UNITED STATES DEPARTMENT OF TRANSPORTATION

PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION

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VOLUNTARY INFORMATION-SHARING SYSTEM
WORKING GROUP

+ + + + +

OPEN MEETING

+ + + + +

WEDNESDAY
JUNE 20, 2018

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The Voluntary Information-Sharing
System Working Group met in the Federal Highway
Administration Research Center, 6300 Georgetown
Pike, McLean, Virginia, at 8:30 a.m., Dr.
Christie Murray, Designated Federal Official,
presiding.

PRESENT

DIANE BURMAN, Chair
ALAN MAYBERRY, PHMSA Representative
ERIC AMUNDSEN, Member
MICHAEL BELLAMY, Member
KATE BLYSTONE, Member
ROBERT BUCHANAN, Member
DAN COTE, Member
JASON CRADIT, Member
BILL CROCHET, Member
YIMING DENG, Ph.D., Member
MARK HERETH, Member
LEIF JENSEN, Member
WALTER JONES, Member

MIKE LaMONT, Member
JOHN MacNEILL, Member
RANDY PARKER, Member
HOLLY PEAREN, Member*
JOE SUBSITS, Member
MICHELLE THEBERT, Member
CHRISTOPHER WARNER, Member

ALSO PRESENT

CHRISTIE MURRAY, Ph.D., Designated Federal
 Official
AHUVA BATTAMS, Attorney Advisor, PHMSA
SHERRY BORENER, Ph.D., PHMSA
JOHN DeLEEUW, American Airlines
MICHELLE FREEMAN, PHMSA
DREW HEVLE, Kinder Morgan
KAREN LYNCH, PHMSA
HUNG NGUYEN, PHMSA
PAUL ROBERTI, ESQ., General Counsel, PHMSA
NADIAH RODRIGUEZ, PHMSA
JOHN STOODY, Association of Pipe Lines
VICKIE TOMAN, SMS Manager, American Airlines
PETE VEENSTRA, TRC Solutions
CHERYL WHETSEL, PHMSA
DOUGLAS WHITE, Ed.D., PHMSA
NANCY WHITE, PHMSA

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1   P-R-O-C-E-E-D-I-N-G-S

2   8:32 a.m.

3   DR. MURRAY: Good morning and welcome

4   to everyone. I'm not sure if anybody is joining

5   by phone, but if there's anyone on the phone

6   line, if you could say good morning. Okay, we'll

7   just leave the line open for now, but welcome,

8   and thank you for joining us for our Voluntary

9   Information Sharing System Working Group Federal

10   Advisory Committee meeting.

11   My name is Christie Murray, and I will

12   be presiding as the designated federal official

13   for the meeting today. The purpose of our

14   Federal Advisory Committee meeting for voluntary

15   information sharing is to fulfill Section 10 of

16   the Pipes Act of 2016.

17   The overall objective is to consider

18   the development of a voluntary information

19   sharing system to encourage collaboration that

20   improves pipeline safety across the industry --

21   and I'm paraphrasing -- and ultimately, the goal

22   is to provide recommendations to the secretary of

1 transportation. The main deliverable of the VIS

2 working group is to submit a recommendation

3 report to the secretary of transportation that

4 addresses these items listed here on the screen.

5 I don't necessarily want to read through each one

6 of them, but they will be provided in the meeting

7 documentation.

8 The goal of this Advisory Committee is

9 to develop and finalize the recommendation report

10 by the end of this year, December 2018. Just a

11 few housekeeping items. One, the restrooms are

12 immediately out the door, the exit to my right.

13 Make a right past the security desk, and you'll

14 find the restrooms down the hall, on the

15 right-hand side.

16 If you have not done so already,

17 please silence your mobile devices. Also, thank

18 you, those members of the public that have joined

19 us today. We appreciate you being here with us.

20 There will be opportunities for the public to

21 participate in the Advisory Committee meeting

22 today.

1   We would ask that you would hold your

2   comments until we actually open the floor for

3   them and try to keep your remarks brief, up to

4   five minutes, so that we can hear from multiple

5   individuals, if needed. Also, you can submit

6   written comments to the docket, PHMSA, P-H-M-S-A,

7   dash 2016-0128. In case of an emergency and we

8   need to evacuate the building, if you leave out

9   of the exits immediately to my right, make a

10   right immediately and go out those main entrance

11   doors that we just came in, it's right in front

12   of the security desk.

13   We will go all the way to the back.

14   Follow the path right through the trees straight

15   ahead, and we will meet right at that area before

16   you hit the parking lot. That will be our

17   rallying point. Next, I will turn it over to the

18   chair.

19   CHAIR BURMAN: Thank you. I'm going

20   to go around, have everyone say their name, their

21   title, and their company and their

22   representative, so that we can establish a

1   quorum. Why don't we start at the end?

2   MR. CROCHET: I'm Bill Crochet. I'm

3   the senior director of asset integrity for Plains

4   All American Pipeline, representing the industry.

5   DR. WHITE: Good morning. I'm Doug

6   White. I'm the director of PHMSA training and

7   qualifications, and I serve as the ADFO for the

8   Training and Qualification Subcommittee.

9   MS. WHITE: Good morning. I'm Nancy

10   White. I'm the director of policy and programs

11   for the Office of Pipeline Safety in PHMSA, and

12   I'm the ADFO for the Missions, Objectives, and

13   Governance Committee.

14   MS. LYNCH: Good morning. My name is

15   Karen Lynch. I work in PHMSA's Office of

16   Pipeline Safety and serve as the ADFO for the

17   Reporting Subcommittee.

18   MS. FREEMAN: Good morning, Michelle

19   Freeman. I'm the deputy director of budget and

20   finance with PHMSA. I'm the ADFO for the

21   Regulatory, Legal and Funding Subcommittee.

22   DR. DENG: Good morning. Yiming Deng,

1   associate professor at Michigan State University,

2   representing a research institution.

3   DR. BORENER: Good morning. I'm

4   Sherry Borener. I'm the chief data officer in

5   the Office of Planning and Analytics at PHMSA,

6   and I'm the ADFO for the Process Sharing

7   Subcommittee.

8   MR. COTE: Good morning. My name is

9   Dan Cote. I am a consultant to the gas industry

10   for pipeline safety and compliance. I was with

11   NiSource 45 years, until the end of November of

12   last year, where I was their vice president of

13   pipeline safety and compliance, and I'm here

14   representing NiSource and the gas distribution

15   industry. In addition, I chair Commissions and

16   Governance Subcommittee.

17   MS. BLYSTONE: My name's Kate

18   Blystone. I'm outreach manager for the Pipeline

19   Safety Trust, and I'm here representing pipeline

20   safety advocacy groups.

21   MR. HERETH: I'm Mark Hereth. I'm the

22   managing director of the Blacksmith Group. I'm

1   also the chairman of the INGAA Foundation. I'm

2   serving as the chairman of the subcommittee on

3   process sharing, and I represent the pipeline

4   industry.

5   MR. SUBSITS: Joe Subsits. I work

6   with the Washington Utilities and Transportation

7   Commission, and I'm here representing state

8   regulators.

9   MR. PARKER: I'm Randy Parker. I'm

10 vice president of regulatory affairs at Kinder

11 Morgan. I represent the industry. I'm also the

12 chair of Regulatory Funding and Legal

13 Subcommittee.

14   DR. MURRAY: Good morning. I'm

15 Christie Murray, and I'm with PHMSA. I serve as

16 the designated federal official for the advisory

17 committee.

18   CHAIR BURMAN: Good morning. I'm

19 Diane Burman, New York State Public Service

20 Commission, representing state regulators.

21   MS. BATTAMS: I'm Ahuva Battams. I'm

22 an attorney advisor with the Office of Pipeline

1   Safety, PHMSA, and I'm here to assist should you

2   have legal questions.

3   MR. WARNER: Chris Warner, senior vice

4   president for Mears and, today, serving as the

5   chairman for the Technology R&D Subcommittee.

6   MR. JONES: I'm Walter Jones. I'm

7   director of occupational health and safety for

8   the Laborers Training Fund, and I'm representing

9   labor.

10   MR. LAMONT: Good morning, Mike

11   LaMont, director of integrity services, TRC

12   Solutions. I'm here representing industry.

13   MR. BUCHANAN: I'm Bob Buchanan with

14   Seal for Life Industries. I represent coating --

15   MR. AMUNDSEN: Good morning, Eric

16   Amundsen, senior vice president, operations, for

17   Energy Transfer Partners, representing industry,

18   and also the chairman of the Best Practices

19   Subcommittee.

20   MR. MACNEILL: I'm John MacNeill. I'm

21   the national safety director for the Utility

22   Workers Union of America, and I'm representing

1   labor.

2   MR. JENSEN: Good morning, Leif

3   Jensen, Sunoco Pipeline, a division of Energy

4   Transfer. I'm a senior director of technical

5   operations and also serving as chair of what's

6   currently known as the Training and

7   Qualifications Subcommittee.

8   MR. BELLAMY: Good morning. I'm

9   Michael Bellamy, with Baker Hughes, GE, and I

10   represent the line inspection community.

11   MS. THEBERT: I'm Michelle Thebert,

12   the director of pipeline safety and facility

13   protection at the Georgia Public Service

14   Commission.

15   CHAIR BURMAN: Is there anyone on the

16   phone? Hearing none, there is an established

17   quorum, and I call this meeting of the Voluntary

18   Information Sharing System Working Group

19   Committee to order. The meeting is being

20   recorded, and a transcript will be produced for

21   the record. The transcript and the presentations

22   will be available on the PHMSA website and on the

1 eGov docket at www.regulations.gov, and the

2 docket number for this meeting is

3 PHMSA-2016-0136.

4   I'd just like to remind folks to

5 introduce yourselves each time you speak, so your

6 comments can be acknowledged in the meeting

7 transcript. You can set your tent card on its

8 side if you care to make a comment. I will note

9 that some of you are very low speakers. Because

10 we don't have microphones available, we're going

11 to have to project our voices.

12   Just warning you that I may ask you to

13 speak up, and people shouldn't be shy if we can't

14 hear. It won't be considered rude at this point.

15 I just want to let you know. Right now, we're

16 going to go over the agenda. I turn it back over

17 to Dr. Murray.

18   DR. MURRAY: Since Alan is not here,

19 and Drew has not joined -- I think he may still

20 be ill -- what we'll do is we'll talk about --

21 we'll share a few announcements here this

22 morning, and then we'll move right into the

1   Committee business, and we will focus on the

2   subcommittee report out discussions, starting

3   with Mission and Objectives.

4   Then we will have those conversations

5   through lunch, or up until lunch, at noon, and

6   we'll break for about an hour and a half for

7   lunch, since this facility doesn't really have

8   any dining facilities. We'll talk about lunch

9   options on the next slide, but I want to allot

10   more time for those who need to go out and get

11   lunch and come back.

12   Also, this afternoon, we have several

13   different great discussions coming up. One, we

14   have John DeLeeuw will be joining us with the

15   Aviation Information Sharing to talk about SMS,

16   as well, so I'm looking forward to that

17   discussion. If you remember at our last meeting,

18   in April, he joined us by phone, in the morning,

19   just to introduce himself and to talk a little

20   bit about his American Airlines experience and

21   his experience working with SMS, so he'll be

22   joining us in person to share more today. Also,

1 we will have Drew Hevle coming in to talk about

2 the APIRP 1163 In-Line Inspection standard. I

3 know there were some discussions about it in the

4 subcommittee meeting, so we're looking forward to

5 that.

6   Then we'll turn it over to the -- I

7 think it's the Technology Committee, Chris, to a

8 little bit more about IT architecture for the

9 broader parent committee. Then we'll move into a

10 committee participatory discussion to talk about

11 prepping for the next meeting and any other

12 logistical items that need to be covered.

13   So start thinking, as you're sitting

14 here listening today. If you have ideas for the

15 next meeting, which is coming up in August, for

16 speakers, if those are of interest and there's

17 things that stick out to you as you're listening,

18 bring those back forward this afternoon, so that

19 we can talk about them.

20   Then we'll share any action items from

21 today's meeting and have closing remarks. Any

22 questions about today's agenda? Okay, great.

1 For those who weren't here yesterday for the

2 subcommittees, there's really three options for

3 lunch. If you haven't -- some of you may have

4 brought your lunch, if you knew to bring your

5 lunch and wanted to take advantage of that

6 option, but also, you can stay in the building

7 and order in. I'm bringing up these numbers.

8 There's also a restaurant list on the

9 table in the far corner, to my right. If you're

10 interested in just ordering in on a break and

11 having it set up for lunch, you can have that

12 brought in, or if you want to car pool and join

13 some of your colleagues for lunch, that's an

14 option, as well.

15 We'll resume our meeting at 1:30 this

16 afternoon. Just some general announcements. For

17 those who may not be aware, if you're looking for

18 documents from any of the VIS Advisory Committee

19 meetings, they are located on our PHMSA meeting

20 registration pages.

21 So for each meeting, whether it was

22 this meeting, you'll see it posted, previous

1 meeting in April, February, November, and

2 backward. Each meeting has its own registration

3 link. If you click those links, it will have all

4 the documents, the transcripts, Federal Register

5 notice, agenda for the previous meetings, if

6 you're looking for that information. Also, you

7 can visit the VIS Working Group PHMSA web page

8 for more information about the Committee. As

9 we're sitting here now, August is right upon us,

10 if you really think about it. It's already June.

11   That's when we're having our next

12 meeting, on August 22nd and 23rd, so please save

13 the dates. On the 22nd will be subcommittee

14 meetings, which are closed to the public, and on

15 the 23rd of August we will have our normal VIS

16 Advisory Committee meeting, which will be open to

17 the public.

18   We do have a location, so we won't run

19 into the issues we've with trying to find meeting

20 space. We will be meeting, actually, for the

21 rest of our meetings this year at our DOT

22 headquarter facility in Washington, D.C. The

1   address is listed here.

2   It looks like that's pretty popular.

3   I know there are some cheers for that, so good to

4   hear. I know Mark's looking forward to the

5   trapezoid, the old school with the trampolines

6   and that sort of thing. If we see him drifting

7   off, we may have to go retrieve him. He'll be

8   somewhere in the air. The registration page for

9   the next meeting, in August, is also available.

10   The link is shared here at the bottom of the

11   presentation. Just a snapshot of the meetings we

12   have left for the remainder of the year, August,

13   which I've mentioned.

14   We'll be getting back together in

15   October, on the 16th and 17th, and then

16   hopefully, in December, with celebrations,

17   finalization of the report. I'm just looking in

18   my crystal ball. I'm not being presumptuous, but

19   I'm dreaming.

20   I think we're in pretty good shape,

21   and we're on track to meet that timeline, so I

22   appreciate everyone's efforts and encourage the

1   Committee and the subcommittees to continue the

2   great work that you're doing. As I mentioned,

3   all of the meetings will be at our DOT building.

4   Next up, I want to tee up the

5   conversation regarding the subcommittees. I know

6   we're going to move in to subcommittee report

7   outs, but for those who aren't members of the

8   subcommittees, I want to make sure that we

9   provide a little context over what we're doing

10   with the seven subcommittees, so just bear with

11   me here briefly. I put this together to describe

12   what is going on with how we're operating with

13   the structure. Ultimately, we're issuing reports

14   to the secretary of transportation,

15   recommendations to the secretary. On the left

16   side, in blue, you have the Advisory Committee,

17   which is the group sitting around the U here this

18   morning, the members of the Advisory Committee,

19   and the PHMSA staff -- raise your hand if you are

20   part of the PHMSA staff supporting this Advisory

21   Committee. Great.

22   You see who we are. We really support

1   the parent committee. As the parent committee

2   organized and thought about the aggressive

3   schedule and the substantive work that needed to

4   take place over this year, it made sense to

5   organize into subcommittees.

6   What you'll see is for the Advisory

7   Committee members on the left, where there's 25

8   members, you'll see a corresponding group of

9   subcommittees, which there are seven, who support

10   the parent committee. The subcommittees are not

11   able to make direct recommendations to the

12   secretary of transportation. It has to go

13   through -- they only work through the parent

14   committee, so their recommendations will go to

15   the parent committee for their consideration and

16   deliberation. With that, PHMSA staff also

17   supports a subcommittee. Each subcommittee has

18   an alternate designated federal official, who

19   supports each subcommittee and has to be present

20   when subcommittees meet.

21   To underpin all of those efforts, that

22   are contract support staff. You have a court

1   reporter who helps with the transcription of our

2   meetings, and also, we have, now -- we've

3   recently introduced technical writers to help the

4   subcommittees with drafting any documentation

5   and, more specifically, the recommendations that

6   will be included in the report.

7   This is just a quick snapshot of who

8   the ADFOs are from PHMSA staff and who, from the

9   parent committee -- those individuals who were

10   chairing the subcommittees, just as a point of

11   reference.

12   Note that Alan Mayberry, myself and

13   Diane and one of our chief counsel members, we

14   really float between the subcommittees to provide

15   guidance and support, as needed. Not going to

16   get into the minutiae of who's on each

17   subcommittee. It's provided in the presentation

18   that will be posted for your reference, and it's

19   too small to read, even for me. I just wanted to

20   make sure that list of who's participating was

21   available to the public. How the subcommittee

22   will function. There's inputs that will go into

1   the overall report.

2   You have your parent committee input.

3   There's a draft outline or guiding report

4   sections that help to guide how the

5   recommendations will likely come together. Then

6   you have input from the subcommittees.

7   The subcommittees were given -- or

8   they actually have developed, but they have

9   approved task statements, which really guides the

10   work of the subcommittees. Without the task

11   being described in these task statements, they're

12   unable to take on new work without it being

13   approved by the parent committee.

14   Subcommittees are working. They will

15   be bringing recommendations back to this parent

16   committee, some of which you may hear today, and

17   those recommendations will need to be voted on

18   and approved before they can actually become

19   drafted parts of the actual report. Just as a

20   snapshot, there is a framework for the

21   recommendation report that is being considered.

22   Here, you will notice that there is a normal

1   table of contents, front matter, with an

2   executive summary, key terms, etc., introduction

3   and background. The key essence of the report

4   will be the recommendations section.

5   You'll notice alignment with the seven

6   subcommittees that were formed and alignment with

7   the key areas that will be focused on in the

8   recommendation report and, of course, the

9   conclusion and the appendices for reference

10   material.

11   This is just a snapshot of the

12   timeline. I think the parent committee and

13   subcommittee approach is working well for this

14   body. There's progress that's been made since

15   the beginning of the year and a lot of good work

16   that's currently taking place.

17   Right now, the Committee and

18   subcommittee is in full mode to flesh out

19   recommendations, seek out input from subject

20   matter experts and guests with relevant

21   information to share, and really working to start

22   to formulate some of the key aspects of the

1   report, itself. The goal is to have an initial

2   recommendation report developed by

3   August/September time frame of this year. Then

4   at that point, it will go through several

5   iterations of review by this parent committee for

6   comment and input. As I mentioned, the overall

7   goal is to have the report submitted to PHMSA by

8   the end of this year, in December.

9   Since we've established subcommittees

10   -- they kicked off back in February of this year.

11   Subcommittees had its first face-to-face meeting

12   in the February 29th meeting, and then

13   subcommittees have met face-to-face twice since

14   then, in April and just yesterday, in June.

15   There have been a number of guest

16   speakers invited into subcommittee meetings, both

17   the phone conference meetings, and also the

18   face-to-face meetings, some of which we've had

19   some really robust conversations.

20   I know FAA came yesterday and spoke

21   about funding with the aviation information

22   sharing efforts, and it was quite informative, I

1 think, for all the subcommittees to hear from

2 FAA. Also, I know that some of the subcommittees

3 are beginning to draft sections of the report and

4 provide some input. Some things you may hear

5 come up in the report outs today may require

6 parent committee input and voting, so be

7 objective and keep an open mind as the

8 subcommittees report out today. I mentioned the

9 tech writers are assigned to assist, and we're

10 going to continue next with the report outs from

11 the subcommittees.

12   With that being said, I will turn it

13 over to Dan Cote, who will kick us off with the

14 subcommittee report outs with mission and

15 objective. You guys could pass this around for

16 me. That would be great. While we're doing

17 that, are there any questions about the

18 subcommittee overview that I just provided, how

19 that will work?

20   CHAIR BURMAN: The only thing that I'd

21 like to say is I think it's really critical now

22 that we have focus on the first reporting that

1   we're going to be doing for August. We really

2   are at a critical juncture.

3   To the extent that we also are

4   engaging with the tech writers, I think that's

5   very important and that we make sure that they

6   are going to continue with us, as well, and that

7   it's a seamless process, so that we don't lose --

8   they don't change who they are, so just making

9   sure that we establish that is very important to

10   the Committee.

11   DR. MURRAY: Thank you.

12   MR. COTE: Interesting you should say

13   that, Madam Chairman, because I was going to

14   cover both points on behalf of missions and

15   objectives. When I say both points, we are not

16   going to ask for any sort of vote today from

17   mission and objectives.

18   We're on a trajectory to do that in

19   August and feel like we can do it comfortably.

20   Do want to use this time to really solicit input

21   from the Committee on a couple of key points that

22   we're dealing with that will provide

1   directionality going forward to us.

2   I guess the second issue that supports

3   that is following this meeting, those technical

4   writers are going to become very, very critical

5   to this team, particularly because we will have

6   all of our base information. It will really be a

7   matter of sitting down and really creating our

8   final document. That support over the next 60

9   days is simply going to be critical to us.

10   Appreciate that observation.

11   DR. MURRAY: I'm going to make one

12   point about the tech writers. Please keep in

13   mind that the tech writers are certainly here as

14   a resource. If they ask questions because they

15   don't understand, there's a great chance that

16   whoever's the product of the report may not

17   understand it.

18   They will serve as a great resource

19   and sounding board to make sure that your

20   recommendations are clear, concise, and they make

21   sense, and they're written in plain English for

22   others to be able to digest.

1   MR. COTE: I would only add to all of

2   that, the one that missions and objectives has

3   been working with has been simply outstanding and

4   was very, very good at fleshing out those issues

5   that were not clear. They were very clear to us,

6   and not clear to anyone else. All of that is

7   incredibly helpful.

8   That's a fine group of professionals,

9   and we are very grateful for the support. Having

10   said all of that, here is our subcommittee

11   makeup. Obviously, we are excellently supported

12   by Nancy White as the alternate designated

13   federal official. Our team, I won't read the

14   names, but very robust group, excellent

15   participation. Want to thank the entire team.

16   Over the last, particularly, several meetings,

17   we've raised any number of issues, hammered a lot

18   of them out.

19   There are still one or two, again,

20   that we want to test with the full Committee to

21   make sure our strategic vision of this is

22   correct. Certainly grateful to the Committee.

1   Please, all of you, Walter, Leif, Bob, Randy, I'm

2   not sure if Holly's on the phone, Joe, feel free

3   to weigh in as we have this discussion.

4   Just a little bit of history.

5   Obviously, we started out as the missions team.

6   We completed our initial work in February, moved

7   that to finality in April. We're in pretty good

8   shape. Our reward for that contribution was it

9   was decided that we should also handle objectives

10   and organization. Here we are.

11   It's been an interesting discussion.

12   Before we get into a lot of the specifics, I

13   would say that we've been dovetailing pretty well

14   with Randy's group and the legal group. The way

15   we envisioned it, the legal group outlines the

16   strategic vision for the way the legislation

17   works, the areas that require legislation, and

18   the overall, very high-level organization stream.

19   Our job was really to take those strategic

20   concepts that we pretty fully agree with and

21   operationalize them, in terms of what does that

22   mean, in terms of what a VIS organization looks

1   like?

2   Ninety percent of that translation, in

3   my mind, is in pretty good shape. We are pretty

4   well aligned. I think 10 percent of it, at a

5   very high level strategic level, will need a

6   little bit of debate and a little clarification

7   from all of you in a minute.

8   That is really the key purpose that I

9   am looking to achieve in this morning's

10   discussion. With that said, again -- this is

11   nothing more than more of that background, in

12   terms of our getting our initial mission

13   statement approved and moving on to the

14   organizational model and governance.

15   Just a number of recommendations.

16   These are just to give you a flavor of it. We're

17   really not going to work this today, but wanted

18   you all to have a sense of the work we've done.

19   In terms of structure, any VIS system should have

20   a formal governance structure, including an

21   executive director, executive board, so on. That

22   is the tenor and level of detail that we're

1   producing. All of these bullets are consistent

2   with that central philosophy that I reviewed.

3   There is one key point, though, that

4   we want to explore again. That's the strategic

5   purpose of this morning's presentation. We

6   really want to answer and discuss two strategic

7   questions. To outline the strategic questions,

8   let's start with a fundamental premise that the

9   governance group has, at least.

10   That is the absolute key to VIS is

11   industry participation in risk identification,

12   risk remediation, and strategic risk avoidance

13   going forward. To do that, we need robust

14   industry participation, providing data on

15   findings, near misses, strategies around

16   remediation, and particularly strategies around

17   future risk avoidance.

18   The best incidents are the ones that

19   we never know about and never have because we

20   simply avoided them as a strategic purpose and

21   outcome. The key to all of that is getting

22   enough critical mass from pipeline liquid,

1   pipeline gas, and distribution company operators.

2   Without that, all of this becomes an academic

3   exercise. I'm going to pause there for a minute.

4   That's a very fundamental strategic conclusion.

5   Does anyone disagree with that? Please, Chris.

6   MR. WARNER: Chris Warner, from Mears.

7   I don't disagree with that. The question I would

8   have is -- one of the things we've been wrestling

9   with is does that mission statement expand to

10 also looking at how effective technologies are at

11 finding those threats and identifying the need

12 for new technologies, or at least making the

13 industry aware of what technologies are most

14 effective at identifying threats. I didn't hear

15 that in your description of the purpose of the

16 VIS.

17   MR. COTE: No, but that is a critical

18 one because, again, I address that strategically

19 in that final bullet that talks about risk

20 avoidance. I can easily see VIS processing data

21 that flows through the system, in terms of,

22 again, identify a risk, near misses, and even

1 incident data that concludes that -- as we see

2 today, everyone can be doing the right things

3 under 192 and we still have incidents. The

4 question is how do we reach a point of genuine

5 risk avoidance? Because our proactive analysis

6 of our systems are so robust that we're actually

7 preventing them without even having to deal with

8 them. That's what you're really talking about.

9 The short answer is yes.

10 MR. HERETH: Dan, I don't disagree

11 with your emphasis on risk and risk mitigation,

12 but I think it's the information sharing which

13 has the emphasis of which identification of risk

14 and risk mitigation can be an outcome. It's a

15 subtle -- because I think when you look at the

16 title of our work, it's voluntary information

17 sharing. It's not risk reduction. It's

18 voluntary information sharing for the purposes of

19 improving pipeline safety.

20 MR. COTE: Intrinsic in my remarks is

21 in doing those things, risk reduction will be a

22 result. Would you disagree with that?

1   MR. HERETH: I think it can be, yes.

2   I think there's a difference in leading with

3   risk, as opposed to leading with information

4   sharing. I think our mission is information

5   sharing, of which an outcome can be risk

6   reduction, risk identification and risk

7   reduction.

8   MR. COTE: I understand.

9   MR. HERETH: It's subtle, but I think

10   it's important. Others may disagree. I don't

11   disagree with your statement. I sort of, at a

12   strategy level, tend to think of what that end

13   game looks like, in terms of -- maybe risk

14   reduction is a poor choice of terms. I think

15   it's good.

16   MR. COTE: Increased pipeline safety

17   may be a better way to put it. Is that fair?

18   MR. HERETH: Yes, thank you.

19   MR. COTE: I appreciate that. Other

20   thoughts and comments before we move on?

21   CHAIR BURMAN: I would just point out

22   that the mission statement talks about,

1   initially, the voluntary information sharing, the

2   need for gathering that information for risk

3   assessment, and then using that in a

4   collaborative way to lead to actionable outcomes.

5   I think that incorporates a lot of

6   this conversation in a way that I think makes

7   sense, and also doesn't put the cart before the

8   horse. So it gets to the voluntariness of it,

9   the information sharing, the risk assessment

10   that's done with that, and then leading to

11   actionable outcomes.

12   MR. COTE: That, we trust, will

13   ultimately improve pipeline safety.

14   CHAIR BURMAN: Right, and improving

15   pipeline safety is in the mission statement, as

16   well.

17   MR. COTE: Alan, did you have a

18   comment?

19   MR. MAYBERRY: Yes, I

20   compartmentalized the different building blocks

21   there. The ultimate goal, improving pipeline

22   safety, what leads to that is risk reduction, and

1   then what leads to risk reduction is data

2   sharing, to your approach there. I did have a

3   couple of questions on this.

4   MR. COTE: That's our next stop.

5   Wanted to create that overall understanding of

6   purpose. Here was the debate. It became a very

7   significant strategic question. Because we need

8   people to volunteer to participate, we saw three

9   critical tools that, again, in working with the

10   legal group, that were intrinsic to creating an

11   environment where people would want to share

12   data. Those three are obviously confidentiality,

13   a non-punitive system, where the things that you

14   report to VIS are not used in any sort of

15   punitive or enforcement action, and finally,

16   obviously, PHMSA or federal funding for at least

17   the initial development of the program.

18   The question that I'd like to put

19   before the Committee is in everyone's mind, as

20   they think about our industry, is that enough to

21   overcome the traditional industry reluctance to

22   share data on things like -- detailed data on

1   near misses and findings, whether that's ILI or

2   simple leak investigation findings?

3   Is that enough incentive for the

4   industry to really want to join? There was a bit

5   of a debate on our committee and a sort of sense

6   that there is -- I don't want to use the word

7   distrust. It's probably too strong. But there

8   is not a strong bond of trust today, necessarily,

9   between state and federal regulators and many in

10   the industry.

11   It's not that there's necessarily

12   distrust, but what I will call an absence of

13   trust, which could be an impediment to people

14   being willing to share information. The simple

15   question at the heart of the discussion is if we

16   offer those three mechanisms, along with that

17   sense that as you identify risks and create

18   remediation plans or create proactive preventive

19   plans on the things that you find in your system

20   and report them through VIS and share that

21   information, what you found and what you're doing

22   -- again, the heart of VIS -- and there's no

1   enforcement action, your data's absolutely

2   confidential, but ultimately gets aggregated and

3   shared with the industry, and where PHMSA is

4   essentially funding the cost of that program, as

5   opposed to making that an industry only

6   standalone program, all of which, in our minds,

7   there are advantages to, in other words, PHMSA

8   involvement and the funding and the

9   organizational structure, at the same time, is

10   that enough to get operators to play? I would be

11   interested in thoughts, comments, and feedback on

12   that. Joe.

13   MR. SUBSITS: I think what you've

14   listed there are the friction points you overcome

15   initially, but as the program matures and

16   progresses, people like to see, I think, the

17   fruits of their labor materialize into something

18   which is going to be effective. I think,

19   ultimately, the system needs to be effective

20   enough to bring back learning which people can

21   benefit from. If people do work and they're not

22   getting any benefits from it, they're going to

1 stop doing it. Once the momentum of the program

2 is established, people need to see the fruits of

3 their labor come to fruition.

4 MR. COTE: The key to that is getting

5 an initial critical mass to produce enough flow

6 of data to provide that. You're right. If, a

7 couple of years after initial implementation,

8 there's enough data to say we've got these ten

9 findings; this information is great and we can

10 act on it, I agree with you. But one of the -- I

11 don't remember who, precisely, it was.

12 I think it was one of the associations

13 of operators who put together a system in the

14 past five years that had ten reports, clearly not

15 enough critical mass that we heard about

16 yesterday. It's essentially an academic

17 exercise, a moot point, because there's not

18 enough mass to produce the data that they need to

19 make those improvements, so it's, again,

20 essentially sterile. That becomes the heart of

21 the challenge.

22 CHAIR BURMAN: We'll go to Kate, and

1 then Mark, but if I just could remind you to

2 state your full name and where you're from for

3 the transcript.

4   MS. BLYSTONE: Kate Blystone, Pipeline

5 Safety Trust. I think the other critical factor

6 in that example you used with the Railroad

7 Commission is a major player was part of it, and

8 then left. I think that's another key factor is

9 bigger organizations, like Energy Transfer

10 Partners and Kinder Morgan, for example, need to

11 play as long as physically possible because

12 that's going to lend credibility to the whole

13 process.

14   MR. COTE: No disagreement. I would

15 make the same argument on behalf of the LDC, same

16 if the large players don't engage. Mark.

17   MS. BLYSTONE: I need to speak louder?

18   MR. COTE: Mark.

19   CHAIR BURMAN: We can give you the mic

20 if we need to. I think that's better. Thanks.

21   MR. HERETH: I appreciate this, Dan.

22 Thank you very much. I really like Joe's

1 characterization of these as friction points.

2 That's a really great way to describe it. I

3 think that's a great starting point. I think

4 there's a couple of others, possibly, one of

5 which is that if you go back to -- Michael, maybe

6 this sets you up -- to why GE was really helping

7 to drive this in the legislative process was to

8 try to find ways to advance technology more

9 rapidly than might otherwise occur.

10   I'll leave that to you to expand.

11 That's my sense, and I think that's the

12 opportunity, one. Then I think the other is that

13 we have to overcome -- how do I say this --

14   MR. HERETH: I think that's a part of

15 this, as well.

16   MR. COTE: No disagreement with you.

17 Absolutely couldn't agree more, particularly the

18 inertia part, where our industry, this is very

19 new, at least structurally, in our industry, so a

20 lot of people, to your point, will tend to hang

21 back and watch what happens.

22   MR. HERETH: The other part of that

1 that I wanted to state was that I think that

2 generally, operators would agree that if there is

3 a failure, it's not just that operator who

4 suffers. It's all operators who suffer, in that

5 regard. So the extent that we can eliminate and

6 prevent incidents, then that benefits everyone.

7   MR. COTE: You bet.

8   MR. HERETH: I think that's part of

9 the incentive for operators to be in this is to

10 ensure that they find ways -- we had some

11 discussion in our subcommittees yesterday about

12 learning from others and the importance of that,

13 so it prevents you from having that same

14 incident.

15   MR. COTE: You bet. Couldn't agree

16 more, thank you. Alan.

17   MR. MAYBERRY: I just want to say

18 we're really shifting the paradigm. Let's be

19 clear that we have, and will always have, the

20 traditional approach for oversight and the

21 relationship that goes with that.

22   Realizing that -- obviously, we

1   publish the regulation, the federal minimum

2   standard. We inspect against that standard.

3   There's an information exchange that happens in

4   that process. One of the friction points that

5   Joe points out is the concern over just overly

6   sharing. We're only answering the question

7   that's asked. I knew that as an operator. I

8   know that as a regulator, to ask the right

9   questions. That's going to continue and evolve.

10   This is okay, we do that, we have a very robust

11   program, but accidents still happen.

12   Pigs are on the line, we still need to

13   improve the technology. What is another domain

14   to work within? That's where SMS comes into

15   play, and in particular, sharing of information

16   because the other friction point is the ability

17   -- the concern over intellectual property and the

18   ability to really share the way it needs to be

19   shared, so people understand the capabilities of

20   the technology and what they need to watch out

21   for.

22   We really need to break away from that

1   traditional paradigm that will always be there to

2   what will make this work? How do we remove the

3   barriers to make this work? That's where I see

4   -- okay, we're going to be an enabler. The

5   federal government will be an enabler, but we

6   wouldn't necessarily own it. I think that option

7   is still open. I wouldn't say we own it or that

8   we don't own it. I just don't know. But my

9   druthers might be that we don't. Anyway, we're

10 moving barriers of friction points to make it

11 happen.

12   MR. COTE: Appreciate that

13 perspective, and that's helpful. You touched on

14 our second question, as well, in terms of

15 ownership. An intrinsic question is really

16 tight, what I'll call PHMSA or federal ownership

17 of the process and program. Is that an

18 impediment, or at least a concern as a potential

19 impediment? Thank you.

20   MR. MAYBERRY: I see executive

21 director in all caps, and then in not all caps.

22 We do have a position called executive director.

1   MR. COTE: I think that envisioned an

2   executive VIS director, a daily senior leader of

3   the VIS effort. Someone's got to mind the store

4   every day. That was the underlying question.

5   You sort of caught the essence of it, in terms of

6   that ownership comment. Thank you. Please,

7   Eric.

8   MR. AMUNDSEN: Eric Amundsen, Energy

9   Transfer. Speaking as an operator and speaking

10   for Energy Transfer, I think there's a

11   demonstrated willingness for operators, in

12   general, to share information in the environment

13   that you described. It happens today in a number

14   of different forums, AOPL, API, SGA, PRCI, so

15   it's happening today. We probably don't get the

16   credit, if you will, or the recognition for doing

17   that.

18   I think that demonstrates that there

19   is a willingness when safety -- when it's a

20   matter of public safety and a matter of

21   integrity, there definitely is a willingness to

22   share. Speaking for our company, there's a

1   willingness to share with our regulators on a

2   routine basis to develop and foster a really good

3   working relationship with PHMSA.

4   We go out of our way to meet with our

5   region directors on a regular basis. Our

6   thinking is let's develop that relationship when

7   things are good, so that when things don't go so

8   well, that relationship is developed and you're

9   not trying to develop it during a situation of

10 enforcement.

11   There's a lot of good out of sharing,

12 a lot of good that comes out of sharing. We

13 recognize that. I think, again, if we can

14 overcome these friction points, well described by

15 Joe, and break loose and get some inertia and get

16 some momentum, for one, Energy Transfer is

17 willing to lead the way, or certainly be involved

18 in that pack that breaks loose. I think we've

19 demonstrated the ability to do that in other

20 forums, so I don't see any reason that we

21 wouldn't do it here.

22   MR. COTE: Appreciate that, thank you.

1   That was an excellent comment. Don't disagree

2   that there's a fair amount of that going on in

3   the industry. Thank you. Other thoughts or

4   comments? I'm sorry, Randy Parker. I missed the

5   card.

6   MR. PARKER: That's okay, Dan. Randy

7   Parker, Kinder Morgan. With respect to PHMSA's

8   involvement, we've had some great discussions

9   about that recently, and today is a good one. I

10 think from my perspective, everything I've

11 learned, it's absolutely essential that this be

12 done under a PHMSA umbrella.

13   How you describe that umbrella or

14 which pieces are private and which pieces are

15 PHMSA, we can discuss that. In order to create

16 this environment where there's trust by the

17 operators that if they share information, it

18 won't get out, it won't end up in a lawsuit

19 against them, there will be no punitive actions

20 by state or federal agencies, with respect to all

21 that that we need to build or else no one will

22 come to play, with respect to all that, it needs

1   to be done through PHMSA because we need

2   congressional intent to apply the commerce clause

3   to PHMSA's worthy goals of pipeline safety.

4   To do that, we will be able to create

5   that system that's very difficult to challenge by

6   people who want to break down the VIS if they

7   don't like it. More than anything, it will

8   create the incentives for operators to

9   participate. I don't think we can do that unless

10   we have PHMSA intimately involved because that's

11   our link to Congress and their unassailable power

12   under the commerce clause.

13   MR. COTE: That's helpful, thank you.

14   Again, you and I have had that conversation.

15   Thank you. Other thoughts or comments?

16   (Simultaneous Speaking.)

17   MR. MAYBERRY: Dan, I was just going

18   to add, I agree. It's critical that various

19   people know if they want to keep variables as

20   statutory, that needs to happen early on in the

21   process.

22   MR. COTE: Got you. Thank you.

1   CHAIR BURMAN: Before we go to the

2   audience, is there anyone else at the

3   subcommittee who wants to say anything? Anyone?

4   No? On the phone?

5   MS. PEAREN: This is Holly Pearen.

6   I'm on the phone. I just wanted to echo Mr.

7   Parker's statement. I think that was a really

8   clear articulation of the importance of PHMSA

9   involvement, in order to incentivize

10   participation. Thanks so much for entertaining

11   this dialog. The feedback is very helpful to the

12   subcommittee.

13   CHAIR BURMAN: Thank you, Holly. Now,

14   anyone in the audience, if you want to just move

15   forward.

16   MR. STOODY: John Stoody, with the

17   Association of Oil Pipelines. I'd say certainly,

18   reflecting the liquids pipeline industry, we have

19   an inherent desire to participate in this and an

20   inherent desire to gain the benefits of sharing.

21   That's why we're working hard to break down the

22   barriers to what would enable that. To the

1   extent this is a surrogate conversation for

2   should the director be a federal or a private

3   employee, I don't necessarily have a final

4   opinion on that, but I would very much echo what

5   Randy said. If the director is a PHMSA person,

6   we need a person on the inside to be a leader for

7   this, to be a champion for it going through the

8   budget process, working to change the culture

9   within PHMSA in dealing with the inspection

10   group, with the enforcement group and the

11   programmatic group and managing up to the

12   secretary's level.

13   There are a number of advantages for

14   having our leader be someone on the inside that

15   can help the program versus the opposite. If

16   it's an industry person leading it, then in a

17   couple years, maybe this becomes an industry

18   thing, and it just gets shunted to the side.

19   I think there are a lot of pluses to

20   having PHMSA engaged. Time will tell whether we

21   have the things that make this a success.

22   There'll be plenty of opportunities for all

1   involved to prove their commitment to making it

2   succeed. I'm not as worried about that in this

3   ultimate question of who should be the director.

4   MR. COTE: Thank you so much.

5   Appreciate the comment and agree.

6   CHAIR BURMAN: Thank you. Randy.

7   MR. PARKER: Randy Parker, Kinder

8   Morgan. I might add one other thing. We've

9   spent months learning about the advantages of the

10   FAA experience over the last ten years, so we've

11   warmed up to this idea of voluntary information

12   sharing, as long as we have adequate protections

13   and we build the trust.

14   But people who aren't on this

15   Committee, or people who haven't had this kind of

16   education we've had may not see that. If they

17   see PHMSA administrating a program, an operator

18   who doesn't understand all this yet may say these

19   are the same guys that just fined me last month.

20   I'm not going to go sharing information with

21   them.

22   I think that the PHMSA part of this

1   needs to be recognizable as an independent

2   effort, not related to enforcement, so that

3   whoever the leader is in PHMSA is tasked with

4   that, so that it's visible to the industry as a

5   voluntary program, unassociated with punitive

6   actions or enforcement. That's just an idea, and

7   I'd like to hear what Alan might have to say

8   about that.

9   MR. MAYBERRY: I totally agree.

10   That's why I mentioned earlier we will always

11   have that program, the traditional oversight

12   program. This is really our effort to -- another

13   way to skin the pipeline safety cat because

14   regardless of that oversight program, the efforts

15   that are going on, we still have failures that

16   happen. It's unfortunate.

17   None of us want them. What's another

18   approach? That will be there, but this has got

19   to be a separate -- you're really changing the

20   paradigm. We're not in that box over there.

21   We're over here in a very communicative,

22   collaborative box that says we're sharing

1   information, we're sharing lessons learned,

2   without the fear of punitive action.

3   That's the gist of it. That's how I

4   see this working. It's critical for that safe

5   area to be there to set up the environment where

6   information is shared. Again, I'm not -- we're

7   always going to have the other side, but this is

8   another area to -- really all about sharing

9   information, not to beat that dead horse.

10   MR. COTE: Thank you. Fully agree.

11   Are there any representatives here of APGA or

12   AGA, for example? Thoughts or comments on the

13   discussion, in terms of that PHMSA VIS

14   relationship? Would you identify yourself,

15   first?

16   MR. TU: This is Wen Tu, from AGA. In

17   terms of our member participation in such

18   information sharing, with or without ownership

19   being from PHMSA and with leadership from PHMSA

20   and/or from the industry, I'm going to defer that

21   to our members, honestly. I think there's

22   certain advantages that's been already

1   communicated in this conversation, and

2   disadvantages, as well.

