

Frequently Asked Questions
Incorporation by Reference (Section 24) Public Workshop
Pipeline & Hazardous Materials Safety Administration
U.S. Department of Transportation
West Building, Media Center
Friday, July 13, 2012

Were all interested parties invited to participate in the IBR workshop?

Yes, a Federal Register Notice about the meeting was published in early June 2012. The workshop was open to public attendance or by viewing the live webcast. Questions and comments were taken from both the physical audience as well as those viewing the webcast. . Representatives from the federal government, the private sector, non-profits, academia, the public and Congress were represented in the audience and on the webcast.

Were any parties excluded?

The US Department of Transportation invited all interested parties to participate.

Will the information be available after the workshop?

Yes, on the Pipeline and Hazardous Material Safety Administration website.

Where will the workshop materials be available?

The workshop materials can be located on the Federal Register for the public to access [here](#).

The materials are also available on the Pipeline and Hazardous Material Safety Administration website [here](#).

Will the workshop materials be part of the record?

Yes. All workshop materials, including presentations and any distributed materials, will be part of the record and available for the public to access [here](#).

How can I follow Pipeline and Hazardous Material Safety Administration's incorporation of Section 24?

On Twitter at hashtag #PHMSA. The agency will continue to discuss implementation in a transparent and inclusive manner.

Can I continue to submit comments after the workshop?

Yes. You may continue to submit comments until July 27, 2012 at 5:00 p.m. eastern standard time through the Federal Register notice published by PHMSA in June 2012.

Will the webcast be available after the workshop?

Yes. The webcast will be archived for one year and made available for the public to access [here](#).

Who do I contact if I am having technical issues with the webcast?

If you experience technical issues, contact [PHMSA Public Affairs](#).

What are DOT's next steps after this workshop?

DOT will reconcile all comments received at or during the workshop and to post them to PHMSA's website. DOT will also include evaluate any and all comments from the regulations.gov website. PHMSA and DOT will use the input received to determine the most efficient and effective implementation strategy for Section 24.

How do these efforts relate to the recent Office of Federal Register Notice, Office of Management and Budget workshop, and the Administrative Conference of the United States recommendations?

The Department of Transportation will continue to seek input from federal agencies, the public and the private sector as we move forward to implement the new requirement.

If the Standards Developing Organizations and PHMSA do not reach an agreement to address the intellectual property issues related to the SDOs voluntary consensus standards, how will PHMSA implement Section 24 of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 by January 2013?

PHMSA specifically, and DOT generally, will comply with its legal obligations as required by the recently enacted Pipeline Safety Act. Section 24 states that "Beginning 1 year after the date of enactment of this subsection, the Secretary may not issue guidance or a regulation pursuant to this chapter that incorporates by reference any documents or portions thereof unless the documents or portions thereof are made available to the public, free of charge, on an Internet Web site."

Can PHMSA or DOT provide a summary regarding the number of voluntary consensus standards it incorporates into regulations and related data?

Pipeline Voluntary Consensus Standards

- PHMSA's Office of Pipeline Safety (OPS) has used national consensus standards as the foundation for pipeline safety regulations beginning with the first rules in: 1970
- Number of OPS subject matter experts who participate in developing and updating standards: 20
- Number of committees that develop and update standards: 25+
- Average number of years to promulgate a rule: 2
- Number of standards that are incorporated by reference: 65
- Number of standards that are incorporated by reference and are currently available for free on the Internet: 20
- Total number of pages that are incorporated by reference: 7500+
- The standards cost: \$8500 - \$9500/set
- A number of new standards are currently being considered for adoption in draft regulatory proposals
- Most standards that are incorporated by reference have secondary references

e.g. ASME B31.8 – 102; B31.8S – 42; NFPA 59 – 19

- The length of each standard varies
 - e.g. ASTM A372 – 4 pages; ASME - BPV Sec VIII div2 – 1042 pages
- Pipeline SDOs:
 - American Gas Association
 - American National Standards Institute
 - American Petroleum Institute
 - American Society of Civil Engineers
 - American Society for Testing and Materials
 - American Society of Mechanical Engineers International
 - Gas Technology Institute
 - National Association of Corrosion Engineers
 - National Fire Protection Agency
 - Manufacturers Standardization Society of the Valve and Fittings Industry, Inc.
 - Plastics Pipe Institute
 - Pipeline Research Council International

Hazmat Voluntary Consensus Standards

- Number of standards that are incorporated by reference: 174
- Number of standards that are incorporated by reference and are currently available for free: 13
- Number of standards that are incorporated by reference and are currently available for free on the Internet: 11
- Total number of pages that are incorporated by reference: 14,400+
- The standards cost: \$15 - \$700/set
- A number of new standards are currently being considered for adoption in draft regulatory proposals
- Number of standards that are incorporated by reference and have secondary references: 57
- The length of each standard varies from: 2 - 1,750 pages
- Hazmat SDOs:
 - Air Transport Association of America

- The Aluminum Association
- American National Standards Institute
- American Petroleum Institute
- American Pyrotechnics Association
- American Society of Mechanical Engineers
- American Society for Testing and Materials
- American Water Works Association
- American Welding Society
- Association of American Railroads
- Canadian General Standards Board
- Chlorine Institute, Inc.
- Compressed Gas Association
- Department of Defense
- Department of Energy
- General Services Administration
- Institute of Makers of Explosives
- International Atomic Energy Agency
- International Civil Aviation Organization
- International Electrotechnical Commission
- International Maritime Organization
- International Organization for Standardization
- National Board of Boiler and Pressure Vessel Inspectors
- National Fire Protection Association
- National Institute of Standards and Technology
- Organization for Economic Cooperation and Development
- Transport Canada
- Truck Trailer Manufacturers Association

- United Nations
- United States Enrichment Corporation, Inc.