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## Pipeline Safety Regulatory Initiatives Under the Trump Administration

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### Introduction

Since entering office, President Trump has issued multiple executive orders seeking to promote the deregulation of American business, improve government efficiency, and unleash American energy.<sup>1</sup> In response, the U.S. Department of Transportation (DOT) and its agency responsible for pipeline safety, the Pipeline and Hazardous Materials Safety Administration (PHMSA), have initiated multiple rulemakings to achieve these objectives. This article will provide a brief overview of the initiatives that will impact operators subject to PHMSA's pipeline safety regulations. Operators can engage with DOT and PHMSA by providing comments to assist in the deregulatory efforts.

### DOT Initiatives

#### **Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs Request for Information**

On April 3, 2025, citing President Trump's executive orders related to deregulation and government efficiency,<sup>2</sup> DOT published a request for information (RFI) seeking the public's input to identify which DOT regulations, guidance, paperwork requirements, or other regulatory

obligations can be modified or repealed.<sup>3</sup>

The RFI is broad in scope and applies to all DOT programs, including the pipeline safety regulations, and seeks information to help drive future deregulatory rulemakings and initiatives. DOT requested comments on the RFI to be submitted by May 5, 2025, but has also established an email inbox, [Transportation.RegulatoryInfo@dot.gov](mailto:Transportation.RegulatoryInfo@dot.gov), which remains open on a continuous basis for the public to submit additional ideas on programs suitable for modification or repeal.

#### **Administrative Rulemaking, Guidance, and Enforcement Procedures Notice of Proposed Rulemaking**

On May 16, 2025, DOT published a notice of proposed rulemaking (NPRM) to recodify certain DOT administrative procedures and practices in the Code of Federal Regulations (CFR).<sup>4</sup> Known informally as the "Rule on Rules," the NPRM primarily addresses the process and procedures that control how the DOT performs its core regulatory functions of rulemaking, guidance development, and enforcement. The first Trump administration promulgated a Rule on Rules in 2019,<sup>5</sup> but the Biden administration rescinded nearly all its provisions in 2021.<sup>6</sup> The NPRM would reinstate, update, and expand on the requirements in the first Rule on Rules. The NPRM includes rulemaking procedures that would apply to all DOT modes for each phase

<sup>3</sup> *Id.*

<sup>4</sup> Department of Transportation, "Administrative Rulemaking, Guidance, and Enforcement Procedures," 90 Fed. Reg. 20,956 (May 16, 2025).

<sup>5</sup> Department of Transportation, "Administrative Rulemaking, Guidance, and Enforcement Procedures," 84 Fed. Reg. 71,714 (Dec. 27, 2019).

<sup>6</sup> Department of Transportation, "Administrative Rulemaking, Guidance, and Enforcement Procedures," 86 Fed. Reg. 17,292 (Apr. 2, 2021).

<sup>1</sup> Exec. Order No. 14,192, "Unleashing Prosperity through Deregulation," 90 Fed. Reg. 9,065 (Feb. 6, 2025); Exec. Order No. 14,219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," 90 Fed. Reg. 10,583 (Feb. 25, 2025); Exec. Order No. 14,154, "Unleashing American Energy," 90 Fed. Reg. 9,065 (Feb. 6, 2025); Exec. Order No. 14,156 "Declaring a National Energy Emergency," 90 Fed. Reg. 8,433 (Jan. 29, 2025).

<sup>2</sup> Department of Transportation, "Ensuring Lawful Regulation; Reducing Regulation and Controlling Regulatory Costs," 90 Fed. Reg. 14,593 (Apr. 3, 2025).

of a rulemaking and would recodify in the CFR provisions related to the DOT Regulatory Reform Task Force (RRTF). The RRTF is responsible for evaluating existing and proposed DOT regulations and providing recommendations to the Secretary of Transportation on whether regulations should be repealed or modified to reduce unnecessary regulatory burdens. Another key proposal in the NPRM includes heightened procedural requirements for rulemakings determined to be economically significant and high-impact (established through an estimation of the costs and job losses attributed to the proposed rule).<sup>7</sup>

For enforcement requirements, the NPRM includes provisions that stress that DOT must use its investigatory powers in a manner consistent with due process, basic fairness, as well as avoiding the use of enforcement as a “fishing expedition” to search for potential non-compliance.<sup>8</sup> The NPRM also proposes to disqualify DOT personnel with personal animus against specific regulated parties from participating in enforcement against those parties, and allows operators to petition the DOT’s Office of General Counsel (OGC) to determine if DOT personnel violated an enforcement rule.<sup>9</sup> If a violation occurred, DOT OGC may, among other relief, remove the responsible DOT enforcement team from the case.<sup>10</sup>

For the first Rule on Rules, the Trump administration directly issued a final rule without providing an opportunity for public comment, because the rule only incorporated internal DOT administrative procedures into the CFR. For this rulemaking, since certain proposals in the NPRM would confer express rights to regulated parties, such as the ability to petition the OGC about DOT violations of enforcement procedures, DOT is seeking public comment. The public comment period for the NPRM closes June 16, 2025. Following the comment period, DOT will begin to evaluate the public comments and work to finalize the rule.

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<sup>7</sup> 90 Fed. Reg. 20,956, 20,968 (May 16, 2025).