3   In terms of individual member

4   participation, that's going to be decided -- and

5   I think that as each member sees more

6   participation from their peers within the

7   industry, I think there'll be more participation,

8   but again, that decision's going to -- I'm going

9   to defer that to --

10   MR. COTE: Let me put you on the spot

11   and ask the question a different way. Do you see

12   AGA encouraging its members to participate in

13   that model out of the box?

14   MR. TU: Yes, but with a lot of

15   qualifiers. I think that there's a lot to be

16   decided within this group about how the data's

17   going to be managed, how the data's going to be

18   provided, and who has access to it. That's all

19   being discussed within the scope of this working

20   group.

21   The decision ultimately is going to

22   drive the AGA recommendation to our members, but

1   certainly to at least see the benefits of

2   information sharing in progressing pipeline

3   safety overall. We obviously support that

4   ultimate goal.

5   MR. COTE: Appreciate that. Just for

6   the record, both the legal -- and Randy, I don't

7   want to speak for your team, but both the legal

8   and governance groups see the questions of

9   anonymity of data, avoidance of punitive within

10   very broad boundaries that are excluded by

11   criminal acts, essentially, but very broad

12   boundaries, in terms of no enforcement really

13   gets reported through the system, obviously being

14   absolutely essential and a baseline requirement

15   of the system.

16   MR. TU: I would add one more thing,

17   as well. From my perspective, we're also looking

18   for some clarification on how the system's going

19   to be managed. A lot of discussion about how the

20   data will be managed and who's going to manage

21   that data within these groups, but when we talk

22   about being able to digest, store, and make

1   information available, there's a system component

2   to that, as well. System architecture and system

3   governance is something else that we're looking

4   for some discussion about.

5   MR. COTE: That's fair. That sounds

6   like the technology group.

7   CHAIR BURMAN: That also gets to when

8   we have the IT architecture discussion later, as

9   well. I think what this also shows us is how

10   important it is, in the report, to identify those

11   things that will be barriers and those things

12   that are important to have in whatever the

13   systems will be.

14   MR. COTE: Thank you, Madam Chairman.

15   Final comments? I think we have used all of our

16   time, but this has been very helpful. Any final

17   comments from any members of the subcommittee?

18   CHAIR BURMAN: On the phone? Oh, I'm

19   sorry, Eric.

20   MR. AMUNDSEN: Eric Amundsen, Energy

21   Transfer. Randy, you bring up a great point. I

22   think it's a management of change effort that

1   will need to take place if we move forward with

2   this. So I think our report, that may fall under

3   best practices, but it will be a huge management

4   of change campaign, and we'll need to think about

5   how we -- what recommendations we make in that

6   regard.

7   How do we use the associations? How

8   do we use the report, itself, to communicate all

9   that we have learned, as a Committee, about the

10   FAA's experience and compelling reasons for doing

11   this? This is a major paradigm shift, not so

12   much from sharing information in general, but

13   sharing it in a different context, so we'll need

14   to think about that in our recommendations and

15   try and get our ideas and thoughts on paper about

16   the key elements of an MOC process for it.

17   MR. COTE: That is absolutely a great

18   point. Randy, as you said earlier -- at least I

19   think it was you, but someone in the room said

20   something along the lines of as we've worked

21   this, we've all gained a clear understanding and

22   really refined our vision around how to execute

1   this and learned a ton in the process that our

2   industry brothers and sisters have simply not had

3   the opportunity to do. We have a much higher

4   level of trust that we can make this work, that

5   the safeguards will work effectively, and this

6   gets executed in a way that is secure and

7   reassures everyone, in terms of our strategic

8   intent, so critical points. To your point,

9   translating that into something that will really

10   resonate with our industry becomes management of

11   change.

12   MR. BUCHANAN: Only one comment. The

13   big guys are here, but there's a ton of small

14   guys, small operators. We really need to think

15   about this, really, in terms of what they're

16   going to feel this thing is, and how will you get

17   them to buy into it. That really has to be part

18   of your thought process, as well.

19   MR. COTE: That sort of goes back to

20   the trade associations helping, them hearing from

21   multiple sources that sharing data is good for

22   individual operators and good for our industry

1   really some of the keys. Anyhow, that being --

2   CHAIR BURMAN: Alan.

3   MR. COTE: I'm sorry.

4   MR. MAYBERRY: I just feel compelled

5   to say this. Don't take it the wrong way, but as

6   we look to roll it out, this is not -- this is

7   why -- there are a number of factors here. It's

8   not a system to hide behind a compliance issue,

9   but it's a system to raise everyone's awareness

10   of the challenges and really to get smarter at

11   what's out there and how to fix what's out there.

12   I just felt compelled to mention that.

13   I'm totally confident we can come out with a

14   system that doesn't do that. It's not a rat your

15   boss system, which I've heard that other systems

16   have --

17   MR. COTE: Not a what? I'm sorry.

18   MR. MAYBERRY: Rat your boss system.

19   Anyway, thank you.

20   MR. JONES: A couple of quick points.

21   Dan, very good job. You pretty encapsulate -- we

22   had a lot of problems the last couple of days,

1   and he covered it all. We really need to hear

2   from you guys. What you've said has just about

3   solved all of our problems, I think, and made it

4   -- I think everything is settled, pretty much.

5   There are some devils in the details, but we're

6   appreciative that -- I've been on many FACA

7   committees, been in Washington for a long time.

8   To be honest, when I came to this meeting, I was

9   a bit shocked at the anonymity and the relaxed

10   enforcement that the Agency was throwing on the

11   table to get players involved. If this was

12   occupational safety and health, certainly

13   wouldn't have been in favor of that.

14   I would have taken the other view of

15   this is nuts. Hold on; we're giving away the

16   store. But the Agency has brought case study

17   after case study and testimonial that has

18   definitely allayed my fears. I would have to

19   agree with Alan that I'm frustrated with the

20   enforcement compliance paradigm, as well.

21   There's got to be a better way.

22   I have changed my mind to this idea of

1   relaxed enforcement to encourage voluntary

2   information sharing, so that we can skin this

3   bird from a different angle, in terms of reducing

4   risk on these pipelines. I just want to say that

5   there are concerns from the other side, as well,

6   about relaxed enforcement and anonymity, but many

7   are looking for the big picture that this may

8   produce. The Agency has provided enough case

9   study to have folks encouraged. Thank you. Oh,

10   Walter Jones, Laborers Health and Safety Fund.

11   CHAIR BURMAN: Thank you, Walter.

12   Anyone else at the table? Michelle.

13   MS. THEBERT: Michelle Thebert. I

14   guess when you say relaxed enforcement, what does

15   that mean?

16   CHAIR BURMAN: Can you speak up a

17   little bit?

18   MS. THEBERT: I'm sorry. Relaxed

19   enforcement, I'm trying to follow what that

20   means, exactly.

21   MR. JONES: To me, I was just -- maybe

22   it was just a wrong term, but I was saying

1   non-punitive --

2   MS. THEBERT: Right.

3   MR. COTE: Relaxed enforcement is, I

4   don't think, a term that I or the subcommittee

5   would use. What we're talking about is a

6   situation where you are an operator. If you

7   identify a problem in your system, it may be a

8   safety issue, or it could be a 192, what would

9   constitute a 192 violation. You do your own

10   independent audit of your activities. You

11   identify it. It's identified as a concern or a

12   risk. You report it through VIS. You create a

13   remediation point around it, and you are

14   addressing it. Four months later, either the

15   state or PHMSA drop by and do a routine audit and

16   say you're violating 192.605 because you do not

17   have procedures that govern leak investigation

18   and repair.

19   I'll take an extreme case for those of

20   you that are operators. You say wait a minute,

21   here's my draft. We're getting it approved. We

22   found this four months ago. We reported it to

1   VIS.

2   PHMSA basically says as long as you

3   are demonstrating that you're remediating it and

4   that you identified it yourself, we will not cite

5   you under 192.605 and fine you. Conceptually, I

6   think that's what the vision is. Alan, would you

7   agree with that characterization?

8   MS. THEBERT: Alan would have to --

9   PHMSA would have to contact the states and say

10   Operator B, you can't tag them for this because

11   reported it, but Operator C didn't report it. He

12   can get them. I'm trying to make sure --

13   (Simultaneous Speaking.)

14   MR. COTE: Right. The states are a

15   little bit different. I'm not sure that PHMSA

16   has absolute unfettered control over individual

17   state programs.

18   MS. THEBERT: Some states --

19   (Simultaneous Speaking.)

20   MR. COTE: To the extent that

21   individual states don't embrace the concept if

22   it's recommended by PHMSA, their operators simply

1 won't join.

2 MR. MAYBERRY: It can get a little

3 tricky there. Hard to comment on that example.

4 MS. THEBERT: I've got easier ones.

5 MR. MAYBERRY: I think even today, if

6 an operator -- and we've seen that -- comes to us

7 with an issue and self-discloses, it's a lot

8 better than if the inspector happens upon it. I

9 don't necessarily see the system for -- we're not

10 building the system. It's really more to share

11 information about the threats that are out there.

12 Initially, the discussion was that the

13 directive was related to inline inspection, but

14 we're covering the realm including distribution.

15 We'll just have to see what gets rolled up into

16 it. I'm a little concerned about if it'd just be

17 a -- here, again, if you crack the door open, do

18 you give a blank check to getting a pass? I

19 should stop.

20 (Simultaneous Speaking.)

21 MR. COTE: In a few minutes, Randy

22 will cover a bit of detail around those

1 expectations. Again, either we have a meeting of

2 the minds or we don't. I guess we'll shake that

3 out.

4   CHAIR BURMAN: This is Diane Burman

5 from New York State Public Service Commission.

6 Let's not forget the lessons that we learned from

7 when FAA and the rail guys came in here. The

8 focus wasn't in picking this over a way of

9 getting around enforcement. It was that this was

10 a tool outside of enforcement. It wasn't we have

11 an issue; rush here, so we don't get tagged over

12 there.

13   That wasn't the intent. The intent

14 was about a way of having voluntary information

15 sharing to help with pipeline safety, as a tool

16 to lead to risk reduction, the risk assessment

17 that could help us, as that tool. To the

18 perspective of there were processes in place, and

19 they have very clear guidelines that were

20 established after they had the legislative

21 authority that gave them the leeway to establish

22 what that -- there was very clear guidelines on

1   what it would mean if you were doing something

2   that was intentional or grossly negligent that

3   was outside of that. It really was about the

4   utilization of that information to have a gotcha

5   was not to be done.

6   That was some of the processes that

7   were in place. I think some of this will get

8   fleshed out, in terms of looking at other drill

9   downs, as we go further, but we're not writing

10   the program or getting back between what it will

11   mean for a state that wants access to that.

12   If you remember, with the FAA and the

13   Rail, they also had Memorandums of Understanding

14   and confidentiality agreements for other players

15   that were going to be a part of that. It wasn't

16   just that the industry agrees, and then we'll see

17   what folks do. If a state wants to be a part of

18   it and to share it, they don't just get to be a

19   part of it to then take and use as they see fit.

20   That's something that will have to be grappled

21   with.

22   MR. COTE: That's a great point. I

1   won't go off the reservation too far, but all of

2   this moves from a compliance-based model to a

3   risk-prevention model over time. This is just

4   one piece, for example, with SMS, which is

5   another critical initiative that the industry is

6   adopting to improve that. A component of SMS is

7   self-auditing, for example.

8   To the extent you find things,

9   obviously, you're obligated to remediate them or

10   to implement prevention technology. There are a

11   whole variety of other things, but again, moving

12   us away from that traditional compliance model.

13   CHAIR BURMAN: Sherry, did you have

14   any comments?

15   DR. BORENER: I just wanted -- Sherry

16   Borener, from PHMSA. I just wanted to support

17   your point and say that in the ASIAS program, the

18   fact that the data are pooled and de-identified

19   actually means that they can't be used in an

20   investigation later on. Compliance is

21   compliance. That's a pathway.

22   But you would never, then, go back to

1   the VIS data and mine it for additional

2   information to support a case against an

3   individual. That's really the point of

4   de-identification. By the time it gets into the

5   VIS, you can't find out who that was, and you

6   should not be able to then reconstruct anything

7   about their operations using that voluntarily

8   shared information. They really are just

9   separate. That, I think, is the protection.

10   DR. MURRAY: Would it work the other

11   way around, meaning an operator who wants to say

12   we reported this in the VIS during a compliance

13   matter, they wouldn't be able to use that same

14   argument?

15   DR. BORENER: No. Under their SMS --

16   FAA has an SMS rule, where this process where you

17   disclose issues and you do self-monitoring and

18   self-auditing and you report your metrics, that

19   special rule allows them some indemnification,

20   but it doesn't change a compliance issue. If you

21   discover a risk issue, that's different than if

22   you're breaking the law.

1   Once you've gotten to the point where

2   you are doing something that is enforceable, it

3   doesn't get you a get out of jail free card.

4   Enforcement still is going to do enforcement,

5   it's just that there's a very big difference

6   because we have very minimal -- we have minimal

7   standards. There's a big difference from having

8   a known risk to having a violation. In that

9   space between having a known risk and actually

10   having to take action, there's a lot of things

11   that can be done. This encourages people to take

12   those actions without having somebody step in and

13   say you're on the verge of a violation or

14   something and having a threat.

15   It also keeps them out of the lawsuit

16   loop. So a third party who feels that they've

17   been damaged by an airline can't go to the VIS

18   data, and then use it in a court date. I think

19   that's important for getting people to involve.

20   CHAIR BURMAN: Okay, thank you.

21   Michelle.

22   MS. THEBERT: I guess the reason I'm

1   asking is the state's obviously distribution. I

2   know there's somebody trying to bring

3   distribution into it, so I guess that's one we

4   have to figure out. Is distribution part of it

5   or not?

6   Because when you have 50 different

7   states, you're going to have to work with their

8   own state laws and certain regulations they may

9   not be able to exempt a penalty. I guess I was

10   thinking when you report to VIS, you're not doing

11   it just to avoid enforcement. You're doing it

12   hopefully to -- I guess I'm seeing them not

13   really related, but they are sort of -- joint,

14   maybe it's notice to help -- the pipeline safety

15   person's getting some kind of monetary benefit or

16   some kind of non-enforcement benefit. I don't

17   know.

18   MR. COTE: I guess just to answer your

19   question, Michelle, nothing in the discussions

20   we've had in the last six months excludes

21   distribution. Adding states into the mix does

22   add a bit of a level of complexity for individual

1   operators. But remember, in terms of our

2   pipeline network, that is 75 percent --

3   distribution pipe is 75 percent or more of all

4   the pipe in the United States and --

5   MS. THEBERT: I'm not saying it's good

6   or bad.

7   MR. COTE: -- and just that many -- at

8   least that percentage of federally reportable

9   incidents today. I think we concluded early on

10 that if we leave distribution out, we're sort of

11 missing the boat in driving a lot of incremental

12 pipeline safety.

13   MS. THEBERT: I'm not saying that's

14 right or wrong.

15   MR. COTE: Now having said that, yes,

16 that will -- just the states being in the mix may

17 add a level of detail that I think will sort

18 itself out pretty quickly, but it is something we

19 will wind up dealing with, no question. Having

20 said all of that --

21   MS. THEBERT: Some states have a lot

22 more -- mirror the Feds regulation, so it's going

1   to be a task.

2   MR. COTE: Yes, some states have their

3   own almost independent codes more stringent than

4   192. That's true. Having said all of that, I

5   think, as a committee, we got the guidance we

6   were looking for, so we certainly appreciate it.

7   Any final thoughts before we wrap it up?

8   MR. MAYBERRY: I have one quick

9   thought, just related to -- to the extent that we

10   make statutory changes, Michelle and Joe, and to

11   the extent that we change the regulations, then

12   it will become part of our annual state audit.

13   We would look to the states to -- the

14   agreement covers that you adopt the federal

15   minimum standard in the state law, and then we

16   inspect against that. So to the extent there was

17   a gap in the state law, it could impact -- it's

18   the whole point system, ultimately, that we would

19   look to the states to adopt whatever federal

20   regulation would be relevant to this and would be

21   inspecting against that. So the impact, like I

22   said, could be an impact on the points that we

1   award to states.

2   DR. MURRAY: I think there need to be

3   more points -- state law.

4   MR. MAYBERRY: My goal is for --

5   (Laughter.)

6   MR. MAYBERRY: -- not to lose any.

7   CHAIR BURMAN: I just want to say,

8   though, that I think, again, we're getting into

9   trying to figure out how a state may try to upend

10   the program. That's where it comes into the

11   congressional intent, as well as the actual

12   statutory authority.

13   So it's not really about getting back

14   to since you're being a part of this voluntary

15   information sharing system, everything that you

16   shared with them, you now have to share with us.

17   That would go against the congressional intent.

18   I think that's sort of the things that

19   we need to look into, I think. In the report,

20   rather than getting into trying to figure out

21   every scenario, more about needing to address the

22   issues of ensuring that this -- that there are

1 not players who are going to upend the goals and

2 the intent and needing that to be very clear in

3 whatever statutes are put into place. I think

4 that's how we try to address some of these

5 issues.

6 MR. COTE: Couldn't agree more.

7 That's very fair. Thank you. Thank you for the

8 time. Thank the Committee and our guests for the

9 input. Thank you.

10 CHAIR BURMAN: Now we're going to go

11 to the next -- process sharing is the next

12 subcommittee. We're going to pull that up and

13 report out for that.

14 MR. HERETH: I'm Mark Hereth, with the

15 Blacksmith Group, the chairman of this

16 subcommittee. If you'll go to the next slide,

17 please. This shows our subcommittee members, our

18 alternate designated federal official, Sherry

19 Borener.

20 Sherry brings the added benefit of

21 having worked in ASIAS in the FAA system, so

22 she's been a tremendous asset for us. You can

1   see the list of our members there. We added

2   three in the last month or so, Warren Randolph,

3   from the APGA side, Drew Hevle from the gas and

4   liquid operator side, and -- I'm sorry; Warren

5   Randolph is from FAA. I'm sorry. Warren has

6   presented to us before and wanted to meet with us

7   yesterday, but had a prior commitment.

8   Drew Hevle, from Kinder Morgan, and

9   Jim Crowley, I'm sorry, representing APGA.

10   You've seen our task statement before, so I won't

11   go into that in any great detail. There's

12   nothing that we've done recently that I think

13   would cause us to revisit that, but we're always

14   open to thoughts there.

15   In terms of things that we've done

16   recently, we had presentations. We had one that

17   was presented to us by Drew on API 1163, which

18   this group, this Committee, will have the benefit

19   of seeing later today.

20   We also had a presentation by Chris

21   Warner on direct assessment, so we could see the

22   parallels to be able to draw upon in the context

1 of direct assessment. Of course, yesterday we

2 had a presentation from subcommittee, which

3 others joined, on what I would characterize as --

4 our emphasis in asking Vivek to come present was

5 really looking at what are the essential elements

6 that we should be considering in making

7 recommendations about a voluntary information

8 system. For those of you that saw his

9 presentation, I think it was outstanding. He has

10 a great command of the FAA system, had great

11 knowledge and insight on the funding side of it,

12 as well, that he shared earlier in the day.

13 I think he was very, very helpful

14 yesterday. We had followed up working in

15 conjunction with the Best Practices Subcommittee

16 to get PRCI to come back and visit us with a

17 little bit more detail and a specific proposal

18 framework, drawing upon what they're already

19 doing with voluntary information sharing with

20 ILI. Eric and I have been coordinating that.

21 Eric is actually on the board of the

22 PRCI, or the executive committee, I guess.

1   That's in play, and we'll be bringing that back.

2   I suspect that's something we'll want to

3   recommend for August, so we'll talk with you guys

4   about that. We're also -- one of the things that

5   came out of a couple of our meetings yesterday is

6   that we want to make sure that we have good

7   coordination between the subcommittees and that

8   we're not overlapping or doing the same work in

9   developing the report. We're actually going to

10   have a meeting on July 2nd. It will be, for

11   those of us in Houston, probably face to face,

12   but we'll have -- we're going to do a web

13   meeting, so that anybody can join that.

14   Our purpose is to make sure that we're

15   aligned among our sections, and also no overlap.

16   We thought that would be best to be the Process

17   Sharing, Best Practices, and Technology

18   Subcommittees. We welcome the others.

19   I think we find that we're going to be

20   taking more direction from governance and mission

21   and from legal and the budgeting side, so we saw

22   the places where there's a real tendency or

1   potential to have overlap was with best

2   practices, process sharing, and technology.

3   We've just seen that, so we had some discussions

4   yesterday about how to clarify that.

5   We've decided we're going to create

6   annotated outlines. We'll get those out in

7   advance. Then we'll actually meet on July 2nd to

8   try to work through that, again, to make sure

9   we're aligned, but also that we don't have

10   overlap and that we're pointing to each other. I

11   know, for example, in process sharing, we're

12   going to be pointing to best practices because we

13   may have a set of recommendations, but they will

14   rely on what best practices has described. The

15   final point that was raised -- and this has come

16   up a couple times, but it was raised again

17   yesterday, so I think we'll spend some time on

18   this, is what are the expectations of each of our

19   stakeholder groups, particularly in what we share

20   and how we share that?

21   We'll take that one. I think it was

22   a great suggestion. We'll take that one and do

1   some work on that. We have representation on the

2   committee to help us, I think, make that happen.

3   Any questions or comments on ongoing work?

4   CHAIR BURMAN: Anyone the phone?

5   Holly? Anyone in the audience?

6   MS. PEAREN: No comments other than to

7   commend the efforts to coordinate between

8   subcommittees, at this point. I think that's

9   going to be really helpful.

10   CHAIR BURMAN: Thank you.

11   MR. HERETH: Good. Thank you. The

12   other thing that I wanted to do was show

13   generally where we are with respect to our report

14   outline which, as I mentioned, we'll further

15   annotate prior to our July meeting with the other

16   subcommittees. We think, at the very outset,

17   that we had a discussion on the interrelationship

18   with the safety management system. That might

19   ultimately go into an introduction in this

20   document, but it's so essential to how we share

21   and the processes we use to share that we thought

22   we'd tackle it here.

1   Then, ultimately, you all can decide,

2   the Committee can decide and the leadership can

3   decide where it best fits. I know it's something

4   that Sherry and others from the FAA side have

5   helped us see, so we'll try and tackle that.

6   We'll revisit the categories of information

7   sharing, and I'm going to talk about that a

8   little bit more in a moment.

9   The next two topics we think are

10   really important, which are when we go to make a

11   recommendation, what are the things that are

12   really critical, what we're calling essential

13   elements of a voluntary information sharing

14   system? How do you make it stand up and make it

15   effective? The second one, which is -- I think,

16   Dan, you referred to it a bit in your comments,

17   so I think we're going to want to have some

18   interaction here. As you recall, we had a

19   discussion about this in one of our subcommittee

20   meetings a couple of months ago, which is what

21   can we do to make VIS compelling, which is one of

22   the things I think Dan was trying to tackle.

1   Ultimately, where that may fit, it may

2   fit best in governance, but our subcommittee's

3   done some work there, so we'll want to capture

4   that. We'll describe what we think an

5   information hub looks like. You've seen a

6   diagram that we created, I believe, back in

7   April.

8   Then we thought we'd have a series of

9   case studies. This is one of the places where

10   we're going to want to interface with the other

11   groups because I think the Technology

12   Subcommittee has the idea of doing this. When I

13   saw some of theirs yesterday, I think it caused

14   us to maybe relook at how we might do this.

15   One of the things we want to do is to

16   have some tangible evidence of how this is done

17   and how it works, so that people, when they read

18   this, benefit, as Randy, I think, you pointed

19   out, that they have the benefit of knowing what

20   we know. So we think case studies or examples do

21   that, and we'll coordinate with the subcommittees

22   on how to best do that. I think the Technology

1 Committee has a good way of looking at that,

2 having sat in their meeting yesterday, so we'll

3 draw upon the strengths there.

4   Once we get this further annotated, we

5 began to ask for assistance in writing

6 assignments yesterday. We were overwhelmed by

7 the number of people that came up to us

8 afterwards. No, just kidding. We know that

9 people are ready and willing to help in that

10 regard.

11   One thing I just wanted to go back to

12 briefly was several meetings ago, I think,

13 actually, Dan Cote and Eric helped us see an

14 initial framework for information sharing types.

15 They were captured in the first three, which are

16 really learnings from routine use of assessment

17 technology, a second being learning from

18 reportable incidents and accidents, and even

19 possibly near misses.

20   You'll note that we have the tie here

21 to the SMS sections in this case to the section

22 number in the APIRP 1173 document. We're going

1   to try to retain that throughout here, so that we

2   always have a tie to SMS. Then there's a third

3   one, which is learnings with our public

4   stakeholders. I think we've not lost any focus

5   or emphasis on those first three, but I think

6   what we've seen, over time, is people have helped

7   us see possibly two others.

8   I'm going to give Dr. Cote credit for

9   No. 4. We heard this yesterday from Vivek, from

10   the FAA, is that there are opportunities to have

11   learnings about specific risks. That includes

12   risk, risk assessment, risk mitigation, barriers,

13   if we want to call them that.

14   We think those are important, so our

15   subcommittee will spend some more time with

16   those. Those are likely outcomes from this

17   information sharing. Then sharing of specific

18   assessment data, we'll go back and spend some

19   additional time with that.

20   I think our discussions, frankly, with

21   the Technology Subcommittee yesterday helped us

22   see that. Any thoughts or comments on those?

1   Again, this is a place where we would welcome

2   other input. It was very interesting, yesterday,

3   that Vivek made the comment about the importance

4   of sharing learnings with our public

5   stakeholders. It was really good to hear him say

6   that because I hadn't heard that, I don't think,

7   as clearly as when he said it yesterday, so it

8   reinforces the importance. I think we would all

9   say that it needs to be on there, but I think it

10   reinforces it.

11   MR. COTE: Mark?

12   MR. HERETH: Yes.

13   MR. COTE: This is Dan Cote. Just a

14   comment. In my mind, I love what you have up

15   there, but particular around 2. One of the

16   things that I've found frustrating over my career

17   was being aware of reportable incidents,

18   obviously, particularly sensational ones that get

19   a lot of publicity and potentially serious

20   property damage, or even fatalities.

21   Sometimes it takes us a couple of

22   years, as an industry, to really understand what

1   caused those. Typically, the investigation

2   chain, let me say, is a lot shorter than that.

3   People know. It doesn't take two years to figure

4   out what really went wrong in most of those

5   cases. Yet, because of the historic litigation

6   model and confidentiality and all of the

7   impediments to information sharing, a lot of us

8   who may have those risks can't react to them

9   because we don't know. One of the things that I

10   would love to see come out of this strategically

11   is more willingness on the part of the operators

12   who have those to share data on risk avoidance

13   much sooner than actually comes out of the

14   ultimate litigation or whatever regulatory

15   process may occur.

16   In my mind, that's critical. One of

17   the absolute keys to this is knowing quickly what

18   went wrong. If we have those risks as other

19   operators, we move quickly to prevent them. We

20   don't, in my mind, at least in the distribution

21   business, we don't do that particularly well

22   today at all, and it's a critical outcome.

1   MR. HERETH: Dan, this is Mark Hereth

2   again. I would say that's -- I think all of us

3   would share your concern there. I think that we

4   had a really key learning yesterday from the

5   representative from the Center of Offshore

6   Safety. The way in which she described how they

7   don't focus on root cause, and they look at

8   opportunities for improvement, that, they find,

9   is a way -- and I don't want to put words in that

10   person's mouth, but I think that was a really key

11   learning yesterday to see the focus that they use

12   there. I think we all share your concern.

13   MR. COTE: That's a great point.

14   You're right. That's another way to skin the

15   cat.

16   MR. HERETH: I thought that was a

17   really key learning from yesterday. It's a

18   concern that we all need to have.

19   MR. COTE: Thank you.

20   DR. BORENER: Sherry Borener, from

21   PHMSA. One of the things I think that -- he

22   talked a lot and told you a lot of things all at

1   once, but he talked about Infoshare. I think

2   some of you have been to Infoshare. There are

3   lots of ways and levels to get engagement.

4   Infoshare, which started with 10 people and is

5   now 1,000, is a room where people talk about

6   their information, period.

7   They don't necessarily come there to

8   do analysis. Sometimes they present analysis at

9   this time, but that's exactly the initiation --

10   that was the way people came in the door, in a

11   lot of cases, is to come in just to share

12   information, findings from incidents or trends

13   that they're exposed to, and then using that

14   platform, they developed the kinds of topics,

15   like specific risks, that they would go back and

16   study in ASIAS. For process sharing, the

17   question is how do we get people to the table and

18   keep them there?

19   I think that's one of our big issues.

20   What gets people in? What makes them want to

21   stay? I think we can have a lot of levels of

22   engagement that don't require a lot of additional

1   regulatory action to get people started in an

2   idea and building trust well before they're

3   actually engaged in the full information sharing

4   platform.

5   MR. WARNER: Chris Warner, from Mears.

6   I want to follow on from what Dan said about

7   concerns that I think companies will have about

8   legal lawsuits regarding incidents and sharing.

9   I was interested to hear Vivec say,

10   yesterday, if I'm remembering correctly, that

11   companies were actually finding that it was

12   better to say they were involved in this process,

13   even though that may provide some vulnerability,

14   in terms of the details coming out in a lawsuit,

15   than it was to just not be involved and have to

16   admit in court that they were blind to what was

17   happening in the industry and how to respond

18   appropriately to the industry. So I think some

19   of that needs to be in our report because I think

20   a lot of the public or operators who aren't in

21   this room are going to be worried -- that's the

22   first thing I would worry about is my lawyers

1 will never let me do this.

2   So some of that discussion in there

3 talking about the learnings from the FAA around

4 how it was a better legal strategy to be engaged

5 in this, as opposed to segregated, might be

6 valuable in the long run.

7   CHAIR BURMAN: Anyone else at the

8 table? On the phone? In the audience?

9   MR. HERETH: I think that's --

10   CHAIR BURMAN: Okay.

11   MR. HERETH: Yes, that's it.

12   CHAIR BURMAN: You don't have any

13 voting items, right?

14   MR. HERETH: No, no items for voting

15 today.

16   CHAIR BURMAN: Okay, great. Next,

17 we're going to be, I think, Regulatory, Legal,

18 Funding.

19   MR. PARKER: This is Randy Parker,

20 from Kinder Morgan. As you know, the Regulatory,

21 Funding, and Legal Subcommittee is comprised of

22 these members. Everyone is here, I believe,

1 except our external members, Dane Jaques and

2 Cynthia Dominik. Dane is a former commercial

3 pilot, also a lawyer, who has done NTSB/FAA work,

4 and also does pipeline work.

5 Cynthia worked at the FAA for the last

6 ten years setting up the legal processes and

7 regulations, etc., to make the voluntary

8 information sharing program at FAA work and to

9 create that trust between the aviation operators

10 and the agency with respect to this program.

11 She will typically say trust, trust,

12 trust is what has to be created to make this

13 work. Our task statement, really boil it down,

14 says that we should identify any barriers to any

15 part of the VIS system that we're looking at and

16 to recommend ways to overcome those barriers.

17 Let's go through -- there are eight barriers we

18 identified, so let's just go through them one at

19 a time. The first barrier relates to the

20 authority and governance of the VIS.

21 One of the things that we found, it's

22 not really clear that PHMSA has specific

1   authority to establish and maintain a VIS system

2   or program, and it's not clear that they have the

3   authority to enter into MOUs and other

4   contractual arrangements necessary to establish

5   and operate a successful VIS program.

6   Certainly, they have a lot of

7   authority to attempt to do this, but we thought

8   that it would be better, from the outset, to kind

9   of clarify this. The third barrier, with respect

10   to the authority and governance, is that

11   operators fear that the program, while called

12   voluntary, might be transformed into a mandatory

13   program.

14   That would constant one barrier to

15   participation that we should address. We don't

16   want to discourage participation from the outset.

17   The recommendation that we came up with is that

18   we go to Congress. We recommend the secretary

19   seek from Congress legislation, and direct PHMSA

20   to promulgate regulations under that legislation

21   authorizing PHMSA to establish a VIS, to be

22   formed and governed in cooperation with pipeline

1   operators/inline inspection vendors, for the

2   purpose of encouraging the voluntary sharing,

3   collection, and analysis of pipeline integrity

4   inspection and risk assessment information and

5   other appropriate data, for the purpose of

6   improving pipeline safety, transmission,

7   distribution, and hazardous liquid pipelines.

8   PHMSA would be authorized, under this

9   law, to enter into MOUs and other contractual

10   arrangements with operators, vendors, third party

11   data management contractors, states, and other

12   entities or persons, as necessary, to establish,

13   operate, and maintain a VIS. Neither PHMSA, nor

14   any other agency, would require participation by

15   any operator or ILI vendor in the VIS. So we

16   tried to hit those three barriers with this

17   proposed legislation.

18   DR. MURRAY: Randy, one question on

19   the first paragraph, where you talk about the --

20   in cooperation with. It's just more of a

21   question. Where would the state regulators or

22   the states fit in there?

1   MR. PARKER: In terms of the

2   cooperation?

3   DR. MURRAY: Right.

4   MR. PARKER: I think states could be

5   on the governance pressure that we ultimately

6   come down to as part of the Stakeholder

7   Committee. It's possible that states could be

8   there or fit in in other ways. But in terms of

9   setting up the VIS, itself, we're talking about

10 cooperation between operators, ILI vendors, and

11 PHMSA, sort of the core participants in setting

12 it up. The states could be included in that.

13   (Off record comments.)

14   MR. PARKER: I think it could be

15 cumbersome and very -- subject to a lot of

16 politics if you had all the states able to come

17 in at the outset to try to shape what the VIS

18 looked like, but it's certainly worth

19 considering. Alan.

20   MR. MAYBERRY: Let's see; where to

21 start? I guess the way I envision it, typically,

22 we would enter into an MOU with another

1   government agency, federal agency, so that's the

2   relationship there as we look to another --

3   leverage another entity to help us here. Then I

4   would add that -- so our interaction with

5   operators or ILI vendors or other third parties,

6   to the extent we need expertise, we would

7   probably need to have something in here that it's

8   really not an MOU, but it would be really in

9   conformance with the federal requisition

10   regulations.

11   We're not allowed, really, to give

12   free service. We have to pay for it. Just a

13   little nuance there that we can wordsmith this a

14   bit to just make sure we're in compliance with

15   the FAR. Also, first and foremost, obviously you

16   pointed out, and we've discussed the statutory

17   changes that would be needed.

18   There are existing statutes that would

19   need to be tweaked, but then also, we'd need to

20   add some language related to just the whole

21   concept of VIS, but the existing statutes,

22   especially as it relates to how we handle

1   information from operators.

2   But it would be specific to this

3   because, again, we still have our other program

4   that we're working within. This is just -- the

5   statutory changes would address setting up the

6   ability to have this other voluntary system to

7   work within.

8   MR. PARKER: This is Randy Parker,

9   with Kinder Morgan. Alan, I appreciate those

10   comments very much. I think we will have to see

11   how this fits in with your other statutory

12   obligations and mandates. With respect to the

13   MOU paragraph there, we did look at the FAR

14   requirements.

15   This paragraph comes primarily from

16   the experience of the Federal Railroad

17   Administration, in terms of how -- when they set

18   up various programs, they needed some kind of a

19   document that laid out the ground rules for

20   confidentiality and for how the data would come

21   in, get processed, and come back out.

22   That may be overcome by some of the

1 governance work that we ultimately land on, but

2 at least we wanted to enable PHMSA to be able to

3 do, maybe, agreements they've never been able to

4 do before, in order to make this work. That was

5 the thought.

6 MR. MAYBERRY: Okay.

7 CHAIR BURMAN: When we flesh it out,

8 that should also be clear, so they don't --

9 there's not a disconnect between the language

10 here, and then that this is different from the

11 normal processes.

12 MR. MAYBERRY: Right. We're carving

13 this out. This isn't about diluting the existing

14 program. This is about -- again, we have that

15 paradigm that will remain, but then we're

16 developing a new paradigm for.

17 MR. PARKER: Correct. This is Randy

18 Parker. I don't think we intend to recommend any

19 statutory provision that would be in conflict

20 with anything that's on the books right now. We

21 don't want to create that complication for

22 ourselves.

1   CHAIR BURMAN: Okay, we'll go Mark,

2   Dan, then Kate.

3   MR. HERETH: This is a fine point, but

4   I think one of the things that's emerged is it's

5   not just pipeline operators and ILI service

6   providers, but it's also the third-party NDE

7   companies. Whether you capture those as a part

8   -- that they serve one or the others of those,

9   but I think there's a three-legged stool that we

10   have to consider there. We can't lose an

11   emphasis -- I'm borrowing that from Carl Weimer,

12   the three-legged stool. We need to consider all

13   three of those because the error -- the

14   uncertainty in those NDE measurements is just as

15   critical as in the ILI.

16   MR. PARKER: That's a very good point,

17   Mark, a very good point.

18   CHAIR BURMAN: Dan.

19   MR. COTE: I was going down exactly

20   the same road Mark was, ironically enough. I

21   would like us to -- I don't want to get into the

22   wordsmithing, but pipeline operators and inline

1   inspection vendors, that phrase, in my mind, sort

2   of screams transmission facilities. I would

3   think we would want to change that to something a

4   little more generic.

5   Even though pipeline operators does

6   define both distribution and transmission in

7   code, a lot people won't look at the language and

8   recognize it. So perhaps we say with

9   jurisdictional facility operators, which casts

10   that wider net, and various -- without being

11   really specific, various technical vendors,

12   something a little more broad, again, just to get

13   us -- not that ILI isn't a critically important

14   technology and mentioned by the legislation, but

15   we are trying to expand that, just a thought.

16   MR. PARKER: This is Randy. I agree

17   with you, Dan. I think we need to do a little

18   bit of tweaking on this one.

19   MR. COTE: We'd love to help --

20   MR. PARKER: Okay.

21   MR. COTE: -- if that's beneficial.

22   MS. BLYSTONE: Kate Blystone. Just a

1   little more tweaking. The one thing that I feel

2   like this lacks -- and I like it, generally, with

3   the exception of the things the two gentlemen

4   before me mentioned -- I would love to see it

5   tied with a time frame because I'm slightly

6   concerned that all of this wonderful work we're

7   doing doesn't happen.

8   It would be great that if -- maybe

9   Congress should enact legislation within the

10   reauthorization of the -- or something you guys

11   tool with that, but it would be great if we could

12   say within the next five years or within some

13   time frame, so all this great work doesn't get

14   lost.

15   MR. PARKER: This is Randy Parker.

16   Yes, Kate, I agree with you on that. Matter of

17   fact, our subcommittee is assuming that we're

18   trying to get this done this year. We will get

19   this done this year, Madam Chair.

20   DR. MURRAY: Right, December 2018.

21   MR. PARKER: And it will hopefully be

22   something that --

1   DR. MURRAY: December 18th and 19th,

2   to be exact.

3   MR. PARKER: There you go. So the

4   recommendations we deliver to the secretary can

5   be used, if she desires, in the reauthorization

6   process. I agree with you. It would be very

7   good to have a date to drive these things forward

8   because, as you know, you can work on things

9   forever and not really get there.

10   CHAIR BURMAN: Just a couple of

11   thoughts. This is really a draft recommendation

12   for the report, and some of what will get fleshed

13   out will be facilitated by other aspects of other

14   things that we're working on.

15   To the extent that we're looking at

16   the legislation, potentially, as the pipeline

17   reauthorization legislation, that's something

18   that could come out in the report, if

19   appropriate. Also, some of the things that are

20   necessary, in terms of facilitating a

21   non-disconnect with ongoing PHMSA processes and

22   legal authority will also be fleshed out in some

1 of the wording in the report. But to the extent

2 that I just want to flag that ILI had been a

3 specific topic of conversation in the first two

4 meetings because we were stuck in what the

5 legislation said, this is about enacting

6 legislation for the future.

7 We don't necessarily need to be stuck

8 in some of that wording, and we should make clear

9 what some of our focus is and our intent is, if

10 it's broader than ILI. That gets into the

11 underpinnings of what we did in the first two

12 meetings that led to the mission statement that

13 made it a little broader. So to the extent that

14 we flesh out from that, it ties in nicely when we

15 get to the recommendation.

16 MR. PARKER: I agree very much that we

17 need to have that in the report and that we need

18 to revise this particular recommendation to make

19 that clear that we made that transition. Scotty

20 --

21 PARTICIPANT: I would like to see

22 labor included up there, as far as being a party

1 to an agreement like that.

2   MR. PARKER: To the formation of the

3 VIS?

4   PARTICIPANT: Yes.

5   CHAIR BURMAN: I'd also, then, with

6 that -- thank you; that's a good point. We did

7 have, I think, at our last meeting, a pretty

8 lengthy discussion that's in the transcript that

9 got into how much we needed to clearly identify

10 all the different stakeholder groups.

11   I think it lasted about an hour, the

12 conversation, and we were grappling with the

13 entire bucket or how do we summarize it. I think

14 going back to that transcript will be helpful

15 because there was some conclusions made at that,

16 and I think we could take the lessons from what

17 we said in our last meeting and refresh our

18 memories, as well.

19   MR. PARKER: Thank you, Madam Chair.

20 That's a great idea. I'll go back to that

21 transcript and have the subcommittee look through

22 that and make sure it's consistent.

1   MS. BLYSTONE: Kate Blystone. I

2   think, actually, that is reflected in our mission

3   statement, that list that we ended up on. I just

4   conferred with my buddy, Mark, here. I think it

5   is, so you don't even have to read the whole

6   hour.

7   MR. PARKER: It's right in there.

8   Okay, save me some time.

9   CHAIR BURMAN: But it was riveting.

10   MS. BLYSTONE: Edge of your seat

11   stuff.

12   CHAIR BURMAN: I do think that is

13   something to keep in mind. There were a lot of

14   these discussions that I think it would be

15   helpful if we did have someone tasked with going

16   through the transcripts just to keep in mind if

17   certain things that we have gone down are

18   consistent with where we were. Even if we have

19   changed our position, I think it's important to

20   note where we changed it and to flag it for us.

21   MR. PARKER: I agree. It's a very

22   healthy process.

1   CHAIR BURMAN: Anyone else? On the

2   phone? Oh, wait, Dr. Murray.

3   DR. MURRAY: This conversation just

4   reminds me when we're looking at recommendations

5   across each subcommittee, A, to the point I heard

6   earlier from Mark about integrating, having a

7   meeting to integrate, I think that's going to be

8   key because some of the things that you hear

9   talked about -- I think, Mark, you presented on

10 the types of information, and you have some clear

11 categories, like the public, there was learnings

12 from the public. But when you look at this, for

13 example, it doesn't necessarily include the

14 public, but there's an expectation that they may

15 likely provide learnings.

16   From that integration standpoint, you

17 might want to consider the Regulatory Funding

18 Committee, just to make sure that consistency

19 Diane talked about, it matches up to what the

20 other recommendations will be.

21   MR. PARKER: That's a good idea. With

22 that said, let's go to the next one. The second

1   barrier we looked at was funding. Of course, we

2   learned a lot about funding yesterday from Vivec,

3   but our subcommittee concluded that the lack of

4   consistent adequate funding to stand up and

5   sustain the program would deny the public many

6   benefits from improved pipeline safety and fewer

7   incidents.

8   MR. PARKER: We also realize that

9   budget requests to Congress are going to require

10   support from the government and industry

11   champions. How do we get over those barriers?

12   We recommend that the secretary ask Congress to

13   authorize and appropriate consistent funding for

14   establishing and sustaining the VIS at levels

15   adequate to achieve the goals of the VIS.

