

2017 Pipeline Safety Conference South Carolina



PHMSA Update

August 8, 2017



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U.S. Department of Transportation
Pipeline and Hazardous Materials
Safety Administration

"To protect people and the environment by advancing the safe transportation of energy and other hazardous materials that are essential to our daily lives."



EXECUTIVE ORDERS AND MEMOS



Executive Memo (since Jan 20)

Presidential Memo Regarding the Hiring Freeze – 1/23

- “... I hereby order a freeze on the hiring of Federal civilian employees to be applied across the board in the executive branch. As part of this freeze, no vacant positions existing at noon on January 22, 2017, may be filled and no new positions may be created, except in limited circumstances.”
- Note, the freeze ended on April 12, 2017



Executive Memo (since Jan 20)

Presidential Memo Regarding the Hiring Freeze – 1/23

- “Within 90 days of the date of this memorandum, the Director of the Office of Management and Budget (OMB), in consultation with the Director of OPM, shall recommend a long-term plan to reduce the size of the Federal Government's workforce through attrition.”
- “Contracting outside the Government to circumvent the intent of this memorandum shall not be permitted.”



Executive Orders (since Jan 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- “...directing the Director of the Office of Management and Budget (Director) to propose a plan to reorganize governmental functions and eliminate unnecessary agencies (as defined in section 551(1) of title 5, United States Code), components of agencies, and agency programs.”
- “...the Director shall consider, in addition to any other relevant factors:



Executive Orders (since Jan 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- (i) whether some or all of the functions of an agency, a component, or a program are appropriate for the Federal Government or would be **better left to State or local** governments or to the **private** sector through free enterprise;
- (ii) whether some or all of the functions of an agency, a component, or a program are **redundant**, including with those of another agency, component, or program;



Executive Orders (since Jan 20)

Executive Order on a Comprehensive Plan for Reorganizing the Executive Branch – 3/13

- (iii) whether certain **administrative** capabilities necessary for operating an agency, a component, or a program **are redundant** with those of another agency, component, or program;
- (iv) whether the **costs** of continuing to operate an agency, a component, or a program **are justified** by the public benefits it provides; and
- (v) **the costs of shutting down or merging agencies, components, or programs, including the costs of addressing the equities of affected agency staff.”**



Executive Orders (since Jan 20)

Enforcing the Regulatory Reform Agenda – 1/24

- The EO states it is the policy of the United States is “to alleviate unnecessary regulatory burdens placed on the American people.” The order requires the head of each agency to designate an agency official as its Regulatory Reform Officer (RRO).



Executive Orders (since Jan 20)

Enforcing the Regulatory Reform Agenda – 1/24

- **The Regulatory Reform Officer** will “oversee the implementation of regulatory reform initiatives and policies to ensure that agencies effectively **carry out regulatory reforms**, consistent with applicable law.”



Executive Orders (since Jan 20)

Enforcing the Regulatory Reform Agenda – 1/24

- **Each agency** must also establish a Regulatory Reform Task Force responsible for making recommendations regarding the repeal, replacement or modification of existing regulations.



Executive Orders (since Jan 20)

Reducing Regulation and Controlling Regulatory Costs – 1/30

- The EO directs agencies to identify for elimination at least two prior regulations for every one new regulation that is issued and to prudently manage and control the cost of planned regulations through a budgeting process.
- The EO requires that the total incremental cost of all new regulations finalized in FY 2017, including repealed regulations, shall be no greater than zero, unless...



Executive Orders (since Jan 20)

Reducing Regulation and Controlling Regulatory Costs – 1/30

- During the Presidential budget process, the Director of OMB shall identify to agencies a total amount of incremental costs that will be allowed for each agency in issuing new regulations and repealing regulations for the next fiscal year. **No regulations exceeding** the agency's total incremental **cost allowance will be permitted** in that fiscal year, unless required by law or approved in writing by the Director.



Executive Orders (since Jan 20)

Promoting Energy Independence and Economic Growth – 3/28

“It is in the national interest to **promote clean and safe** development of our Nation's vast **energy** resources, while at the same time **avoiding regulatory burdens** that unnecessarily encumber energy production, constrain economic growth, and prevent job creation.”



Executive Orders (since Jan 20)

Promoting Energy Independence and Economic Growth – 3/28

“Executive departments and agencies (agencies) immediately **review** existing **regulations that** potentially **burden** the development or use of **domestically produced energy** resources and appropriately **suspend, revise, or rescind those that unduly burden the development of domestic energy** resources beyond the degree necessary to protect the public interest or otherwise comply with the law.”



Executive Orders (since Jan 20)

Promoting Energy Independence and Economic Growth – 3/28

“Section 2 directs immediate **review of all agency actions** that **potentially burden** the Safe, Efficient Development of Domestic Energy Resources, with specified deadlines. Such review “shall not include agency actions that are mandated by law, necessary for the public interest, and consistent with the policy set forth in section 1.” Section 2(b) states that "burden" means to unnecessarily obstruct, delay, curtail, or otherwise impose significant costs on the siting, permitting, production, utilization, **transmission, or delivery** of energy resources.”



Executive Orders (since Jan 20)

Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects – 1/24

- “To that end, it is the policy of the executive branch to streamline and expedite, in a manner consistent with law, environmental reviews and approvals for all infrastructure projects, especially projects that are a high priority for the Nation, such as improving the U.S. electric grid and telecommunications systems and repairing and upgrading critical port facilities, airports, pipelines, bridges, and highways.”



