September 8, 2026
Submitted via Regulations.gov

Department of Transportation
Pipeline and Hazardous Materials Safety Administration

RIN No: 2137-AF44
Docket No: PHMSA-2025-0019

Re: Comments to the Pipeline and Hazardous Materials Safety Administration (PHMSA) on the Notice of Proposed Rulemaking, "Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines"

Taxpayers for Common Sense (TCS) appreciates the opportunity to submit comments to the Pipeline and Hazardous Materials Safety Administration (PHMSA) regarding the Notice of Proposed Rulemaking (NPRM) on "Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines." The NPRM (Docket No. PHMSA-2025-0019) was published on July 8, 2026, for public comment.

Background

TCS is a nonpartisan budget watchdog group based in Washington, D.C. TCS educates stakeholders on a wide variety of federal policy issues, including energy and natural resources, budget, tax, good government, defense, agriculture, transportation, and disaster policy. TCS was founded in 1995. Since then, TCS has partnered with other NGOs, community and regional groups, and other stakeholders to demand accountability, provide oversight, and work to ensure a government that treats taxpayers fairly by confronting waste, exposing special-interest giveaways, and pushing for lasting fiscal responsibility.

TCS has a long history of informing the public, policymakers, the media, and other stakeholders about the taxpayer costs and public benefits of federal energy and natural resource policy. Pipeline safety is an important facet of this work because safety measures, leak notifications, and related regulations can prevent long-term costs for taxpayers, communities, and property owners near pipelines. Adequate safety measures for hazardous liquid and gas transmission pipelines can also help reduce public safety risks and conserve natural resources near pipelines, including drinking water.

While federal subsidies and other incentives do not play a direct role in pipeline safety, they indirectly influence markets, industries, and industry development affecting taxpayers and communities. Policies governing leaks and other pipeline safety issues affect taxpayers, who bear some of the immediate and long-term recovery costs when pipeline failures cause critical health and safety emergencies.

PHMSA Must Account for Taxpayer Impacts, Safety Impacts, and Other Factors

As the U.S. looks toward more diverse forms of energy production, there has been an increase in new and expanded uses for pipelines. Members of the public are trying to learn what these types of pipelines mean for their health and safety, local governments and regulators are grappling with

jurisdictional questions, and industry and researchers are trying to close technical knowledge gaps as the buildout of these pipelines proceeds.

PHMSA first promulgated integrity management (IM) program regulations for hazardous liquid pipelines in 2000 and 2002 (49 CFR §§195.450 and 195.452) and for gas transmission pipelines in 2003 (49 CFR Part 192 Subpart O), pursuant to the Pipeline Safety Improvement Act of 2002. These IM programs require pipeline operators to assess the condition of their pipelines and respond to anomalies discovered through those assessments. Under the IM framework, the rates of pipeline incidents and accidents have both declined. PHMSA is now proposing to modernize the anomaly response criteria based on advances in inspection technology and engineering analysis.

While efforts to modernize the IM framework are justified to the extent that pipeline technologies have advanced, any changes to pipeline safety regulations should not reduce the level of safety for gas transmission and hazardous liquid pipelines.[1] PHMSA must ensure that long-term costs and safety risks are not shifted onto taxpayers, communities, or consumers. Stakeholders should not bear the costs of reduced safety regulations if those changes lead to inadequate maintenance or delayed responses to hazardous liquid and gas pipeline anomalies.

PHMSA estimates the proposed rule would save pipeline operators approximately $390 million annually, mostly due to fewer excavations. But its cost-benefit analysis does not quantify how the proposed changes to anomaly evaluation and response timelines is expected to affect the frequency or volume of releases, or the resulting cost of cleanup, environmental damage, water pollution, and other impacts on taxpayers and communities due to deferred repairs and/or marginal failures. The $390 million in annual savings to operators should be weighed against any costs and risks that could be shifted to taxpayers and nearby communities.

PHMSA must not make deregulatory changes without considering their effects on safety and the associated environmental and fiscal costs to communities and taxpayers.

Special Considerations for Carbon Dioxide Pipelines

TCS has a long history of working on federal carbon capture and storage policies. Numerous federal incentives support these industries, including the lucrative Section 45Q tax credit. Carbon capture and storage technologies raise liability issues associated with storage and transportation, and PHMSA has not promulgated comprehensive safety rules tailored specifically to carbon dioxide pipelines. As a result, the NPRM would apply its proposed hazardous liquid pipeline requirements to carbon dioxide pipelines regulated under 49 CFR part 195, even though carbon dioxide presents unique safety challenges.

Recent experience with CO2 pipeline operations in the U.S. has produced troubling results for communities and taxpayers. A 2020 pipeline rupture near Satartia, Mississippi, caused residents to lose consciousness and require hospitalization. Pipelines transporting supercritical CO2 are more

[1] Pipeline Safety Trust, "Comment of the Pipeline Safety Trust Regarding PHMSA's ANPRM, Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines," July 21, 2025, PHMSA-2025-0019-0016_attachment_1-1.pdf.

prone to running ductile fractures, among other safety issues,[2] and PHMSA should evaluate whether the proposed rule establishes reasonable response timelines for anomalies that could contribute to such fractures.

Additionally, CO2 is "odorless, colorless, doesn't burn, is heavier than air, and is an asphyxiant and intoxicant,"[3] making CO2 pipeline releases or failures harder to discover and avoid. Therefore, CO2 pipelines could have a much larger "potential impact" area identified in current regulations addressing hydrocarbon transmission pipelines upon pipeline rupture release. The proposed response framework for non-High Consequence Areas (HCAs) is too permissive—longer than any repair timeline in current and proposed IM framework. Allowing for a 540-day window may result in delayed or deferred repairs that lead to CO2 releases that contaminate drinking water, threaten public health, and take significant tolls on nearby communities and taxpayers.

We urge PHMSA to consider the unique risks of CO2 pipelines as it moves forward with this rulemaking and other aspects of pipeline safety.

Conclusion

Any changes to the IM framework must not reduce the level of safety, as even a single failure could lead to costly and disastrous outcomes for communities and taxpayers. PHMSA must consider the safety, environmental, and other impacts on taxpayers and communities as the agency moves forward with the proposed rule.

Thank you for the opportunity to submit comments on this notice and for your consideration. We look forward to continued engagement on these important issues.

Sincerely,

Taxpayers for Common Sense

[2] Pipeline Safety Trust, "Accufacts' Perspectives on the State of Federal Carbon Dioxide Transmission Pipeline Safety Regulations as it Relates to Carbon Capture, Utilization, and Sequestration within the U.S.," March 23, 2022, https://pstrust.org/wp-content/uploads/2022/03/3-23-22-Final-Accufacts-CO2-Pipeline-Report2.pdf.
[3] Ibid.