16   Language should be added to the

17   Pipeline Safety Reauthorization that authorizes

18   appropriations for VIS for the next five years.

19   The VIS would provide high quality data that's

20   needed to drive safety management systems. An

21   investment analysis that quantifies the safety

22   benefit of the VIS would justify the budget

1   request to Congress. That's a lot in that

2   recommendation for thought and discussion.

3   Sherry.

4   DR. BORENER: Sherry Borener, from

5   PHMSA. I just want to talk about this last thing

6   about the investment analysis. This is a

7   peculiarity of FAA, that they have a very long

8   investment analysis process. You may not have to

9   do that, but because it's an IT investment -- and

10   I don't know the details of this; I can find out

11   -- but because on our part, it would be an IT

12   investment, it might have to go through an IT

13   investment analysis process at DOT. It would

14   come under the CIO. That's a technical issue

15   that you're introducing by having PHMSA be the

16   manager. That's just a topic that I think -- you

17   don't need to necessarily deal with that

18   specifically in the recommendation, but it's

19   something we can find out for you.

20   MR. PARKER: Thank you, Sherry.

21   That's important. We were thinking of the IT

22   investments when we added that particular one.

1   DR. BORENER: If you have to follow

2   that process, that would be one thing, but maybe

3   you don't have to.

4   MR. PARKER: Maybe we don't. Okay,

5   great.

6   CHAIR BURMAN: Diane Burman, from the

7   Public Service Commission of New York. I think

8   part of the investment analysis in quantifying

9   the benefit and justifying the budget request

10   really also comes about from the explanation of

11   that, where we're having to showcase that we

12   prevented incidents. That's a very hard

13   quantifier when you don't have the incident,

14   necessarily, to say look what we've done. I

15   think some of this is needing to flesh out the

16   analysis in justification for how beneficial it

17   is and what's the quantification, rather than a

18   strict benefit cost analysis, and others that

19   would be typically done, looking at those things.

20   Sherry.

21   DR. BORENER: Yes. Further, the

22   department is very much involved with, for

1   instance, Waze and Lyft and various other data

2   collection repositories for information sharing,

3   and they're working on that for federal highways,

4   for accident risk, for passenger fatality risk.

5   They have a model for information sharing with

6   industry on very detailed data.

7   I don't think they went through an

8   investment analysis process to decide yes, it

9   would be a great idea for us to get Waze data. I

10   think we want to see what they're doing, but

11   that's just an action that we can work on

12   offline.

13   It doesn't have to be -- this isn't

14   really painful. The FAA process was painful, and

15   it was $1 million. If we could find a way to get

16   you through that without having to go through

17   that process, that would be better.

18   MR. PARKER: Great. I'm all for that.

19   Alan.

20   MR. MAYBERRY: Alan Mayberry. I was

21   going to say, I guess rightfully so, IT projects

22   are under a lot of scrutiny these days from the

1 federal government. I know at least now -- we're

2 in a three-year cycle. Currently, we're in the

3 2020 budget cycle to request funding.

4   Where we don't have the report yet,

5 it's a bit of a challenge, but I think we have

6 some options for at least providing -- no

7 guarantees, but at least to cobble together

8 something. The FAA alluded to that, really,

9 yesterday, about how you use expiring funds and

10 the like, but I think we may have some

11 flexibility to at least get the ball rolling as

12 we go forward, working within our existing

13 budget.

14   MR. PARKER: That's good to know.

15   MR. MAYBERRY: Certainly, that's not

16 sustainable, though, but we do need to start

17 somewhere, and that's how I think we'll start.

18   MR. PARKER: Okay, thank you. Dr.

19 Murray.

20   DR. MURRAY: Food for thought -- and

21 this is just food for thought. As we're talking

22 about funding, this may be a good time to talk

1   about a phased approach to the development of

2   this system, which aligns very well -- I know

3   it's very heavily system development focused,

4   initially, to get it off the ground, with some

5   accompanying other people/process components to

6   it, both internally, to the federal government,

7   and externally.

8   I would just throw out, for food for

9   thought, to consider some sort of a system

10   development lifecycle approach, as we're thinking

11   about it from a funding standpoint, because that

12   will allow some of the up-front analysis to take

13   place, the opportunity to create requirements

14   based on user needs.

15   Your funding can very nicely parallel

16   that sort of a process approach, so it'll help to

17   lay out the foundation of what you'll need in

18   subsequent years, as you look for that. Also, it

19   allows for natural check gates or exit gates. In

20   order to clear to the next process, you've got to

21   have some deliverables or outcomes achieved and

22   decisions made to move forward, which would tie

1   nicely with how you're funded, so just for

2   consideration for the Committee.

3   MR. PARKER: That's very important.

4   We will have to -- our committee will have to

5   work closely with the other subcommittees, in

6   terms of how they see those phases coming in.

7   MR. CRADIT: Jason Cradit, CRC. In

8   the Technology Subcommittee, we've absolutely

9   talked about a phased approach. We'll allude to

10   that today in the IT architecture discussion this

11   afternoon. It was a topic of discussion I want

12   to make sure we talk about in that July 2nd

13   meeting with the other committees because it's a

14   point of integration.

15   What we're going to look to focus on

16   is minimum viable product. If you had this

17   information and shared this information and used

18   this type of a structure to process it, you could

19   have this kind of reporting mechanism at the end.

20   I think it was Mike's recommendation

21   in our subcommittee to talk about that. I

22   appreciate that. We're going to allude to that

1   this afternoon, but I think it's an integration

2   point, to Christie's earlier point.

3   MR. PARKER: Thank you, Jason. That's

4   very good. Mike, did you want to add anything to

5   that?

6   MR. LAMONT: No, I think that's well

7   said.

8   CHAIR BURMAN: Holly, on the phone?

9   Anyone in the audience? We have two.

10   MR. STOODY: I think we can give this

11   some more thought, and also not overthink it.

12   It's certainly the case that the appropriators

13   have not responded favorably to past PHMSA

14   information requests, database requests. I'm not

15   saying that to pre-judge this one, but there are

16   certain chunks of money that are within the

17   comfort levels of the appropriators.

18   Plus, you go in and you make your

19   policy and political case -- I don't mean

20   partisan, but you just go in and you state your

21   case. You go in and state your case. Sometimes,

22   you want to strike while the iron is hot and you

1 have the justification for it. You get the money

2 that you need.

3 If you ramp up, they won't really be

4 able to digest or care, or maybe they'll even be

5 suspicious. It's like you're trying to get the

6 camel's nose under the tent now, and then this

7 thing's going to become larger later down. We

8 can give a lot more thought to this, but I think

9 we should be cognizant not to recommend

10 something, folks that go to the Hill or develop

11 presidential -- the president's budget requests

12 or work this through DOT and those processes, we

13 have to be cognizant of those processes to gauge

14 a recommendation.

15 Obviously, you all can recommend

16 whatever you want, but there can be -- there's

17 potential for some interplay on the strategy of

18 are we trying to recommend what we think we can

19 get or recommend what we have a plan to try and

20 get or recommend what we think would be ideal?

21 Those are all strategy questions.

22 MR. PARKER: Thank you, John. Anyone

1   else?

2   MS. RODRIGUEZ: I'm the tech writer,

3   so if everyone could just speak a little bit

4   louder because the air conditioner is competing

5   with everyone, just so I can make sure I capture

6   everything. Thank you.

7   CHAIR BURMAN: Thank you. Anyone

8   else?

9   MR. TU: Wen Tu, AGIA. Jason, when

10   you were talking about minimum viable products, I

11   do want to make a recommendation for the

12   Committee and the subcommittee to also consider

13   and compare the NBP (phonetic) against the

14   benefits that the operators will see, and all the

15   stakeholders will see, and share that those

16   aren't deferred into Phase 2 or 3.

17   With those funding concerns and making

18   sure that the benefits are there to the

19   discussion this morning about how to entice

20   operators to participate, making sure that does

21   happen within that.

22   MR. PARKER: Any other questions on

1   this particular recommendation before we move on?

2   Okay, we'll go to No. 3.   Barrier No. 3 is about

3   disclosure of information.

4   The barrier we'd identified is the

5   participation in the VIS is highly unlikely,

6   unless the participants are confident that the

7   information submitted to the VIS will be

8   protected from disclosure, including personal

9   confidential information, confidential

10   proprietary business information, commercially

11   sensitive information, sensitive pipeline

12   security information, information that has not

13   been properly de-identified, information that

14   could be used by PHMSA or other agencies for

15   enforcement action, and information that could be

16   used in litigation.   That's the primary fear that

17   would-be participants have.

18   Our recommendation with respect to

19   that barrier is that Congress should enact

20   legislation and direct PHMSA to promulgate

21   regulations providing that neither PHMSA, nor any

22   other federal or state agency, nor any person,

1   shall disclose information that was voluntarily

2   provided to the VIS, expressing the intent of

3   Congress to encourage industry participation in

4   the VIS, in order to further the goal of

5   improving pipeline safety.

6   PHMSA would be directed to issue

7   regulations for the protection of confidential,

8   proprietary, sensitive commercial and sensitive

9   pipeline information provided to VIS.

10   PHMSA would be directed to issue

11   regulations governing the use or publication of

12   summary reports or analysis, based on

13   de-identified VIS information. The thought here

14   was to embody in the statute directly the

15   protections that we want to hold out there to

16   encourage participation in the VIS, but also

17   allow PHMSA the flexibility, under its regulatory

18   rulemaking ability, to shape that agenda. Any

19   questions on this one, or comments?

20   MR. WARNER: Hey, Randy.

21   MR. PARKER: Dan. Oh, I'm sorry.

22   MR. WARNER: Randy, Chris Warner, from

1   Mears. If I remember, yesterday FAA had a

2   similar promulgation that they used. I was

3   wondering if this is based on the language from

4   that?

5   MR. PARKER: It is.

6   MR. WARNER: That may be important to

7   communicate in the write-up, too, that this is

8   not something that we're coming up with that has

9   an historical basis for being done elsewhere.

10   MR. PARKER: We plan on putting that

11   in the report, Chris, so that we can tie where we

12   relied on past successes by the government and

13   information sharing programs, like the FRA and

14   ASIAS, etc. We'll put that in there as a

15   support, probably in a footnote with an

16   attachment, so you can go look at it.

17   MR. WARNER: When I look at this

18   initially, it seems like quite a stretch, but

19   knowing the FAA has done something similar makes

20   it more reasonable.

21   MR. PARKER: Right. It's built on

22   their statute. Dan.

1   MR. COTE: This is Dan Cote. Just to

2   tie this together, from a governance perspective,

3   we operationalized that with some strict

4   language, as well, around the notion that this

5   would be solely -- this confidential data would

6   be solely in the hands of a third party, whose

7   first obligation will be to strip out any

8   specific location or operator identifier.

9   No one, in terms of the VIS governance

10   -- not the board, not the executive director --

11   no one involved with VIS management would have

12   access to that data. Again, we tried to create

13   some pretty clear guidelines around

14   operationalizing this.

15   MR. PARKER: Correct, thank you.

16   Mark.

17   MR. HERETH: Mark Hereth, with the

18   Blacksmith Group. I think one thing that we

19   heard yesterday in a presentation from Vivec --

20   it may have been in the other presentation, as

21   well -- was that the concept of actually not

22   de-identifying until you've actually done the

1   analysis. That's one that we need to consider

2   further. I just point that out because it's a

3   subtlety. I think it's a learning we had

4   yesterday. I'm not saying that we would -- we

5   still have to decide that, as a group, if that's

6   a direction we want to go in, but I thought it

7   was a really interesting point, and it seems to

8   be one that was well thought out.

9   MR. PARKER: To that point, in fact,

10   the way we envision it operationally is that the

11   third party would obviously know who reported and

12   have latitude to go back and forth to make sure

13   all the information is captured and questions and

14   sufficient detail are achieved to provide a

15   learning from it, to the extent that's available.

16   All of that would be in the hands of

17   that third party, but for the third party, it

18   would not be anonymous data. They would know who

19   reported and what the incident was and be able to

20   go -- we envisioned a back and forth to make sure

21   that all the information that was required was

22   adequately captured.

1   MR. HERETH: Thank you.

2   MR. PARKER: Any other questions or

3   comments on this prohibition against disclosure?

4   CHAIR BURMAN: At the table? Alan.

5   MR. MAYBERRY: I just want to make

6   sure we're clear that we're not developing an

7   alternative regulatory approach. We're

8   developing an information sharing system.

9   (Simultaneous Speaking.)

10   MR. PARKER: Alan, your comments are

11   in the transcript, but I agree with them.

12   CHAIR BURMAN: Anyone in the audience?

13   MR. STOODY: I'd just make the

14   comment, it's inherent for those that understand

15   the regulatory process, but maybe through the

16   language, when the report's written, that

17   promulgating regulations will allow for public

18   notice and comment, and the public will have the

19   ability to provide comments and participate in

20   the rulemaking process under the regulations we

21   develop. So I think it's a good add to emphasize

22   the notice and comment that will be afforded the

1   public as the Agency considers these.

2   CHAIR BURMAN: That's helpful to be in

3   the report, itself.

4   MR. PARKER: Yes, we will definitely

5   put that in the report, the comments that John

6   just made and Alan's comments, as well, because

7   we see this and the other recommendations as

8   focused on having Congress pass laws clearly

9   showing Congress's intent to set this up and what

10   the rules are and giving PHMSA the normal powers

11   under its authority to promulgate regulations.

12   Nothing would change in that respect.

13   MR. MAYBERRY: This is Alan, again.

14   Just so I'm clear, this really, it's a new

15   approach to say we have what we have, we use what

16   we have, but something else has got to give. We

17   still have accidents. We still need to know

18   more. We need to have a mechanism to share

19   better. It's all about that. It is a new

20   approach, but it's an approach that it's focused

21   on sharing information. I know I've said that

22   enough.

1   MR. PARKER: Thank you.

2   CHAIR BURMAN: Anyone at the table?

3   On the phone? In the audience?

4   MR. PARKER: Let's move to Barrier No.

5   4. Barrier No. 4 relates to the lack of

6   participation in the VIS due to fear of potential

7   FOIA release and potential negative consequences

8   from such a release. This is aimed at giving

9   PHMSA the protection they need to exclude from

10   FOIA release information that was submitted to

11   the VIS. The recommendation says specifically

12   Congress should enact legislation and direct

13   PHMSA to promulgate regulations providing that

14   PHMSA shall not release, under the provisions of

15   the Freedom of Information Act, any information

16   that was voluntarily disclosed to the VIS. This

17   particular recommendation is based on the statute

18   that FAA obtained for its voluntary information

19   sharing system.

20   MS. BATTAMS: This is Ahuva Battams,

21   from PHMSA. I just am trying to figure out

22   what's the difference between this recommendation

1   and the last recommendation?

2   MR. PARKER: The last recommendation

3   relates to disclosure, by PHMSA or anyone else,

4   through any means, of information that was

5   submitted to the VIS. This relates to outside

6   parties coming to PHMSA and saying we know you

7   have this VIS over there. We want to see that

8   data.

9   MS. BATTAMS: Right. I'm still not

10   understanding what the difference is. Because

11   under FOIA, PHMSA would be the one releasing the

12   information. So if the last recommendation is to

13   prevent PHMSA from releasing the information, it

14   seems like a duplicate. Maybe I'm just a bit

15   slow, but the -- when I was reading the last

16   recommendation, I thought that the purpose of

17   that language would be to make this an

18   exemption-free statute, which would exempt the

19   release of information under FOIA.

20   So I'm wondering if this is -- I'm not

21   saying that's not an important thing to

22   recommend. What I'm trying to figure out is are

1   they sort of the same thing? Recommendation 4

2   saying please put language in so that this

3   information is protected from FOIA, to me, is

4   related to Recommendation 3, which is PHMSA

5   should not release any information. Are you

6   thinking that PHMSA should not release the

7   information is a broader subset than just a

8   specific FOIA request?

9   MR. PARKER: Yes. I think

10   Recommendation 3 goes to any release of any

11   information that was put into the VIS, by PHMSA

12   or anyone else, through any instrumentality of

13   release, however they might release it, through

14   an investigation or through a press release or

15   through an enforcement action or investigations

16   or just accidentally or intentionally

17   distributing information. But we thought we also

18   needed a specific FOIA exemption, so that if

19   PHMSA gets a demand letter to release

20   information, they could quickly just refer to the

21   statute. No, this is excluded from FOIA. It

22   protects -- it makes the job easier for PHMSA to

1 fend off FOIA requests for VIS information.

2   MS. BATTAMS: It completely makes

3 sense to me. I, personally, would consider maybe

4 combining them, but obviously -- both points are

5 important. I'm not trying to eliminate --

6   MR. PARKER: I think you could combine

7 them.

8   MS. BATTAMS: Obviously up to you

9 guys. That was what my question was.

10   CHAIR BURMAN: I think what's

11 important is making sure that the intent is clear

12 in the statute and that whether it's FOIA or any

13 other mechanisms for the release of information

14 or the sharing or the confidentiality to be taken

15 and lifted off is not to be done, so that it's

16 not limited to FOIA, and it's not solely as a way

17 of saying information in your hands is not to be

18 released. It's the data and the ability to

19 share, that's the processes that will be set up

20 for the anonymity, but we need to make sure

21 what's being done with that data is very

22 important in how, then, it is utilized. It's not

1 just don't release this information; it has to go

2 deeper, which we get into in other provisions, as

3 well.

4   We'll have to flesh that out, but the

5 statute, itself, has to be very clear, but also

6 not being perceived as limited to. Also,

7 internally, what they do with that information is

8 key. I do see a hand that might help us, if you

9 want to defer to the audience member.

10   MR. STOODY: A FOIA provision, itself,

11 would be insufficient. Thus, the two

12 recommendations, which could be combined, but

13 they deal with different processes and different

14 actors. FOIA applies only to PHMSA, but we have

15 other actors within this program who would not be

16 PHMSA, who would not be found by FOIA.

17   FOIA also is a specific process that's

18 commonly used, but there are other processes that

19 could occur. PHMSA could release this

20 information because they felt like it, outside of

21 a FOIA request. Again, whether it's one

22 recommendation or two, FOIA is an important part,

1 but it's only one part, and there's a broader set

2 of needs to address.

3 CHAIR BURMAN: I think that was the

4 point that I was trying to make, too. It's

5 important, but it's not limited to, and that

6 we're explaining the intent. The intent needs to

7 be in the statute about the importance of that

8 confidentiality and what that data can be used

9 for, similar to, in my mind, what gets inputted

10 into a DMV system or something else.

11 There's certain strict requirements

12 about who gets to use it and how you get to use

13 that information and how it gets shared

14 externally. Violation of that is very important,

15 what that means. Those are the types of things

16 that have to be in there so that people feel

17 comfortable about the safety of that data being

18 shared, and then what's used for it and how it's

19 used and what the players are that can access

20 that.

21 MR. PARKER: Those are great

22 contributions, Madam Chair and John Stoody. We

1   will definitely work on making sure that the

2   intent is clear.

3   CHAIR BURMAN: Dr. Murray.

4   DR. MURRAY: I have to be careful with

5   how I craft my question. In the recommendations

6   and the barriers that have been identified, has

7   there been consideration -- and it probably has

8   -- for the various ways of how the VIS is stood

9   up that -- the different ways that you can

10   require certain actions to take place in this

11   process, in addition to PHMSA promulgating

12   regulations, such as other legislative means,

13   self-executing -- just coming up with different

14   examples -- just going back to Kate's point

15   regarding timeliness and being strategic, I think

16   John talked about being strategic in some of the

17   recommendations, how that may all play out?

18   That's probably very unclear.

19   MR. PARKER: I'm not sure exactly what

20   the question is. We did consider a lot of those

21   things. I think you also have to think about

22   whatever structure the Committee decides to use

1 with the data management piece and the executive

2 director and the board, however it's structured,

3 you may have strong contractual provisions in

4 there that accomplish certain things that you

5 don't necessarily need legislation or regulations

6 for, but they're also governed in the broad

7 umbrella of these statutes and regulations. So

8 even if you had an MOU that a lot of people

9 signed, they would still be subject to the

10 statutory prohibition about disclosing anything

11 they learn. Sherry.

12   DR. BORENER: This is just sort of

13 minor. Sometimes, though, you might want to tell

14 people we know you're doing really well. If we

15 write this the wrong way, it would be we know

16 we're doing really well, but we can't tell you

17 how we know. You have to be able to tell them

18 how your evidence supports the answers that

19 you've gotten to.

20   You want to be able to communicate to

21 the public what you learned, without being

22 restricted by this non-disclosure framework.

1   It's more of a comment -- for instance, in this

2   one, you could word it that PHMSA cannot be

3   required, under FOIA, to release, as opposed to

4   enacting and saying that they would never release

5   under -- so they can't be required to and,

6   similarly, that they have the authority to

7   restrict access to any information that's

8   released under -- or provided under VIS, as

9   opposed to no one can ever share. If you have

10   that very exclusive language, my concern is then

11   you can't show why it's working for you. Your

12   public, at the end of the day, when you want to

13   communicate to the public that we're doing

14   better, we've got better trending, etc., you have

15   to be able to use that information in some way.

16   Your governance structure would set up the means

17   and method by which that data -- that information

18   would be shared, not the data.

19   MR. PARKER: Absolutely. In

20   Recommendation 3, we talk about -- the last

21   sentence there, PHMSA would be directed to issue

22   regulations governing the use or publication of

1   summary reports or analysis, based on

2   de-identified VIS information. I'm assuming that

3   PHMSA would craft regulations, in conjunction

4   with the Governance Committees and boards,

5   regulations to --

6   (Simultaneous Speaking)

7   DR. BORENER: Right, whatever your

8   governance structure is. If it's an executive

9   board that's composed of industry and PHMSA, they

10   would then decide under what circumstances they

11   would release conclusions. But if you wanted to

12   benchmark yourself against others, if you wanted

13   to if you wanted to use the data for

14   benchmarking, there's a lot of places where you

15   might -- you just have to think about how to say

16   that, so that you still have the ability to use

17   what you found. I think that's what I'm saying.

18   MR. PARKER: That's a good point.

19   We'll have to scrub the language very carefully

20   and not cut off those abilities to use the data

21   in different ways.

22   CHAIR BURMAN: The one thing that I

1   just -- I don't want to take us backwards, but I

2   do want to raise -- thinking through this a

3   little bit with a lot of the recommendations that

4   are recommending that PHMSA does regulations,

5   while we've been focused, from a report

6   perspective, of not getting too far in the weeds,

7   in terms of writing a program and specific

8   drill-downs, I want to make sure that we convey

9   that the legislation and the authority is robust

10   enough to not just say here, PHMSA, go do it, and

11   doesn't give the tools -- enough tools in the

12   statute.

13   My fear is that regulations can then

14   not get done or take a different pathway that may

15   trip us up. To the extent that some of these

16   recommendations doesn't necessarily need to say

17   and PHMSA should do regulations, but rather, at

18   the end, we have a catchall that to the extent

19   that the regulations -- we have to identify what

20   we really are saying that we want, and then

21   making sure that it's in the statute, per se, and

22   that regulations flow in conjunction with that,

1   as necessary, and that the statutory language

2   would help flesh out that. I just worry that

3   someone reading this would say okay, good, we'll

4   just do a three-sentence statute and be done with

5   it.

6   MR. PARKER: Right. There's a real

7   tension in there about whether or not to -- in

8   each legislative piece to say PHMSA has the right

9   to promulgate regulations or just having one

10   recommendation that in all these statutory areas

11   -- we had it the other way, and we changed it

12   back to this because we didn't know how the

13   Committee would reject or keep some of those.

14   That's what we have to always keep in mind.

15   CHAIR BURMAN: Right. So when we go

16   through this, when we see the full report in the

17   draft, some of what we'll have to also do is look

18   at what needs to be taken and maybe said in a way

19   that leaves some wiggle room for what's in the

20   statute and where PHMSA does the regulations. I

21   want to just point that out. That's something

22   that we'll need to consider.

1   MR. PARKER: We'll definitely keep

2   that in mind. Anybody have any other questions

3   on FOIA before we go on? Let's go on to Barrier

4   No. 5. This relates to enforcement action. The

5   barrier we've identified is that parties will not

6   voluntarily share information due to the fear of

7   potential PHMSA or other agency enforcement

8   action or other potential punitive actions.

9   The recommendation that we came up

10   with, after much discussion, is that Congress

11   should enact legislation and direct PHMSA to

12   promulgate regulations providing that neither

13   PHMSA, nor any other federal, state, local, or

14   tribal agency, shall take enforcement action, or

15   other punitive action, against the pipeline

16   operator on the basis of information voluntarily

17   provided to the VIS.

18   Notwithstanding this prohibition,

19   PHMSA would be permitted to use information VIS

20   if that information is essential to the ability

21   of PHMSA to address an imminent threat to public

22   safety. Questions?

1   CHAIR BURMAN: Anyone at the table?

2   MR. PARKER: Do you have questions or

3   comments on this particular one?

4   CHAIR BURMAN: Mark.

5   MR. HERETH: Actually, it's a

6   question, which is can you give us a little bit

7   of color on that, on the reasoning behind that

8   last one. I think I understand, but I suspect

9   you had some good discussion around that.

10   MR. PARKER: We looked at statutes in

11   the aviation arena and the railroad arena. There

12   were various exemptions made. We thought if

13   we're going to give PHMSA an exemption from this

14   prohibition, what should it relate to? You

15   really can't remove PHMSA's obligation and its

16   mandate to protect public safety.

17   So if they felt like there was a gas

18   storage field or a pipeline underneath a lake, or

19   something like that, that was an imminent threat

20   to public safety, and they learned about that

21   information through a VIS report, they would have

22   the ability to act. They would need to act

1　because they would know about the imminent safety

2　threat. Alan may have some thoughts on that.

3　　　　　　MR. MAYBERRY: I'm sorry; say that

4　again.

5　　　　　　MR. PARKER: It's about if PHMSA

6　looked at a de-identified report coming out of

7　the VIS that said we have some pipelines that are

8　cracking underneath the Great Lakes. PHMSA felt

9　like it was an imminent threat to public safety.

10　This should be addressed immediately. You should

11　be able to use that information coming out of the

12　VIS to take action.

13　　　　　　MR. MAYBERRY: That would fall under

14　the realm we currently use for issuing an

15　advisory bulletin, if that's the case. So yes,

16　we would still do that, although we'd have to

17　look at how we would -- it has to be worked out.

18　Normally, we -- it might be a descriptor of the

19　operator. It's probably not hard to guess who it

20　is currently, but we'd just have to address that

21　if we did leverage the VIS information. I don't

22　know why that couldn't work, as well.

1   MR. PARKER: Thank you.

2   CHAIR BURMAN: Dan.

3   MR. PARKER: Dan.

4   MR. COTE: Dan Cote, just a comment on

5   that. I certainly do not object to the language

6   and agree with what both you and Alan said, but

7   just a comment. If this process works as

8   designed and envisioned in governance, then they

9   really shouldn't be able to tell.

10   PHMSA would need to have other

11   information or data from other points that

12   identified it because intrinsic in our vision is

13   to strip out anything that makes that in any way

14   visible. So if we do it correctly -- again, this

15   would require a mix of data, not just that single

16   data point.

17   Just wanted to make that point clear

18   because that's part of the compact we're trying

19   to establish with the industry, that the

20   information really will be absolutely scrubbed

21   and anonymous. If we don't do that, then we're

22   sort of violating that trust.

1   MR. MAYBERRY: This is Alan, again.

2   Even now, to the extent -- what's important is we

3   issue an advisory bulletin, it's important to get

4   the information out. The operator name is less

5   important. We typically -- I think I've seen

6   that work both ways, where we have or we haven't,

7   but what's important is to get the word out.

8   CHAIR BURMAN: It's important, I

9   think, to take a moment and look at what we're

10   saying. Notwithstanding this prohibition, PHMSA

11   would be permitted to use information submitted

12   to the VIS if that information is essential to

13   the ability of PHMSA to address an imminent

14   threat to public safety.

15   I'm not sure that's exactly what we

16   want to say or mean. I think that what we've

17   been focused on is that the system, itself, and

18   the data being put in, is done in a way that is

19   protective and gets to the anonymity.

20   Then we're accessing the information

21   in a way, on the aggregate, that isn't putting

22   one particular company or one particular employee

1   at risk. Then it's not about permitting to use

2   that information submitted to the VIS for

3   enforcement. It's a separate situation.

4   It's similar to -- and I think we had

5   someone speak from the FAA that talked about when

6   they present their testimony, whatever gets said

7   in their testimony isn't necessarily -- can't be

8   used for enforcement. They can't share

9   information. I can't remember exactly. It would

10   be in the transcript. To the extent that you

11   have to get the information from other means, the

12   enforcement mechanisms -- it's not weakening the

13   state's or the federal's enforcement mechanisms

14   outside of the system. If you find information

15   outside of that system, it can be used, just like

16   it would be used in any other way.

17   It's that you can't try to retrieve

18   the information submitted to use for your

19   enforcement. I think that's critical. Because

20   otherwise, what you'll really have is -- taking

21   it to its extreme, you'll have people saying

22   since what you're sharing with us is aggregate

1   data that shows that there's an imminent threat

2   to public safety, or potential imminent threat to

3   public safety, we don't care about any of the

4   other stuff because the congressional intent says

5   this.

6   So we want to retrieve and dig down

7   and go as far as we can to retrieve that

8   information and find out who gave that

9   information to you. That's why I think it's

10 important that we look at that we are recognizing

11 that enforcement will continue, but this is not

12 the enforcement tool or mechanism, so this

13 information is not to be utilized in that, to the

14 extent that there is other information elsewhere

15 that can still be utilized, even if it came in

16 through this mechanism. Does that make sense?

17   MR. PARKER: Madam Chair, I agree with

18 that analysis completely. As a matter of fact, I

19 think that you could strike the notwithstanding

20 sentence feature from this because for all the

21 reasons you just said, it's inconsistent with our

22 vision of how this works.

1   Secondly, we're just stating the

2   obvious. PHMSA always has the ability to address

3   any imminent threat to public safety that it

4   encounters, without other mechanisms, other than

5   its inherent power. So I think we should strike

6   that sentence as unnecessary. Alan, do you have

7   any thoughts on that?

8   MR. MAYBERRY: I was just thinking I

9   agree because part of the success of this depends

10   on it being de-identified, so we won't see that.

11   We're dealing with public data, then, really, so

12   that would be an additional data source that we

13   would use, but again, it's de-identified. It's

14   the data that's posted. I think if there's any

15   thought that we would have a glimpse of what said

16   that, that would really undermine what we're

17   after.

18   MR. PARKER: I think that's right. I

19   think that's what the Chair was trying to

20   describe.

21   CHAIR BURMAN: The key is making sure

22   that this information is allowed to be utilized

1   in an anonymous fashion. It then gets back to

2   what we talked about at another time about how,

3   then, we share with the public the public

4   information that we have. That's separate.

5   We're really trying to make sure that people

6   understand that this isn't a way of getting

7   around enforcement but, yet, it's also not to be

8   utilized as a tool to get people, as a trip up.

9   MR. PARKER: Correct.

10   CHAIR BURMAN: Dan.

11   MR. COTE: This is Dan Cote. I fully

12   support removing that sentence. To echo, in a

13   different voice, everything the Chair said, the

14   optics of this, for operators who are not privy

15   to this discussion, looks very contradictory.

16   That's just going to create a level of confusion

17   with all the assurance that the data's been fully

18   scrubbed and is entirely anonymous. I just think

19   this creates a level of doubt that will not suit

20   us well.

21   CHAIR BURMAN: But I also will say,

22   going back to the FAA, they talked specifically

1   about this. I'm sure that there is language that

2   they have, either in their processes or in the

3   specific regulations, that address this,

4   specifically, which is really the intent that we

5   have, too.

6   MR. COTE: To the extent it's already

7   a clear PHMSA mandate and clearly within their

8   purview, do we need it?

9   MR. PARKER: We don't need it, no.

10   MR. COTE: Or does it simply create

11   confusion? That's why I like that idea.

12   MR. PARKER: Any other comments on

13   this particular recommendation?

14   CHAIR BURMAN: Anyone on the phone, in

15   the audience?

16   MS. PEAREN: This is Holly Pearen.

17   CHAIR BURMAN: Holly, I think you need

18   to speak a little further away from your phone

19   because it's muffling or something.

20   MS. PEAREN: Is this better?

21   CHAIR BURMAN: Yes.

22   MS. PEAREN: Great. I think Dr.

1   Burman's comments really reflect the intent of

2   the subcommittee, so your comments are really

3   appreciated. Striking that sentence makes sense

4   since the conversation also indicates that the

5   report needs to clarify more about the extent to

6   which enforcement would continue if it was based

7   on information obtained through other sources,

8   just to make expectations very clear to

9   sufficiently convey that piece.

10   CHAIR BURMAN: My thought is -- this

11   is Commissioner Burman. My thought is that the

12   question will come is this a way of getting

13   around enforcement? The report should really

14   reflect why this is not seen as a way of getting

15   around enforcement.

16   We're really being offensive in

17   explaining what the intent is and how it's

18   separate from enforcement, and it's a tool, but

19   it's not seen as a get around. I think if we do

20   that in a way we address the naysayers who are

21   seeing it as a relaxed enforcement and as a tool

22   to just avoid getting in trouble. I think that

1   will be helpful.

2   MR. PARKER: I think that will be very

3   helpful. Holly Pearen is a good drafter, so we

4   will ask Holly -- she's in our subcommittee.

5   We'll ask her to help us with that. Is that

6   agreeable, Holly?

7   MS. PEAREN: Absolutely.

8   MS. BATTAMS: This is Ahuva Battams.

9   I also just want to remind everybody, as you're

10 crafting this for the report, our statute doesn't

11 give us authority over other federal, state,

12 local, or tribal agencies.

13   If the Committee wants to recommend

14 something about PHMSA entering into agreements or

15 having links to the state partners, things like

16 that, they might want to consider addressing

17 something like this there. Because just by law,

18 the pipeline safety statutes aren't going to bind

19 other federal agencies. Just a legal issue to

20 consider.

21   MR. PARKER: Ahuva, that's a good

22 point. I think there's some precedent for the

1 fact that other state and federal agencies can be

2 bound by the Congress through the commerce

3 clause, with the intent of regulating pipeline

4 safety, but there's some ambiguity there, so we

5 might want to think about how we address it here.

6   MS. BATTAMS: Yes, you want to make

7 sure that you're clearly articulating, so that

8 you don't end up in a situation where you're

9 thinking you're recommending language that then

10 ends up not being available to you.

11   MR. PARKER: Capable of being enforced

12 or whatever.

13   MS. BATTAMS: Exactly.

14   MR. PARKER: I think what we'll do is

15 our subcommittee will invite you into that

16 discussion.

17   MS. BATTAMS: I'm happy to help.

18   MR. PARKER: Okay, great, thank you.

19   CHAIR BURMAN: I think we have a

20 comment from the audience.

21   MR. STOODY: I think we definitely

22 need to describe the intent in the report, but

1   we'll also need the clear rules of what are the

2   powers of the federal government, under federal

3   statute? Where are they limited by this program?

4   We have every expectation that there could be

5   scenarios where PHMSA could, and should, act

6   through enforcement based on information gathered

7   in this. The FAA provision provides for that.

8   We'll definitely work with folks in that process

9   to get what everyone agrees is a reasonable

10   provision. We wouldn't be able to get anything

11   through Congress that didn't have that reasonable

12   balance of wanting to encourage information

13   sharing, but then not allowing abuse of the

14   system.

15   Whatever you decide on how to report

16   -- do the recommendations and how to write that

17   up, we're definitely committed to finding that

18   balance in the statutory language that authorizes

19   this program and would provide for enforcement

20   discretion, but then also clearly articulate to

21   operators what is across line, what is within the

22   line, so everyone has a clear understanding of

1   what are the limits and the powers of this

2   program.

3   MR. PARKER: Thank you for that, John

4   Stoody. John is an excellent drafter of

5   legislation. I think we might ask him to meet

6   with the subcommittee, as well, when we get to

7   that point of the report where we're really

8   trying to articulate carefully that balance. Any

9   other questions? Let's move on to Barrier 6.

10   One of the barriers we identified as a

11   subcommittee was the fear of litigation, based on

12   the basis of information that's submitted to the

13   VIS. Our recommendation is that Congress enact

14   legislation protecting any information

15   voluntarily submitted to the VIS from disclosure

16   in discovery, or admissibility into evidence in

17   any federal or state litigation.

18   This particular proposal is supported

19   by case law. The federal Highway Transportation

20   and Safety Administration went all the way to the

21   Supreme Court protecting a similar statutory

22   provision, and it was deemed totally within

1   Congress's power to limit the use of information

2   in a voluntary system if that voluntary system

3   had been determined to be helpful to highway

4   safety.

5   Same thing in the pipeline industry.

6   If Congress decides that this prohibition is

7   proper to encourage participation in the VIS,

8   then I think it would withstand any kind of

9   judicial challenge. Any questions, comments,

10   criticisms? Let's go to No. 7. We thought that

11   one of the good sources of information for the

12   VIS would be the results of self-audits. Dan

13   mentioned this quite a bit, and I agree with

14   everything he said about that, but operators are

15   afraid that PHMSA will take enforcement action on

16   self-audit information voluntarily disclosed to

17   the VIS. So how do we get around that barrier?

18   We ask Congress, again, to give us a

19   statute that directs PHMSA to promulgate

20   regulations that in order to encourage

21   improvements in safety, anybody who voluntarily

22   self-audits and submits the information produced

1   to the VIS will receive immunity from enforcement

2   action and penalties by any federal or state

3   agency for violations discovered in the

4   self-audit and disclosed to PHMSA in a

5   confidential report and corrected within a

6   reasonable amount of time.

7   This immunity would not apply,

8   however, if the violation was intentionally

9   committed. The voluntary self-audit information

10   would also be privileged and be protected from

11   release under FOIA and from discovery and

12   admission into evidence in any federal or state

13   litigation.

14   The recommendation also encourages

15   operators to produce and share this information,

16   furthering the goal of improvements to pipeline

17   safety. Again, we're trying to tie Congress's

18   clear intent to encourage participation by saying

19   that if you self-audit yourself and you make a

20   good faith attempt to correct it and you notify

21   PHMSA of what you're doing, you're not going to

22   be prosecuted for it, or there's not going to be

1   an enforcement action.

2   CHAIR BURMAN: Michelle.

3   MS. THEBERT: I think that's what Alan

4   just said you're not going to do. It seems like

5   you're doing an alternative regulation. Alan

6   said. I don't know.

7   MR. PARKER: Right, that there's a

8   tension there.

9   MS. THEBERT: Is that right, Alan?

10   MR. MAYBERRY: I'm sorry; what did you

11   say, Michelle?

12   MS. THEBERT: This sounds like it's a

13   different way of regulating (coughing) 100

14   percent immunity right here. I know Georgia

15   would not ---

16   (Simultaneous speaking.)

17   MR. MAYBERRY: Right.

18   MS. THEBERT: I'm thinking like a

19   regulator because I am. I'm not trying to

20   dismiss your recommendation.

21   MR. PARKER: Dan.

22   MR. COTE: Just a global comment.

1   Michelle, I do agree that this does create a

2   certain tension between a proactive view of

3   pipeline safety and adherence to regulations.

4   SMS, for example -- and I've talked a

5   lot about it -- which is, again, a PHMSA

6   recommended practice, as everyone knows, and some

7   people perceive to be the future of our industry,

8   in terms of a more proactive, preventive approach

9   to risk. One of the key tenets of SMS is ongoing

10   self-audits to identify weaknesses and holes and

11   potential regulatory, as well as pipeline safety,

12   problems.

13   All of that, in my mind, is just great

14   for the industry to do, as opposed to the

15   traditional model. If the traditional model of

16   simple regulation and enforcement worked

17   perfectly, we wouldn't be in the room, and we

18   wouldn't need this.

19   This is a step beyond compliance, and

20   there is going to be a bit of tension. At the

21   same time, encouraging the industry to do

22   self-audits, and then act on what those

1 self-audits describe, is intrinsically getting

2 better. That's one of those philosophical,

3 40,000-foot strategy questions that either you do

4 or you don't do. We either encourage it and

5 believe in it as the future of our industry, or

6 it's not, and it sort of begs the issue why are

7 we all here?

8   MS. THEBERT: But if you're an

9 operator and you haven't had records for the past

10 five years and you report to the VIS I don't have

11 records, I'm good, but that means a

12 performance-based regulation. You have records

13 this year, but you didn't the past three years.

14 You're still going to get a violation for those

15 three years you didn't have.

16   I don't know how -- if you're

17 self-auditing and you say we don't have all these

18 records, in my opinion, you could still get some

19 type of enforcement, whether you found it okay is

20 not going to be a penalty, and you came forward,

21 but just saying I don't have it because I didn't

22 save it, now I'm going to get a pass because I'm

1   going to submit this to VIS, I think that's

2   really -- I don't know. That doesn't make sense

3   to me why this Committee would be able to take

4   all that away if that's what -- if the Congress

5   does this. I'm just confused on, I guess, what

6   you're looking for --

7   (Simultaneous Speaking)

8   MR. COTE: I think what this -- I'm

9   not sure this says what you just described

10   because that requirement -- let's say it's

11   leakage survey and you do not have -- you can't

12   demonstrate that you did leakage surveys for five

13   years.

14   That doesn't get you a hall pass, per

15   se, on not having those records, even if you

16   report it to VIS, because that is a clear

17   pipeline safety risk. It implies that you didn't

18   do the leakage surveys. That isn't the intent.

19   But identifying voids in records for companies

20   and reporting that to VIS will challenge other

21   people to do audits, it seems to me.

22   So what this says is that PHMSA will

1   not use -- let's say 5 percent of companies or 10

2   percent of companies report to VIS that they

3   don't have all the records they required for the

4   last five years for leakage surveys. PHMSA

5   doesn't use that to go hunt down those companies

6   and find the data.

7   MS. THEBERT: Because then you didn't

8   do it. If you don't have the records, you didn't

9   do it. Now you're saying I don't have the

10   records; I know I don't have them. I'm going to

11   get --

12   MR. COTE: I think the distinction

13   that you did not recognize in your statement,

14   Michelle, if I may, is the use of it. If PHMSA's

15   out doing audits every day and they find from

16   2013 to 2018, you don't have leak data on

17   mandated surveys, then your having reported it

18   three months ago to VIS does not get you a hall

19   pass on it.

20   Maybe, as an operator, you say we

21   identified it. You're right. We did an audit

22   three months ago; we found it. We're working on

1   fixing it. But if you don't have data that

2   you're required to have under 192, that doesn't

3   get you a hall pass. I think that's the

4   distinction.

5   MS. THEBERT: But they're under audit

6   already, and that's discovered by the inspectors,

7   and they're just like -- I just feel a conflict.

8   We're in the process of doing a VIS report, so

9   you can't get on us this. I feel there's an

10   incident related to a leak survey that wasn't

11   done, I think there's a huge liability for states

12   and for PHMSA. All they did was report to this

13   group. We didn't do any enforcement on it.

14   That's one of the things I see with that.

15   MR. COTE: Again, you and I read it

16   differently. Let's refer back to -- Randy, was

17   my description of that correct, in terms of using

18   the VIS data as the key?

19   MR. PARKER: Right, that was the key

20   is that if we want to funnel this information

21   into the VIS, so that it helps improve pipeline

22   safety for the whole community, a self-audit

1   that's submitted that way should not be subject

2   to enforcement action, unless it was intentional.

3   There's a carve-out there. If you intentionally

4   did that --

5   MS. THEBERT: But how is that

6   determined?

7   MR. PARKER: It would be determined in

8   an enforcement action as we think this was

9   intentional.

