example the TPSSC group would meet followed by the joint meeting then the THLPSSC. The next time it would be reversed with the THLPSSC meeting, then the joint meeting concluding with the TPSSC. This allows the committees an opportunity to interact on mutual issues without confusion when voting on issues.
- One respondent indicated a preference to face-to-face meetings over telephone conference calls especially when discussing complex matters particularly if charts, figures or other visual aids are to be provided.
- Five respondents suggested that PHMSA provide longer lead times for notice of meetings and distribution of materials to allow PHMSA employees to better prepare materials and committee members more lead time to review them.
- Five respondents stated that they have found large portions of the last few meetings were not as effective for members of one committee or the other as there were a number of issues addressed that were relevant to one committee or the other, but not always both. There should be fewer joint sessions or at least issues that impact one committee versus the other should be clearly separated and ordered together on the agenda. We suggest scheduling these meetings to overlap rather than be run concurrently, so that one committee can meet to consider provisions relevant to its charge (gas or liquids), then have an overlapping portion where the two committees can meet together to discuss issues of common interest, then have the other committee meet.
- Two respondents stated that the joint meetings are beneficial even if there are rulemakings or topics not applicable to both committees. It would be best to schedule those meetings for the joint material to overlap in between separate liquid and gas committee at the beginning and end.
- Several respondents stated that it would be very helpful to set these meetings at least 6 months in advance

***Issues/discussion items-***

- ***The majority like the discussion topics.***
- One respondent stated that if there is time left after the official business that a good use of that time would be education/information on issues relevant to the committees work.
- Two respondents stated that the presentations are interesting and help the committee stay up to date with the recent and emerging issues.
- One respondent mentioned that during a previous term on the THLPSSC, a two-day field trip was organized to show some of the committee members' liquid facilities they had not seen before.
- One respondent stated he liked the discussion topics and found them helpful and worthwhile. Suggests they are intermingled with the votes.
- Another stated he found the discussion sessions helpful, as well as field visits to pipeline facilities.
- Two respondents from industry stated that some of the material presented they had already heard however, they felt it was very helpful to understand more about LCD and liquid pipeline topics like were presented in the meeting.

Suggested topics for future –

- Case histories of pipeline failures or other situations that illustrate the need for rulemaking changes. These case histories or “lessons learned” would provide a better view of the need and perhaps a better evaluation of the alternative options.

***Other thoughts and recommendations -***

- Letter ballots - Define a letter ballot may be used and how it is administered.
- Conference calls – Provide for use of conference calls in the charter to make it clear that they are “legal” under open meeting requirements.
- Attendance – Add an attendance requirement to the charter – for example “each committee member must attend at least one scheduled meeting a year.”
- Update committee roster annually and indicate on it what term each committee member is currently serving and the expiration date of the term.