Executive Memo (since Jan 20)

Presidential Memorandum Regarding Construction of the Dakota Access Pipeline – 1/24

- Memo to Secretary of the Army (Army Corps of Engineers) to remove blocks to construction of DAPL.
- Note: DAPL completed the first oil delivery May 14, 2017



Executive Memo (since Jan 20)

Presidential Memorandum Regarding Construction of the Keystone XL Pipeline – 1/24

- Memo to Secretary of the Army (Army Corps of Engineers), State and Interior to remove blocks to construction of Keystone XL
- Note: TransCanada has informed OPS they do not anticipate construction starting prior to 2018.



Executive Memo (since Jan 20)

Presidential Memorandum Regarding Construction of American Pipelines – 1/24

- Memo to Secretary of the Commerce,
“The Secretary of Commerce, in consultation with all relevant executive departments and agencies, shall develop a plan under which all new pipelines, as well as retrofitted, repaired, or expanded pipelines, inside the borders of the United States, including portions of pipelines, use materials and equipment produced in the United States, to the maximum extent possible and to the extent permitted by law. The Secretary shall submit the plan to the President within 180 days of the date of this memorandum.



Executive Memo (since Jan 20)

Presidential Memo Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing– 1/24

- “... support the expansion of manufacturing in the United States through expedited reviews of and approvals for proposals to construct or expand manufacturing facilities and through reductions in regulatory burdens affecting domestic manufacturing.”



Executive Memo (since Jan 20)

Presidential Memo Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing– 1/24

- Within 60 days..., the Secretary of Commerce shall submit a report to the President setting forth a plan to **streamline Federal permitting processes** for domestic manufacturing and to **reduce regulatory burdens** affecting domestic manufacturers.The report also may include recommendations for any necessary changes to **existing regulations or statutes**, as well as actions to change policies, practices, or procedures that can be taken immediately under existing authority.



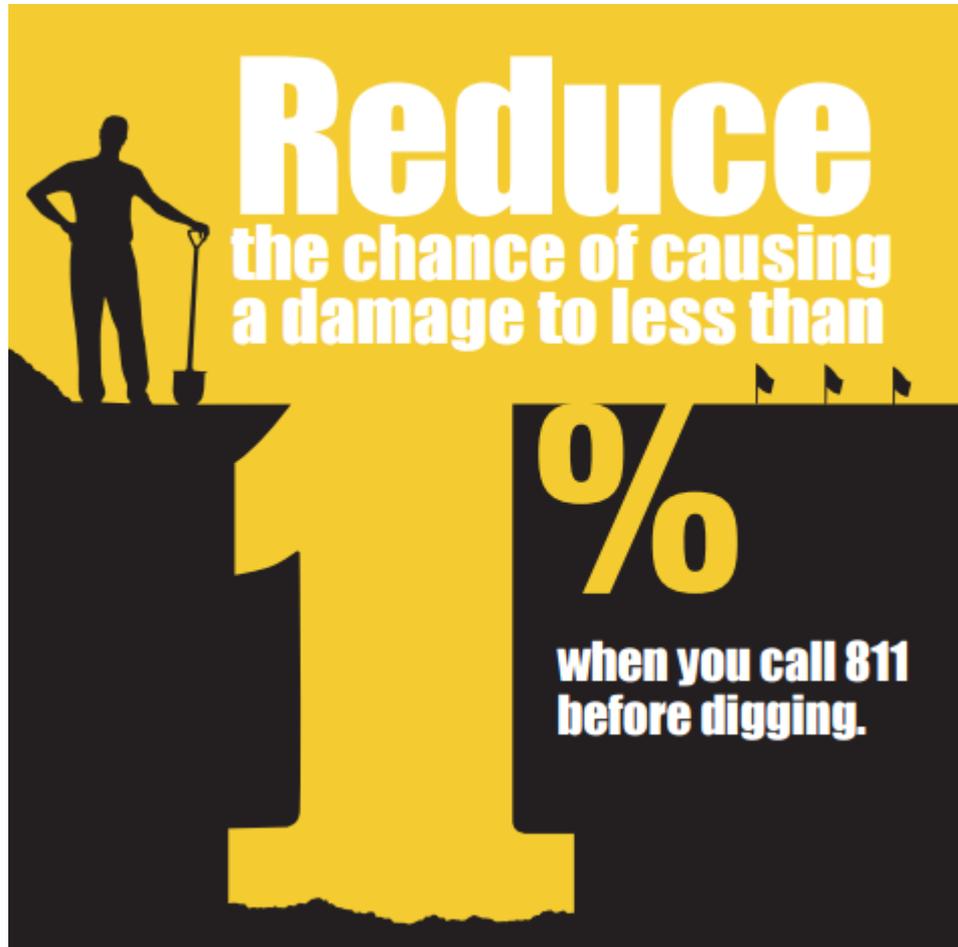
Executive Orders (since Jan 20)

Enhancing Public Safety in the Interior of the U.S. – 1/25

- “Sec. 2. Policy. It is the policy of the executive branch to:...
 - (c) Ensure that jurisdictions that fail to comply with applicable Federal law do not receive Federal funds, except as mandated by law; ...”
- “Sec. 9. Sanctuary Jurisdictions. ...
- (a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary.”



National Safe Digging Month



April is National Safe Digging Month! This month, recognized by CGA stakeholders, reminds diggers the importance of calling 811 before all outdoor digging projects, large or small.

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Questions?



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