10   CHAIR BURMAN: We'll come back. I

11   think people may information or thoughts to add

12   to this. Alan, then Mark, then me, and then

13   we'll open it back up and Michelle and you may

14   have thoughts on it. Alan.

15   MR. MAYBERRY: I'm just struggling

16   with this a bit because it just -- aren't we here

17   about sharing -- let me think of an example for

18   distribution related to assessment information,

19   something related to taking corrosion readings

20   and correcting shorts or correcting -- shorted

21   casings. That could apply to both.

22   Let's say deficient corrosion

1 readings, lessons learned related to that,

2 because that can be a challenge, or the ability

3 to detect hook cracks, an improved way to do that

4 for the transmission guys.

5   I feel like if we're going to have a

6 conversation about this, we have a conversation

7 about this in that realm, but it's a different

8 realm than sharing information, not that it

9 couldn't be expanded to this, but I guess my

10 thinking going into this is it's not so much

11 about which -- SMS is a lot about self-audits and

12 correcting deficiencies, and that's a good thing.

13 In that realm, we are training our staff to see

14 that, as operators implement SMS, that if you

15 find bad stuff, that's a good thing. I see this

16 as a bit different, though.

17   MR. COTE: Dan Cote, if I can respond.

18 Let's use your corrosion one. In my mind, it's a

19 very good one. Let's say I'm an operator. For

20 whatever reason -- every year, as we do readings,

21 as you know, on mains, we find deficiencies.

22   Typically, you have until the next

1 regularly scheduled inspection to remediate

2 those. Let's say 5 percent of mine, whatever

3 reason, bad weather, could be 100 things, we

4 didn't get to.

5   We found that by missing our annual

6 deadline by 18 months, we were seeing some

7 corrosion on the facility, which became a bright

8 line to the rest of the industry, saying you know

9 what, instead of using that -- because a lot of

10 operators -- I happen to know that for a fact,

11 sad to say -- use that entire 12-month period,

12 and sometimes up to 15, if it's the next -- and

13 you know the language of code.

14   Compliant, but is that necessarily

15 safe? Saying to the industry you know what,

16 waiting that long isn't smart. The reality is if

17 you're focused on pipeline safety, corrosion

18 starts taking place after six months, you really

19 want to jump on this stuff. That is valuable to

20 the industry, in my mind. To Randy's expression,

21 you have made a contribution to the knowledge of

22 the community. PHMSA wouldn't use that, saying

1   we have some operators out there that reported to

2   VIS, that said that they weren't getting their

3   inspections done.

4   Inspectors, go find them. That would

5   be a bit of a breach. I do agree with your

6   initial hypothesis, though. This area, we need

7   to spend more time on outlining what that really

8   means, in terms of content, in a way that there's

9   more global consensus on it.

10   MR. MAYBERRY: My concern is with

11   diluting the value of what we're trying to

12   accomplish. If we crack the door open on that in

13   this realm, it becomes a system for -- to hide --

14   I'm saying it very negatively -- to hide behind.

15   MR. COTE: I don't think any of us,

16   just to reassure you --

17   MR. MAYBERRY: That's not the intent.

18   MR. COTE: -- we are not trying to

19   find -- we are not trying to create a haven for

20   bad actors.

21   MR. MAYBERRY: Most operators aren't.

22   MR. COTE: In all of our discussions,

1   that has been absolutely clear. The question is

2   how do we craft that in a way that sort of

3   balances the frame? Agreed.

4   MR. HERETH: I'm Mark Hereth, with the

5   Blacksmith Group. Help me understand how this

6   would fit within the scope of our mission.

7   CHAIR BURMAN: Before you answer that,

8   can I just offer my thoughts on this? I think

9   what I'm hearing is that there's a need to make

10   sure that with this program, there is sufficient

11   data that is being gathered that can be given for

12   that review, and the focus is on allowing a --

13   whether we call it data sharing, voluntary

14   self-audits -- that are utilized, really, solely

15   for the purpose of helping with the VIS, so to

16   the extent that you do whatever your processes

17   are, not as okay, great, I'm going to do

18   self-audits to get around it, and then if I'm

19   find something, I'm going to share it with VIS.

20   The voluntary self-audit is being

21   done, potentially with certain people that are in

22   that same realm of confidentiality and other

1   things, but it's a system process that is being

2   utilized for the purpose of that data gathering.

3   That information that is being utilized in that

4   self-audit, really solely for the voluntary

5   information sharing, isn't utilized as a gotcha,

6   so that the people in the room who come together

7   to share aren't now saying since I gave it, and

8   since I know the specific information, I have to

9   give it over for enforcement mechanisms or

10   others.

11   They're trying to establish the

12   mechanism to be able to say I did the self-audit

13   for the purposes of VIS and now don't have a

14   gotcha on me. Is that kind of --

15   (Simultaneous speaking.)

16   CHAIR BURMAN: Rather than we're going

17   to do a self-audit, and if we turn over any of

18   our information to VIS, you can't go after us.

19   That's the distinction I see is needing to get

20   back to the purposes of collecting. Whatever

21   that data collection is, you don't want to chill

22   people's ability to give that information. I'm

1   sorry.

2   MR. HERETH: That captures a part of

3   the concern that I had. I just don't think that

4   we want to -- I don't think -- I hope that your

5   intention is not to extend the scope of what

6   we're doing within VIS to cover audits of SMS

7   systems. That's the way I read it.

8   MR. MAYBERRY: That's what I'm trying

9   to articulate, too. I think it's a relevant

10   discussion in a separate area --

11   (Simultaneous Speaking)

12   MR. HERETH: You could even extend it

13   to a discussion about credits. There's other

14   areas where you could go with that.

15   CHAIR BURMAN: In a sense, you want to

16   give the tools for the ability for people to have

17   specific information or to collect specific

18   information and to share, so that you're

19   encouraging that be aware and share, whatever

20   that mechanism is, and that will be the tools of

21   the program that get worked out and fleshed out,

22   in terms of what that is.

1   Again, going back to the FAA model,

2   that's some of the things that they had to work

3   out in how do we gather it, what are the right

4   people to be a part of it, how do we our

5   self-assessments and our self-audits outside of

6   the enforcement, and yet, not being, now, in the

7   since I have the information, I have to turn it

8   over to the enforcement folks, because otherwise,

9   I'm in trouble, which gets to, I think,

10   Michelle's concern about if you have that

11   information, you're supposed to do something with

12   it outside of VIS.

13   MR. PARKER: It definitely merits

14   further investigation and discussion. Mark, did

15   you have a comment? Kate?

16   MS. BLYSTONE: Kate Blystone, Pipeline

17   Safety Trust. I think this goes back to Dr.

18   Murray's comment about phasing. I wonder if this

19   language could be softened to say that this is a

20   consideration, instead of saying Congress should

21   enact. I don't know. It just feels like it

22   should be softened because I don't think this is

1   necessary for the functioning of a voluntary

2   information sharing system, just personally.

3   I feel like this is a bit additive.

4   That said, we could walk out with Phase 1 and

5   have this included. I just want more discussion

6   on that, and perhaps it's part of the phasing

7   process that this becomes something that we add

8   if we can't get participation.

9   MR. PARKER: That's very possible.

10 Another option would be, maybe, that the VIS, as

11 it matures, may want to say we want all the

12 operators to self-audit this area. Go out there

13 and do a self-audit on this particular scope of

14 thing and bring us that information. Then there

15 could be some protection for that, where it's

16 generated by the system, itself, not presumed up

17 front as a separate thing.

18   CHAIR BURMAN: Alan.

19   MR. MAYBERRY: This is Alan, again.

20 Just want to make sure -- I think I understand

21 the concern. I've seen it work both ways, where

22 an operator may come forward with a

1 self-disclosure in our region or we worked with

2 them closely and there wasn't any punitive

3 action.

4   But then I've also seen it the other

5 way, where they kind of wish they had not brought

6 it up, too. So I can see the desire to have a

7 mechanism that really is fully within the tenets

8 of SMS to have that.

9   MR. PARKER: SMS is what we're talking

10 about here, so it's worth further discussion, but

11 we don't want to inadvertently blur the lines on

12 what the VIS is all about. Mark.

13   MR. HERETH: Mark Hereth, with

14 Blacksmith Group. I guess the only point of

15 clarification I would see relates to the Chair's

16 comment, which is does this relate to VIS, or

17 does it relate more broadly to the use of

18 self-audits in a broader SMS program?

19   MR. PARKER: Our conception was that

20 it was related only to VIS use.

21   MR. HERETH: Okay, thank you.

22   MR. PARKER: Our subcommittee looks at

1   VIS as an element of SMS, really.

2   CHAIR BURMAN: Mike.

3   MR. LAMONT: Randy, did you look at

4   the State of Texas's Audit Privilege program?

5   They require that you make notification of

6   self-audit prior to initiating the audit because

7   you don't get immunity for penalty just going we

8   did a self-audit, here's what we found. You have

9   to make notification prior to the audit, say this

10   is what we're auditing, those specific things,

11   and then you disclose what you found.

12   MR. PARKER: This is based on the

13   Texas statute.

14   MR. LAMONT: Just to point out -- I

15   think Mark has a very good point. As it relates

16   to VIS -- if we're starting to include a

17   third-party integrity management program review,

18   that's required under code. We're not doing

19   these add-ons for other pipeline safety programs.

20   This is specific for VIS, correct?

21   MR. PARKER: Correct.

22   CHAIR BURMAN: To the extent that I

1   think this is really very important, though, and

2   so that we're extracting from here the necessary

3   information to be useful in the program and that

4   we're trying to open up what that means, so that

5   people are willing to share, and to the extent

6   that incorporating SMS as part of it, I think, is

7   really key.

8   I think we need to keep in mind the

9   high-level intent and what some of the tools are

10   that we're going to need to, again, have drilled

11   down, whether it's in the statute or in the

12   program, itself, and allowing the flexibility for

13   inclusion into the VIS system voluntary

14   self-audits as it relates with SMS, I think, is

15   really key.

16   Some of those things, in terms of what

17   would fall in it, how is it determined will be

18   helpful. The other thing I think that we need to

19   also keep in mind is this report is a report to

20   the secretary. When we do the full report, and

21   when we look at this, we also have to keep in

22   mind that while there are certain things that we

1   identify that are going to be needed for

2   legislation and/or regulation, the misstep that I

3   don't want to have is that we aren't giving her a

4   report that, then, she can determine from this

5   she wants to ask Congress for. Because here, all

6   that we've done is made recommendations, but

7   we're making recommendations to her for, then,

8   the next step. I think we need to focus on that.

9   MR. PARKER: That's exactly how we see

10   it in our subcommittee. This definitely needs

11   additional work, which we will do. Michelle.

12   MS. THEBERT: I'm not trying to

13   belabor the whole distribution versus

14   transmission, but I know at least in Georgia, we

15   have some operators with less than 100 services.

16   We have maybe seven who can actually afford to do

17   a self-audit.

18   That's where I'm concerned about any

19   kind of discrimination later on. If you can

20   self-audit and report yourself, you're okay. If

21   you're not able to because of financial

22   restrictions -- because they can do auditing for

1   real, they would never have the resources to do a

2   self-audit. They wouldn't even qualify for this

3   kind of stuff. I don't know if that's -- if we

4   should limit the number of customers on the

5   distribution side, or if they're all in --

6   because the ones I know of, most of them are --

7   we have maybe 10 or 12 who are big enough to do

8   any of this kind of stuff.

9   I don't know if that's -- I know we're

10   past that already in this discussion. I'm just

11   throwing it out because that would be a concern,

12   at least with states who have smaller municipals,

13   for whatever it's worth.

14   MR. PARKER: Thank you, Michelle.

15   CHAIR BURMAN: Dan.

16   MR. COTE: Dan Cote. Just to respond

17   to what you said, Madam Chairman, I really agree,

18   and I want to reinforce that a bit. First of

19   all, there has been discussion -- and this is

20   sort of fascinates me. I won't rant; I promise.

21   There has been discussion of VIS

22   reporting as though there were a clearly defined

1 standard in place today and a flow of reports

2 through a system that doesn't exist yet, so none

3 of that exists. Where this started was a

4 statutory obligation to essentially share ILI

5 data. That's where we started. For all the

6 right reasons, in my mind, we expanded that

7 dramatically to a much larger universe, to

8 encompass more of the universe's pipeline safety,

9 for all the right reasons.

10 So now, we're well outside of any of

11 that. Really, in my mind, what constitutes

12 appropriate VIS reporting hasn't been defined

13 yet. We can make that scope as large or as small

14 as we want it to be to fall under VIS.

15 But I remind everyone that the more

16 data that we get through on what operators are

17 finding that constitute both benefits and

18 opportunities to improve, as well as risks,

19 benefits us all enormously. In order to get

20 people to report, we've got to think about the

21 tension around all the existing mechanisms now.

22 For myself, I'll just swing for the

1   walls and say I don't much care whether it came

2   through an SMS audit, a transmission integrity

3   audit, a DIMP (phonetic) audit in review of data.

4   Findings that constitute either opportunities or

5   risks are beneficial for the industry to

6   understand because if one of us has them, many of

7   us are likely to. All of that is good data. I

8   would just encourage everyone to recognize those

9   opportunities for our industry and to scale that

10   against -- Alan, I understood your concerns

11   fully, and this is not about hall passes, but

12   there is a bit of tension. Really do like the

13   idea of our weighing that carefully in a

14   different form.

15   MR. PARKER: Thank you, Dan, that's

16   very good.

17   MS. PEAREN: Commissioner Burman, this

18   is Holly Pearen, with EDS, on the phone.

19   CHAIR BURMAN: Great.

20   MS. PEAREN: After listening to the

21   discussion, it occurred to me that perhaps this

22   recommendation regarding collecting information

1 from voluntary self-audits might be better

2 articulated by Process Sharing or Data Management

3 Subcommittees, rather than specifically called

4 out in the Regulatory, Legal and Funding as a

5 specific enforcement provision.

6 That way, any information submitted to

7 the VIS would be covered by the general

8 confidentiality and enforcement provisions,

9 regardless of the type of information or where it

10 was gathered from. Then Process Sharing or other

11 subcommittees could articulate the very important

12 role voluntary self-audits play in providing that

13 essential information for risk analysis to the

14 VIS.

15 MR. PARKER: Holly, I think that's a

16 good idea. We probably should wrestle with this

17 in the other subcommittees before we try to find

18 a legislative solution to the protection because

19 we're not far enough along in our thinking. I

20 think that's a great idea. Okay, which committee

21 wants to take on this challenge?

22 (Simultaneous Speaking.)

1   CHAIR BURMAN: I think both Process

2   Sharing and Best Practices can work together on

3   that.

4   PARTICIPANT: Best Practices is --

5   (Simultaneous Speaking)

6   CHAIR BURMAN: With, then, the

7   backstop being that Regulatory and Legal comes in

8   to identify what is necessary to extract with

9   that.

10   MR. PARKER: Right, whatever they come

11   up with a recommended approach, then we could

12   supply whatever we think is recommended legal

13   backdrop.

14   PARTICIPANT: You have a comment from

15   back in the public.

16   MR. TU: Wen Tu, AGIA. After hearing

17   this discussion, I did have one question that I

18   had for the Committee, overall, which is that

19   there's a distinction between data and

20   information.

21   My question is, is the intent of VIS

22   to collect that data from operators who

1   voluntarily deliver that data, and then to do the

2   analysis to get that information within the

3   system, which we're calling VIS today, or is it

4   for the operators to provide the information in a

5   consolidated database to be shared amongst -- so

6   the distinction is are we doing analysis within

7   the system, or are we allowing the operators to

8   do it and providing just the information?

9   MR. PARKER: Dan.

10   MR. COTE: I think the way we

11   envisioned this, 90 percent is operators are

12   providing data that the third-party vendor turns

13   into macro information. Obviously, a single data

14   point -- it becomes very hard, in a single data

15   point, to make it anonymous. At that point, it

16   isn't even necessarily information. Again, it's

17   a single data point. Again, I never say never.

18   Some sorts of occurrences and findings may be so

19   compelling, with a single data point, that we all

20   need to hear it immediately, but that would be

21   the exception, rather than the rule, just by way

22   of high-level vision, the way I see that.

1   MR. PARKER: Mark, that falls right

2   into your area.

3   MR. HERETH: I'm Mark Hereth, with

4   Blacksmith Group. I agree with what you're

5   saying, Dan. I think I would refer you back to

6   the slide in our subcommittee presentation, where

7   we talked about the types of sharing.

8   It includes data, but I think it also

9   includes information that we learn from

10   incidents, information that we learn from the

11   application of assessment technology, so it's

12   both. I think it's both. That's something we've

13   had as a theme probably from the first or second

14   meeting.

15   MR. PARKER: By the way, Mark, I liked

16   that slide a lot. That really helps, in terms of

17   people are always asking me what are you guys

18   doing? What information are you sharing? That's

19   a good way to distill it.

20   MS. HICKS: Randy, could you speak up

21   a little? We couldn't hear you over --

22   MR. PARKER: Yes, I'm sorry. I was

1 just saying that I like the slide that Mark's

2 referring to, that we saw earlier today, because

3 it's a good way to impart to others, outside our

4 Committee, what types of information we're

5 talking about sharing. Let's move on.

6   Barrier No. 8. Near miss information

7 is extremely important, but there's a real fear,

8 a palpable fear among operators that near miss

9 information could lead to enforcement and

10 penalties by PHMSA or other federal and state

11 agencies. I think everyone understands that.

12   If you've ever been in a meeting when

13 someone says we had a near miss, what happened,

14 and everybody gasps for air, like oh, my God, we

15 were so close to having a really catastrophic

16 accident. One little element prevented it. Most

17 of that information is kept inside each operator.

18 It doesn't get communicated because of the fear

19 of what might happen. We came up with this

20 recommendation that Congress should enact

21 legislation providing that a pipeline operator

22 that voluntarily submits to the VIS near misses

1 will receive immunity from prosecution and

2 enforcement related to the near miss information

3 that's disclosed to PHMSA in a confidential

4 report and corrected within a reasonable amount

5 of time.

6 In other words, if it's a near miss

7 that requires something to be done, you commit to

8 doing it, but you also give a confidential report

9 to PHMSA that you're going to do it, and that

10 near miss information is part of the VIS that

11 can't be used against you in an enforcement

12 action.

13 However, there are exceptions. The

14 second paragraph is the exceptions to the

15 immunity. Those are really tracked through the

16 FAA carve-outs of the five deadly sins.

17 If it's an intentional violation or an

18 employee's action or failure to act that was

19 intended to damage the facilities or injure other

20 employees or purposely place the public in

21 danger, or if the near miss, itself, was caused

22 by prohibited use of alcohol or drugs, or if the

1   near miss report contained knowingly falsified

2   information. Near miss events eligible for

3   immunity under this act are protected from,

4   again, disclosure, release under FOIA, and from

5   discovery or admissibility into evidence.

6   The idea here is to create a safe

7   harbor for companies that normally would never

8   report this near miss information, to give them

9   the assurance that they won't be -- won't face

10   consequences in enforcement action, but has the

11   added feature that PHMSA gets to learn about this

12   and the VIS gets to process the information and

13   publicize it as it feels necessary, for instance,

14   in a safety bulletin, if it's something that's

15   urgent, or in whatever manner that the VIS system

16   manages these kinds of data points.

17   CHAIR BURMAN: Walter, and then Alan.

18   MR. PARKER: Questions, comments?

19   MR. JONES: I have a few questions.

20   I was sitting here, I was wondering if -- because

21   your pretty extensive recommendations on

22   anonymity and protection from retaliation and

1   enforcement. Did the committee consider

2   extending any of those protections to workers and

3   employees in any of your recommendations? Then

4   when I do one, it's actually removed protection

5   from an employee's action. I would suggest that

6   you look at an option of extending the same

7   amounts of anonymity you want to many of your

8   contractors to these employees, so they will

9   report these near misses and not face retaliatory

10   actions as a result of reporting them.

11   Then I want to also comment on your

12   use of drug and alcohol language in there to

13   point out that most states allow workers to use

14   medicinal marijuana and other drugs.

15   As we all know, you can smoke on joint

16   on Thursday, not be high on Monday, be involved

17   in an incident and be drug tested, and now that

18   incident is related to you being high on the

19   blood that's in your system on Thursday, so

20   you're not even really going to address the

21   situation.

22   You're just going to pawn it off on

1   some employee that was high, when they really

2   wasn't. Our drug tests are unable to test for

3   impairment, like we can do with alcohol. I would

4   just throw some of this back at the committee to

5   really look at again. I would still encourage

6   you guys to -- if you really want workers to

7   report a lot of these issues that you're looking

8   to receive immunity and a lack of retaliation and

9   enforcement, you should probably look to probably

10   extend that to some of your workers, and then

11   also drill down on these drug and alcohol issues.

12   MR. PARKER: Walter, those are good

13   points. As a matter of fact, we intended to

14   include, in the language of the first part, the

15   protection to employees, specifically. I don't

16   know why it didn't end up in this draft, but it

17   was in there before because we specifically

18   modeled it after the FAA's protections.

19   It extends to everybody on the tarmac,

20   including manufacturers and employees of

21   manufacturers. That was a mistake on our part.

22   I don't know enough about the alcohol and other

1   drug prohibitions to really comment much on that,

2   so we'll have to study that some more.

3   MR. JONES: The rules three years ago

4   -- now in Rhode Island and other places, if

5   you're tested for a metabolite for marijuana and

6   you produce a medical marijuana card, so your

7   doctor can show your metabolites -- I think it

8   was Rhode Island or somewhere in New England, you

9   could get your job back because you're complying

10   with the rules. These things are really fluid

11   right now. I don't know which direction we're

12   going. Everything seems to be dependent on

13   safety sensitive, but in our industries,

14   everything is safety sensitive, every position,

15   even a janitor.

16   That type of broad blanket coverage is

17   even now being questioned, this idea of safety

18   sensitive jobs. I just throw that out there that

19   there's a fluid moving target these days that

20   maybe we don't need to really jump into, at this

21   point.

22   MR. PARKER: That may be the case.

1   Those are good points. By the way, the Federal

2   Railroad Administration also has kind of an

3   exemption like that. They cover employees, but

4   then they have --

5   (Simultaneous Speaking)

6   MR. JONES: Everyone does because your

7   insurance is basically driving that, requiring

8   test everybody after every accident. I'm walking

9   down on a work site and a brick hits me on the

10   head, I had nothing to do with that, but now I've

11   got to go get tested. Now maybe I don't want to

12   report the incident because of my activities a

13   month ago. It's a burgeoning issues. I don't

14   know that we need to really get into it. There

15   were a bunch of recommendations we made. I don't

16   know that this is one we need to be dying on the

17   stake over.

18   MR. PARKER: I'll say this. I don't

19   know about the exemptions, but as far as the near

20   miss information, itself, it's extremely

21   valuable. Right now --

22   MR. JONES: (Simultaneous Speaking)

1 don't get reported, though.

2 MR. PARKER: Right now, it's not

3 getting reported to anyone, so we've got to

4 figure out a way to get that into the VIS, so

5 that people can take advantage of it. Mark.

6 MR. HERETH: This is Mark Hereth. I

7 commend you for including near misses, and I

8 think you should keep working on this language

9 because I think another place where you'll find

10 protections like this is in OSHA, in process

11 safety management. This is a great place to be

12 going, so thank you.

13 CHAIR BURMAN: Alan, then Sherry, and

14 then it sounds like Holly wants to talk, too.

15 MR. MAYBERRY: Alan Mayberry, to that

16 end, actually, OSHA probably already defines it,

17 but just from experience, I know defining close

18 calls will be probably the funnest part of this

19 type of change. You may have covered that

20 previously, but did you guys talk about what

21 constitutes a close call?

22 MR. PARKER: No, we haven't talked

1 about that today, but you can go ahead and

2 explain it.

3 MR. MAYBERRY: That ultimately would

4 be defined -- we're not here to implement this or

5 design it, but that will be something to

6 consider. If there are any words related to what

7 constitutes a close call, put some boundaries

8 around it.

9 MR. PARKER: The Federal Railroad

10 Administration does have a close call system.

11 It's voluntary. That has been very valuable,

12 I've heard, in terms of what they're able to do

13 about analyzing why these close calls happen.

14 CHAIR BURMAN: Sherry.

15 DR. BORENER: Sherry Borener, from

16 PHMSA. I think this goes back to the earlier

17 question that we had, and Christie's point. Just

18 from experience, it's very hard to construct

19 voluntary reporting systems, like ASAP, the

20 Aviation Safety Action Program, where carriers

21 can report near miss information, voluntary

22 disclosure programs, where they can report a

1   problem and enter into an investigative process

2   with the agency and get indemnified from

3   investigation. That doesn't mean that they don't

4   report.

5   These things are very elaborate

6   programs. If these things are essential to

7   getting VIS, then I think we should talk about

8   them. If they're not essential at the moment, if

9   it doesn't close the door if this doesn't exist,

10   then could we find a way to address the variety

11   of issues that might come up because you were a

12   participant in VIS as an ongoing process in the

13   development of the governance of the system, so

14   that it's not -- so that this doesn't become the

15   thing that keeps you from getting started?

16   I just want to say, again, it took ten

17   years for FAA to get to the point where they had

18   a structure, and maybe it will take three years

19   for Singapore, but if you try to do everything at

20   the same time, it is really going to be daunting.

21   Maybe the most important thing is some basic

22   information that will move the ball forward.

1   MR. PARKER: Thank you for your

2   comments.

3   CHAIR BURMAN: We have Holly, and then

4   we have the audience, but I also do want to say

5   that near misses and that information seems like

6   it is very relevant and very important to be part

7   of it. I do think that goes into when best

8   practice and process sharing is looking at the

9   information.

10   It's important to identify that the

11   collection of that information is important,

12   which is why it also needs to be protected and

13   confidential and all of the different sort of

14   same issues. Then to the extent that regulatory

15   and legal identifies that there needs to be a

16   mechanism to allow that and to have protections

17   in place, I think, is important.

18   That, I think, gets to very similar

19   things, so it may be taking a lot of these and

20   putting them together, but the process sharing

21   and best practices can help to flesh out the

22   rationale, if that makes sense.

1   MR. PARKER: That does make sense. It

2   makes a lot of sense, just as we did in the

3   previous one.

4   CHAIR BURMAN: Holly.

5   MS. PEAREN: Thank you, Commissioner

6   Burman, Holly Pearen, Environmental Defense Fund.

7   I wanted to address Walter's concern about the --

8   related to the suite of things listed. It's our

9   understanding that PHMSA has authority to -- or

10   discretion over enforcement in certain cases, but

11   no statutory discretion over enforcement in

12   certain cases.

13   Those are spelled out in statute, just

14   like they are for the FAA and Railroad. We

15   understand that since it doesn't have

16   discretionary enforcement authority over things

17   like intentionally committed acts and acts in

18   which there was a drug or under the influence

19   indication, if that turns out not to be the case,

20   we can certainly amend it, but the list of

21   instances that you see on the slide really is

22   based in the discretionary enforcement authority

1   of PHMSA versus the non-discretionary enforcement

2   authority.

3   MR. PARKER: Thank you, Holly. I

4   recall those discussions. You're right. I might

5   add, in one response to that, at the bottom of

6   that paragraph it says language to be refined.

7   Yesterday, we gave a task to Dane Jaques, who's

8   an external member. He's a lawyer, former pilot.

9   He's been through all of the FAA programs. He's

10   going to pull together a memo for us on that

11   immunity, where it doesn't apply to employees and

12   exemptions/exceptions for all the different

13   programs at FAA.

14   Then he's going to discuss that with

15   Cyndi Dominik, who's a lawyer at FAA who's also

16   aware of all those programs, of course, and then

17   report to our subcommittee on what we think would

18   be appropriate -- if we have a near miss

19   statutory authorization, what would be

20   appropriate to exempt and how you would do it in

21   a PHMSA context. We'll have more homework to do

22   for you on that. I think that will help, Walter.

1   We will probably pull you into that, too.

2   MR. JONES: Sure. I'm around.

3   MR. PARKER: Go ahead.

4   CHAIR BURMAN: No, I'm good. I think

5   we have audience, and then we have --

6   MR. PARKER: John.

7   MR. MACNEILL: John MacNeill, the

8   Utility Workers Union. On the near miss programs

9   and close call programs, any of these programs

10   that we get involved with with any of our

11   employers, we go into an MOU. There's language

12   built in there, on these programs, that these

13   programs -- it's a no name, no blame program,

14   where the employee making the report doesn't have

15   to give his name, but he could if he feels like

16   he wants to, but there is no blame attached to

17   these programs.

18   I think the way you're writing this up

19   here, it would take away from the MOUs that we

20   have in place with our employers. It contradicts

21   that. That's something that we already have in

22   place.

1   MR. PARKER: That's really good to

2 know. I know that for the Federal Railroad

3 Administration, it's not actually a voluntary

4 program. It's mandatory, I think, the reporting,

5 but not the -- if an employee does it, it's under

6 an MOU, right?

7   MR. MACNEILL: In the utility

8 industry, what we do is we -- in our collective

9 bargaining agreements, when we get into these

10 close call programs and near miss programs, we

11 stress that this is a no blame program. If

12 somebody puts in a close call, there is no

13 retaliation attached to -- there's no period that

14 gets attached to that.

15   MR. PARKER: Thank you, John. We'll

16 pull you into this group, too, in discussing how

17 we might want to look at -- the options for

18 looking at this. That would be an elegant

19 solution.

20   MR. MACNEILL: It's something we deal

21 with all the time, anyway. It does stop people

22 from being involved in reporting if they feel

1   that there's a possibility they're going to be

2   punitively disciplined attached to that. It is

3   something that can prevent people from reporting.

4   MR. PARKER: That's interesting. I

5   think we'll have to make a distinction, as we

6   work on this, between the operator versus the

7   employees because they have very different needs

8   they want to protect.

9   CHAIR BURMAN: Eric, and then Walter.

10   MR. AMUNDSEN: Eric Amundsen, Energy

11   Transfer. The only thing I would offer the

12   Committee is that in my experience and our

13   company's experience, some of the highest value

14   learnings out there come from near misses. I

15   think it's really -- and Mark touched on this --

16   it's really worthy of our best efforts to get

17   this part right because I think if we don't, and

18   we don't have provisions in place to mitigate the

19   barrier that obviously exists, we're really going

20   to lose out on some of the very highest learnings

21   in the industry. Our presentation from yesterday

22   on COS, I think they have a way of classifying

1   and tiering those kinds of events.

2   They had HVLEs. We use the same terms

3   in our company. So again, I think there's ways

4   to classify and prioritize those types of -- and

5   the value associated with those learnings.

6   Again, I think we've got to get this part right.

7   It's relatively low fruit because it's out there.

8   These things happen. We keep them to

9   ourselves because of the kinds of issues we're

10   talking about here. I think the reality is it's

11   a source of extremely high value of learning and

12   improvement.

13   DR. BORENER: Can I just ask a

14   question there? Sherry Borener, from PHMSA. You

15   have an internal voluntary reporting program at

16   your organization?

17   MR. AMUNDSEN: Yes.

18   DR. BORENER: This statute's not going

19   to -- I don't think could protect an employee who

20   reports from having their company respond to

21   them. It only has to do with the government.

22   That's what I was trying to get at is there's a

1   whole structure -- what ASIAS is taking advantage

2   of is that companies have voluntary reporting

3   programs.

4   They get the data, and then they share

5   that data as part of their involvement with -- so

6   the protection between the employee and the

7   operator is not part of the VIS. That's a

8   different structure that we would have to build

9   in order to make that happen.

10   MR. PARKER: Dan.

11   MR. COTE: Dan Cote. She has a point.

12   That's exactly right for many companies. We

13   happen to have a voluntary reporting program

14   that's really robust. The question that we're --

15   we see the data, and we analyze it.

16   To your point, it can either be

17   anonymous, or if someone chooses to can sign it,

18   but it's essentially no fault. The question is

19   -- what is not happening today is we're not

20   sharing any of those findings with the industry.

21   That's the piece that Eric is really referring

22   to, in terms of we're missing the boat. Eric, I

1   agree with your analysis fully. These will be

2   among the most valuable learnings we could be

3   sharing because of the very nature of the near

4   miss. Couldn't agree with you more.

5   MR. PARKER: My context was energy

6   transfer sharing with the rest of the industry.

7   DR. BORENER: All of industry --

8   MR. AMUNDSEN: But your point's well

9   taken.

10   DR. BORENER: All of industry might

11   not be under a program like that, so smaller

12   operators might not have anything like that. We

13   would need to do something so that everybody in

14   the industry could participate. That's a

15   project. That's something that we might do as

16   part of the development of the program.

17   CHAIR BURMAN: Walter, did you -- you

18   had your hand up.

19   MR. JONES: No, I'm fine, thanks.

20   CHAIR BURMAN: Anybody else at the

21   table? On the phone? In the audience?

22   MR. PARKER: Okay, Madam Chair, we

1 have completed our eight recommendations and

2 given ourselves a long list of homework items.

3 CHAIR BURMAN: It sounded like you

4 also gave best practices and process sharing

5 homework, so that's good. I do want to do a time

6 check. We still have four more reports to go

7 through. The way I've re-established on the

8 agenda is we're going to best practices now, and

9 then we're going to end for lunch, which means

10 that you have a shorter -- not an hour and a half

11 lunch, but just an hour lunch.

12 For those of you who are ordering in,

13 you should be cognizant of that. For those of

14 you who are not, it would be helpful to have a

15 carpool or something, so that others can go. The

16 Madison Deli around the corner is easy and quick.

17 We went there yesterday, and it was fine.

18 Then at 1:30, when we come back, we

19 are going to do our presentations, but then we're

20 going to, at the break, just take a ten-minute

21 break, and then start at 3:40. We will do the

22 training and qualifications report out, and then

1 we will do the technology report out, which leads

2 into the discussion on IT architecture.

3   That's on Agenda 4. Then Agenda 5,

4 which is the Committee prep discussion leading

5 into the next steps, we'll have the Reporting

6 Committee report out, which I think will be a

7 nice segue into where are we going from next

8 steps. We will end, if not before 5:00, at 5:00.

9 Does that make sense for anyone?

10   MR. WARNER: Madam Chair, Chris

11 Warner. I have to leave at 4:00 to catch a

12 flight, so we can swap the R&D and the other one?

13 I know it doesn't flow as well, but if we could

14 swap that, that would be great.

15   CHAIR BURMAN: Yes, that's all right.

16 Yes.

17   MR. JENSEN: There's conflicts with

18 T&Q, as well. I have to leave at 4:00 to get to

19 a flight.

20   CHAIR BURMAN: So when we come back

21 from lunch, we'll rejigger a little bit, but

22 hopefully, we'll also be able to figure it out,

1   so that maybe we can end --

2   PARTICIPANT: (Simultaneous Speaking)

3   through lunch?

4   CHAIR BURMAN: Do people want us to

5   order in and work through lunch?

6   PARTICIPANT: Yes.

7   CHAIR BURMAN: Does that make sense?

8   Are we ordering pizzas?

9   PARTICIPANT: Sounds good to me.

10   CHAIR BURMAN: Who ordered last time?

11   Who did the ordering last time? I went out, so I

12   don't remember. I don't know who ordered. I

13   just know that when I came back, there was pizza

14   here. I'm going to assign somebody from here to

15   be in charge of ordering in pizza, and we'll

16   figure out the payment and all that.

17   I don't want to assign anybody. We

18   need one person for industry to take care of

19   industry folks, and then the government people

20   have to do it separate. The government folks,

21   I'm assigning someone from PHMSA to take care of

22   state regulator people and PHMSA.

1   (Whereupon, the above-entitled matter

2   went off the record at 12:08 p.m. and resumed at

3   12:29 p.m.)

4   CHAIR BURMAN: All right. If we can

5   settle down. We're going to get started with

6   best practices. All right.

7   MR. AMUNDSEN: You ready?

8   CHAIR BURMAN: Yes, we're ready to go.

9   MR. AMUNDSEN: Okay. Eric Amundsen

10   with Energy Transfer and Chair of the Best

11   Practice Subcommittee. I'm going to go into a

12   little bit of schedule recovery mode here. I

13   don't intend to rush through this, but there's

14   been fantastic participation thus far this

15   morning, so I don't want to --

16   CHAIR BURMAN: Yes, no, we're good.

17   MR. AMUNDSEN: Don't want to not

18   encourage that, but we'll just get going here.

19   So Subcommittee members supported by our ADFO,

20   Max Kiebia, he wasn't able to be here this week,

21   so thanks to Chris McClaren, who supported our

22   group, leading up to the meeting, and yesterday's

1   meeting, so those in attendance are in blue, Leif

2   Jensen is here, but he was attending another

3   subcommittee meeting, Bryce Brown is -- has been

4   mentioned, he was on vacation, and Cliff Johnson,

5   with PRCI, had a conflict that he couldn't manage

6   and wasn't able to join us, so thank you to the

7   rest of the committee members, subcommittee

8   members, for their participation.

9   And just throw this up real quickly.

10   It's our existing task statement. No changes to

11   it. And when you read this, you might recognize

12   a lot of overlap with the process sharing

13   subcommittee and there is a lot of overlap in the

14   context of the sharing.

15   Again, the way that Mark and I kind of

16   keep this straight is, you know, they kind of

17   focus on the what and we kind of focus on the how

18   in terms of -- or in the context of what's being

19   done today in our industry in terms of best

20   practices as well as what's being done in other

21   industries, like FAA, in terms of best practices.

22   So again, that's a pretty easy delineation to

1   understand.

2   And by the way, we have no formal

3   recommendations to make, no voting to take place

4   today, so again, encourage questions and

5   discussion, but, you know, may be a little bit

6   one-sided until we get to the end here.

7   I'd like to throw up our, kind of,

8   visual model that Mark and I had worked on, you

9   know, several months ago, and we talked about

10   this again in our subcommittee meeting yesterday.

11   I think at the end of the day our report will, in

12   a lot of ways, attempt to describe this model,

13   you know, kind of -- and its evolution from one

14   that doesn't have a data hub in the middle, and

15   not a lot of interaction between the various

16   entities portrayed on this graphic, so at the end

17   of the day it's, how do we interact, maybe, more

18   effectively association to association, or

19   association to stakeholders, or the regulators,

20   or others on this graphic?

21   And again, that's ways that we will

22   suggest in terms of best practices and the

1   process sharing committee will also identify what

2   those pass and what the information might be, but

3   I always like to come back to this to kind of

4   keep grounded in, kind of, what I think our

5   mission is, it's to, really, describe an

6   effective way to manage information amongst all

7   of these groups and to leverage the sharing that

8   already takes place within a lot of these

9   circles.

10   So a slide, basically, kind of

11   highlighting our discussion from yesterday. We

12   received, prior to the meeting, a draft report

13   from Cliff Johnson and Jason Skow on ILI and ITD,

14   or in the ditch, data management.

15   The report's been drafted in the

16   report template, or outline, so we think a lot of

17   the content in there will be able to slide right

18   into the report as we start writing. In essence,

19   it's a review of the -- or highlights API 1163,

20   which will have another presentation today from

21   Drew, Drew Hevle, on that, but again, kind of

22   highlights the elements within API 1163 and how

1   that works, and recommended practice 0102, which

2   again, is another ILI deployment industry

3   standard.

4   And then the PRCI NDE 4E project,

5   again, which was presented to us a couple

6   meetings ago from Cliff Johnson, which is a

7   really good example of how ILI data gets

8   collected, de-identified, QA/QC'd, and processed

9   and analyzed, so again, we feel like that model

10   within that particular project within PRCI is

11   really ready made for what we're talking about in

12   terms of ILI and in-the-ditch data resolution and

13   the sharing.

14   Next, we talked a taxonomy model that

15   was developed by Joe Subsits and presented during

16   the meeting yesterday. The model, in its

17   simplicity, provides a common language and terms

18   for a learning system, which is really results

19   oriented.

20   I think it had some similarity to the

21   model that COS, Center for Offshore Safety,

22   presented yesterday as well. I think the beauty

1   of what Joe came up with is, it's a model that

2   would kind of sit, if you, you know, go back to

3   our graphic, could kind of sit within the VIS

4   hub.

5   Maybe not amenable to sharing ILI

6   data, per se, but certainly, sharing lessons

7   learned, sharing near misses, sharing learnings

8   from industry operator incidents, so again, Joe

9   has provided a taxonomy model which, again, I

10   think would be critical, you know, especially if

11   we try to leverage the best practices that are

12   currently occurring in a lot of the industry

13   associations, like API, ALPL, and kind of give us

14   a common platform for them to, maybe, use that

15   taxonomy as they share information, but then also

16   feed that into a broader sharing hub.

17   So I think Joe's model has a lot of

18   utility in that regard. Joe, I don't know if you

19   have any comments that you want to add to that or

20   any clarifications.

21   MR. SUBSITS: The only I'd add, when

22   we start looking at systems approaches, it's just

1 very hard to standardize and approach that allows

2 you -- it already comes from more industry

3 misses. There's a lot of opportunities going on

4 in the learnings about quick possibilities for

5 improvement. You have those available at your

6 fingertips.

7 So I think it's important, it's

8 something that's versatile and something that's

9 effective, and something that's agile enough for

10 the operator to be able to input personnel to

11 utilize. So I think the model tries to encompass

12 that.

13 MR. AMUNDSEN: Okay. Thank you.

14 Again, thank you for your efforts in putting that

15 together. Next bullet. Subcommittee is awaiting

16 delivery of various program and governance

17 documents from some of the industry associations.

18 We received some of that type of information from

19 Asias, and thanks to Warren and Sherry for

20 passing that along.

21 But again, we're looking for

22 documents, already existing documents, that tell

1   us about, you know, how information sharing

2   occurs within those different associations, you

3   know, how it's governed, how they do the de-

4   identification, how they do the QA/QC of the

5   data, how they get over the barriers that might

6   otherwise inhibit participation, and how they

7   communicate results.

8   So again, that's kind of to those four

9   or five bottom sub-bullets, but at the end of the

10   day, we're trying to kind of focus and describe

11   our best practices in terms of those elements of

12   a sharing system or a process sharing system.

13   So looking for information so that the

14   subcommittee doesn't have to go out and generate,

15   or create, or write that information based on our

16   knowledge or being involved in those processes.

17   We're looking to kind of maybe save ourselves

18   some work and looking for written information in

19   that regard.

20   So to the extent we can get that, I

21   think that'll help us move the report writing

22   along and give us a document that we can

1   reference.

2   The next bullet, we discussed -- had

3   a lot of discussion, probably, and I would kind

4   of open that up to this group, maybe, for some

5   more discussion about the opportunity for the

6   public and other stakeholders to have an input

7   into the VIS context, other than just a consumer

8   role.

9   I think we've maybe not given enough

10   thought and consideration to receiving input, you

11   know, questions, or observations, or any kind of

12   feedback from, you know, the outside stakeholder

13   groups like the PSTs and other NGOs, the public,

14   you know, how can we more -- how can we enrich,

15   kind of, their participation in VIS as opposed to

16   just a consumer of information?

17   So again, looking for more 360

18   feedback from those types of groups. So again,

19   more discussion to be had within our subcommittee

20   on that. You know, John suggested -- I think

21   he's had some contact with CONED and hopefully

22   we'll gain some experience from them on how they

1 do that, how they -- you know, if they have a

2 call center and how they receive, and process,

3 and react to information from the public.

4   So I don't know if there's any

5 questions, comments about that aspect of the VIS

6 model. Kate? No? Okay.

7   Lastly, we had, as Mark mentioned this

8 morning, there is a lot of overlap and, you know,

9 we'll continue to discuss those overlaps and

10 interdependencies with other subcommittees. You

11 know, again, we're focused on best practices,

12 kind of, in these five sub-bullets that I've

13 mentioned.