<sup>8</sup> *Id.* 20,972-20,973.

<sup>9</sup> *Id.* 20,976.

<sup>10</sup> *Id.*

## **PHMSA Initiatives**

### **Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency Advance Notice of Proposed Rulemaking**

On June 4, 2025, PHMSA published an advance notice of proposed rulemaking (ANPRM) seeking public comment to identify requirements in the pipeline safety regulations suitable for repeal or modification.<sup>11</sup> The ANPRM is broad in scope and requests comments on any PHMSA interpretation, guidance document, or any other material implementing the pipeline safety regulations which are suitable for modification or repeal. Additionally, the ANPRM seeks comment on whether PHMSA should codify in the pipeline safety regulations a requirement to conduct periodic regulatory reviews so that the agency is continuously reviewing and identifying regulations that require modification. Public comment on the ANPRM is due by **August 4, 2025**.

### **Liquefied Natural Gas Facilities Advance Notice of Proposed Rulemaking**

On May 5, 2025, PHMSA published in the Federal Register an ANPRM seeking public comments to help guide amendments to 49 C.F.R. Part 193, the safety standards applicable to liquefied natural gas (LNG) facilities.<sup>12</sup>

Citing the growing importance of LNG to the economy and that the current Part 193 requirements incorporate out-of-date industry standards that no longer align with modern LNG operations or facilities, PHMSA requested public comment to understand how best to revise Part 193. Specific topics discussed in the ANPRM include (1) the appropriate means to clarify the scope of PHMSA’s jurisdiction over LNG facilities; (2) whether different types of LNG facilities, e.g., peak shavers and export terminals, should be regulated differently; (3) possible amendments to LNG facility reporting requirements; and (4) how best to update the current industry standards incorporated in Part 193. The public comment period for the ANPRM closes on **July 7, 2025**.

### **Repair Criteria Advance Notice of Proposed Rulemaking**

<sup>11</sup> Pipeline and Hazardous Materials Safety Administration, “Pipeline Safety: Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency,” 90 Fed. Reg. 23,660 (Jun. 4, 2025).

<sup>12</sup> Pipeline and Hazardous Materials Safety Administration, “Pipeline Safety: Amendments to Liquefied Natural Gas Facilities,” 90 Fed. Reg. 18,949 (May 5, 2025).

On May 21, 2025, PHMSA published an ANPRM requesting public comment on how best to update the agency's repair criteria in 49 C.F.R. Part 192 for gas pipelines, and in 49 C.F.R. Part 195 for hazardous liquids and carbon dioxide pipelines, as well as updating inspection requirements for in-service breakout tanks.<sup>13</sup> Parts 192 and 195 include repair criteria and remediation timelines for certain pipeline anomalies, such as dents and corrosion. These requirements differ depending on whether the pipeline is subject to Part 192 or 195 integrity management (IM) requirements.

Noting that certain Part 192 or Part 195 repair criteria and timelines had not been updated for an extended period and do not accommodate advances in modern technologies and methods to manage pipeline integrity, PHMSA requested public comment on an extensive list of topics to help guide a future rulemaking to modernize the repair criteria and reduce their current regulatory burden. Certain specific topics in the ANPRM include (1) whether the current repair criteria and remediation timelines provided commensurate safety benefits when measured against compliance costs; (2) whether the current regulations can appropriately accommodate the use of innovative technologies or methods; (3) identification of potential amendments to annual, incident, and safety-related condition reporting; and (4) identification of potential changes to the IM repair criteria for longitudinal seam weld corrosion on hazardous liquid pipelines.<sup>14</sup> The comment period for the ANPRM closes on **July 21, 2025**.

## Public Comments on Interpretation Requests

Apart from new rulemakings, PHMSA has also adopted a new process which allows the public to provide comments on interpretation requests under review by the agency. Under PHMSA's regulations, any person may file an interpretation request seeking PHMSA's guidance on the meaning of its regulations or how the regulations would apply in specific circumstances.<sup>15</sup> Previously, PHMSA did not make an interpretation request publicly available until it also published its response. Under the Trump administration, PHMSA now publishes the interpretation requests it receives on its

<sup>13</sup> Pipeline and Hazardous Materials Safety Administration, "Pipeline Safety: Repair Criteria for Hazardous Liquid and Gas Transmission Pipelines," 90 Fed. Reg. 21,715 (May 21, 2025).

<sup>14</sup> *Id.* 21,717-27,719.

<sup>15</sup> 49 C.F.R. § 190.11(b).

website,<sup>16</sup> and provides a 30-day comment window, so that the public may provide input on how PHMSA should respond. The new process provides operators with notice of pending interpretation requests that may have industry-wide implications and allow operators to participate in the interpretation process.

## Conclusion

For pipeline operators, the current focus of DOT and PHMSA to improve efficiency, modernize, and deregulate its programs provides an opportunity to inform DOT and PHMSA's efforts by providing comments in the rulemaking proceedings. Additionally, operators should be aware that the situation remains dynamic, and it is likely that DOT and PHMSA will continue to add new deregulatory initiatives alongside those already announced. Operators should continue to track DOT and PHMSA activity to determine if there are any new initiatives that they may want to participate in.

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<sup>16</sup> <https://www.phmsa.dot.gov/standards-rulemaking/pipeline/interpretations/pending-pipeline-interpretations>