14   That's where we're really, kind of,

15 aligned, you know, in these various associations,

16 and then even using, you know, Joe's taxonomy

17 model, how do we address, you know, best practice

18 in terms of how that model would be governed, you

19 know, how we would, again, QA/QC the data and

20 information that comes in, how would we apply

21 common taxonomy in Joe's model, how we would

22 secure the data and information, how we would,

1 again, overcome barriers to participation, a lot

2 of what was talked about in Randy's discussion

3 earlier, and then communication, and results, and

4 performance.

5 So those are essentially the items

6 that we're progressing. Kind of, next steps and

7 action items, continue to develop our report

8 outline and associated high-level content, target

9 to complete a draft of that outline by the end of

10 this month in preparation for July 2nd meeting

11 that Mark mentioned this morning amongst process

12 sharing, best practices, and the technology

13 subcommittees.

14 Third bullet, solicit API and other

15 associations, again, for documented practices. I

16 know I've talked to Stewart and others about

17 getting those documented practices to us, so

18 we'll continue to run those down.

19 I think further development of a

20 taxonomy model, again, kind of taking all of the

21 things that we talked about earlier today and

22 learned this week. You know, a good example is

1   Center for Offshore Safety and the model that

2   they have on how they classify different types of

3   learning events.

4   And I think, again, can be part of

5   that taxonomy, kind of, defining criteria for the

6   various types of learnings, I think, is very

7   valuable.

8   And then last, but not least, you

9   know, commence writing. You know, we're not

10   going to get done if we don't get started, so I

11   think that's going to be a real focus on -- for

12   our subcommittee between now and the next in-

13   person meeting for sure, is to actually start

14   putting words on papers and, you know, finding

15   ways to reference existing documents and working

16   with, again, process sharing and the technology

17   team to make sure that we're not duplicating any

18   effort, that we're not creating any gaps in the

19   report, and getting all those things fleshed out.

20   And with that, I'll end my report and

21   open it up to comments, questions.

22   MR. BELLAMY: Michael Bellamy with

1   Baker Hughes G.E. Eric, at the end of your

2   session there was a brief, kind of, discussion

3   about API 1163 as a mechanism and its

4   effectiveness as a mechanism for today, as

5   configured today, for sharing information back

6   and forth --

7   MR. AMUNDSEN: Yes.

8   MR. BELLAMY: -- and there's a

9   suggestion that we, the committee, somebody,

10   might conduct a survey of inline inspection

11   operators to understand --

12   MR. AMUNDSEN: How that's being

13   affected.

14   MR. BELLAMY: -- how that's working.

15   MR. AMUNDSEN: Yes.

16   MR. BELLAMY: And I don't know whether

17   that's worth picking up on or not. There seemed

18   to be some enthusiasm, Bill, I know you seconded

19   Joe's suggestion, and, Joe, you suggested it, so

20   I'm just wondering if that's something you want

21   to take forward or not.

22   MR. HERETH: So in the report out I

1   did this morning, we talked about the idea of

2   polling the respective stakeholder groups on what

3   their expectations are out of this, so that would

4   be a subset of that. If that could work, so our

5   intent was to take that away, Sherry and I were

6   going to work with the subcommittee to figure out

7   how to go about doing that, because I think it's

8   probably -- so, yes, we can do that, but I think

9   we were thinking a little bit more broadly in

10 terms of what your expectations are as a whole.

11   But I think, to your point, we should

12 probably poll with respect to 1163 with both the

13 ILI service providers as well as the operators.

14 That's a good point.

15   MR. AMUNDSEN: You know, I think it's

16 important to get both perspectives. You know, we

17 put it out there as a best practice and something

18 that is being done in the industry, but I don't

19 have a good sense of how each operator and each

20 service provider has participated in that event.

21   MR. HERETH: That's a great point.

22   MR. AMUNDSEN: And I think it would be

1   -- I think the results will be enlightening, and

2   then as part of that, I think if the operators

3   are not participating, what keeps them from doing

4   that, right? Or what barriers, you know, keep

5   them from participating in that.

6   MR. BELLAMY: Yes.

7   MR. AMUNDSEN: So understanding, not

8   just the data, but maybe some of the whys of what

9   the data might reveal, so we'll take that as a to

10   work with, Mark.

11   MR. HERETH: Yes, we'll take that

12   away. That's a good point.

13   CHAIR BURMAN: Any other comments?

14   Questions? Holly? Is she on the phone? All

15   right. So looking at this, there's nothing we

16   need to vote on. Looks like we have a pretty

17   good handle on things. Does anyone from the

18   audience have any comment? I'm sorry, I forgot

19   to ask. All right. I think we can go. Thank

20   you very much.

21   And I do want to say a special thank

22   you to Joe for your presentation and the

1 thoughtfulness that went into it, and the

2 substantive processing of it, and just, you

3 constantly amaze me in terms of your ability to

4 make things sound very easy, and also, get

5 focused on very substantive and difficult topics

6 in a way that makes sense.

7 And bridging, sort of, the distinction

8 between industry and regulators and helping to

9 facilitate communication is very, very helpful,

10 so thank you very much. I appreciate it. With

11 that, next, we will go to technology or, no, the

12 training. TMQ or TMC?

13 MR. JENSEN: Good afternoon. While

14 he's getting started, I'm Leif Jensen,

15 Chairperson of the, what's currently, Training

16 and Qualification Subcommittee. We might be

17 entitled competency awareness and training.

18 (Off microphone comments)

19 All right. We met yesterday

20 afternoon. Doug White was our ADFO. There's the

21 numbers of our respective team. We do have a

22 motion at play, if you've been listening to me

1   carefully how I've been characterizing our

2   current subcommittee name. We are proposing that

3   we change the name to Competency Awareness and

4   Training.

5   There's two primary reasons. It

6   aligns directly with the title of Element 13 and

7   PSMS, and it dissuades the confusion with respect

8   to operator qualification, so I will open it up

9   to discussion on my motion.

10   MR. PARKER: I'll second.

11   MR. JENSEN: The third reason, it's an

12   acronym for CAT.

13   MR. AMUNDSEN: Not that you're hurting

14   them.

15   MR. JENSEN: Yes, not that we're

16   hurting cats.

17   CHAIR BURMAN: All right. Well, as

18   the floor person now, you've lost my --

19   (Simultaneous speaking)

20   MR. JENSEN: Hearing no discussion,

21   I'd like to make a motion.

22   CHAIR BURMAN: Okay. There's motion,

1   any discussion? No. Second?

2   MR. PARKER: I'll second.

3   CHAIR BURMAN: All right. Any

4   discussion? Okay. Hearing none, all those in

5   favor, please say aye.

6   (Chorus of ayes)

7   CHAIR BURMAN: Opposed. Abstentions.

8   The motion carries. You're now CAT.

9   MR. JENSEN: So what we did yesterday,

10   and let me backup just a little bit, previous

11   meetings, the subcommittee members have been

12   doing a lot of listening, participating in other

13   subcommittees, because we really can't project

14   what we want to train until we know what the

15   deliverables and recommendations are from the

16   other subcommittees.

17   But yesterday, we actually met and we

18   took everything that we've heard thus far and

19   documented, and categorized them into the three

20   categories; competency, awareness, and training.

21   So this isn't a comprehensive list of

22   everything that we've compiled, but it's a good

1   chunk of it. So first and foremost, job

2   descriptions should be offered that defined the

3   education, knowledge, skills, abilities, and

4   experience necessary for those working with

5   confidential data and information that'll foster

6   the hiring criteria for third-party data

7   administrator.

8   And the concept here is that the

9   people who are working in the hub need to be

10   capable and competent. Second one is, a process

11   should be established to prepare VIS analytical

12   staff with pipeline and ILI SMEs, as those who

13   are hired to perform data analytics may not know

14   our language.

15   And that's directly from the FAA and

16   that they had -- they've hired mathematicians and

17   statisticians and they needed to bring in pilots

18   and professionals so that they could speak the

19   language.

20   And then thirdly, a vetting and

21   certification process should be developed for

22   employees working within the VIS to ensure,

1   primarily, two things, that they protect the

2   security of the data, and preserve members

3   anonymity and confidentiality.

4   So those are the fundamental tenets of

5   competency.

6   Moving on to awareness, the theme here

7   of awareness, as we've all been talking, trying

8   to influence and persuade people to voluntarily

9   participate in the program. So we ought to, you

10   know, offer educational materials, calling them

11   talking points, that we should use to promote the

12   pipeline safety and encourage stakeholders to

13   join.

14   And so listed there are just some of

15   the elements that we brainstormed that could get

16   incorporated into those talking points. And then

17   ultimately be used at conferences, on Web sites,

18   for all the variety of stakeholders, and even

19   literature that we may produce, and to use some

20   else's term earlier today, as we campaign to get

21   people to join our effort.

22   I won't read through them verbatim.

1   You can glance at them before I put them away.

2   Lastly, I have a few slides on training and

3   training is a little bit larger than the other

4   two in that, we have to recognize the audiences

5   that we are going to train.

6   So the distinct audiences are those

7   who are going to give us input, and then those

8   who are going to process that input, and then, we

9   have to train those who are going to receive the

10   output, right?

11   And then with respect to the output,

12   and this came up at our last meeting, we really

13   have two distinct audiences, there's going to be

14   the audience that's really thirsty for the ILI-

15   rich data, the big data, all the features, the

16   as-found versus the as-called-type data, to

17   improve what's, literally, specified in the

18   statute, that ILI vendor to operator

19   correspondence to rapidly increase the

20   advancement of technology, and finding out where

21   those features exist.

22   The second type of training or

1   deliverable is that information-rich, the lessons

2   learned, the near-miss data, the trending, the

3   stuff that, to much extent, already exists today

4   within INGA, SGA, AGA, API, all those different

5   forms, but formalizing that underneath this VIS

6   as it's prescribed in our mission statement.

7   And then, of course, all the

8   regulatory agencies, including local, state, and

9   federal.

10   Training, initial training should be

11   developed to enable the development and

12   implementation of VIS. I know that's

13   extraordinarily broad, but I wanted to plagiarize

14   it out of the PSMS API 1173. That's almost

15   verbatim what they say in 1173, so plagiarism at

16   its best.

17   Second bullet, training modules should

18   be developed that instruct participants utilizing

19   a systematic approach to training. Meaning, we

20   want to teach the right things to the right

21   people at the right time and the right

22   methodology.

1   So training participants in the

2 methodology for data submissions include types of

3 input, how to input, the format, et cetera, and

4 essentially, if we're going to create a form for

5 data submission, we're going to take that form

6 and train to the form.

7   We ought to have a code of conduct for

8 handling both identified and de-identified data.

9 And let me just pause there for a minute and

10 reflect on some of the things we heard from the

11 FAA that, you know, they desired an approach

12 where the information get processed prior to the

13 de-identified, so they could ask clarifying

14 questions to the submitter.

15   So if we institute a similar process,

16 we're going to make sure, and have to have in

17 place, rules of the games so the people who see

18 that data are held to account not to leak that

19 data or that information.

20   And then training modules with

21 certificate of successful completion for entry

22 into that hub. And then lastly, confidentiality

1   requirements, how are we going to de-identify the

2   data and then methods to validate data integrity

3   with rigorous and robust QA/QC prior to

4   publishing any reports.

5   And then lastly, at the last VIS

6   meeting, if you recall, we were asked to reflect

7   on, you know, what type of funding do we need and

8   what is all this going to cost?

9   And while this isn't final, but we

10   believe that in the final report, we ought to

11   recommend that funds be appropriated for defining

12   the job criteria and documenting the hiring

13   process, funds ought to be appropriated to

14   develop the training curriculum, and that

15   training curriculum really should be designed and

16   developed by qualified instructional designers,

17   we should appropriate funds for Web-based and

18   instruction-led training courses, and then of

19   course, the fourth bullet, all the costs to

20   administer that training.

21   There's possibility for cost-sharing

22   mechanisms for definitions by industry and

1 government, I think we ought to explore that, and

2 then what we heard yesterday from Vivek, you

3 know, when you look at the evolution of funding

4 and in the spirit of phasing this, maybe we start

5 with grants and then we go into the R&D, and then

6 once we have the program developed, we actually

7 look for a building, or, you know, a complex to

8 rent, and some fixed equipment, and then phase

9 into an operational, and bring this to

10 conclusion.

11   Hopefully not in 12 years, but

12 something much less than that. And in the spirit

13 of rapid and going through that at warp speed,

14 that's the Competency Awareness and Training

15 Subcommittee's report.

16   CHAIR BURMAN: Any comments? Any

17 questions? Holly? In the audience?

18   MR. VEENSTRA: If you go back one

19 slide that said, my eyes are correcting me, you

20 said phase money and grants, research

21 development, facilities and equipment. Where do

22 you see facilities and equipment, what role to do

1   you see that playing?

2   MR. JENSEN: Well, you know, I'm

3   basing that statement -- we're basing that

4   statement off what we heard yesterday from the

5   FAA perspective, and, you know, at some point in

6   time, if we end up having a population of 10

7   employees, or 20 employees, working inside the

8   hub, they have to office somewhere, they have to

9   have equipment, so it's not equipment to be used

10   in the field, it's not equipment that we're going

11   to run through the pipelines, it's office.

12   CHAIR BURMAN: Okay. Anybody else

13   have any comments or questions? Okay. Thank you

14   very much. With that, why don't we grab pizza

15   and then we'll go to the next subcommittee in

16   technology.

17   MR. WARNER: I have a hard stop at

18   1:30, so I can get to another call, so if we can

19   grab pizza quick.

20   CHAIR BURMAN: Right. Yes. Very

21   quick. Yes, this is the industry group,

22   government people. Right. Government people.

1   (Whereupon, the above-entitled matter

2   went off the record at 12:59 p.m. and resumed at

3   1:02 p.m.)

4   CHAIR BURMAN: Okay. We're going to

5   get started. We're in the Technology

6   Subcommittee right now, reporting.

7   MR. WARNER: All right. So I'll try

8   to not eat and talk at the same time for this

9   presentation. I think it's going to be a quick

10   presentation on what we're doing, the meat, or

11   one of the key aspects of what we're doing is

12   going to be reported out later this afternoon.

13   Jason Cradit will give you a quick overview of

14   the work that he and others have done to look at

15   the architecture that they're considering for VIS

16   going forward, so that's going to be coming up

17   shortly.

18   So subcommittee if made up of the

19   following people that you can see on the list

20   there. Bryce is on vacation, so that's why I'm

21   stepping in for Bryce to facilitate yesterday and

22   then this report out.

1   Chris has done a great job supporting

2   us and keeping us on track through these last few

3   months.

4   I'm going to skip by the task

5   statement. There's no changes to that. The

6   important thing is the second bullet there, we've

7   got three workgroups, a substance group, an

8   architecture/IT, who you'll hear from, and then

9   continuous improvement R&D group.

10   And in the last month, we've had a

11   couple presentations in concert with other

12   groups, but one that specifically was called for

13   by our committee was from One Bridge Solutions,

14   and presented by Robin Magleky.

15   One of the things we were interested

16   in was, many of us have heard the terminology,

17   data analysis and machine learning, but have no

18   experience with it, and we heard of One Bridge's

19   efforts on looking at ILI runs and datamining ILI

20   runs.

21   So we had One Bridge make that

22   presentation, so I asked them to give us a little

1   education around that as well.

2   Quick review of the different

3   subgroups, the substance group, Bryce Brown is

4   working with that reviewing the overlaps, and we

5   continue to meet with the process sharing, like

6   Mark mentioned, and finding continuous overlaps,

7   but also, continuous opportunities to educate

8   each other, and hep flesh-out our roles.

9   On the architecture side, Jason Cradit

10   has been -- and is it Mark has been working with

11   you?

12   MR. CRADIT: Mark, yes.

13   MR. WARNER: Have been the primary

14   leaders in looking at the architecture and the

15   IT. And they've actually teamed up with

16   Microsoft, and that's what he's going to talk

17   about here in his presentation, to come up with

18   some ideas for different stages in IT

19   architecture, so that'll be coming up here

20   shortly.

21   Yesterday's meeting was primarily

22   spent around looking at the documentation that

1 we've come up with so far to discuss what a

2 continuous improvement process would look like,

3 and then, several case studies around ECA and ILI

4 to hopefully put a little bit more flesh and

5 understanding as to what that might look like in

6 a real-world context.

7 It was a lot more lively and energetic

8 discussion than I anticipated it would be, and

9 gave Michael and I a lot of food for thought; a

10 lot of great input. We're going to go back and

11 we got focused on how continuous improvement was

12 going to improve technology, with the assumption

13 that that would lead to improved public safety,

14 but really got good input that that piece, from a

15 public perspective, or someone outside the

16 industry, may not take that -- make that link

17 between the two, so we're going to strengthen

18 that a little bit more in the document that we're

19 putting together.

20 Quick overview of the document, it

21 discusses the needs and benefits to key

22 stakeholders of VIS in terms of continually

1 improving the way the stakeholders may have

2 information and be able to do their work,

3 motivations for getting involved in it from a

4 continuous improvement perspective, and then,

5 some ideas that we have on how to encourage

6 participation and how what key KPIs, performance

7 indicators, may be useful to show early successes

8 and early value to the VIS itself.

9 So you can see just from reading some

10 of those things, a lot of different committees

11 have talked about those things and we're

12 wrestling with those too, so there's places to

13 cross-support each other.

14 And that's it. That's the committee

15 report out. Any questions from anybody?

16 CHAIR BURMAN: Any questions or

17 comments at the table? On the phone? In the

18 audience? No. Great. And we'll look forward to

19 the IT architecture discussion later, so thank

20 you.

21 MR. WARNER: Okay.

22 CHAIR BURMAN: Thanks very much. Now,

1   with that, we will go to the last subcommittee

2   report, which is Reporting. Is that Sherry?

3   MS. RODRIGUEZ: Reporting was Sherry

4   and I, but it was only she and I in the meeting,

5   so there isn't much to report out on, from what I

6   understand.

7   CHAIR BURMAN: Okay. All right. So

8   right now, we will just -- I know some people are

9   -- we can start early with the -- if the folks

10   are ready. Okay. So we're going to start early

11   with Agenda Item 2, and we're going to do that in

12   a minute, and just flag when the government pizza

13   comes. It is here? No. That's the industry

14   pizza. Yes.

15   So I will say just -- I once did a,

16   when I was Chief Counsel in the New York State

17   Senate, we had a three-way agreement work -- we

18   had three-way negotiations at, like, 2:00 in the

19   morning, and the other -- the House, the

20   Assembly, and the Governor's Office wouldn't let

21   us leave, so my staff had to stay, so I asked my

22   staff, when I was sitting in the office, what do

1   you want me to -- what do you want to do?

2   They said, we need pizza, so I went

3   and got pizza for my staff, which caused a

4   disruption to -- because apparently I should have

5   bought it for everybody, and we ended

6   negotiations, but my staff got to eat pizza, so I

7   now understand why everyone else was so angry at

8   me, but -- so all right.

9   MR. HERETH: Let the record show that

10   people being in great anticipation of food or

11   having their mouths stuffed got us through those

12   reports very quickly.

13   CHAIR BURMAN: Maybe we need to eat

14   earlier.

15   DR. MURRAY: Well, I'll go ahead and

16   tee-up our next guest. We have Mr. John DeLeeuw

17   and Ms. Vickie Toman, who will be joining us from

18   American Airlines to talk about their experience

19   with aviation information sharing.

20   Primarily as it also relates to safety

21   management systems. If you remember, John, you

22   may remember his illustrious voice by phone from

1 our April meeting, he joined in and introduced

2 himself, and talked a little bit about his

3 background, but we're certainly interested in

4 hearing a lot more from his experience with

5 working with NTSB, safety management systems.

6 I think John has even dibbled a little

7 bit in the pipeline work, but he'll tell you

8 more. I don't want to steal his thunder. Thank

9 you.

10 CAPTAIN DELEEUW: Well, good

11 afternoon, and thank you for the pizza, whoever

12 paid for it.

13 MR. HERETH: Can I just talk about one

14 thing, you guys want to trade, when your pizza's

15 -- like, eat some of these and then trade back

16 some of your pizza.

17 CHAIR BURMAN: That's all right. Too

18 complicated.

19 (Off microphone comments)

20 CAPTAIN DELEEUW: Well, thank you.

21 I'm glad we got started early because it gives us

22 a chance to --

1   DR. MURRAY: Our guest is speaking,

2   you guys. Thank you.

3   CAPTAIN DELEEUW: -- get started early

4   because there's a lot of information, and so my

5   name is John DeLeeuw. This is Vickie Toman, who

6   will introduce herself a little bit better in a

7   minute, but we did catch the tail end of some of

8   the conversations you were having, which is the

9   same conversations that we had in our industry 30

10   years ago.

11   So we'll talk a little bit about that.

12   We'll get to the presentation here, but if

13   somebody has a question, feel free to ask. I

14   don't want to lose anybody because we certainly

15   use acronyms, and you know how that is, so TLAs,

16   letter identifiers and acronyms.

17   So let's get started here, so ASAP,

18   this is something that the airline's been using,

19   and we're going to talk a little bit about it,

20   and it kind of corresponds with what you're

21   saying here, and I do this with my colleague,

22   Vickie Toman, and I'll tell you a little bit

1   about Vickie.

2   So Vickie's background, and she

3   started 30 years ago as a flight attendant with

4   Air Midwest, I don't know if any of you ever

5   heard or seen Air Midwest, fun time, so she did

6   this for about ten years.

7   (Off microphone comments)

8   MS. TOMAN: I did work there for ten

9   years, that is where I started.

10   CAPTAIN DELEEUW: Right. So Vickie

11   and me worked together for years. After she was

12   a flight attendant, she got into regulatory

13   affairs, she's almost done everything you could

14   do at American Airlines. Now, we don't represent

15   American Airlines here, just so you know, but

16   this is our background, so you know where we're

17   coming from.

18   And besides regulatory affairs, and a

19   number of things in American, I think that's real

20   key, is that, when the ASAP program first started

21   at American, she was very instrumental in getting

22   it started, so all of the bad things, the good

1   things, the things that weren't working, we've

2   seen them all, and we believe we can tell you

3   that, we started in the pre-Kindergarten stage.

4   If you were to do something like this

5   in the military, you'd be starting at a high

6   school level, because all the bad mistakes and

7   the lessons learned, we've already figured all

8   that out, not because we're smart, we just

9   learned them.

10   So this is Vickie's background, so

11   Vickie?

12   MS. TOMAN: Yes. So this is John's

13   background. John started out in the military and

14   he was a C-130 pilot for the Air Force, and flew

15   for the Air Force for 15 years, did a lot of

16   different missions, and then came over to

17   American Airlines and started on 727, I think,

18   and now he flies our number one aircraft that we

19   have, the 787, which flies to China, all

20   international flights, and I think you work,

21   what, maybe three days a month, something like

22   that?

1   CAPTAIN DELEEUW: Yes, I work three

2   days a month.

3   MS. TOMAN: I'm still in the trenches.

4   I'm the flight SMS manager for American Airlines,

5   so I'm responsible for our Safety Management

6   Program that we have for the flight operations.

7   CAPTAIN DELEEUW: So the 787, I show

8   some pictures up here because I love flying this

9   airplane. How many of you all been on a

10   Dreamliner? It's great because it's -- man, you

11   dream good on this airplane.

12   (Off microphone comments)

13   Yes, it's a great one. I love this

14   airplane. It's a great airplane. I typically do

15   fly it from Dallas to China. It's about a 16-

16   hour flight. We have four crew members, or four

17   pilots, so we take turns. Two guys fly three and

18   a half hours, and then the other two pilots fly

19   three and a half hours, so we keep doing that

20   back and forth until we get to China.

21   And on your time off, we've got a crew

22   facility to sleep in. I generally like to watch

1   a movie and eat an ice cream sundae, so it's not

2   a bad life, I can tell you. It's great.

3   And so to go back there and back the

4   16 hours, so we layover less time than the entire

5   flight goes over, so it's continual flying. This

6   is looking out the window. We haul a lot of new

7   technology, like the heads-up display unit. Both

8   pilots have this available to them.

9   This is the cockpit of the 787, which

10   I'll talk a little bit about later, but you'll

11   see the instrumentation here, it's all glass

12   cockpit, there are no circuit breakers to pull,

13   it's all electronic. This is an electronic jet.

14   Most of those things you hear about in your world

15   about hazardous stuff, like bleed air systems,

16   people breathing in bad fumes, this airplane

17   doesn't exist. Everything's electric. Even the

18   brakes are electric.

19   The anti-icing's electric. So there's

20   no bleed air that comes through this to get you

21   sick. Max cabin altitude in this airplane is

22   6000 feet, and we typically cruise at 41,000 feet

1   when we fly to China. Great airplane; modern

2   technology.

3   MS. TOMAN: So this is any normal day

4   at any major airport in America, and you'll see

5   planes lined up like this. Hopefully you don't

6   sit in that line very long, unless there's

7   weather, which, we had yesterday coming into

8   D.C., but you can see all the different airlines,

9   and then this is another given day. This is how

10   many planes are up there flying.

11   CAPTAIN DELEEUW: This is a hazardous

12   environment. Probably very similar to the

13   pipeline and hazardous material people, folks.

14   Right? This is a hazardous environment. This is

15   any typical day and everybody that's flying one

16   of these blue little airplanes is a professional

17   pilot, just like the folks that work for you.

18   They're professionals.

19   Nobody wakes up in the morning and

20   says, I'm going to do a bad job. Everybody wakes

21   up because they're professionals.

22   MS. TOMAN: So what do we all have in

1   common? What keeps everything so safe in the

2   airline business? It's our ASAP program. The

3   FAA developed the ASAP program to prevent

4   accidents and incidents, and encourage employees

5   to voluntarily submit reports, so that's what

6   we're here to talk to you about.

7   CAPTAIN DELEEUW: So we'll talk a

8   little bit about it, so just so you know, because

9   I heard some discussion here, interesting, this

10   is an Advisory Circular that came out from the

11   FAA, so when this started, that's how it got

12   started, and it actually started with one

13   airline, it just happened to be American

14   Airlines, who we do not represent, but we work

15   for, and they partnered with American Airlines,

16   says, hey, we got this great program. We'd like

17   to have somebody get involved.

18   So the idea behind it, as Vickie said,

19   it's to create a culture where employees can

20   voluntarily report a mistake they make.

21   When I was a pilot back in the early

22   '90s at American, they mentioned this, I go,

1   there's no way I'm ever going to report my

2   mistakes, because I don't want to get fired. So

3   we'll talk about how it works and why does it

4   work.

5   So the big thing is, even if you have

6   a violation, we want to hear about it, which, for

7   some people go, that just seems weird. So if you

8   have a potential violation, or you have a

9   potential safety concern, if you report this in

10   ASAP, we're going to take a look at it.

11   MS. TOMAN: And another big thing is,

12   you know, within ASAP, within our airline, if you

13   submit that ASAP report, you're not going to get

14   any disciplinary action from the company. So

15   that's part of the agreement, the buy-in from the

16   company, is we want -- I mean, why would anybody

17   tell someone that, oh, yes, I screwed up? And

18   especially a pilot, you know?

19   But we want them to submit those

20   reports, so you're not going to get that

21   disciplinary action, and we'll talk a little bit

22   later too, that buy-in for the regulatory

1   authority, for the FAA, they're not going to be

2   having any disciplinary action.

3   So that's where the buy-in for the

4   actual employee to submit that ASAP report and

5   tell on themselves.

6   CAPTAIN DELEEUW: And the big thing

7   behind it, which we all know, we do make

8   mistakes, generally not intentional, we need to

9   know why you made the mistake, because we want to

10   do the deep dive, because maybe I need to go into

11   the simulator and correct a bad habit pattern I

12   may have.

13   For the maintenance world, it may be

14   a little better understanding of how we do it and

15   why we do it that way.

16   So, you know, when you get this kind

17   of stuff, you get all this data that comes in,

18   we'll talk about it here, all the data coming in,

19   and when you use the data, you could go ahead and

20   take a look at the data, because what we want to

21   do is, one report might prevent a future accident

22   that we get from employees. We've got lots of

1 examples of that, I'm going to show you, but that

2 one report might make the difference to the

3 industry.

4 So back in the early '50s, nuclear

5 industry was going fast and wild, they're

6 building nuclear power plants, but the thing that

7 was most concerning was, is, at that time, and

8 most of you probably heard about those days, you

9 know, if you made a mistake, particularly in the

10 nuclear world, they just fired you. They ran you

11 off, as they say on a rig, we're just going to

12 run you off.

13 And they said, that's okay, because

14 we'll go hire another nuclear engineer. Well,

15 what happened is, they actually ran out of

16 nuclear engineers, they fired everybody, because

17 people make mistakes. So they said, we got to do

18 a better program.

19 So they decided that, you know, if you

20 have a nuclear engineer who's been there for 20

21 years and makes a mistake, inadvertent mistake,

22 you fire that person, you hire a new kid out of

1   college who's got six month's experience, you

2   think they're going to be safer? Probably not.

3   In fact, if the reason that the 20-

4   year employee made the mistake is because a

5   policy, or procedure, or work card was written

6   incorrectly, the kid that just came out of

7   college will make the same mistake, so the idea

8   is, let's keep our employees here, figure out why

9   they make mistakes.

10   So with the nuclear industry, that

11   kind of got things started, and they saw the

12   value of it, and the FAA saw the value of it, the

13   industry that we're in, and so we started the

14   same program, which we called ASAP, and we really

15   want their concerns and potential violations.

16   Some of you might relate to this here.

17   So we also do work with the petroleum industry,

18   you know, like on old deep-oil rigs, about five

19   years ago, they started going, man, we hurt a lot

20   of people, and we kill people. We'd like to have

21   something that aviation has, so it's actually up

22   and coming. A lot of people supporting it and I

1   won't say who, where, when, but this program is

2   coming to the Gulf of Mexico within the next

3   year.

4   And all the oil companies are going to

5   be getting onboard, so it's starting to come

6   through the industry.

7   Well, take a look at this dial here,

8   this is a perfect example. If you look at this

9   gauge here, the employee in the petroleum

10   industry had to read the gauge and report on the

11   pressure. So on this one here, that looks about

12   370, maybe 350, does that look like to you guys,

13   350? That's what he wrote down. They later had

14   a blowout, not a blow on the rig, but a blow on

15   the pipe, because it's times 10. That's actually

16   3000.

17   So you go, all of us in the room get

18   it, and go, well, that's just stupid, but this

19   has been here forever, but you know what, the

20   employees know it, and they all know, tribal

21   knowledge, you know, don't forget, times 10.

22   You get a new employee out there and,

1 as you all know, our workforce is starting to

2 retire, a lot of people, getting new kids in the

3 industry, you think they'll make a mistake? You

4 bet. We set them up big time, because who would

5 build a gauge like this nowadays, right? We

6 wouldn't.

7 So this is the kind of stuff that we

8 find out in our aviation world. So I'll let

9 Vickie tell you about some of the purpose here of

10 ASAP here.

11 MS. TOMAN: Okay. So as we've already

12 said, you know, we want to know that information

13 from our employees. We ask for employees to

14 report hazards, they can report it

15 confidentiality through the ASAP program, and

16 then also, if they are involved where they had a

17 deviation from a regulation or a company police

18 or procedure, they can submit an ASAP report.

19 They know it's going to be

20 confidential, it's going to go to a certain

21 group, which we'll talk about in just a second,

22 but we are going to go and look at those reports

1   and try to identify the root cause, because

2   again, the way our system is setup, we want to

3   have a system that has layers where you're not

4   going to get to that individual human error.

5   And so when we do have that human

6   error, we need to look at whether it's policies

7   or procedures that need to be changed, whether

8   it's training, and also, if you've got something

9   like this happening in Miami, you can probably be

10   guaranteed you're going to see it in L.A., you

11   may see it in New York, so we want to look at it

12   from a systemic approach.

13   And then the other thing is, building

14   the trust. John said that we started, when we

15   first started the ASAP program, I was working in

16   safety, and this was a hard thing, especially for

17   our regulators, to kind of put their head around,

18   because back then, in the '80s, the FAA had a

19   badge, you know, we don't have badges, and that

20   was what they used, you know, for corrective

21   action against pilots.

22   So to go to the FAA and say, no, we're

1 going to review this report, we're going to

2 accept it, and we're not going to do certificate

3 action, was a little hard for that agency.

4   CAPTAIN DELEEUW: So let's get to the

5 whole crux of this why ASAP works in the

6 industry. So can you all see this sign here?

7 Okay. So let me give you an example that

8 happened in our world. I'm a pilot, I'm driving

9 down the back streets of -- back roads of

10 Louisiana, and I realize I ran a stop sign.

11   As I'm driving by it I go, oh, crap,

12 ran a stop sign. In our world, when we're

13 driving down the road, the first police station

14 we go to, I will turn myself in. You pull in,

15 knock on the door, yes, listen, I'm a pilot with

16 American. I ran the stop sign back there.

17   Police officer would say, okay, well,

18 appreciate you coming in. I want you to fill out

19 this form, which is critical. So in the form I'm

20 going to fill out, it's going to ask the

21 questions, was it daytime, nighttime? How fast

22 were you driving? Did you have a passenger in

1 the seat? Were you on your phone? Were you

2 texting? Did you have kids in the backseat?

3 What kind of car were you driving, by the way?

4 Was the windshield dirty?

5 We're going to ask all these

6 questions. We don't want a big narrative,

7 because we're going to ask a lot of questions,

8 because we want to know. So when I walk out the

9 door, I filled out -- as I walk out the door, and

10 that in itself, you say, well, that's not a big

11 door, but as I walk out the door, the police

12 officer says, hey, don't feel too bad, because we

13 had 43 other pilots in the last two weeks do the

14 same thing you did. Really?

15 Well, I don't feel too bad, but I go,

16 I can't believe that. What happens, the police,

17 like the airlines, which you will do someday, is,

18 you're going to go, well, one report, get it, but

19 we got 43 reports. We got some noise out there,

20 right? What's going on?

21 The police will go back and go, yes,

22 you made a mistake, but we kind of set you up,

1   because the stop sign's been turned, trees have

2   overgrown the stop sign, in fact, the paint has

3   faded on it, so yes, you shouldn't have run a

4   stop sign, but we didn't help you out much.

5   So this, I'll let you take a second

6   just to read it, is the crux of where we are now

7   in our industry. This is very important. And

8   the last sentence is most critical, the

9   regulator, the industries, the airlines, the

10   unions, they're not interested in catching

11   employees making mistakes, but what they do want

12   is they want reporting mistakes so we can get the

13   trends and we can fix the problem. That's the

14   key to the ASAP program.

15   So here's a typical case. You got

16   ASAP deviations, most of the time when you do air

17   and altitude, you know, hey, what was your

18   altitude? I'm correcting back to 30,000 feet.

19   Okay. We made an altitude error. Most of them,

20   the company would never know about, but now that

21   we report them, 98 percent of those altitude

22   deviations are reported through ASAP.

1   And that's helpful, because we want to

2   know, okay, aggregate data, where are all these

3   deviations happening? They happen at climb out?

4   They happen on descend? So if I just ask the

5   crowd here, if we have an altitude deviation from

6   a crew, they're on the wrong altitude, they

7   missed an altitude, do you think it happens on

8   climb out, level flight, or descend? What do you

9   think?

10   MS. MORGAN: Level flight.

11   CAPTAIN DELEEUW: Level flight. Yes,

12   we would all think level flight. No, it's about

13   70 percent happen on the descend, because what's

14   happening, both pilots are in the cockpit doing

15   this on their programming, the runway change for

16   the arrival, and then they miss an altitude. Now

17   that we know that information, we can help the

18   pilots say, be advised, this is what happens.

19   See, just a simple thing like that.

20   Vickie, why don't you tell them what happened

21   over here in Haiti.

22   MS. TOMAN: Okay. So this was in a

1   report that we got, and this was just one ASAP

2   report, so that's -- you know, we've kind of

3   talked about how you got the 43 different

4   reports, all the noise, but also know that one

5   report can be something significant, which you

6   can enhance safety from.

7   So we had a Captain that had been

8   flying to Haiti and he had gone there quite a

9   bit, and he noticed this new tower that was put

10   up on the side by the runway. And it was kind of

11   like, you know, what's that? It's not listed in

12   any of our company manuals that it should be

13   there.

14   And so he submitted his ASAP report.

15   So you can see the tower off to the side.

16   CAPTAIN DELEEUW: This tower is right

17   here and the Captain was concerned. Now, we

18   allow pictures in ASAP. They have to be

19   appropriate, of course, but I mean, let's be

20   fair, but if you have a picture, and you know,

21   you can write a narrative and not really describe

22   it. Putting a picture is worth a 1000 words, so

1   that's really critical.

2   So he has the 1st Officer take a

3   picture of what happened. So got the picture

4   right over here.

5   MS. TOMAN: So we looked at it and

6   it's like, what the heck is that tower doing

7   there, you know? This could be a hazard for an

8   airplane taking off. And so, come to find out,

9   it was, I think it was, the mayor of the town was

10   like a big baseball fan, and I forget, was it the

11   Yankees, and they were going to be in the

12   playoffs, and so he decided to go put that tower

13   up so he could see the baseball game.

14   And it's like, can we put it somewhere

15   that's not near the airport, please? But we were

16   able to work with the regulatory authority there

17   and get that moved. Again, that was just one

18   report from one pilot, which was a significant

19   change for safety for everybody that was flying

20   into that area.

21   CAPTAIN DELEEUW: So in that case, the

22   regulator gets out and puts a little note, and we

1   call them, notice to airman, hey, be advised, a

2   tower is being built. We're going to get it torn

3   down. The companies, the unions, they all talk

4   to each, and safety. Safety is not a secret in

5   the airline business, and they call each other

6   and go, hey, just be advise, there's a tower at

7   Port-au-Prince now.

8   Oh, okay. Great. Thanks for letting

9   us know. That's how it works.

10   So if I file a report the next time I

11   fly to China, I make a mistake, my report goes to

12   the corporation, where we have analysts who

13   redact all the information. So if I'm flying

14   with Vickie and I say, you know, I was flying

15   with Vickie Toman, and we were flying to China,

16   and something happened, well, it's a confidential

17   report.

18   So they're going to take my name off,

19   they'll take Vickie's name off, they might even

20   take the city if that's not important enough.

21   They want to de-identify it, because they want

22   the ERC, Event Review Committee, to look at the

1   report without the names in it because some of

2   the guys might actually know me. You know, we

3   don't want that.

4   We want this to be looked at exactly

5   the way it is, free of anything, you know, who's

6   there?

7   So you'll see that you have a company

8   person, a regulator, in the airline world, it's

9   typically unions, of course, but you could have

10 an employee representative, because you got to

11 balance it out. You need to have somebody that's

12 there so that all three are there. Every

13 decision made is unanimous.

14   MS. TOMAN: And we refer to this, the

15 ERC, the Event Review Committee, as like a three-

16 legged stool. It's all got to be even. If you

17 have, the regulator has more power than the other

18 two people, the stool's going to tip over, right?

19 So everybody is working together as a team.

20   CAPTAIN DELEEUW: It's all for safety.

21 So when you were -- and I've had a lot of folks

22 from the industry have gone to ERCs that me and

1   Vickie have been involved with, and they observed

2   the ERC, because they're interested, like you

3   folks might be. So I had Chevron, Exxon, Mobil,

4   medical world, pipeline, Carnival Cruises, they

5   all come out and want to see, what is this thing

6   you're referring to?

7   There are some folks who come out,

8   we've actually had universities come and look at

9   this program, and they're listed in the ERC, get

10   the safety reports, they're talking about the

11   reports, talking about the event, after an hour,

12   they'll come outside and I will ask them, so do

13   you guys know who the FAA guy was?

14   They really don't know, because these

15   three, unless the FAA guy is wearing a tie, you

16   know, they like to wear ties, but you won't

17   really know who these -- and it's not important

18   to know. You've got three entities there. We're

19   just going to look at safety. We're not looking

20   at hammering somebody or running them off, we

21   want to find safety programs.

22   MR. JENSEN: Hey, John?

1   CAPTAIN DELEEUW: Yes, sir.

2   MR. JENSEN: Leif Jensen, Sunoco

3   Pipeline.

4   CAPTAIN DELEEUW: Yes.

5   MR. JENSEN: Backing up to one of your

6   earlier comments, you said, when you submit the

7   form, you send it to your operator, to your

8   company.

9   CAPTAIN DELEEUW: Right.

10   MR. JENSEN: All right. So backing up

11   to that slide, that kind of implies that the

12   report's going directly to the ERC, but the

13   company's sending it to the ERC.

14   CAPTAIN DELEEUW: Well, we -- go

15   ahead.

16   MS. TOMAN: It goes to an analyst, and

17   usually it's within the safety department, and so

18   there's an analyst that will receive that report,

19   they will de-identify that report, and then

20   they're going to send that to those three

21   representatives.

22   MR. JENSEN: Okay.

1   MS. TOMAN: Sometimes, you know, a

2   reporter may not put all the information in the

3   report, or the ERC may have questions and need

4   more information, and in that case, we're going

5   to go to that employee representative and let

6   them know who submitted the report so that they

7   can talk to them and get information, and bring

8   it back to the ERC.

9   CAPTAIN DELEEUW: So in the oil and

10   gas industry, like in the Gulf of Mexico, for

11   instance, the regulator there is, well, let's

12   see, you've got BSEE, you all heard of BSEE,

13   you've also got OSHA, Coast Guard actually owns

14   most of the Gulf of Mexico, so you've got

15   regulators, you go, well, who's the actual

16   regulator?

17   So a lot of the companies that are

18   looking at this are not going to go and partner

19   with the regulator yet. The regulators not ready

20   to join in, let's say. That doesn't matter, you

21   could still do it, because you could have a

22   company person and an employee representative,

1   they don't have unions there, but the regulator

2   isn't there yet, but this is what we do, so, you

3   know, I don't work for American, not that we have

4   our own company, but we do third parties where

5   somebody would run this program for them.

6   So they would come in, the reports

7   come in, because of what you said, people that

8   are going to work on the rig, if they have to

9   send their ASAP to something-

10   something@chevron.com, they go, uh-uh, ain't

11   doing that, and we know that. We absolutely know

12   that.

13   The airline world has gotten the trust

14   where we've gotten there in 30 years. If we had

15   to start tomorrow, in the airline world, it'd be

16   the same problem, because nobody would want to

17   send the report there, but we've got the

18   confidence built up now in our industry that they

19   know that it's going to get sent to analyst, and

20   they could have, quite frankly, been a union,

21   could have been an FAA analyst.

22   It just worked out the company said,

1   we'll pay for it, just like a pizza, we'll do it.

2   I mean, it really doesn't matter who was to be

3   the analyst. And some airlines have actually

4   looked at outsourcing that piece of it. Getting

5   another company to do that for them, because that

6   way they save some money.

7   MR. JONES: I have a question to --

8   CAPTAIN DELEEUW: Yes, sir.

9   MR. JONES: You've got an employee

10   representative there, unions are, what, about 90

11   percent of the working population these days.

12   CAPTAIN DELEEUW: Yes.

13   MR. JONES: So --

14   CAPTAIN DELEEUW: Actually, it's 8.7.

15   MR. JONES: -- and it's a term you

16   just don't see anymore because there's not a lot

17   of unions, so is there a suggestion of a

18   replacement there?

19   CAPTAIN DELEEUW: Well, you have to

20   have an employee representative. It doesn't have

21   to be the unions. I mean, I'm in the airline

22   industry and everything's unionized there.

1   MR. JONES: Yes, I understand, but is

2   there -- what are you seeing other folks use,

3   lawyers, what?

4   MS. TOMAN: Well, there's a lot of

5   airlines that don't have a union.

6   CAPTAIN DELEEUW: Yes.

7   MS. TOMAN: And so they usually have

8   some type -- some employee that kind of is, you

9   want up here, maybe somebody from that base,

10   wherever, if you're going to be specific with

11   your reports on where the location is, but

12   usually it's a volunteer position, someone that

13   has experience, because the big thing is, you

14   know, if there's a policy or procedure deviation,

15   we need to know, well, yes, nobody follows that

16   policy because it's crap, you know?

17   Everybody at that station knows that

18   it needs to be changed. Well, the company person

19   not realize that or the regulator may not realize

20   that.

21   CAPTAIN DELEEUW: So here's what

22   happens in the real world out there, I'll give

1 you an example, so all of you fly airplanes, what

2 happens when the 1st Officer does the walkaround

3 and finds the tire is low on pressure? It's

4 flat. Okay. We all, on time machine, right? So

5 50 years ago -- well, no, 20 years ago, when they

6 had a janky tire, they'd say, hey, the boss would

7 tell the AMT, aircraft maintenance technician,

8 can you change the tire?

9 They jack it up, just like Indy 500,

10 they get a tire on, they can have a tire on the

11 airplane in about 10 to 15 minutes. Big old

12 jacks. Okay. 10 or 15 minutes, but what we

13 found over time is, when you rush like that, you

14 make mistakes.

15 So what they've said, you know what?

16 We're going to build a work card, a checklist, to

17 tell you how to change a tire. It'd be like you

18 when you teach your kid how to change a tire, you

19 say, go in the glove compartment, get out the

20 manual, let's do step-by-step-by-step.

21 To change a tire now on an airplane

22 takes an hour. So we know this. But imagine

1 now, you got an airplane full of people who are

2 going to China, and you tell the guy, hey, go

3 change the tire, and the guy says, well, it'll be

4 about an hour, the boss goes, are you serious?

5 It's going to take you an hour? First mechanic

6 says, I can do it in 20 minutes, and they'll

7 change it in 20 minutes.

8 Bu then he makes a mistake. Who's to

9 blame? The mechanic, the AMT? So the ERC gets

10 this and they go, well, I don't understand why

11 that mechanic would not follow that work card.

12 We've been preaching it for ten years, you follow

13 the work card. Why would you do it?

14 This guy here is going to say, well,

15 let me tell you how it really happens on the

16 line. We all know how to change a tire and we

17 don't use the manual. What? You don't use the

18 manual? The company guy will say, we spent

19 hundreds of dollars writing new manuals for you

20 guys, put plasticized sheets so it won't get wet.

21 But and the reality is, the whole

22 organization has actually deviated off the norm

1   because this work group, the employees, they know

2   how it really is. And so when you get these kind

3   of ERCs, you can fault the guy and say, he didn't

4   follow procedure, but then you find out that

5   nobody's following that procedure, and that's why

6   it's important to have some employee

7   representation there because, you need to have --

8   find out -- you know, got to keep it real, quite

9   frankly.

10   And we're going to give you some

11   examples of that.

12   MS. TOMAN: She has a question.

13   CAPTAIN DELEEUW: Oh, yes, ma'am. I'm

14   sorry.

15   MS. BLYSTONE: Before we get too far

16   from Haiti, we're discussing how stuffs comes out

17   of this voluntary system and it seemed like that

18   got picked up rather quickly from being just a

19   one-off, we're talking about trends here a lot,

20   but not these one-off things, how did it pick up

21   so quickly?

22   And maybe you use that --

1   CAPTAIN DELEEUW: No, no, so every

2   report comes --

3   MS. BLYSTONE: -- because this is a

4   really good presentation. Well done.

5   CAPTAIN DELEEUW: You make a great --

6   this is -- it's a great segue, we'll go into it,

7   but when Vickie started in this program, and to

8   be fair, I ran the ASAP program for American

9   Airlines for five years, which is a pilot ASAP,

10   filth attendant ASAP, dispatch ASAP, maintenance

11   ASAP, so we had four ASAP programs, starting now

12   a ground ASAP program, actually.

13   But when they came in, when Vickie

14   started, she could almost run the whole thing

15   because they got two reports, maybe, a week.

16   MS. BLYSTONE: Oh, okay.

17   CAPTAIN DELEEUW: Okay. At American

18   now, and Delta, we get 1000 ASAP reports a month.

19   We get 12,000 a year at just American. Delta,

20   Delta gets almost 15,000 reports a year.

21   Southwest gets the same, Alaska, Hawaiian, Jet

22   Blue, you name it, they get -- United, same

1 thing.

2   We know all those guys and gals, we

3 work them, so the volume of the reports is such

4 that it's almost like a triage. So you all been

5 talking to SMS, here's the SMS manager for

6 American, we basically went through them, and

7 some of them highlight right away, like, oh, we

8 got to look at this right away, the analyst will

9 go ahead and put it on like, kind of, a fast

10 track.

11   If you get the ASAP report that says,

12 you know, the lightbulbs are burned out at the

13 VFW at the one ramp tower, okay. It's a big

14 deal, but we'll get to that next week, and it's a

15 very fast-paced environment a little bit when you

16 find out. And almost every week we get a, uh-oh

17 --

18   MS. TOMAN: We'll risk rate them --

19   MS. BLYSTONE: Yes.

20   MS. TOMAN: -- so again, the higher

21 the risk, we're going to have to take action

22 immediately, and that's kind of -- that's built

1   into our SMS program on how quickly you got to

2   act on what type of risk, but then also, those

3   reports are going to those representatives every

4   day. They're receiving it.

5   CAPTAIN DELEEUW: Yes.

6   MS. TOMAN: And if any one of them see

7   something that goes, whoa, we need to talk about

8   this immediately, they can take action that day.

9   MS. BLYSTONE: So that's what I was

10   looking for is, and by the way, for the record,

11   Kate Blystone, Pipeline Safety Trust. So that's

12   what I was looking for is, an analyst, hello,

13   looks at every single one.

14   MS. TOMAN: Yes.

15   CAPTAIN DELEEUW: And so what some

16   companies do, they outsource that piece, because

17   they don't want to pay for the analyst, the

18   employees are like, I don't want to come to

19   American Airlines or United, so they outsource

20   it, so you have a company that will look at them,

21   and that company then, of course -- I think it

22   works even better because when the company looks

1 at it, they're there from 9:00 to 5:00, when you

2 outsource it, they look at every report that

3 comes in 24/7.

4   MS. BLYSTONE: Yes.

5   CAPTAIN DELEEUW: And so when a report

6 comes in it's like, uh-oh, we just brought --

7 this is a moderate risk, it's get action fairly

8 quickly, goes back to this group here.

9   MS. BLYSTONE: Yes.

10   CAPTAIN DELEEUW: So that's kind of an

11 important thing to know that they do look at it

12 fairly quickly. And, you know, right here, this

13 slide here, that we showed a little bit earlier,

14 I got something a little later, but let me just

15 show you right here, this is what's important and

16 this is what ASAP's about, because Vickie's the

17 SMS manager, and when all these reports come in,

18 that stop sign example I gave you, that's either

19 going to pop-up, like, here, you see how each

20 month --

21   MS. BLYSTONE: Yes.

22   CAPTAIN DELEEUW: Yes, or each year,

1 in fact, that was the one we have, gets worse,

2 worse, and that's -- and why don't you tell them

3 what we do every month. We have a --

4   MS. TOMAN: So we have a data analysis

5 meeting. And one thing, to kind of go back to

6 ASAP, that the ERC meets once a week and it's an

7 eight-hour meeting, and they can mark reports if

8 they don't want to discuss them, and they have,

9 like, canned responses for certain type of

10 reports.

11   If it's a low risk, they can say, you

12 know, send response 43 to this pilot, or they may

13 say, we need to bring that pilot in because we

14 need to find more information from that pilot,

15 and actually do a debrief, but that meeting lasts

16 all day long.

17   MS. BLYSTONE: Every week.

18   MS. TOMAN: Every week.

19   CAPTAIN DELEEUW: Every week. Oh,

20 yes.

21   MS. TOMAN: And some carriers have

22 that two days a week.

1   MS. BLYSTONE: Wow.

2   MS. TOMAN: And so this is a dedicated

3   group that's trained and even, you know, the

4   analyst goes through safety training, you know,

5   in how to identify these risks. And every report

6   that's submitted gets a response from this ERC

7   group.

8   So there may be corrective action or

9   it may just be a response, an email response,

10   that goes back them. Once these reports are

11   closed, we take that data and we have a safety

12   data analysis meeting once a month where we look

13   at all of the data source that comes into our SMS

14   program.

15   So ASAP reports, we have other safety

16   programs, and we bring all that data in and we

17   look at it, and it's like, where are the trends

18   at, what are the things that we need to be

19   concerned about?

20   And then of course, it may not be a

21   trending item, it may be one item, but because of

22   the risk, we need to do something.

1   MS. BLYSTONE: Yes. Thank you so

2   much.

3   CAPTAIN DELEEUW: You bet. Safety-

4   related are volunteered by employees. So let's

5   just make sure that we cover everything here. So

6   I can model it -- I can follow my ASAP if I have

7   a potential, we call it, CFR violation, or a

8   general safety concern.

9   Now, if my boss yells at me for being

10   late to work, I can't file an ASAP. I can file

11   it, but it's not going to be part of the program.

12   If there's a security issue, actually, unless

13   it's safety, but a security issue, that's not

14   part of ASAP. ASAP is very clear. You know, if

15   you have work-related issues, you do something

16   inappropriate at work, you think, oh, ASAP's got

17   me covered, it does not.

18   So only CFR violations, potentially,

19   and for safety concerns. And of that, in a

20   perfect world, you get the majority of your

21   reports are for safety reasons versus violations,

22   right? And that's where most of the airlines are

1   now.

2   So They're all reported, like we just

3   mentioned here, the members reach consensus on

4   every decision, which is important to have, you

5   know, non-punitive corrective action, so if I go

6   the wrong direction holding, and I have to file

7   an ASAP report, so I said I went left in holding,

8   I should have gone right, because we don't really

9   hold much anymore, actually, I do that, and they

10   go -- I go to the ERC, and I put my report in,

11   and they might want to even talk to me, which is

12   fine, so that's a telephone interview, sometimes

13   it's, you get brought in and talk to the ERC, but

14   at the end of the day, they go, well, you know,

15   John, you went the wrong direction in holding,

16   and when you should know better, you've been an

17   experienced pilot, and I go, I just made a

18   mistake.

19   They may tell me to go to the

20   simulator for an hour. And I got to go to the

21   simulator and I got to go holding for an hour.

22   When I'm done, I'll be the best holder at

1 American, right?

2 But they want to make sure I don't

3 make that mistake again, because what's the value

4 of the program to the corporation if you tell

5 somebody you did something wrong and then they do

6 it again next week, right?

7 MS. TOMAN: Right. It's not a get out

8 of jail free card.

9 CAPTAIN DELEEUW: No.

10 MS. TOMAN: So they are held

11 accountable and also, you know, the training that

12 they may suggest an employee does, that's non-

13 punitive as well. It's not going to go in your

14 training file, your boss isn't going to know, oh,

15 my gosh, John had to go into the sim for a

16 holding pattern, you know, training, so it's all

17 kept confidential.

18 CAPTAIN DELEEUW: This is important,

19 so I told you, we work together at American,

20 American is the largest airline in the world, we

21 have 15,000 pilots, 1000 airplanes, and for 3

22 years, this was the entire accident investigation

1   team right here. Two of us. Because we don't

2   have any accidents.

3   Now, we have a huge team that does

4   ASAP because we want to prevent the accidents.

5   That's the big key to ASAP. So you can do it.

6   So let me give you some examples I think you'll

7   find entertaining and helpful.

8   This is in Memphis, Tennessee, and

9   this is what a standard instrument arrival may

10   look at. So what do you guys think? What's the

11   name of this arrival here? How would you call

12   that? Remember, Memphis, Tennessee.

13   The Blues, right? Because Barbecue,

14   Elvis, and, the blues, right? So here comes a

15   crew, they're coming at night, and you can see

16   this, it's not complicated necessarily to a

17   pilot, but it's a lot of information, and here's

18   the point, it's kind of the corner post, called

19   Blues.

20   Cap is looking at the arrival, and the

21   1st Officer's flying, and they're going to land

22   to the south in Memphis. The controller says,

1   you're clear direct to blues. Here's blues. The

2   1st Officer is looking at the approach. Look at

3   the first point of the approach. How do you say

4   that? Blues.

5   This is blues, this is blues, no

6   intentional mate, the pilot's made a mistake,

7   because guess where they went to, this blues.

8   You know, FedEx is doing the bomb burst

9   everywhere, we went right through the middle of a

10   bunch of FedEx airplanes going to Memphis. Well,

11   we did land first. I can say that.

12   The point is, we didn't have an

13   accident, but this crew reported it very quickly,

14   and when we talked to Southwest, they had a

15   similar report, because the change in the chart

16   just came out.

17   So shortly after that -- oh, by the

18   way, Elvis still in the building, so the next

19   approach plate that came out, which was two weeks

20   later, they changed the name to McVey, still kept

21   Elvis, of course, but the point is, is this was a

22   change.

1   So if we had not done this change,

2   some time in the next 50 years someone would

3   probably bend some metal. See where we're going?

4   So we go, okay, we get it now.

5   So these are the highlights. I'll let

6   Vickie kind of go over the highlights here a

7   minute. This is kind of what we talked about.

8   MS. TOMAN: Yes, so 24 hours

9   requirement. You can't wait to file an ASAP

10   report until your supervisor says, hey, John,

11   weren't you on that flight the other day that had

12   that error? And then you're like, oh, I got to

13   file my ASAP report. No, you file it within 24

14   hours of the event happening.

15   The only exception we have on that is

16   if you're flying international, it's once you get

17   back to the United States, you've got the 24

18   hours to file.

19   Again, we talked about it's got to be

20   a safety concern or a deviation from an FAR, and

21   again, this doesn't necessarily mean that that

22   employee had that deviation, it may be ATC made a

1 mistake, but they could still file that ASAP

2 report.

3 We talked about de-identifying, the

4 ERC will go in and score that report, they may

5 want to talk to the crew member, have a debrief,

6 they can -- we don't call it coaching and

7 counseling, but they may coach the employee, but

8 that could be done on the phone or in person, and

9 then every report will be closed, and again, you

10 may have corrective action.

11 If the ERC decides to give an employee

12 corrective action, that employee has to complete

13 that corrective action, satisfy the ERC with the

14 corrective action. If they take you out to do

15 simulator training, and you fail the simulator

16 training, then you're going to get more training.

17 If you decide you don't want to do the

18 corrective action, then you're no longer going to

19 be protected under ASAP.

20 CAPTAIN DELEEUW: So you asked -- let

21 me just say, so a pilot, why would he do this?

22 Vickie mentioned earlier, if I was a pilot, I

1   filed the report and it's accepted by the ERC, no

2   certificate action by the FAA, which means I lose

3   my job if I lost that, and the company doesn't

4   discipline me, so, I mean, why would I not file?

5   That's why we have 1000 reports a

6   month, because every pilot makes a mistake, even

7   if they turned the wrong direction on the

8   taxiway, they write an ASAP right away.

9   We've got it, now, they can do it on

10   their app so that when they're in flight, they

11   can file their ASAP before they even landed.

12   MS. TOMAN: And one thing too is, both

13   crew members, or if you have a crew that's a

14   four-pilot crew, all four pilots have to submit

15   an ASAP.

16   CAPTAIN DELEEUW: Right.

17   MS. TOMAN: It can't just be the

18   Captain submitting it on behalf of the crew.

19   CAPTAIN DELEEUW: Yes, sir.

20   DR. WHITE: So one question about

21   coordination, so that's a chart, right, a landing

22   chart, or something, I guess, for the industry,

1   right?

2   CAPTAIN DELEEUW: Yes.

3   DR. WHITE: So the pilots file the

4   ASAP report, but it's an air traffic control

5   issue of correction. How do you coordinate that

6   between the two entities?

7   CAPTAIN DELEEUW: Well, that's it.

8   That's the beautiful thing. In the world of the

9   ERC, you've got a company person, you've got a

10   regulator, and an employer.

11   DR. WHITE: Okay.

12   CAPTAIN DELEEUW: So in this case, the

13   union and the company, they can make the -- they

14   can call somebody and leave a message, but the

15   regulator can get on the phone and talk -- yes,

16   the chart goes --

17   DR. WHITE: Okay. So there's the --

18   CAPTAIN DELEEUW: Yes.

19   DR. WHITE: So they write it to who is

20   the appropriate party.

21   CAPTAIN DELEEUW: Yes, in your world

22   here, and I'm being kind of general, but you

1 would want something like this, you need somebody

2 from regulation, from PHMSA, who can affect

3 change and when you find mistakes, they don't,

4 you know, write a letter to somebody and three

5 weeks later go, yes, we'll look at it. That's

6 not appropriate. You need to have the change

7 because if the employees don't feel that this

8 process works, they'll go back to, once again --

9   MS. TOMAN: Not tell anything.

10   CAPTAIN DELEEUW: -- not tell

11 anything. And if they see this and this crew

12 that writes this report, and this came out, I

13 guarantee you, these pilots told everybody for

14 the next year, man, you won't believe what I got

15 changed, because they like to brag, right?

16   MS. TOMAN: And that's part of our

17 safety promotion too, is that, we're getting that

18 information back out to our employees, like,

19 these are our corrective actions that we did that

20 we discovered through ASAP, which encourages the

21 employees to report more as well.

22   CAPTAIN DELEEUW: Yes, that's a real

1   critical piece is to broadcast your successes,

2   because then the people go, hey, I want to be

3   part of this deal. Yes, sir.

4   MALE PARTICIPANT: With your

5   broadcasting the successes and getting the

6   information out, are you getting the information

7   out to all the industry?

8   MS. TOMAN: Yes, so we actually have,

9   twice a year, what we call the Asias Information

10   Share, and that's when everybody from all the

11   airlines, the FAA, ATC, we actually have military

12   people come now, and we talk about the top items

13   that's been reported in our safety programs, and

14   ASAP, and we share lessons learned.

15   The only people that are not allowed

16   to come to that meeting are attorneys and

17   reporters, because everything's confidential, so

18   if you're not going to have that confidential,

19   you know, statement out front for everybody,

20   nobody's going to share anything, because they

21   don't want to show up on the news, oh, wow, look

22   what happened to Delta.

1   CAPTAIN DELEEUW: Yes, I think I saw

2   that Vivek was on your list, was Vivek here

3   yesterday?

4   Okay. So they talk a lot about the

5   Asias Information Share and a lot of it's a

6   different data source. This is part -- this is

7   the same idea, where you're sharing the ASAP

8   data, but it's the highlight ones. I think me

9   and Vickie have briefed at every infoshare in the

10   last four or five years.

11   We briefed some significant events in

12   the industry that we discovered or that our team

13   has, but when we first started in infoshare, it

14   was less than 100 people. Now it's 1000 people

15   show up, so it's a lot of people, and it's almost

16   --

17   MS. TOMAN: And it's a great meeting.

18   Well, it's like usually four days, and so you'll

19   have, like, a general meeting at the first day,

20   but then you're going to break out into your

21   sessions, the rest of it will be, like, flight

22   ops will all be in this group, you'll have cabin

1   in this group, but you'll have FAA people there,

2   you'll have labor unions there --

3   CAPTAIN DELEEUW: And that's great.

4   This segues to this. You can see that these are

5   other areas at ASAP, you got dispatch, you got

6   maintenance, they call it tech ops now, so at

7   this infoshare, they'll break out and talk about

8   things.

9   So here's one from the cabin one,

10   which is important, because the flight attendant

11   shows up and there's a preflight, and you'll see

12   this armrest, looks kind of goofy. It looks like

13   it's a little too far forward, well, she wrote it

14   up and told the Captain, hey, I think the armrest

15   is wrong, and the Captain goes, we got to go.

16   Come on. Get everybody on. Let's leave.

17   Well, she was a little upset about

18   that, first of all, but number two, she took some

19   pictures, filed her ASAP report, and when you do

20   this, you go, okay, well, now we start looking

21   at, what happened to this?

22   So get the AMT to come out, we're part

1 of all the same program, the tech ops, the ASAP

2 manager, sends -- his folks come out there, and

3 it turns out, these were pre-positioned in the

4 wrong place.

5 Now, what the Captain didn't realize

6 is that, when a flight attendant is trained, if

7 this airplane ran off into the woods with a bunch

8 of passengers in the middle of night, no lights

9 onboard, flight attendant is going to find the

10 over-wing exit.

11 She does it because she's going to

12 find this armrest and put her hand and look for

13 the handle here. Well, if she does it this way,

14 there's no handle. If you look at the right way

15 it is, put her hand here, find the handle. So

16 was it a safety concern? You bet it was a safety

17 -- huge safety concern.

18 So when this happens, what will we do

19 next?

20 MS. TOMAN: So we're going to reach

21 out to that other department, so maintenance was

22 involved with this. Maintenance has an ASAP

1 program. So the cabin ASAP manager is going to

2 reach out to the maintenance ASAP manager and

3 say, hey, look what was reported on our program.

4 Do you have any reports or can you solicit

5 reports?

6   Again, we're not trying to get anybody

7 in trouble, what we're wanting to look at was the

8 documents that they use to reinstall this exit

9 door, was it followed correctly, does it need to

10 be fixed?

11   And so that's where we're able to all

12 work and share the reports from each different

13 group, maintenance, dispatch, flight, et cetera.

14   CAPTAIN DELEEUW: So we found this

15 here, you think this was the only airplane? Of

16 course not, right? We know this. Everybody in

17 the just knows it. So that's the beautiful of

18 ASAP. You start going, hey, we better go look at

19 all the airplanes, which they did, and they found

20 five more like that.

21   MALE PARTICIPANT: Was it a mistake

22 that was on their step list, like, the changing

1   the tire?

2   CAPTAIN DELEEUW: It was mistake made.

3   The root of this, which is always important, they

4   went back to the place that puts these armrests,

5   because people first thought, oh, I think they

6   put it on the wrong door. No, no, they had

7   personally put it in the wrong place. The

8   template they used, instead of this way, it was

9   this way, so this way, so, you know, the old

10   thing that says, this side up, we see this a lot,

11   okay?

12   When you don't mark things

13   appropriately, people show up, their late,

14   they're used to old time, turn it one time, get

15   new one, new people involved, so this was really

16   important to ASAP now because we got a lot of old

17   folks who are my age who are retiring in the next

18   ten years, and all the new kids are coming up,

19   the Millennials, and we need to help them by

20   being very good at how we do things and mark

21   stuff.

22   No offense to any Millennials, by the

1   way. Look at this one here, Mobil grease. Some

2   airlines like the big one in Dallas, might pack

3   their own brakes; the bearings in them.

4   See how it says, Mobil aviation

5   grease, SHC 100, I think American, you know, they

6   go to the Costco and they buy a million of these

7   things. Well, it ran out, they ran out, they had

8   to order a new one.

9   Well, if you look real close, it says,

10   Mobil aviation grease, SHC 100. Here comes the

11   new one, Mobilith SHC 100. Hey, it's a lithium

12   complex, it's even better. Woo-hoo. They're

13   busy doing the brakes, and one day the mechanic's

14   looking down, and he looks at the can, and to his

15   amazement, it says on the can here, not for

16   aviation use.

17   He's thinking, oh, one of my buddies

18   probably wrote that. No, it was true, and so he

19   files an ASAP. So he files the ASAP report and

20   he tells his manager, of course, the whole

21   department filed ASAP reports right away, because

22   they all missed it, and not that they were

1 responsible 100 percent, but they're supposed to

2 look at the label too.

3   And so with that, now we've got

4 airplanes that have got -- running around with

5 not for aviation use wheel bearing grease, right?

6 So how do we solve that? Do we still keep

7 flying?

8   MS. TOMAN: Yes.

9   CAPTAIN DELEEUW: How do we tell the

10 FAA we keep flying?

11   MS. TOMAN: We've got to the notify

12 the FAA.

13   CAPTAIN DELEEUW: And then do we do

14 anything with it, like a risk analysis and --

15   MS. TOMAN: Yes, we do a risk analysis

16 and look at it, and that's part of our SMS

17 program, so this event's happened, we've got to

18 look and identify what the hazards are, can they

19 be mitigated or are we going to have to ground

20 this fleet? And then that would be a concurrence

21 with all the three groups.

22   CAPTAIN DELEEUW: And as it turns out,

1 it was a better grease, it just never made it to

2 the paperwork yet, and you've all seen that,

3 right? So here's who benefits from this, the FAA

4 benefits, because they're -- the FAA, in the

5 past, didn't really know what was going on, and

6 it's impossible for the FAA, no offense to the

7 FAA in the room, but you cannot regulate a large

8 airline like American Airlines unless you have --

9 you got to have ten times the amount of employees

10 you have, so they can't really regulate much

11 anymore, but now they're part of the process.

12   They're completely transparent,

13 they're working for the airline, and everything

14 that we find that's bad, they know about it.

15 They're there with us. They're partners with us

16 on everything that we do.

17   The airline benefits, the employee

18 benefits, of course, they benefit, but --

19   MS. TOMAN: And you benefit the flying

20 public.

21   CAPTAIN DELEEUW: -- right here,

22 that's who benefits; the flying public.

1   MS. TOMAN: And, you know, when we

2   started ASAP, we were not required to have a

3   safety management system for airlines. So that's

4   only -- that requirement only became effective in

5   March for all -- 121 carriers have to have a

6   safety management system, and that safety

7   management system includes ASAP.

8   So you have to have the confidential

9   reporting program, so that's where we used ASAP

10 and we have the safety hotline that, when we

11 first started this program, there was no SMS,

12 nothing communicated about that, we didn't even

13 have day talks (phonetic) yet, but that's where

14 we get that feed for all of our employees.

15   MR. NGUYEN: But you said you had a

16 hotline? Is that an ASAP hotline?

17   MS. TOMAN: We have to. So we have a

18 fixed hotline, because we still have frontline

19 employees that don't have an ASAP program, they

20 don't have a certificate, so for them, we have

21 the confidential reporting program, and that goes

22 to the safety department, but then we also have

1   the ASAP hotline, because say, you know, we

2   talked about, you got to file your report within

3   24 hours, well, what if you live in Montana, and

4   you don't have Internet, and you got to drive an

5   hour to get your report submitted?

6   You can actually call and say, I'm

7   marking the time now, I will submit the report as

8   soon as I get to Internet.

9   CAPTAIN DELEEUW: So one thing that's

10   important on ASAP is, and what Vickie says there

11   is very important, because you file your ASAP

12   report, but it's not like this. So I go up and

13   I'm ready to go fly, and they de-ice my airplane

14   incorrectly. They told me I'm de-iced. I taxi

15   out, the flight attendant goes, we still got ice

16   on the wings, Captain.

17   Go back, and look, sure enough, we've

18   got ice still on the wing, so I was improperly

19   de-iced. Well, I could file an ASAP report when

20   I come home from my trip, and it might get action

21   in a couple days, but in the meantime I'm reading

22   the paper the next day that an airplane crashed

1 because of ice on the wings. It'd be a little

2 tough to swallow that.

3   So we don't do that. You could file

4 your ASAP report, but you've got to belly up to

5 the bar pretty quick and say, hey, this plane was

6 not properly de-iced, I filed my ASAP report, you

7 got to still tell your boss. You got to let

8 everybody know.

9   So like Vickie said, you can call the

10 hotline and say, I'm filing my ASAP report, but

11 if it's a safety of flight issue, or something,

12 you need to tell somebody. ASAP's not your only

13 -- you just don't file an ASAP and go home. You

14 got to tell somebody, if it's critical, right?

15   So this is the thing that I thought

16 might be interesting. One of the things that we

17 have in the airline world, as you all know, is

18 checklists, but checklists can be cumbersome,

19 sometimes they don't seem like -- so this is the

20 7A, some new changes because of technology, and a

21 lot of because it's based on ASAP reports, people

22 actually will miss items on a checklist.

1   God, I can't believe it. Well, that's

2   what happens. So in this airplane here, it's a

3   lot of the electric switches are tied to the

4   checklist. So in this case here it says,

5   transponder has to be set. When I turn the

6   transponder here to the TARA, the checklist

7   closes automatically. It's called a closed-loop

8   checklist.

9   So as you flip electrical switches, it

10   completes checklist items for you automatically

11   because it knows you did it. If I was to go to

12   the next checklist, it will tell me, you missed

13   something. So the checklist philosophy and the

14   way we're doing checklists, it's called an ECL,

15   electronical checklist, basically, it's going to

16   help safety, because these are all from ASAP

17   reports, because you go, how could you miss a

18   checklist item? Well, you can. Yes, go ahead.

19   DR. BORENER: Is that considered a

20   safety critical system? Like, did it have to go

21   through a certification process by training?

22   CAPTAIN DELEEUW: The Memphis one?

1   DR. BORENER: No, the --

2   CAPTAIN DELEEUW: No, no, what happens

3   is, see, we get data.

4   MS. TOMAN: It does have to be

5   certified by the manufacturer.

6   DR. BORENER: So it had to go through

7   that certification process?

8   CAPTAIN DELEEUW: Yes.

9   DR. BORENER: How long did it take to

10   get to that?

11   CAPTAIN DELEEUW: Oh, talk to our

12   friends at Boeing, they built it, but this is --

13   in ten years from now, this is going to be fairly

14   standard for all airplanes being built, I'm

15   pretty sure.

16   DR. BORENER: So now, is that

17   reporting out data so that you could check to see

18   how the --

19   CAPTAIN DELEEUW: You know, all

20   civilian airplanes, it's got so many black boxes,

21   it knows, you know, everything you do, basically,

22   but in this case here, the reason this comes into

1   ASAP is because people would write ASAP reports,

2   and over time, if somebody asks Vickie, hey, do

3   you have any reports about people missing

4   checklist items? Yes, I got boxes full.

5   MS. TOMAN: And we still have them on

6   our older aircraft, a little paper that you just,

7   you know, check, check, check --

8   CAPTAIN DELEEUW: And you get

9   distracted, the flight attendant says, you want

10   your coffee this morning? You go, oh, yes, I

11   missed an item. You missed the item, could be

12   critical to flight. So with that in mind, we

13   give information, we feedback to the

14   manufacturers, they want to hear from us, they

15   go, hey, did you know this? They go, oh, had no

16   idea.

17   MS. TOMAN: But we do have a FOQA

18   program, not to get all into that, but that does

19   report off the aircraft.

20   DR. BORENER: And that reports on to

21   -- that's the question I had.

22   CAPTAIN DELEEUW: Yes.

1   MS. TOMAN: So that will show if

2 there's flap overspeeds --

3   DR. BORENER: Okay.

4   MS. TOMAN: -- or, you know, certain

5 things. We always talk about ASAP is the

6 employee telling you what happened, where FOQA is

7 the airplane telling you what happened, and

8 hopefully they mirror together, but that data is

9 reviewed in that monthly safety data meeting that

10 I talked about earlier.

11   DR. BORENER: Okay.

12   CAPTAIN DELEEUW: So I know -- I bet

13 he talked about FOQA, didn't he? A little bit

14 yesterday? If he didn't, that's good, but FOQA

15 stands Flight Operations Quality Assurance. Our

16 friends at Southwest, they call it FDM, flight

17 data monitoring, same idea, but that's also a

18 voluntary program.

19   In Europe, it's a mandatory program,

20 but in the United States, it's a voluntary

21 program, so it's much more accepted by everybody,

22 quite frankly, and like Vickie said, it's just

1   another part of safety assurance in the SMS

2   world; another program. We have other programs

3   out there too, like IEP, LOSA, stuff like that.

4   So all these items here on the

5   checklist, they're all completed electronically.

6   When the crew does the switches and they do them

7   properly and correctly, that checklist item will

8   close. That's the beautiful thing of things like

9   ASAP. Yes, sir.

10   MR. HERETH: When you have an

11   electronic checklist, how can the checklist let

12   you miss an item?

13   CAPTAIN DELEEUW: It won't. That's

14   why we've gone to this. That's what I'm saying,

15   the ASAP reports, we go to the manufacturer and

16   go, you know, I know you're not going to believe

17   it, but pilots miss checklist items. Really?

18   Yes, so the manufacturer goes, hey, you know, I

19   got an idea. Why don't we just tie it so that

20   every time you take the four hydraulic switches,

21   you know, close the hydraulic pumps, they're all

22   off.

1   MS. THEBERT: So the plane won't go if

2   something's not checked.

3   CAPTAIN DELEEUW: You'll get a notice

4   that it says, hey, it's almost like Siri telling

5   you, you forgot something.

6   MS. TOMAN: But I think the good thing

7   is, though, after, you know, over 20 years in the

8   industry with ASAP for airlines, we're actually

9   seeing corrective action by the manufacturers of

10   things that we've been reporting that we had

11   issues with. These are major safety enhancements

12   for the whole industry.

13   CAPTAIN DELEEUW: So one thing we

14   talked about was the Millennials, and we're also

15   talking about older generation, but we're also

16   talking about new technology. I guarantee you

17   all see the same new technology we do.

18   So five years ago when I used to go to

19   work, flying, I'd have a kit bag with me, you

20   probably saw pilots carry them, the kit bag

21   weighed, how much did kit bags weigh?

22   MS. TOMAN: It was like 50 --

1   CAPTAIN DELEEUW: Fifty pounds.

2   MS. TOMAN: -- pounds.

3   CAPTAIN DELEEUW: Forty or fifty

4 pounds. If you fly to China, you got to carry

5 even manual loads, it was like 60 pounds.

6   MS. TOMAN: And we talked about some

7 manuals, that was our number one cause of injury

8 to pilots, was the kit bag, because when you get

9 in the cockpit, you got to whip it around, put it

10 behind your seat, and they'd have shoulder

11 injuries.

12   CAPTAIN DELEEUW: Yes, I was on injury

13 duty for ten years. That's why I'm doing this

14 now. I'm just kidding you. But I mean, a lot of

15 pilots were injured on duty doing this.

16   So now we came up with the iPad. They

17 started selling iPads in April of 2010. It's the

18 fastest selling product ever for mankind, by the

19 way, kind of a side note, but here is how we look

20 at it on approach plate like this. And this is

21 how we've always looked at it. And even at

22 nighttime, we had our light up on the overhead.

1   This is how we looked at them. This was it.

2   Well, now, we have a crew that was

3   flying to Las Vegas at night, they're flying at

4   night, and it's Las Vegas, so if you all been

5   ever to Las Vegas, it's the only thing out in the

6   desert, big, bright lights, you cannot miss them,

7   and the crew was basically clear for a visual

8   approach. They were sitting over here and they

9   were clear to come fly the visual approach.

10   Now, all of you can see that this is

11 the water here, here are the mountains, it's

12 pretty obvious, tells you peak elevation is 3300

13 feet, 3338, actually, so you can see the

14 mountains and the water, so they're flying to

15 Vegas, and while flying to Vegas, they look

16 ahead, and all of a sudden, all the lights went

17 away.

18   So I used to fly low levels in the

19 military, if all the lights go away, they only go

20 away for two reasons, massive power outage, or

21 there's a mountain between you and the lights.

22 Las Vegas hasn't had a power outage in years,

1   because that's what makes the city glimmer at

2   night.

3   So the crew do not recognize it and by

4   the time they got the terrain pull up, which, we

5   have safety features, they climbed, and hey, the

6   lights came back, so the point is, we go, well,

7   they filed an ASAP on this, which was good. We

8   actually brought the crew in because we were a

9   little concerned, started looking a little

10   better, deep dive, and one of the questions in

11   the investigation, they go, well, did you not see

12   the mountain there?

13   And they said, actually, we missed the

14   mountain. How could you do that? Well, they're

15   Millennials, and they flew it at the nighttime

16   mode, and look what happens when you fly the

17   nighttime mode. The mountain goes away because

18   they didn't build this for pilots. This is an

19   iPad. You all have a nighttime feature on your

20   iPad. You ever notice it before?

21   Wow, who would have known about that?

22   So then we looked at another jet manual we have,

1   same thing, look what happens when you do that

2   procedure, you can inverse it, so now that

3   mountain just became a big old lake.

4   So this is not about the Millennials,

5   I use it loosely, but a crew goes there for the

6   first time and they made it black this way here,

7   iPad's not going to know they changed theirs.

8   This is it. You can see very clearly how this

9   can be an accident in our industry in the next 30

10   years. Very clearly.

11   I'm telling you, this is a big thing.

12   So we can't change iPads, so we have an SMS

13   program, ASAP came in, the crew was accepted,

14   they didn't intentionally make a mistake, and we

15   give it to the SMS folks, so what did we do?

16   MS. TOMAN: We put out notification

17   immediately to all pilots that they have to,

18   during their briefing, ensure that they're not

19   using the nighttime mode, and for the guidance in

20   the manuals, which, that took a little bit

21   longer, because that was a revision, we briefed

22   this at infoshare, we sent messages out to other

1 carriers, and then also to Jefferson, so if

2 they're the ones that are responsible for these

3 charts, so they can notify other companies that

4 may be using these charts.

5   But it's important, like what John

6 said, we talked about that kit with all those

7 manuals, that iPad, that's all the pilots have

8 now. So they've got, like, a little purse,

9 murse, that they put their little iPad in to go

10 to work.

11   CAPTAIN DELEEUW: It's a purse. Come

12 on.

13   MS. TOMAN: They don't have shoulder

14 injuries anymore, but like he said, the iPad

15 wasn't built for airlines, so this is a new

16 technology the airlines are using, and that's

17 where we get this information. We can't sit on

18 it. We've got to send it out to the industry.

19   CAPTAIN DELEEUW: And I don't know if

20 you picked up what Vickie said, the procedure

21 change at our airline, and most airlines, when

22 you brief the approach now, you have to brief it

1   in the daytime mode.

2   If you want to fly it this way when

3   you actually do the approach, that's fine, but

4   when you brief it, you have to brief it in the

5   daytime mode, because otherwise you will miss the

6   granularity of the technical stuff that's there,

7   so that was a big change there. Good change for

8   us.

9   So couple things, because nobody's

10   asked me the question yet, because everybody gets

11   accepted, right? Not so fast. So they have to

12   be in 24 hours, as Vickie mentioned, you can't

13   just wait until the FAA sends you a notice three

14   weeks later. That's a little late. Doesn't work

15   that way. Violations have to be inadvertent and

16   not a potential disregard for safety.

17   So, Vickie, tell us on what we call

18   the big five.

19   MS. TOMAN: So the big five, you can't

20   have drugs involved, substance abuse, you can't

21   lie, you can't intentionally, you know, go

22   against a procedure or violation, because you're

1   not going to be (inaudible).

2   CAPTAIN DELEEUW: Right. So

3   substance, alcohol, drug use --

4   MS. TOMAN: Falsification, lying on

5   your report.

6   CAPTAIN DELEEUW: Right. We don't get

7   many of those, actually, in the airline industry,

8   believe it or not, they're out there still, I get

9   it, but that just isn't really -- I cannot tell

10   you the last time that somebody was excluded from

11   ASAP for those three items; drugs, alcohol,

12   substance abuse. That just really doesn't

13   happen, because we're subject to random drug

14   testing, just like you folks are in the pipeline

15   industry. Doesn't happen much.

16   Lying, don't get too much lying,

17   because people know, you lie, you're done, so

18   might as well tell us the truth, because we want

19   to know everything, warts and all.

20   The last one is, intentional disregard

21   for safety, and that's kind of a big deal.

22   MS. TOMAN: It can be tricky too.

1   CAPTAIN DELEEUW: That's tricky,

2 because what's intentional disregard for safety?

3 So the mechanic story I gave you, did he

4 intentionally disregard safety by not following a

5 work chart? Yes, he kind of did, but that's

6 where the ERC talks about it, and that's where

7 you get a, you know, let's keep it real, that's

8 what everybody's doing, so now we have to fix the

9 system, not so much that individual mechanic.

10   And that's where you really get your

11 good safety lessons from. That is a really big

12 thing there. So, you know, it can't be

13 inadvertent, like I mentioned, they're accepted

14 in here, and the employee doesn't complete the

15 corrective actions.

16   Vickie mentioned earlier, you go in

17 the holding and I can't hold, and they go, okay,

18 you go to the simulator again. I still can't

19 hold. If I can't complete the corrective

20 actions, I'm not accepted.

21   MS. TOMAN: If you're not accepted,

22 then you get -- you can open up for company

1 discipline, the company can investigate the

2 event, discipline the employee. If it's non-sole

3 source, the FAA is aware of it, they can

4 discipline the employee. They can go after

5 certificate action.

6   So it's a big thing that if you file

7 this ASAP, you want to make sure you get

8 accepted.

9   CAPTAIN DELEEUW: And it remains

10 confidential, so if a pilot or a mechanic, or any

11 of the four workgroups, file an ASAP and they

12 were excluded, doesn't mean they get fired right

13 away, a lot of times they're not, they're just

14 excluded. They just don't get the protections

15 that ASAP gave them.

16   So that ASAP confidential report, the

17 company, the union, they don't get that report.

18 If that report's excluded, that ASAP, they shred

19 the ASAP and the company, or the FAA, has to do

20 their own independent investigation. We don't

21 give them, here's what we found out. That's not

22 -- but that so rarely happens.

1   I think last year, at American, it's

2   typical most airlines, there might have been five

3   exclusions of pilots, and none of those guys were

4   terminated, or gals, they just -- they were

5   excluded because of other extenuating

6   circumstances, typically.

7   MS. THEBERT: But, I guess, privacy-

8   wise, like, if you were on the simulator,

9   someone's going to know you messed up or do you

10   go regularly?

11   CAPTAIN DELEEUW: Well, we do, but we

12   kind of do that.

13   MS. TOMAN: Like, in corrective action

14   --

15   MS. THEBERT: Right.

16   MS. TOMAN: -- we have what we call a

17   check airman, who does the simulator training,

18   they have an agreement that they have to sign

19   with the ASAP ERC that they will maintain the

20   confidentiality.

21   MS. THEBERT: Okay. So you could be

22   there for corrective action or you're just there

1   to do --

2   CAPTAIN DELEEUW: Yes, if people don't

3   see you go on the sim, they wouldn't necessarily

4   know if you were on the sim for training or for

5   corrective action, and we don't have that many.

6   MS. TOMAN: It doesn't go in your

7   training record or anything like that.

8   CAPTAIN DELEEUW: Right.

9   MS. THEBERT: Okay.

10   CAPTAIN DELEEUW: And for the

11   maintenance world, sometimes it's as simple as,

12   okay, this mechanic made a mistake and now he has

13   to brief it at the next meeting of the mechanics.

14   When they're having pizza and beer and he's got

15   to go standup and, you know, confess his sins.

16   That's pretty successful too.

17   MS. TOMAN: I think one of my favorite

18   ones, and this was actually an infoshare for a

19   ground ASAP program, one of the employees loaded

20   hazmat in a cargo compartment that also had a dog

21   in it, which is a big no-no, of course, the dog

22   was okay, nothing happened, but the ERC made that

1   employee go volunteer at a local animal shelter

2   for, like, two days and come back and show that

3   they did to accept that as corrective. We

4   thought that was pretty cool.

5   CAPTAIN DELEEUW: Yes, it's kind of

6   like Judge Wapner, you know, they have some

7   strange ways of making you pay for your sins, I

8   guess.

9   So now, one thing I want to tell you

10   too is that, each one of these that we get is

11   really good. So one of the things that we

12   briefed at infoshare two years ago was, we had

13   two mechanics working on a triple 7 at the

14   maintenance facility at Chicago.

15   They fixed what they had to do, it's

16   pretty simple, and now, in a lot of airlines, the

17   AMTs, the mechanics, can actually taxi airplanes.

18   They don't fly them, but they can taxi them. So

19   if they have -- they're not going to call a

20   pilot, you know, taxi the airplane from the

21   hangar to the terminal, but we can get mechanics

22   to do it. They're trained in it. Everything's

1   fine.

2   These two mechanics get down on the

3   deck, get in this triple 7, they're going to taxi

4   it to the hangar -- I mean, from the hangar to

5   the terminal, beautiful, clear day. Not a cloud

6   in the sky. They taxi out, they don't maybe 50

7   feet and they hit an engine stand that was

8   sitting on the right-hand side of the airplane.

9   So they hit this engine stand. It's

10   like, we got the video, right? There's a video

11   of everything anywhere in the world now. You got

12   the video and you look at the video and go, these

13   guys, they need drug and alcohol testing, because

14   how could you miss this engine stand?

15   So they came in there, the ERC was

16   meeting, and, you know, they were kind of

17   debating, and just, they couldn't get their hands

18   wrapped around this thing.

19   Well, my background as a pilot, and I

20   went to talk to the guy, because he worked for

21   me, the tech ops guy, and he's telling me the

22   story, and I said, well, were they wearing

1   sunglasses?

2   I don't know. I'll find out. Well,

3   if they wore sunglasses, have them send them

4   back. They both wore sunglasses. Does anybody

5   know why that's a big deal? If you have

6   polarized sunglasses, you cannot look at a

7   cockpit window, because the cockpit windows are

8   polarized.

9   Now, you'll still look through it, but

10   you'll have blindspots. And people that are

11   pilots, from the first day of pilot training,

12   they tell you, don't wear polarized sunglasses.

13   But we never told the mechanics this.

14   MS. TOMAN: And there's actually an

15   FAA alert for the pilots stating, you cannot wear

16   those, because also, the instrument panel, if you

17   look at the instrument panel, things blank out on

18   it, or change colors.

19   CAPTAIN DELEEUW: Yes. We have some

20   great -- we did a similar -- I'll tell, it's

21   probably one of the better briefings ever given

22   there, not because I gave it, but because this

1 was a thing that every mechanic there goes, wow,

2 I had no idea. We had one mechanic come up to me

3 and goes, it makes sense to me. When I ride my

4 motorcycle with the big glare shield upfront, I

5 noticed I was missing things because I was

6 wearing my polarized sunglasses, because it's the

7 same thing if you got a big shield in front of

8 your motorcycle.

9 So this was a really big alert item

10 and that got sent to the entire industry, and

11 that's all because these two mechanics, who

12 looked like they were being clowns, they actually

13 just didn't see the stand, because some

14 airplanes, you actually have -- I mean, you

15 actually will have blindspots; you cannot see out

16 the window.

17 So that's why we don't wear polarized

18 glasses.

19 MS. THEBERT: When you say, industry,

20 do you mean, like, worldwide or just --

21 CAPTAIN DELEEUW: Pretty much, U.S.,

22 I mean, actually, we do -- there are ways that

1   the international community finds out, but it's

2   more -- it doesn't always get disseminated

3   international.

4   MS. THEBERT: Okay.

5   CAPTAIN DELEEUW: We're not there yet.

6   Some day we will, but, you know, we share, in our

7   industry in the United States, safety's not a

8   secret, so we share quite readily. Other

9   carriers, particularly South America, it's not a

10   voluntary program, it's a required program, and

11   they can fire you.

12   MS. THEBERT: So what if you're

13   landing in America, wouldn't you think they'd

14   have to --

15   CAPTAIN DELEEUW: No, if they have a

16   program, like, when we go to China, and I make a

17   mistake in China, I may have an ASAP coverage for

18   the U.S. for my certificate and the company, but

19   the Chinese Government can still say, hey, we

20   want to talk to you.

21   MS. TOMAN: Because you have a

22   different regulatory authority.

1   CAPTAIN DELEEUW: Right.

2   MS. TOMAN: So our program is, we have

3   a memorandum of understanding signed with the

4   FAA, so, you know, if you go to China, they're

5   not going to really care, oh, yes, hey, I have

6   ASAP.

7   CAPTAIN DELEEUW: They go, good, as

8   they take you to jail. You tell them, I got an

9   ASAP.

10   MS. THEBERT: You can go to jail over

11   there?

12   CAPTAIN DELEEUW: Oh, yes.

13   MS. THEBERT: Oh.

14   CAPTAIN DELEEUW: There's a lot of

15   places, it's called criminalization of pilots.

16   If you have an accident, you go to jail. In

17   Brazil, if you get an accident, you go to jail.

18   Most of the places, the police do the

19   investigation, and they're police officers, so

20   you go to jail.

21   MS. THEBERT: I would just fly

22   national --

1   CAPTAIN DELEEUW: You just stay in the

2   United States. Don't be going out of the

3   country.

4   MR. NGUYEN: Real quick, with that

5   example, is that protocol to drug test, that

6   example that you --

7   CAPTAIN DELEEUW: Yes.

8   MR. NGUYEN: So they have to drug test

9   them.

10   CAPTAIN DELEEUW: Well, each airline's

11   different, but generally, in the business, and

12   actually, a lot of this is DOT testing, just so

13   you know, it's driven by the DOT, but most

14   airlines have one, but usually if there's

15   aircraft damage in any way, they usually will do

16   a drug and alcohol test, and --

17   MS. TOMAN: Except that the actual

18   damage, it would count as an accident.

19   CAPTAIN DELEEUW: Right.

20   MS. TOMAN: So there's, like, specific

21   rules.

22   CAPTAIN DELEEUW: But we have specific

1 DOT rules for drug testing, and we also have

2 specific company rules for testing, and sometimes

3 they don't always marry up, and the company, most

4 companies, you damage their airplane, you bend

5 metal, you're going to get a drug and alcohol

6 test.

7 But pilots don't care because they pay

8 them to do it. They go, ah, I get paid to do it.

9 I'm just saying, it's not that big of a deal.

10 So since 2009, because everybody has

11 to ask, this ASAP program you're spending money

12 on, does this thing really work? Unfortunately,

13 we all know the one passenger who recently passed

14 away, that's with another carrier, but since

15 2009, we've had no passenger fatalities.

16 We fly millions and millions of

17 flights a year in the United States, and in the

18 United States, there's only been Asiana, and

19 there was a UPS crash, but no passenger

20 fatalities. So we've really made the change, and

21 I give a huge amount of credit to the ASAP

22 program, because we're fixing things before they

1   become accidents.

2   So I want to put that out there, but

3   you all do a little SMS, I'm not going to do SMS

4   training, but Vickie will tell you, this ASAP

5   program, where does it fit in this world of SMS?

6   MS. TOMAN: It actually fits in two

7   places. Mainly it's our safety assurance. Are

8   the policies and procedures that we're putting

9   out for our employees to follow, are they

10   working? Because if they're not working, I can

11   guarantee you, we're going to find out in ASAP,

12   because that's where the reports are going to be

13   coming through.

14   But also, as we talked about, if

15   there's a safety concern that an employee has,

16   they can file an ASAP, and that's where our

17   safety risk management, that's going to be

18   identifying new hazards in the system that we're

19   not aware of, similar to that jet card, the

20   blues, that was something that we weren't aware

21   of.

22   And then the safety promotion, that's

1   another big part of ASAP is, if an employee takes

2   the time to submit a concern to you, you've got

3   to answer that report, but then also, you got to

4   let everybody know what's going on. We have,

5   like, a safety preflight newsletter that we put

6   out every month that has all the closed de-

7   identified reports.

8   If it's an open report, you can't put

9   it in there, but if it's closed, we put it in

10   there, and that goes to all the employees.

11   CAPTAIN DELEEUW: Because I love why

12   you say that, because pilots don't like to make

13   change. And so Vickie puts out the promotion to

14   tell them why we're making the change, because if

15   you don't tell people why you're making the

16   change, they think, oh, Vickie, she's got another

17   idea in her head. No, no.

18   They got to tell us why we're making

19   the change. That's important. So I always like

20   to put this up, you know, each year, I change it,

21   you know, 2017, by the way, was the safest year

22   in history for passengers, because the ASAP

1   concept is spreading through the world.

2   They all kind of get it, you start --

3   if you want to start hammering and thumping

4   employees for reporting mistakes they might have

5   made that are inadvertent, they're not going to

6   tell you anything. It's just, they won't tell

7   you. And it's just like kids, right? Dad and

8   mom don't know I broke it, maybe they won't find

9   out who did it, and that's what happens.

10   So this is the aviation safety action

11   program. It's starting to get -- it's really

12   starting to go into the petroleum industry, we're

13   calling it the petroleum safety action program,

14   but, you know what? Maybe one of these days

15   we'll have a pipeline safety action program,

16   because it would work in your industry.

17   It's the same type of industry.

18   Hazards, competent employees, people that are

19   subject -- they know they got a certificate or at

20   least they're subject to drug and alcohol

21   testing, so we got to thank you for your

22   attention and now it's time for questions and I

1   will leave this up. You can take a picture,

2   obviously, and if you need to call us, or work,

3   just send me -- you know, it's Christie here, but

4   one thing is, this report, like, Christie asked,

5   can I have your presentation, I will have some of

6   the presentation for you, but some I can't,

7   because I told you, it's a confidential program.

8   So all the examples I gave you, those

9   are confidential, so I can't give those to you,

10   but you got the benefit of listening to them, and

11   I'll be glad to tell, or call Vickie, but that --

12   this is what we do.

13   And I'll leave you one last thing,

14   there was a report that came in, me and Vickie

15   both also teach, ironically, at the University of

16   Southern California, we teach in the aviation

17   safety department there, so it's kind of a

18   prestigious place to get a certificate in safety,

19   and the example we always bring up, takes an hour

20   to go through it, so I won't do that now, but we

21   had a crew make a report about an issue, about a

22   performance issue on a 73 leaving St. Croix.

1   And the reason that the performance

2   was there was because the airplane had input in

3   the data, because we do it -- download it, and

4   instead of being 28 degrees, it got inputted as -

5   28 degrees.

6   So the airplane thinks it's minus 28

7   degrees, and so the throttle won't go up as far,

8   they roll down the runway, and they get airborne,

9   and the trees are, like, really big. Okay.

10   So what happens, we do this big deep

11   dive, talk to Boeing, went through it, we found

12   out some system issues in the industry, but at

13   the end of the day what really surprised us was,

14   a modern airplane like that, if you put in minus

15   28 degrees, are you telling me the airplane

16   doesn't got, no, it's 28 degree, John.

17   Every airplane in the world that

18   Boeing makes, the new ones, it does that. If I

19   put the wrong temperature in, and the outside

20   temperature is different, you get a little alert

21   that says, hey, check the temperature, dude.

22   It's not right.

1   The 73's been around a long time, so

2   that technology was never put in the 73, and so

3   what happened, this one event we had, we had this

4   thing that's important, so we talked to Boeing

5   about it, and Boeing goes, yes, wow, that --

6   well, let's see if that's a big deal. Well, they

7   came back and said, yes, that's a big deal. We

8   get it now.

9   So we briefed it at Infoshare and

10   after Infoshare, we briefed it, we said, you

11   know, if any other operators have seen this

12   before, why don't you come forward and tell us?

13   And it was like, you know, Baptist church with

14   altar call. Everybody jumped right up.

15   So we got it forwarded, Boeing

16   recognized it, so Boeing does two things, they

17   sent out a safety alert to 178 operators in the

18   world, with the minus 28 degree example, which

19   was an ASAP report from one of the pilots that we

20   know, and then they made a technological change

21   to their airplane.

22   So one ASAP report made a change to

1   every airline in the world, a notice of it, and

2   they're changing new airplanes. So the new 73s

3   that come out have this technology so it will

4   change your temperature if you put the wrong one

5   in. There's a lot of history behind it, but

6   that's kind of our ASAP, you know, the best of

7   the best, I guess. Yes, ma'am.

8   MS. BLYSTONE: Kate Blystone, HHS --

9   CAPTAIN DELEEUW: Oh, yes, I heard you

10   before. We were warned.

11   MS. BLYSTONE: Good grief. That was,

12   like, the most exciting thing we've heard in the

13   last year and a half. Thank you so much.

14   CAPTAIN DELEEUW: Are you being

15   serious?

16   MS. BLYSTONE: I'm both more terrified

17   and more excited about flying than I was before,

18   so --

19   CAPTAIN DELEEUW: You should be.

20   MS. BLYSTONE: Yes, this is a good

21   thing. So one of the things that we've discussed

22   a little bit is some sort of public interface and

1   it seems like the only public aspect of this that

2   I've seen is at the very end when you showed that

3   2017 was the best year ever. Yes, that one.

4   CAPTAIN DELEEUW: Yes.

5   MS. BLYSTONE: Is there anything else

6   that you do? I mean, did I miss it?

7   CAPTAIN DELEEUW: No.

8   MS. BLYSTONE: It's really a high-

9   energy presentation and it's easy to like lose

10   the thread a little bit, but it was amazing. Is

11   there something that you do to kind of let the

12   public know that, we have this awesome program

13   and it leads to this?

14   CAPTAIN DELEEUW: You know, we don't

15   really, it's not because we don't want to, but

16   you know, when Vickie started ASAP, there was

17   posters put up at all the airlines, hey, if you

18   find a general safety concern, file an ASAP.

19   MS. BLYSTONE: Right.

20   CAPTAIN DELEEUW: Do that stuff. You

21   go on the airlines now, there's no posters for

22   ASAP because business is good. You know, we

1   don't need to advertise it, but --

2   MS. TOMAN: In the DOT, you know, they

3   put out the rankings of all the airlines, and on

4   time, safety records, so I mean, that may not

5   necessarily point that that airline has an ASAP

6   program, but they -- you know, the public is

7   looking at the safety, you know, reputation of

8   each one of those airlines, but we really don't.

9   We have, a lot of times, we'll have,

10   like, our insurance groups will come in and we'll

11   give a presentation showing how our safety

12   program's, you know, corrective action, safety

13   enhancements that we've done, but that's --

14   CAPTAIN DELEEUW: But you have a

15   point, because after -- this has almost been

16   around for 30 years. It'll be 27 years. There's

17   a reason why the last two, three years, people

18   are calling on, hey, like, a couple of large oil

19   manufacturers in the Gulf of Mexico go, can we

20   kind of observe what you all are doing? Because

21   it sounds pretty interesting.

22   This is why the medical goes --

1 medical world's going, I wonder if we can do that

2 because we have a lot of debts in the industry in

3 medical. It's only 300,000 people a year are

4 killed accidentally in the hospitals. Only. And

5 that's the low end.

6 And those are mistakes that are, many

7 times, may have been prevented, but we're not re-

8 learning the lessons and keep making the same

9 mistakes, so we don't want to do that in our

10 world, because if we crash an airplane, you might

11 survive it, you do two, your airlines gone.

12 MS. BLYSTONE: So a follow-up on that

13 question, is there any way that the public can

14 give you an ASAP? So, like, if they see

15 something weird on a place, like, I don't know.

16 MS. TOMAN: Yes, they can call the FAA

17 hotline --

18 MS. BLYSTONE: Yes, so that's --

19 MS. TOMAN: -- and they can also call

20 the company.

21 MS. BLYSTONE: Okay.

22 MS. TOMAN: And we have a hotline

1 where they can call and that group will reach out

2 directly to the operating department to get

3 information.

4 CAPTAIN DELEEUW: But the thing about

5 is, though, and this is why this program works,

6 you're right, the public can see something, maybe

7 the manager can see something, but the people who

8 know what's wrong are the employees themselves.

9 They know the mistake they made, they usually

10 know why they made the mistake, maybe they're

11 being rushed, maybe they said, this was written

12 wrong, we see that every week.

13 In the maintenance world, if the

14 diagram and instructions are written incorrectly

15 and poorly, somebody's going to make a mistake

16 someday, and we can't afford those mistakes.

17 So I used to tell the mechanics,

18 there'd be a meeting of 100 mechanics, hey,

19 listen, any of you guys file an ASAP reports?

20 No. Okay. How many of you guys know of a work

21 card, a policy, a procedure, or instructions that

22 you follow that are wrong? Because mechanics are

1   smart. They know how to do a workaround. Don't

2   work, we got another way to do it.

3   And they all raise their hand. I

4   said, well, if you all just give me one ASAP a

5   year, we get 25,000 ASAPs next year. You keep

6   your company so busy, they won't know what to do,

7   right? I mean, that's the reality.

8   So in your world, you have a lot of

9   people who probably work remotely and

10   independently, out by themselves in the middle

11   of, you know? I looked at this picture this

12   morning, and, you know, in the middle of,

13   probably, the Tundra somewhere, right?

14   So like this, you make a mistake, you

15   want that employee who made a mistake out here

16   where nobody saw it, you want him to feel free,

17   like, I'm going to make a report, because if he

18   writes that report, you're going to find that

19   other people will start making reports, and you -

20   - to Vickie's point about the promotion, you tell

21   them why you made the change, you get buy-in

22   pretty quick, and next thing you know, you won't

1   be advertising ASAP, because they're going to

2   give you the reports, particularly if they get

3   protection.

4   MS. BLYSTONE: Thank you so much.

5   CAPTAIN DELEEUW: I hope that -- yes,

6   sir.

7   MR. HERETH: Do you put -- do

8   maintenance reports go into this process or can

9   they go into this process?

10   MS. TOMAN: Maintenance reports as far

11   as the ASAP reports from the mechanics?

12   MR. HERETH: Yes.

13   MS. TOMAN: Yes, it's all in the same.

14   The way we've described the system, it's run the

15   same way for the flight attendants, for the

16   mechanics, for our dispatchers, those are all our

17   certified workgroups. Some people also have a

18   ground ASAP program. The FAA, we used to, you

19   know, send reports all the time to ATC, it's

20   like, hey, what's going on with this controller,

21   the way they gave this direction to the pilot.

22   So there's now an ACSAP program, so

1   the controllers also have an ASAP program, and we

2   work with them a lot because if it's recorded in

3   a flight ASAP report, chances are if it's dealing

4   with ATC, they're probably going to have an

5   ACSAP, so we can work together and get both sides

6   of the story.

7   CAPTAIN DELEEUW: Yes. And let me

8   make some -- so you know, sometimes I don't

9   always say this because I just think it's

10   obvious, but it's obvious to me, probably, but

11   that tech ops ASAP, the company guy is an AMT.

12   The union guy is an AMT. The FAA guy, he's not a

13   pilot, he's an FAA maintenance guy.

14   So there's no pilots or flight

15   attendants involved in that whole process. It's

16   a mechanic's world and you couldn't --

17   MS. TOMAN: And that's an important

18   part, because when we first started ASAP 25 years

19   ago, you would have the pilot, FAA guy, or maybe

20   even from the company think that they would

21   manage all the ASAP programs, and you can't do

22   that. You've got to have people that have the

1   experience to be in that group.

2   MR. HERETH: So actually -- well --

3   CAPTAIN DELEEUW: Go ahead.

4   MR. HERETH: So why wouldn't you have

5   a pilot involved in that program?

6   CAPTAIN DELEEUW: Well, I can tell you

7   why. If I'm going to be judged on the report I

8   flew, on a descent from China, and I missed the

9   final approach, 6200 feet, because EGBWS was

10   going off, you think the mechanic's going to be

11   able to say, yes, that was dumb.

12   MR. HERETH: I understand that.

13   CAPTAIN DELEEUW: Yes, so but the

14   mechanic wouldn't want a pilot judging him

15   because I don't go out and turn wrenches, and I

16   go --

17   MS. TOMAN: But yet, we share -- so in

18   those ASAP managers, they all -- they're not in

19   different buildings, different locations, they

20   all set in the same row. Their offices are in a

21   line. So if it's going to involve another

22   operational group that has an ASAP, you have to

1   share that ASAP with them.

2   MR. HERETH: Yes, actually, my

3   question was a little bit different concept.

4   MS. TOMAN: Oh, okay.

5   MR. HERETH: So it's a maintenance-

6   related event, if it's all maintenance people,

7   don't you have a confirmation bias; a tendency

8   towards confirmation bias? Why wouldn't you have

9   pilots? Why wouldn't you have people who are

10   users of the equipment involved in that process?

11   CAPTAIN DELEEUW: Well, you could, in

12   a perfect world, and get some input, but, you

13   know, then they'd say, well, why do we have a

14   flight attendant as being part of that to that,

15   and they --

16   MR. HERETH: I guess I would suggest

17   you should have a customer.

18   CAPTAIN DELEEUW: Well, you could, but

19   you're talking about, most of the ASAP reports

20   that come in there from the maintenance world are

21   actually fairly technical, and I do sit through

22   them. I actually sat through a tech ops ERC

1   about three, four weeks ago, and I was -- learned

2   a lot. I'm always -- I learned a tremendous

3   amount.

4   But, you know, it's really, I know

5   this doesn't seem fair, but it's really not my

6   wheelhouse, and I don't really get in there much,

7   now, if there's something that comes out of that

8   ERC that's appropriate for the pilots to know,

9   you bet. That does get communicated, but I get

10   your point, and maybe in 30 years we'll be there,

11   but we're not quite there yet.

12   We keep evolving, so Vickie made a

13   point that I don't know was caught by everybody,

14   we used to have ASAP managers for the different

15   programs at different locations. We finally

16   figured out one day, you know what? This is not

17   pretty bright. So we actually, when I was there,

18   we put all four ASAP managers in cubicles or

19   offices right next to each other, so instead of

20   making a phone call, you know how that is, or an

21   email, they walked out their door and go, hey,

22   did you know about this here? It really improved

1   the communication process. Yes, sir.

2   MR. COTE: Two questions related.

3   Number one, does all of the ASAP flow directly

4   into the Asias program or are those two separate

5   programs, and if so, what is the division?

6   MS. TOMAN: So that does -- for it to

7   flow into Asias, that's got to be an agreement

8   between the company and the pilots. And so some

9   airlines may feed some information in there, but

10   again, those are going to be closed reports.

11   Once the ERC has done their thing, the company

12   has done their thing, all the corrective actions

13   have been done, there's an agreement that they

14   can dump that data in there.

15   And so I --

16   CAPTAIN DELEEUW: We all do, but

17   here's the thing, and this is something, so for

18   American Airlines and Delta, for instance, they

19   get 12,000 ASAP reports. They get all the

20   reports and we have such a high statistical

21   sample that if there's a trend developing, we can

22   probably figure it out just on our own.

1   But then you've got, let's say, Sun

2   Country, who's got three airplanes, they don't

3   have enough data coming in to know what it is.

4   So they benefit more out of Asias, probably, than

5   the major airlines. Now, the major airlines are

6   contributing to it because they're part of the

7   safety system, but if American Airlines was to

8   pull out of Asias, the dataset's so large that

9   the trends are still going to be identified,

10   regardless whether we're in it or not.

11   So that's a great question to ask,

12   but, you know, the Asias thing, it's got to start

13   somewhere. Now there's 43 airlines, I believe,

14   or entities, that feed into Asias, so, you know,

15   the numbers are staggering. The question is --

16   MS. TOMAN: It's a great data source

17   for information.

18   CAPTAIN DELEEUW: It is.

19   MS. TOMAN: Especially if you think

20   you see something trending in your airline, you

21   can look at that and say, oh, hey --

22   CAPTAIN DELEEUW: But see, we learned

1   the lesson the hard way. That's why, if you all

2   were to start this tomorrow, you're going to want

3   to hire us, and I'll tell you why, because you

4   learn things the hard way. So that example you

5   had, so what if you decide and said, I've got

6   access to Asias, that's pretty cool, let me see

7   what kind of -- let's see what approaches we have

8   at Memphis from midnight to 5:00 in the morning,

9   who are you checking? FedEx, right?

10   What if we said, we want to see all

11   the unstable approaches at Love Field in Dallas.

12   We all know that's Southwest, right? We have the

13   rule of three. Has to be three carriers,

14   basically, the same operation, because we don't

15   want anybody, including the FAA, not to even be

16   tempted to find out, because they can't.

17   We have the rule of threes, and that's

18   what Asias will manage. So if you're going to

19   play the game, which you are, there are certain

20   caveats and rules you have to follow. That's a

21   whole other discussion, but that's where I'm kind

22   of getting on that. Okay. Yes.

1   MR. COTE: I understand. Thank you.

2   CAPTAIN DELEEUW: Yes, sir. Go ahead.

3   MALE PARTICIPANT: Your safety

4   management system, you had touched on that, how

5   does that all tie-in with this and is it the same

6   safety management system throughout the industry

7   or do you guys have your own?

8   MS. TOMAN: Well, each person can kind

9   of tailor it different for their airline, but we

10   have the -- well, originally, it was advisory

11   circular, but Part 5, the final rule that came

12   out from the FAA, that's all the four pillars and

13   then they added the documentation and record

14   keeping at the end, but we all have to make

15   commitments within this.

16   But most airlines, for that

17   confidential reporting piece, that's where

18   they're looking at ASAP or a confidential hotline

19   to get that information.

20   And most airlines, we already had this

21   process in place, we just didn't really have it

22   documented on how we did it. But the ASAP, that

1   identifies hazards, that's our safety assurance,

2   is things that we're doing. When we make a new

3   policy or procedure change, we go through a risk

4   management process where we identify what

5   potential hazards could be there, that, if we

6   make this change, but then also for monitoring,

7   after we've made that change, that's where we

8   rely on all that safety data coming in, because

9   we'll look at that for maybe six months and say,

10   okay, we made this huge procedure change on an

11   aircraft, we want to see, are we getting ASAP

12   reports on that? Are we getting the FOQA

13   reports? Is anything -- is it working or do we

14   need to go back and re-look at it?

15   CAPTAIN DELEEUW: So yes, and you

16   asked a question -- somebody asked me when I was

17   on a phone call a while back, a couple months

18   ago, about ASAP, SMS, and, you know, how do they

19   fall exactly? I don't know which is which. So

20   SMS is the guiding principle of safety in the

21   airlines. That's how we manager our safety

22   programs.

1   ASAP is a tool in this, primarily,

2   safety assurance bucket, but clearly, it falls in

3   different areas, but if you tell the FAA, I don't

4   want to do ASAP, the FAA says, fine, you better

5   have another voluntary confidential program that

6   works as good as ASAP.

7   You can call it something else, but if

8   you don't have one, you're not going to

9   management system because you're not managing

10 your safety.

11   MS. TOMAN: And when the -- prior to

12 the final rule coming out for SMS for airlines,

13 it was stated that every airline has to have an

14 ASAP program. That's SMS. Well, it's not SMS.

15 I mean, they prefer an ASAP program, because

16 that's where you're going to get your best

17 information, but you have to have a non-punitive

18 safety confidential reporting program for your

19 employees.

20   CAPTAIN DELEEUW: Yes, sir.

21   MR. MAYBERRY: I have a couple

22 questions. On the maintenance side, do you have

1   a counterpart that promotes ASAP on the

2   maintenance side?

3   CAPTAIN DELEEUW: Yes, so Vickie's

4   actually the flight SMS manager. There's also

5   what they call a tech ops, it's a new buzzword,

6   SMS manager, and they have a tech ops ASAP

7   manager, so everything I've talked about here,

8   the mechanics and AMTs could give you the same

9   brief, it would just be much more oriented

10   towards them.

11   MR. MAYBERRY: So the lifting and

12   briefs example you had, that came out of that

13   program, I imagine, not the pilot program.

14   CAPTAIN DELEEUW: No, pilot program.

15   MR. MAYBERRY: And also, has it

16   changed -- one of the questions in mind as far as

17   your relationship with your FAA --

18   MS. TOMAN: Well, I think overall, the

19   whole Federal Administration, if you think of the

20   compliance philosophy, I don't know if you guys

21   have heard that term, but that's kind of the new

22   term within the FAA that, you know, they're

1   looking to us to manage our system, and we're

2   reporting those hazards.

3   When I talked about the data analysis

4   -- the safety data meetings that we have every

5   month, we have, the FAA is there. So they're

6   hearing everything. We're sharing everything

7   with them, and, you know, working together with

8   them to make sure that we are in compliance.

9   CAPTAIN DELEEUW: So the check part I

10 get from the FAA, it's the same idea, if I do

11 something that's dumb, different, or dangerous on

12 the check, right, I potentially could, you know,

13 get a bust. That is separate from ASAP. I can't

14 file an ASAP going, I made a mistake. Woo-hoo.

15 You still bus the ride. We don't have any guys

16 bust anymore, quite frankly, because the

17 training's really good, but if you can't show

18 confidence in what you're doing, the traveling

19 public is expecting the FAA to say, John's not

20 going to get to fly because he hasn't proven his

21 proficiency here.

22   But in the flying of the airplane

1   itself, are not necessarily checked right, if you

2   make a mistake, the FAA is also expecting me to

3   raise my hand and go, hey, I screwed this up.

4   And to your earlier question, to be clear, if you

5   know a little bit about this, if I'm getting a

6   check ride in flight, so there's an FAA guy

7   sitting in the jump seat, and I made a mistake,

8   that guy's probably going to do, he's going to

9   say, ah, you made a mistake. Yes, I know. He

10   goes, are you going to file an ASAP? Yes. Thank

11   you.

12   He would prefer I file the ASAP versus

13   him giving me a little ticket and saying, you're

14   done. I mean, do you agree?

15   MS. TOMAN: Yes.

16   CAPTAIN DELEEUW: That's pretty much

17   how we do it. Most of the FAA guys and gals,

18   even if they're walking around the ramp and they

19   see a mistake by an AMT, they're going to put

20   their arm around and go, yes, you know you

21   screwed that up? Yes. You're going to file an

22   ASAP, right? Yes. File an ASAP.

1   The FAA wants you to file the ASAP,

2   because if you don't tell them, there's no data

3   feed. And the one mistake you make might change

4   the entire system, so they want the data.

5   CHAIR BURMAN: Any questions from the

6   audience?

7   CAPTAIN DELEEUW: One right behind

8   you. Yes, ma'am.

9   CHAIR BURMAN: She delivers our pizza.

10   MS. PUGH: Thank you. My question, I

11   thought I heard you state that the short-lived

12   rules, we will see some of this be used by parts

13   of the oil, perhaps an offshore oil industry, and

14   perhaps you were being funny, but maybe some sort

15   of suggestion that some hospitals were

16   approaching you, could you elaborate on that and

17   explain, what is the relationship? Does the FAA

18   offer any guidance to other agencies or is this

19   all done through the two of you? Might you tell

20   us what that industry?

21   CAPTAIN DELEEUW: So that's a great

22   question. So when the Gulf of Mexico folks like

1 Chevrons, Exxons, Mobil, said, hey, this thing

2 sounds pretty cool. I wonder how we can do this,

3 you know, because we've got a regulator called

4 BSEE. I said, well, BSEE is about four blocks

5 away from the FAA, tell them to go walk and ask

6 them.

7 The FAA can tell you everything about

8 this program that I can. In fact, they should be

9 the experts at it, and they are. If you talk to

10 -- but other government agencies are slow to go

11 call -- pick up the phone and call their friends

12 at the FAA going, hey, what is this ASAP thing

13 anyway?

14 I mean, there are folks inside the DOT

15 who don't talk to the FAA, who are looking at it.

16 So when you look at that oil and gas industry,

17 that's a concept, you got to bring the regulator,

18 drag along going, hey, this is how it works. And

19 they go, well, no, it doesn't work. You go,

20 FAA's been doing it for 30 years. Really? They

21 didn't even know that.

22 So that part is different, that part's

1   a little different, but like, in the medical

2   world, you know, they really have a OSHA, but in

3   the medical world, they want to just fix the

4   problem, so there's really not a regulator so

5   much, but that's where the hospital's going to

6   step up with the management and with the

7   employees saying, we're going to have an ASAP-

8   type program. Does that make sense?

9   MS. TOMAN: I think both industries

10   have been looking at something similar to this

11   because we've had people reach out to us so they

12   can see what our process is and how it works. So

13   it's just kind of, who's going to take that first

14   step to do it.

15   CAPTAIN DELEEUW: Right. Yes, sir.

16   MR. TU: I guess this is more of a

17   prospect question about, just for the benefit of

18   some of the folks in the audience, this type of

19   program does exist in the natural gas industry.

20   If you look up corrective action programs, and

21   they call it something different, you will see

22   that often, so it is out there, I thought, but

1   not necessarily regulator-enforced, regulator-

2   promoted, but it's something that's out there.

3   CAPTAIN DELEEUW: And you said this

4   was the natural gas industry?

5   MR. TU: That's right.

6   CAPTAIN DELEEUW: Okay. And I know

7   there's other people who do it. They don't call

8   it ASAP. It's a similar thing. It's a beautiful

9   thing if you can get the regulator to play with

10   you on the game, right? Because now the

11   regulator's involved. The regulator works well

12   in our world because most of us are certificate

13   employees. So they own our certificates, so we

14   want them to play the game.

15   If you're in an industry that's not

16   certificated, this same program could work, but

17   you're going to not normally have the regulator.

18   If the regulator wants to join in, man, that's

19   powerful. The employees get it. It's a good

20   thing to do.

21   I know I'm probably cutting into your

22   pizza time. Well, I hope you all found this

1   interesting. We love doing this. This is, you

2   know, we preach the gospel, because we believe

3   this stuff, because I know it works. I live it,

4   she lives it, we know this stuff works.

5   My recommendation, if you're

6   interested in this, you got to be careful

7   starting it because here's the thing we've seen,

8   an organization hears us speak and they go, oh,

9   yes, this is great. We're going to get started.

10   Well, if they don't know how the mistakes were in

11   the past, they'll start the program up, somebody

12   didn't get the word, somebody in senior

13   management fired an employee and filed a report,

14   or an employee does something and he basically

15   got fired for it, so they make a misstep.

16   And what happens now, the ASAP program

17   that you started and thought would work well,

18   doesn't work, it'll take you three years to

19   recover. It takes you three or four years to get

20   the thing working, it takes one mistake to set

21   you back three years.

22   So I would encourage, if you think

1 something like this could work, you really have

2 to reach out to people with expertise to say, you

3 know, that won't work.

4 The last example I give you is, in the

5 maintenance world, we had ASAP, it was in the

6 hangars, so back when this started, I mean, we

7 didn't have any laptops hanging around, there

8 certainly wasn't an iPad, so a lot of the

9 mechanics didn't have laptops at home, so what we

10 did, we said, hey, well, we'll just give you a

11 laptop at work.

12 So in the middle of the hangar, we put

13 a laptop on the table with a big arrow that says,

14 file your ASAP here. So everybody's working in

15 the dock, and here comes some lowly mechanic, he

16 gets a chair out, sits on the computer, and he

17 hadn't even started typing, and about 30 of his

18 buddies come up and going, dude, why are you

19 doing this? What mistake did you make?

20 So if you don't have a private thing,

21 now, we've changed that because everybody's got

22 iPads, so we fixed that piece, but those are the

1 lessons learned because, we couldn't figure out

2 why we weren't getting ASAPs in the maintenance

3 world.

4   You know, we just couldn't figure it

5 out. It never dawned on us. It was like, well,

6 it's not very confidential if you're the guy in

7 the middle of the hangar, because they all know,

8 you're the man that just turned everybody in for

9 a mistake, right?

10   So my advice is, make sure if you do

11 it, this program will work in almost every

12 industry, it's just a culture of change, it

13 requires buy-in from the leadership, and buy-in

14 from the employees to say, yes, we want your

15 reports, and you're going to trust us not to fire

16 us if we give it to you.

17   MS. THEBERT: Which group are the most

18 reports? Like, pilots, or mechanics?

19   MS. TOMAN: I would say, probably

20 pilots. That was actually the first ASAP program

21 we started, was for the pilots, and then we

22 started -- the other operational groups started

1   adding on programs for them. And then, you know,

2   we have an agreement on each one of those with,

3   you know, their labor person, as well as with the

4   FAA, and the company. There's an MOU, what I

5   called earlier, agreement that's signed, and

6   that's a separate agreement for the flight, a

7   separate one for cabin, et cetera.

8   CAPTAIN DELEEUW: Yes, sir.

9   MR. ROBERTI: I may have missed this,

10   because I late two minutes when the presentation

11   started, but what is the end stage for the

12   request?

13   CAPTAIN DELEEUW: Well, the FAA's

14   aware of all -- I think Vickie mentioned it

15   earlier, the FAA, they go to all our data

16   analysis meetings once a month, so they have

17   complete -- we don't give it out to the public.

18   MS. TOMAN: Are you talking about

19   enforcement to the employee?

20   MR. ROBERTI: Enforcement to the

21   company.

22   MS. TOMAN: To the company. I mean,

1   the company still has to follow the rules. We

2   have a voluntary self-disclosure program where if

3   we see something that we have to disclose to the

4   FAA, but -- and then the company's responsible if

5   something's reported and is that part of that

6   safety policy, that our senior leadership, if

7   someone reports a hazard to you, it's your

8   responsibility that you have to fix it, or reach

9   out to somebody.

10   CAPTAIN DELEEUW: So there is, kind

11   of, a mechanism, so that's kind of what Vickie's

12   role is now. If the company knows a systemic

13   mistake that's been going on, the company can do

14   a VSD. And that's like an ASAP report. It's not

15   the same, but it's the same and if the VSD is --

16   the FAA goes, yes, we get it, you guys didn't

17   intentionally do it, fix it in two weeks. Let us

18   know you guys fixed the problem.

19   Now, if you don't fix it, then you're

20   looking at civil penalties, but that's the out

21   from the corporation. They have a mechanism, and

22   I don't know if you want to say any more about

1   it, but that's, really, essentially it, right?

2   MS. TOMAN: Yes.

3   CAPTAIN DELEEUW: Okay. It's just,

4   they don't call it ASAP, but it's a voluntary --

5   MS. TOMAN: The company, I mean, you

6   can't ASAP it, so we still have a responsibility,

7   even though an employee may be involved, and they

8   have these -- the company, they haven't changed a

9   lot.

10   CAPTAIN DELEEUW: It's all part of the

11   DOT. I think you all know who they are.

12   CHAIR BURMAN: Well, thank you very,

13   very much. This was --

14   CAPTAIN DELEEUW: Thank you.

15   CHAIR BURMAN: Next, we're going to

16   have Agenda Item 3, which is the Inline

17   Inspection System, but I do just want to

18   recognize that Paul Roberti is in the house, so

19   very nice to see you. Thank you very much for

20   being here. For those of you who don't know,

21   he's General Counsel now at PHMSA, but he was a

22   former state regulator and we're lucky to have

1   him, so thank you.

2   (Whereupon, the above-entitled matter

3   went off the record at 2:44 p.m. and resumed at

4   2:50 p.m.)

5   CHAIR BURMAN: All right. We're ready

6   to get started. We're going to try to make up

7   some time also. And I do want to say we are

8   almost out of pizza. So if you're looking for

9   your third slice, now is the time to get it.

10   MR. HEVLE: Well, thank you so much

11   for opportunity to talk to the work group again.

12   I want to, first of all, assure everybody that

13   I'm just as excited about my material as John and

14   Vickie were about theirs. I think you can tell

15   from my expression.

16   I'm a Corrosion Engineer and this

17   really is exciting, but it is a little dry. But

18   the reason why I'm going to talk about API-1163

19   today is that there are a lot of components of

20   API-63 that apply directly to the type of things

21   that we're talking about.

22   We're talking about information.

1   We're talking about self-audits. We're talking

2   about things like that. And there's components

3   already being applied within the ILI process as

4   part of 1163.

5   And so, that's why Mark had asked me

6   to make a presentation to the Process Sharing

7   Group. And we did that over the phone. And they

8   felt like there was enough information here to

9   talk about to the big group. What I did was, for

10   this presentation, I pulled out every kind of

11   mention of information sharing in the standard.

12   I'm not going to dive deep into the

13   details of this. There are examples that would

14   apply to, I think, almost every sub-committee and

15   almost every topic within this. So I'm going to

16   skip over some stuff.

17   But my main purpose is to show you

18   there's a wealth of data sharing already going

19   on. Although it's not as comprehensive as the

20   scope that we're talking about for this

21   committee, there's a lot of data sharing that's

22   already going on.

1   So API-1163, already has a lot of

2   process requiring data sharing. Most of these

3   data sharing processes relate to data shared

4   between the customer, or the potential customer,

5   and the vendor in developing the performance

6   specification.

7   The performance specification is like

8   the master contract between the customer, the

9   pipeline operator, and the vendor, the ILI

10   service provider, in how the whole thing is going

11   to work, both from providing information about

12   your system, providing information about the tool

13   and the accuracies, establishing common goals,

14   you know, what are you trying to find.

15   Different tools have different

16   capabilities. Accuracy evaluating the quality of

17   the results, and all of that, are part of the

18   performance spec. The data is shared in both

19   directions. The vendor provides data to the

20   customer. The customer provides data to the

21   vendor.

22   API-1163 also incorporates a number of

1 other standards, including ASNT, ILI-PQ, which is

2 qualifications, and NASAS PO 102, inline

3 inspection by reference. These sub-standards

4 also have some data sharing components.

5   So there's a wealth of data sharing

6 that's already going on. Here's just kind of a

7 visual of data sharing, this data sharing

8 process, as it relates to Kinder Morgan's natural

9 gas pipeline procedures.

10   I work -- I'm Drew Hevle. Sorry --

11 Drew Hevle. I work for Kinder Morgan. I'm

12 Manager of Corrosion Control in our natural gas

13 pipeline system. So this is the scope of API-

14 1163 which is called inline inspection systems

15 qualification.

16   We had an API representative here

17 earlier. And when I gave this presentation on

18 the phone, he gave us a little update about the

19 status of this standard. It's presently being

20 updated. There's a committee actively working on

21 it. So there may be changes.

22   There likely will be some changes. I

1   don't know how significant. I don't know the

2   time-line because these things are -- as you

3   know, committee work products take time and

4   aren't always amenable to going to a particular

5   schedule.

6   So the emphasis here is mine. I

7   identified some key points -- close cooperating

8   and interaction between the service provider and

9   the customer or pipeline operator.

10   The standard provides requirements

11   that will enable service providers and operators

12   to clearly define the areas of cooperation

13   required and ensure the satisfactory outcome of

14   the inspection process. And that's --

15   ultimately, our goal here is to increase

16   cooperation to provide a more satisfactory

17   outcome, which is safety.

18   The scope of this document is

19   amendable to the scope of what we've been talking

20   about with relation to ILI. It includes feather

21   tools, self-propelled tools, or free-flowing

22   systems, over a wide variety of different threats

1 and can be applied to both existing and

2 developing technology.

3   So if you have a new technology, that

4 doesn't immediately make 1163 out of date. The

5 standard's an umbrella document that provides

6 performance-based requirements.

7   It includes procedures, personnel,

8 equipment, associated software. The standard

9 also includes MACE SP-0102 inline inspection of

10 pipelines and ASNT ILI-PQ, which relates to

11 inline inspection personnel qualification and

12 certification.

13   All of it developed enabling service

14 providers and operators to provide rigorous

15 processes that consistently qualify the

16 equipment, et cetera. In the inline inspection

17 industry, that's a little redundant. So it's not

18 technology-specific. It's performance-based and

19 provides requirements for qualification

20 processes. One objective is to foster continual

21 improvement.

22   And that's a goal of integrity

1 management systems. That's a goal of safety

2 management systems. And continuous improvement

3 is a key driver to continue to reach the goal,

4 which is a little asymptotal. Is that the right

5 word?

6 But, ultimately, trying to reach that

7 goal of -- in our department, we call it zero

8 failure/full compliance, trying to get to that

9 perfect result. I mentioned ILI-PQ here,

10 incorporated by reference and the MACE SP-0102.

11 This was mentioned, this data was

12 mentioned in another presentation as well. Here

13 is the scope of ILI-PQ. Really, minimum

14 requirements for qualification and certification

15 of inline inspection personnel. And it includes

16 three different levels of qualifications.

17 Here is, essentially, the scope. It's

18 really the outline of SP-0102. It includes

19 sections on tool selection, compatibility,

20 logistical guidelines, scheduling, planning, data

21 analysis, data management. And then, it also

22 includes a sample Pipeline Inspection

1 Questionnaire, which is, by definition, a

2 mechanism for information sharing between the

3 customer and the vendor.

4 So when you're trying to select an ILI

5 tool, it's important that both the capabilities

6 of the ILI tool and the characteristics of the

7 pipeline are considered, in addition to the goals

8 and objectives of that ILI.

9 If you have a tool that is capable of

10 detecting small cracks, but the goal of your

11 assessment is to detect metal loss of corrosion,

12 those two may not be compatible and vice versa.

13 If you're trying to detect cracks and

14 you have a tool that's designed to detect general

15 metal loss, it's not going to be as accurate or

16 may not meet the goals that you're trying to

17 accomplish at all.

18 So this information is shared through

19 a pipeline questionnaire. This is some -- this

20 is an example of data versus information. So

21 this would be data related to the characteristics

22 of the pipeline that a pipeline operator would

1   share with the vendor. Hey, we're operating at

2   this temperature and this pressure. That would

3   go to, you know, is the tool compatible with

4   that?

5   Can it run reliably in those

6   conditions? How clean is the pipeline? Are

7   there characteristics of the product? What's

8   inside the pipeline that would limit a successful

9   inspection?

10   And I'm not going to go through all of

11   these details. But, they talk about things. Is

12   the tool capable of being reliably -- passing

13   through with bend radius and flow velocities?

14   Are there things that are going to

15   cause a tool to get stuck? Are there things that

16   are going to prevent the tool from measuring

17   accurately what it's intending to measure?

18   And so, the selection of the ILI

19   system is based on the goals and objectives with

20   a number of considerations here. And all of

21   these considerations would involve a discussion

22   between the ILI tool provider and the operator.

1   And then, the operator selects the one

2   or more appropriate ILI systems that meet the

3   goals and objectives established. And

4   oftentimes, an ILI assessment involves running a

5   number of tools. It involves -- it might involve

6   running a tool to assess whether the instrumented

7   pig can pass safely through.

8   It involves a gauge tool to measure

9   for dents. And then, it might involve running an

10   instrumented tool or multiple tools in a chain of

11   tools, that would provide location information as

12   well as measure wall thickness and look for other

13   types of defects.

14   So the performance spec, as I

15   mentioned, is the contract, the bible, the

16   agreement, between the operator and the vendor,

17   as to whether the tool can meet the requirements

18   of the performance specification.

19   We are looking for this type of

20   thread. We want this type of accuracy. Here are

21   the operating conditions. And if -- both parties

22   have to agree, that those things will be met.

1   And then, you establish things about

2   what type of data are you going to report. What

3   type of thresholds, lower limit thresholds, are

4   you going to report? You have a know a little

5   bit about what you expect to find in order to

6   make those kind of decisions.

7   Is this an older pipeline which has a

8   marginal maintenance history or is this a brand

9   new line where you would want to see every little

10   thing?

11   And so, there's a requirement for

12   performance specs to define through statistically

13   valid methods, the ability of the ILI system to

14   run in a specific pipeline to detect, locate,

15   identify in size, pipeline anomalies, components,

16   and features.

17   So not only do you have to, in the

18   performance spec, assert that you're going to

19   meet these requirements, you have to say, within

20   a statistical range, how you're going to meet

21   those.

22   And then, the performance of that tool

1 can be evaluated after the fact to determine, did

2 you meet this statistical approach.

3 And, because an ILI tool may be

4 designed to assess more than one type of anomaly,

5 you may need to have a number of different types

6 of anomalies or characteristics spelled out as

7 far as accuracy. So, if a tool measures both

8 internal, external, and crack-like indications,

9 then you would have separate specs for those

10 assessments.

11 So this is defining the difference

12 between detection, sizing, identifying, and

13 characterizing anomalies. And some more detail

14 about some information in the performance spec.

15 You know, how you're going to measure distance.

16 Are you going to use the footage from

17 the initial assessment or maybe they'll use a

18 different unit. Maybe they use meters. Or are

19 you going to use GPS coordinates or you're going

20 to use company stationing or some other method.

21 Because this is important when the

22 company has to go back out and relocate areas to

1   excavate and assess or assess and repair. So,

2   more information about all of the types of things

3   that you would include in the performance spec.

4   Here's some examples of why what is

5   reported from an ILI tool might differ from what

6   you see when you excavate it. There are

7   limitations to the physics of the tool and

8   therefore, you're going to see differences

9   between what the tool reports and what you would

10   see when you excavate the pipeline.

11   And there are things that would either

12   increase or decrease that accuracy of detection.

13   For example, as the wall or the pipeline gets

14   thicker, it becomes more difficult to assess

15   accurately with the same magnetic field.

16   And if you have speed outside of the

17   range, if the tool is going too fast, you have a

18   reduction in accuracy. All of these things are

19   defined within the performance spec, based on the

20   conditions of the particular pipeline.

21   And they would all affect the

22   probability of detection and the accuracy of the

1   tool. And where consequences justify the effort,

2   an operator may consider a review of the service

3   provider's quality management procedures

4   regarding tool assembly, component sourcing, and

5   traceability, in considerations of unusual

6   loading regimes.

7   So we do reviews of our service

8   providers' quality management systems. We do

9   that on an annual basis. We go out and visit

10   each one of the major ILI service providers that

11   we work with. And we interact on their

12   processes.

13   This goes both to reliability of a run

14   -- if you put a tool in a pipeline and you spend

15   all of the effort to run it and you don't get

16   back accurate data, you've spent quite a bit of

17   money really, for not getting the value that you

18   want.

19   So you want to have an accurate run

20   each time. Even if the vendor doesn't charge you

21   a nickel, you still have downtime and you still

22   have operational costs associated to that. So

1 execution, quality of execution, is important.

2 But it also goes to the accuracy. If

3 you lose a sensor off of a tool, that is a

4 reduced level of accuracy than what you could

5 have accomplished. And so, the quality of the

6 building and the maintaining of the tool is

7 important as well.

8 So the performance spec has to be

9 qualified by the service provider using some kind

10 of methodology defined by the service provider.

11 And the methodology and data used to qualify that

12 performance spec has to be fully documented and

13 available for review.

14 And so, this is an example of a big

15 data share between a vendor and a customer or a

16 potential customer where they say, we've run this

17 tool in these conditions this many times.

18 And the results that we have, based on

19 operator's feedback of excavations and

20 measurements is this probability of detection,

21 this probability -- this level of accuracy.

22 And the qualification methodology is

1 reviewed on annual basis to ensure that it's

2 still valid. And significant errors in

3 detection, identification, and sizing have to be

4 investigated, including -- we require root cause

5 analysis.

6   And they define significant errors as

7 those being outside of the performance

8 specification, root cause. Exciting material,

9 for a corrosion engineer. I just want to second

10 your comments about the dynamic presentation of

11 Vickie and John.

12   That was really an interesting one

13 with the back and forth. I don't have anybody to

14 throw to.

15   MR. STOODY: You were great.

16   MR. HEVLE: Thanks. Thanks. I

17 appreciate that. Anyway, pre-inspection, this is

18 my wheelhouse, so I'm enjoying this, as I

19 mentioned. I assure you, I have as much

20 excitement as they do, inside.

21   MR. STOODY: All right. Drew, back to

22 you.

1   MR. HEVLE: So, pre-inspection, they

2   talk about, here are the things that you need to

3   do as part of a pre-inspection -- inline

4   inspection, before you run the tool.

5   And most of this does involve data

6   sharing back and forth, between the operator and

7   the vendor. There are some other things,

8   testing, mechanical checks, laying out above-

9   ground markers.

10   The inspection itself, you load the

11   tool in a launcher, you launch it. You monitor

12   the progress of the tool and make sure it's not

13   going too fast. You adjust the flow of the

14   product in the pipeline to ensure that the tool

15   runs within its speed.

16   And then, you have markers that are

17   indicated as the tool runs by. So you put a

18   magnet on the ground and the tool will detect

19   that magnet so you can tie above-ground location

20   to a feature on the pipeline.

21   That's becoming less and less

22   important with really our very accurate GPS

1 systems and geometric tool capabilities to

2 measure very precisely, direction and distance.

3 Back in the day, it was just a, and still is, a

4 wheel turning.

5 And they measured how many times the

6 wheel -- you know, how big around the wheel is.

7 And so, that measures the distance. But there

8 are other methods to determine where you are in

9 time and space.

10 And then, finally, receiving the tool,

11 getting the tool out, making sure that it doesn't

12 get stuck, and it comes out and it comes out in

13 one piece. That's always a good sign.

14 And then, finally, post-inspection,

15 you do some functional tests as soon as you get

16 the tool out, just to make sure everything is

17 working. You want to know right away. Then you

18 do some initial checks on the data.

19 You do some direct measurement to

20 evaluate, hey, what did the tool record as tool

21 speed throughout the run, you know, temperatures,

22 et cetera? Did we get a good run? Look for data

1   completeness. Back in the day, tools recorded on

2   magnetic tape.

3   And you could break the tape and the

4   tool ran the whole distance without recording

5   anything and you had to do it again. Nowadays,

6   it's all on solid state discs. And finally,

7   you'd look at data quality.

8   So here's kind of a flow chart of the

9   verification process. There are a number of

10   different -- there are three levels defined

11   within 1163 for how you validate the data.

12   And Level 1 is the lowest, the least

13   rigorous application of the verification, where

14   you can use historical data. For example, I ran

15   this tool in the same line just upstream and

16   downstream the prior year, and we got good

17   results and we validated those.

18   And therefore, I don't necessarily

19   need to do a rigorous evaluation with field

20   measurements. And I'm going to accept the

21   performance based on the checks that we did at

22   the end of the run.

1   Or, a Level 2, where you use some

2   field measurements to check your performance

3   against the stated tool specs. So you'll do some

4   prove-up digs and compare the results of what you

5   get in the ditch versus what the tool said.

6   And if those meet the spec, you can

7   say, well, I'm validating the data. Or if that

8   doesn't work out, then you can go to a Level 3

9   where you have to have a statistically

10   significant number of data points in order to

11   validate that.

12   And that would be, probably, only used

13   for a brand-new technology, for example, or a

14   really unusual application of an existing

15   technology where there's not a good history of

16   application for that.

17   So it's not very common to require the

18   Level 3 validation in order to have a confidence

19   in your data set. So there's a number of

20   characteristics to the evaluation of the results,

21   the process of verification or quality control,

22   comparison with historical discrepancy analysis

1   of pipeline components records.

2   So if you run the tool and it says,

3   hey, you've got a T here, a T here, a T here and

4   then you look at your drawings and you don't have

5   any of those, you're like, well, what's going on

6   here? Are my drawings wrong or is the tool

7   wrong?

8   Enhanced data integration --

9   oftentimes, nowadays especially, we'll take data

10   and combine it in order to do effective analysis.

11   We'll overlay the ILI data with pipe information,

12   with geographical information, with data like

13   cathodic protection data, close level survey

14   data.

15   And that will tell you a lot about the

16   information that you're seeing and will allow you

17   to do some kind of initial root cause analysis to

18   identify, oh, we've got lower levels of cathodic

19   protection here.

20   And we have higher levels of external

21   corrosion metal loss. They may be correlated.

22   Using validation measurements, inclusions on

1   using validation measurements' assessment of

2   inline spectral performance.

3   Oh, insufficient data for an image.

4   I've never seen that one before. That was not

5   intended. I'm trying to remember what the image

6   was.

7   MR. HERETH: Maybe it was sense

8   contact?

9   MR. HEVLE: Yes. Can you open the --

10   no. We're okay without it. I think it was just

11   a big -- a flow diagram of the process. And

12   then, reporting is important.

13   I mean, you're running this tool and

14   the results of the tool, the deliverable, is the

15   report. And so, it really is important to be on

16   the same page with the vendor on what and how

17   you're going to report these data.

18   Because that is the ultimate data

19   sharing. That's the fundamental data sharing

20   that happens with inline inspection, is the

21   vendor shares the data with you. And then you

22   evaluate it and take action on it.

1   So, as part of the report, the

2   performance spec is always included as part of

3   the report so that you know the basis for all of

4   this data. Where did this data come from? What

5   were the goals and objectives?

6   What were the conditions?

7   Qualification method, Level 1, Level 2, Level 3,

8   and then all of the data associated with that.

9   Equipment specs, these tools evolve and their

10   capabilities evolve. And even if you run the

11   same tool from the same vendor, our ILI cycle for

12   high-consequence areas under IMP is seven years.

13   Seven years later, imagine how much a computer

14   changes in seven years.

15   Does anybody else have a seven-year-

16   old laptop? I do. Our replacement cycle is

17   seven years on our laptops. I assure you, my

18   laptop is not the same as the new laptops.

19   So there's quite a -- for the same

20   tool, the same vendor, there's quite a different

21   in capabilities between assessment cycles. And

22   so, it's important to capture that because you're

1   looking at these results historically.

2   We're wrapping up the second cycle of

3   assessment in the gas industry. On hazard/slick,

4   we're in the third cycle, I think, or maybe a

5   little beyond the third cycle? I'm a gas guy.

6   So, sorry.

7   MR. HERETH: '04 and '08 were

8   baselines. Yes.

9   MR. HEVLE: Yes. So first baseline

10   assessment is what do I got out there? The

11   second assessment is oh, why did it change? Did

12   it change? Why did it change? And so, we're

13   going to rely more on comparing data today from

14   data from seven years ago and 14 years ago as

15   part of this.

16   And you need to capture all of the

17   conditions and assumptions that were built into

18   those assessments in order to give them a proper

19   evaluation.

20   Report contents -- generally you want

21   some kind of summary. You want your spectral

22   results. You want reporting formats for

1 particular processes within your company.

2   And one of the things that this

3 committee, I think, needs to consider is

4 developing a data format for ILI data that

5 vendors or that operators could include in their

6 basic spec as a separate line-item to say, give

7 us the data in this format for information

8 sharing.

9   And that would prevent you from having

10 to reinvent the wheel every time you need to

11 import data from this vendor or that vendor. We,

12 at Kinder Morgan, establish a consistent

13 reporting format across all of the vendors.

14   So we get the same format of data and

15 same format of report, regardless of who's doing

16 the assessment. Because we do between 120 and

17 150 segments a year, we have to automate some of

18 those processes.

19   We have to get everything in a

20 consistent format and I think there's some

21 opportunity here to define a format for

22 information sharing and automate this process.

1   And finally, quality management system

2   is required as part of 1163. And there's a lot

3   of details here about procedures and work

4   instructions. That goes to the comment that John

5   had made about aging out of people in the

6   industry and capturing that knowledge.

7   If you have detailed work

8   instructions, well, I don't need work

9   instructions. But the guy who comes in behind me

10   would really find those work instructions to be

11   beneficial, at least initially, for sure.

12   Good record-keeping, document revision

13   control. Again, this stuff is important when

14   you're looking at something in a historical

15   context.

16   Design change control, qualifications

17   of personnel, calibrations and standardization of

18   the equipment, traceability of the materials, and

19   then, continuous improvement.

20   And this is the last slide. API-1153

21   includes most of the components of a safety

22   management system. And so, I captured, from an

1 SMS standard, the general topics that were

2 included in that, that are also included in API-

3 1163.

4 There's a huge overlap. API-1163 is

5 not sufficient for a safety management system and

6 not sufficient for an information sharing for

7 what this group is trying to accomplish.

8 But a lot of it is still there and in

9 place. API-1163 is incorporated by reference

10 into the Hazardous Liquids -- you can tell I'm a

11 gas guy -- Hazardous Liquids Pipeline 195

12 requirements.

13 And it's proposed to be included in

14 the Natural Gas Pipeline Safety Standards as part

15 of the Notice of Proposed Rule-making. And so,

16 this is being done out there. And it's being

17 done by a lot of operators.

18 It's required to be done on the

19 hazardous liquids side. It's going to be done

20 and is already being done by a lot of operators

21 on the gas side.

22 So I think there's opportunities to

1   mine these processes for data sharing and things

2   that are already going on and use this as a

3   baseline for what is already happening.

4   Maybe we need to expand that into

5   other areas to make it comprehensive. But as far

6   as ILI data, there's a lot of sharing going on

7   right now. Thus concludes my presentation.

8   CHAIR BURMAN: That was riveting.

9   MR. HEVLE: Thank you. Do we have

10   time for --

11   MR. WARNER: Drew, I wanted to see if

12   I understood correctly. You mentioned a

13   standardized reporting format as maybe a

14   solution.

15   Were you recommending that this group

16   include that in whatever our final

17   recommendations are?

18   MR. HEVLE: If you want to get raw ILI

19   data as part of this for -- and I don't know that

20   that is within the scope of what you're talking

21   about.

22   But if you do, creating a format for

1   that and then asking operators who are

2   participating to include that in their

3   performance spec as a recording option -- say,

4   hey, also give us the data in this format, would

5   allow you to automate that process. Make it

6   super easy to just say, hey, send this.

7   And the way it works in our company,

8   send this report to this guy, and then, send this

9   data in this format to this email address or

10   through this share point or some delivery

11   mechanism.

12   And then, the RGIS people, for

13   example, take that ILI and import it and then

14   it's available for analysis by not just the ILI

15   analysis guys at our company, but everybody in

16   the company can access that GIS system and look

17   at the data on the GIS system. Yes?

18   MR. JONES: You said this is widely

19   used. I want to understand that a little better.

20   So when you said sharing, are you saying sharing

21   between vendor and customer or are you saying

22   between competitors or between the regulators?

1   Like, when you say it's widely done?

2   MR. HEVLE: Yes.

3   MR. JONES: That's a big statement.

4   MR. HEVLE: Right.

5   MR. JONES: But it's not clear to me,

6   based on two-and-a-half years of --

7   MR. HEVLE: Okay. Applying 1163 is

8   mostly between vendor and a pipeline operator.

9   Most of the data sharing is there. That could be

10   --

11   MR. JONES: So vendor and customer?

12   MR. HEVLE: Yes. Exactly right.

13   MR. JONES: Okay.

14   MR. HEVLE: There are some components

15   where, for validation, for the vendor qualifying

16   in their tool, they use data from other

17   operators. But they scrub it.

18   And they'll say, okay, this tool has

19   run 10,000 miles in 24-H pipeline, natural gas

20   pipelines. And here's the statistical results

21   that we got from the digs that we've done on

22   those pipelines.

1   MR. JONES: But, for the most part,

2   when you say vendor sharing, you're just saying

3   between customer and --

4   MR. HEVLE: Yes. Correct.

5   MR. JONES: All right.

6   MR. HEVLE: But, because it's already

7   happening, that's an opportunity to use for -- to

8   make it broader by this committee.

9   MR. JONES: Yes. I agree.

10   MR. HEVLE: But these processes -- I

11   mean, it's easy to take a process that's in place

12   and say, oh well, let's expand that to do other

13   things with that, than it is to create a new

14   process and say, hey, everybody do this new

15   thing.

16   MR. JONES: Agreed.

17   DR. DENG: I have a full-out comment

18   on this format. I think that's a great thing to

19   do. But I think that's probably only going to

20   apply to limited data and ILI data, definitely we

21   should do that.

22   But if you look at the complexity of

1   the data, including like, historic data, expert's

2   opinions, model, face data, official data, it's

3   really challenging to do this kind of --

4   something about data normalization.

5   MR. HEVLE: Yes.

6   DR. DENG: For that -- right? So --

7   MR. HEVLE: Yes. That's going to be

8   the huge challenge of this committee is how do

9   you -- the data that we get is pretty specific to

10   both pipeline conditions and to the tool which

11   would include who the vendor is.

12   DR. DENG: Right.

13   MR. HEVLE: Sometimes, the assessment

14   technologies re completely different and

15   identifiable by very basic things.

16   DR. DENG: Yes. So that's where

17   datamatics is very important because maybe all

18   this kind of normalization or fusion should be

19   done at an informational level instead of a data

20   level.

21   So maybe like a future level, fusion

22   of information, that's something we should do,

1 not just on a data level. That's very difficult

2 to normalize.

3 MR. HEVLE: Yes. I agree one hundred

4 percent. I mean, that was, I think, pretty clear

5 at the beginning of this. It's not the same kind

6 of data that we're dealing with, as in the

7 airline industry.

8 It's not the same kind of data that

9 we're dealing with as in some other fields which

10 may be easier to make a generic and applicable

11 across other systems and conditions.

12 CHAIR BURMAN: Any other questions or

13 comments at the table.

14 MR. BELLAMY: Yes. Michael Bellamy.

15 So, Drew, we know that Kinder Morgan has

16 definitely taken API-1163 very seriously,

17 implemented some very robust programs around

18 that.

19 Can you talk to the notion of the

20 unity plot? Because the real gold dust from a

21 technology improvement point of view is -- at

22 least ILI -- is that comparison between what was

1 culled in the report and what you found in the

2 ditch.

3 MR. HEVLE: Yes. So that may be, in

4 the kind of narrowest view of the scope of this

5 committee, that may be the -- one of the

6 opportunities is to look at the accuracy of the

7 results.

8 And by accuracy, I'm saying comparing

9 what the tool called versus what you actually

10 measure in the ditch. And, in a perfect world,

11 those would be one-to-one. With a perfectly

12 accurate tool, you would have the same call.

13 It would say, this is a 100 mill depth

14 defect that's one-inch long and one-inch wide.

15 And then you go out and measure it and it's

16 exactly that.

17 And so, if you plot depth of what the

18 tool calls on one axis versus what you measure in

19 the ditch versus what the tool called, you should

20 have a straight line.

21 And anything that you deviate from

22 that line is a level of inaccuracy. And you can

1   -- that's called a unity plot.

2   And that's usually -- one of the

3   almost always included methods of evaluating the

4   accuracy of the tool is you plot this out. And

5   very quickly you can see what are the trends.

6   Do I see a skewed in deeper defects to

7   either under-call or over-call and smaller

8   defects, either under-call or over-call.

9   And so, by the shotgun scatter that

10   you see at these points around the line, you can

11   glean some information about how accurate this

12   tool is.

13   One of the opportunities might be to

14   identify how to improve that accuracy or to get a

15   better understanding of that accuracy across all

16   tools by this committee.

17   That would improve safety. But the

18   results are dependent on, well, how accurate was

19   your measurement in the ditch? Typically or

20   often, it's not a high-tech thing.

21   You have a guy with a pit gauge that

22   has a little poker. And it measures down to the

1 bottom and you measure on a ruler. That's old-

2 school technology.

3   But you -- because this is a

4 measurement by a person, a human being, there are

5 opportunities for making mistakes.

6   And certainly, that gauge measurement

7 example that they used was striking, about how

8 human error is part of this. So I don't know if

9 that's what you were looking for when you asked

10 the question.

11   DR. DENG: Yes. Exactly. And, if I

12 might also follow on?

13   MR. HEVLE: Yes.

14   DR. DENG: We can do a double act

15 here, if you like?

16   MR. HEVLE: All right.

17   DR. DENG: So you don't feel

18 completely alone. There is also that notion that

19 when you see an outlier, then it becomes worthy

20 of investigation.

21   If something is close, is within the

22 performance specification, close to that unity

1 line, within the margin of error, you can feel

2 fairly comfortable.

3   MR. HEVLE: Yes.

4   DR. DENG: Those outliers are the ones

5 that -- and should attract our attention --

6 provide the opportunities for improvement.

7   MR. HEVLE: Yes. I should've

8 mentioned, as part of the performance spec, you

9 identify statistically a plus or minus. And then

10 you typically draw those plus or minus lines

11 along with the unity line.

12   And you expect that a certain

13 percentage, statistically, of those points, will

14 fall within those acceptable ranges. And that's

15 a visual way of calculating the statistical

16 effectiveness.

17   Are you meeting that spec? You can

18 look at the docs and count the ones that fall

19 outside and calculate that percentage. And it's

20 a very easy way of doing that. Yes.

21   DR. DENG: So I know you've also --

22 just as you've been very rigorous with inline

1   inspection vendors in your qualification process,

2   using API-1163, I know you've also been -- Kinder

3   Morgan has been very rigorous in your

4   qualification program for the in-ditch

5   technologies and providers. So you've got both.

6   MR. HEVLE: Well, that's just as

7   important. That's just as important as the

8   accuracy of the tool.

9   If you're not properly evaluating what

10   you see in the ditch, then you're not properly

11   evaluating the quality of the data of the ILI.

12   And you're not properly evaluating the fitness

13   for service of the pipeline. That's number one.

14   Number two, we do a full root cause

15   analysis of every excavation. And because of

16   that, we need a broader data set. We measure AC

17   potential, VC fire protection levels.

18   We measure soil resistivity so we can

19   calculate AC density so we can determine, was

20   this potentially AC corrosion versus corrosion

21   because we didn't have adequate levels of CP.

22   We do a wide variety of things in the

1 ditch. And so we need our NDE guys who are doing

2 those inspections to be consistent in how they do

3 that, to be qualified in how they do that.

4 And we hand-pick the people who does

5 this for us. And it's a pretty big scope. So we

6 have a school once a year and train these guys in

7 how we want our data obtained.

8 DR. DENG: Thanks. I have one more.

9 Just this -- so now I've lost it. Sherry, you

10 take it now.

11 DR. BORENER: This is Sherry Borener.

12 I actually thank you again. I've done it twice.

13 I've heard your presentation twice. So one

14 question I have now, and it has to do with

15 outcomes.

16 So you seem to have collected a set of

17 data which is the outcome of the inline

18 inspection through the outcome of the in-ditch

19 inspection?

20 MR. HEVLE: Yes.

21 DR. BORENER: Do you have a database,

22 then, of what you call an event which would be a

1   corrosion event or something like that that says,

2   I've got this place on this -- you know, this is

3   the thing I've found.

4   And here are all the data observations

5   I had up until the moment that I heard that that

6   is a --

7   MR. HEVLE: We don't have a

8   comprehensive database yet. That's one thing

9   that we're working on, is to have all of our

10   anomaly information in one data set, so that we

11   can do broad analysis and querying.

12   And right now, it's a data set for a

13   tool run and it lives by itself.

14   DR. BORENER: But, at some point, you

15   would be able to register this all to a single

16   lat-long? Is that possible? I mean, to a

17   particular --

18   MR. HEVLE: Oh, absolutely. And our

19   GIS system is going to be the hub for that. So

20   all of this information is going to load into an

21   anomaly database.

22   That anomaly database is linked to our

1   GIS as a layer. You can just click a button and

2   you look at this pipeline and you can see every

3   excavation, every anomaly, everything you wanted

4   to know.

5   DR. BORENER: So would that also then

6   -- could you relate that, in the end, to

7   incidents and accidents? So, in my mind, you

8   want to be able to say, this is actionable

9   because 80 percent of the time, that thing,

10   within the next year, turns into something that

11   requires remediation.

12   So, you know what I mean? You're

13   trying to create a database of likelihoods and

14   outcomes and an association with a bunch of data

15   that you've collected since you started.

16   MR. HEVLE: We have the piece. Right

17   now, many of our assessments, we're able to

18   compare to the prior assessment and calculate a

19   growth rate and project that out to insure that,

20   not only do we fix the things that we need to fix

21   today, but we fix everything that needs to be

22   fixed before we run the tool again. So we --

1   DR. BORENER: So that's kind of your

2   expected goal?

3   MR. HEVLE: Yes.

4   DR. BORENER: Okay.

5   MR. HEVLE: Yes. We do that. And

6   we're working on processes to flag particular

7   types of defects for more mitigation. I mean, we

8   have mitigation processes.

9   We have inspection processes to insure

10   our mitigation is effective. But ILI is -- our

11   integrity assessment is kind of cutting the cards

12   after you've done all this thing, just to make

13   sure that you've got the results you expect.

14   And sometimes you see corrosion where

15   everything else is telling you you shouldn't have

16   seen corrosion. And so, we're looking at, hey,

17   what do we need to do to address that?

18   Sometimes, if the pipe's sitting on a

19   rock, the only thing you can do is dig it up and

20   move the rock. And so, there's nothing really

21   outside you can do.

22   But sometimes, you can add some

1   protection or do a close little survey and make

2   sure you have all of the levels addressed or do

3   you a little bit of recoding and save yourself

4   future digs.

5   And so, that's the component that

6   we're working right now, to enhance our system.

7   Does that answer your question?

8   DR. BORENER: Yes. It does.

9   MR. HEVLE: Okay. Alan, yes?

10   MR. MAYBERRY: Hey, Drew. I really

11   enjoyed your presentation. I was wondering --- I

12   have a question. I also thought about that.

13   But isn't there -- I mean, there's

14   pretty good quality and I know there's a standard

15   technique, like you said.

16   But, wouldn't it be a case of like, I

17   might trust yours more than I trust like, another

18   operator's? Because the variables that go into

19   it, you know, with the cleaning. I mean, there's

20   so many variables.

21   MR. HEVLE: Yes. It's really going to

22   be a huge challenge for this committee to do

1   that. I mean, the vendors are doing that

2   internally.

3   But, it would be difficult to mix

4   technologies and to mix different types of tools

5   in order to do that.

6   The analogy I use is if you have one

7   watch, you always know what time it is. If you

8   have two watches, you never know what time it is.

9   Because you're never quite sure which one is

10   right.

11   You can get into, well, this is more

12   accurate and I calibrated it more recently and

13   what have you. But it's really difficult to use

14   that type of information, the unity plot

15   information, if you don't have access to all of

16   the data behind it. You know?

17   Who did the measurement? How did they

18   do it? What was the speed of the tool at this

19   location, at the time it was assessed? And, you

20   know, all of that stuff in here, it's difficult

21   to make a judgment without that.

22   MR. MAYBERRY: Yes. So we're going to

1 have to start somewhere and see how this is

2 going. And then I thought also about the future

3 level, as far as comparing that or, in other

4 words, all of the data, I guess, coming off of

5 the tool.

6 But then, you know, I've seen issues

7 where really the tool may have detected it, but

8 ultimately, the indications are culled. So --

9 MR. HEVLE: The analyst process within

10 the tool vendor is just as important as the

11 capability of the tool because it is -- there is

12 a lot of expertise required in there.

13 And there are programs and

14 technologies that are much, much more mature than

15 others. And so, we're seeing new technologies

16 come out.

17 And the physics is there and the

18 electronics is there, but we don't have the

19 experience of assessing those new things in a new

20 way. And that's the limitation, in a lot of

21 cases.

22 MR. HERETH: Can I just clarify or add

1 to what your response was? So, Alan, one of the

2 things that this standard does is it requires

3 that you look at the data when you get it back.

4 It gives your initial performance

5 specifications. So if you're finding data that's

6 outside, either by speed, by size, by whatever,

7 whatever your performance specs are, then that --

8 you can't take that data forward without doing

9 additional work.

10 And so, then when you go to make a

11 unity plot, you screen for quality of data on the

12 front end before you go and make that assessment

13 of that data.

14 Again, recognizing that you have to

15 understand the uncertainty in the tool

16 measurement, as well as the individual readings

17 and all of the sources of the those.

18 But, that's really what you do in the

19 performance specification process, which needs to

20 be done with the in-the-ditch technology, just as

21 much as it needs to be done with the tool itself.

22 MR. MAYBERRY: Right. So that creates

1   the uniformity, sort of a normalization, if you

2   will. But then, also I guess that thing that was

3   referred to earlier, the in-the-ditch tool

4   measurement, you know, some very good --

5   MR. HERETH: Yes. And I think Michael

6   referred to it. It's the uncertainty of the

7   tool, but it's uncertainty on the human side, the

8   qualifications of the person doing the work,

9   their knowledge of the tool, their experience

10 with that tool, whether it's phased or ready or

11 whatever their using. Part of all this is the

12 tightening of all of it up.

13   MR. HEVLE: And there's new

14 technology, laser measurement of profiles, that

15 will remove some of that error band and ensure

16 that you have much more precision in those

17 assessments.

18   So I think that there are

19 opportunities there for getting better here.

20 But, I mean, there's opportunities for getting

21 better everywhere.

22   But, you're right, Alan, that this is

1   going to be a challenge. It's a key performance

2   requirement for an operator and a vendor. But,

3   it's hard to apply across an information sharing

4   approach.

5   MR. BELLAMY: I remember my third

6   question. So Drew, you talked about how API-1163

7   can encourage that bilateral information sharing

8   between operator and vendor.

9   MR. HEVLE: Yes.

10   MR. BELLAMY: But how much are you

11   sharing what you're finding with other operators,

12   gas, liquid, or otherwise? And what do you wish

13   you could get from other operators to help you

14   with your findings?

15   MR. HEVLE: I think that's a great

16   question. And I think the answer is, on a data

17   level, we're not sharing with anybody, at least

18   outside of the vendors using our scrub data for

19   qualification purposes.

20   We really don't share that type of

21   information on a data set-wise, with other

22   vendors, with other operators, with regulators,

1   unless there's a specific --

2   MR. BELLAMY: Right.

3   MR. HEVLE: But it's unusual. There

4   are informal processes now to share experiences,

5   close calls, things like that, that I think

6   everybody in the industry here has been aware of.

7   We've had some notifications, notice

8   to operators, alert bulletins, related to

9   capabilities of ILI. But I think there are

10   opportunities not only to share understanding.

11   And Eric called it important learnings

12   -- to share those types of things across the

13   industry. I think that is what I would be

14   looking for, not only on close calls, but we

15   oftentimes don't get all the details in actual

16   hits, actual incidents.

17   So if there was an opportunity to

18   really understand the lessons learned across the

19   whole industry for those types of things, I think

20   it would be beneficial.

21   MR. BELLAMY: Thank you.

22   MR. HEVLE: Make me a better corrosion

1 engineer.

2   MR. BELLAMY: How could you be better?

3   MR. HEVLE: I lied. I'm not going to

4 make you up any time.

5   CHAIR BURMAN: That's okay. This was

6 very helpful. Does anyone else have any other

7 questions or comments?

8   MR. HEVLE: Thank you.

9   CHAIR BURMAN: This really was very

10 helpful. Now, just a time check. We do have a

11 hard stop at 5:00.

12   So we now Agenda Item 4, which is

13 discussing a bit of IT architecture, and then,

14 Agenda Item 5, which is really just a reporting

15 out of the Reports Committee.

16   We can do that which is then really

17 leading into the next steps. And that's with

18 keeping in mind at least three of the

19 subcommittees will be meeting July 2 and fleshing

20 out things.

21   So, I think we will have a good

22 handle. Agenda Item 5 should go relatively

1 quickly. And so, I think we can get it done

2 before the next hour and ten minutes. So we're

3 now going to turn to Michael.

4   DR. MURRAY: It actually will be for

5 the IT conversation.

6   CHAIR BURMAN: Oh, yes. I'm sorry.

7 Yes, Jason.

8   MR. BELLAMY: I wish I could talk

9 during that. Jason will do a much better job.

10   MR. CRADIT: We'll see.

11   CHAIR BURMAN: Great. Thank you,

12 Jason.

13   MR. CRADIT: All right. Hello. My

14 name is Jason Cradit. Many of you know me. I'm

15 sure you're really excited to talk about IT at

16 the end of the day.

17   I suspect that may or may not be true.

18 But we're going to get through it anyway. So, my

19 name's Jason Cradit, Senior Director of

20 Technology for a company called TRC.

21   Behind me here is Pete Veenstra. He

22 is Principal Data Architect, at also TRC. But,

1 of course, the slide behind me says Pivot, not

2 TRC.

3 And that's just a recent venture that

4 TRC is off-shooting, so just to avoid any

5 confusion. We call ourselves Pivot.

6 Part of this conversation, as Eric may

7 have mentioned is, well -- I'm sorry, not Eric,

8 Chris Warner mentioned -- has been built with

9 Mark Zuniga, people from Microsoft and people

10 from Amazon as well.

11 So there's a lot of contributors to go

12 into this. This was certainly just not my labor.

13 We want to talk today about IT architecture and

14 what the potentials could look like for a system

15 like this.

16 We've learned a lot from Dan and Mark

17 and Wen's conversation earlier from AGA. But,

18 really, what we want to do, is educate and gain a

19 common vocabulary vernacular around some of these

20 things and talk about how we think.

21 And we'll talk about that from data

22 management, Pete will, and how we can process

1 large data sets like this and how we can

2 visualize.

3   And then, also we've talked a lot of

4 de-identification and some of the cyber security

5 requirements. And I'll speak to those things.

6   But one of the important things we

7 wanted to make sure and mention was that, if

8 you're not familiar, we're geeks. And this movie

9 is -- there's a movie called Hitchhiker's Guide

10 to the Galaxy.

11   And in this movie, they go and they

12 build Deep Thought. And it's supposed to help

13 solve the world's problems. And they throw all

14 of this data into it and all this processing

15 power.

16   And they go, tell us the meaning of

17 life, the world, and everything. And then they

18 get back an answer, after years of waiting, and

19 the answer is 42.

20   And I think it's a really important

21 observation in that movie to think about how you

22 think about what are the questions you're asking.

1   What data are you using and how are

2   you getting to an answer? We'll touch more on

3   that later. I thought it was really important

4   and I'm sorry Dan's not in the room.

5   But this is the official mission of

6   the VIS. That Dan Cote's team, subcommittee,

7   came up with. And I bolded and I looks horrible

8   here, but some words like secure information

9   sharing systems, collection and analysis. And

10   for me, being a geek, that's all I really about.

11   Mark, you're worried about the how or

12   the what. We're thinking about well, what do we

13   need to do to put all of this together to make it

14   useful.

15   So we looked at that mission. And

16   then, also, with the mission, is task statement.

17   Pete?

18   MR. VEENSTRA: And if you look at this

19   -- I'm not going to read it because it's at the

20   end of the day. These tasks are fairly high-

21   complex objects.

22   And you look at them and there's a lot

1   of details. And if you go to the next slide,

2   what I tried to do was parse it down to this.

3   And I still ended up with a ton of stuff.

4   And then, as a data person, I wanted

5   to look at one more step further and I ended up

6   with that. And that was just off the cuff.

7   That's just looking at things from a conceptual

8   standpoint.

9   So here, we're talking about IT and

10   databases and data management. And, at some

11   point, this group is going to have to break it

12   down into these parts.

13   Because going back to what Jason's

14   talking about, every time I look at the

15   proceedings and the documents from here, I'm

16   saying, what are the questions? What are the

17   questions?

18   Because the questions that you want to

19   ask of this system will really drive how the

20   system is architectured. From this, we can go

21   very, very, very at the next level and say, well,

22   here's the start of a model that describes this

1   process.

2   And again, the questions will drive

3   the model. And Drew's presentation was awesome.

4   Drew's the only guy I know that could pull off

5   that much words in a PowerPoint, and still keep

6   people riveted.

7   But what the bottom line comes down to

8   is every ILI system's going to be different.

9   Every field verification's going to be different.

10   Conceptually, they're the same thing and they

11   relate to each other.

12   But, how we're going to resolve those

13   things and ask the questions to get meaningful

14   results is everything.

15   MR. CRADIT: So one of the things I

16   brought, I put together, it's really a derivative

17   from Mark's work or maybe it was Eric's, around

18   all of these different data sets.

19   We've got that great graphic with the

20   VIS in the center. I changed those to different

21   icons and I may have added some. And then, by no

22   means, is this meant to be a comprehensive list.

1   But it was meant to illustrate a

2   couple of points. All these data sources have

3   different artifacts. Some are structured and

4   unstructured data sets. Some could be really

5   quantitative in nature, like ILI reports.

6   They're taking measurements and things

7   like that. But then, more could be qualitative,

8   like safety meetings, like what we saw from ASAP.

9   Those are more qualitative measures.

10   And you store these things

11   differently, depending on the data types. And as

12   Drew pointed out, some have standards. And some

13   are proprietary to a vendor or technology, in

14   their native format.

15   And I think as Sherry mentioned, some

16   -- or, I'm sorry, doctor, I don't know. As you

17   move up in doing information, that's when it's

18   probably more useful to share.

19   And then some are really complete and

20   some are really not. You know, some of you may

21   not have all of the attributed information or it

22   may not be available to you.

1   And all of that's an important point,

2   because this is the world we live in. You have

3   to start to look at how you combine non-

4   structured and structured data together in

5   quantitative and qualitative, to get to an end

6   result. To get to something that might be

7   meaningful beyond 42.

8   MR. VEENSTRA: So when you look at

9   just the idea of data architecture and

10   management, there's lots of ways to look at it.

11   But there's many facets to the picture.

12   So if you've got five blind men

13   describing an elephant, they're all going to say

14   there's a different part of it that is the most

15   important or most relevant, because that's what

16   they're touching.

17   That's what they're dealing with. All

18   right? So, for us, we sort of broke it down

19   into, when we look at IT data management,

20   relevant to this problem, we came up with the

21   following things.

22   It's going to probably more than

1 likely, absolutely, positively, need to be,

2 possibly, in the Cloud. All right? We're going

3 to have different data types, as Jason said,

4 static, dynamic and stringing.

5 We're going to have a variety of

6 database storage technologies that are available

7 to us. And I would even say we could even take

8 out the word database and just say storage

9 technologies.

10 We're going to have different data

11 transfer protocols, different ways to visualize

12 it. And we don't spend a lot of time talking

13 about that, but we do the other parts.

14 There are different repository modes,

15 how this data works in the environment and how

16 you access it and design it, and then, how you do

17 your analytics.

18 For those who attended the

19 presentation, they talked a lot about how do we

20 go beyond just the information and drive more

21 information out of it. And then, of course,

22 security roles and privacy are going to be big

1 parts of that whole process.

2 So that is how we're going to talk the

3 remainder of our presentation and focus on those

4 things. And as Jason said, mostly, it's an

5 education. It's a background.

6 Here are some of our thoughts around

7 how to do that and we'll wrap up that way. So,

8 right now, at least from our opinion, the Cloud

9 is really the accepted paradigm for implementing

10 technology at a large scale, for managing a lot

11 of data, and for really high-level computing.

12 We could go through just the past

13 years, how many different organizations within

14 the Federal government have started to move their

15 stuff up to the Cloud.

16 The real benefits are, it's scalable.

17 So you can add, compute and storage on demand.

18 All right? You can scale up to add as many

19 computers as you need and have the budget, and

20 the app will tell you four.

21 It's elastic, which means it can scale

22 up and add additional processors, in terms of

1 power, but also scale out, in terms of adding

2 additional processes in terms of parallel

3 processing.

4   And if you take the problem of raw ILI

5 data and you wanted to analyze it, let's just

6 say, magically, we found a format that every

7 single ILI vendor could provide us their raw data

8 and we really wanted to crunch some numbers on

9 that.

10   We could do that in either bigger

11 computers or more computers in parallel. It's

12 secure. I mean, the Cloud vendors have skin in

13 the game. They're not going to want to have a

14 breach on their watch, in their system and

15 they're in deadlock competition with each other.

16   And so, they're very, very keen on

17 security. There's ideas of where the data

18 centers are being stored. I think Microsoft is

19 now going to store a Sub-C data center.

20   That's about as secure as it's going

21 to get. I'd like to see how they're going to

22 pull it off. But they're very keen on it. The

1   idea of storing pieces of information in

2   different computers at the same time and

3   recombining it as you need it.

4   And then, the ideally of having

5   absolute redundancy and backup. And then, it's

6   cheap. It's typically run from your op-ex

7   budget, not your cap-ex budget.

8   And you've got a reduced IT footprint.

9   We use a lot of Cloud computing power in our

10   business. And we have three people running that.

11   So it's been very effective.

12   If you look at Amazon, if you look at

13   IBM, if you look at Google, just as sort of the

14   big three Cloud players, off the top of my head,

15   they're offering more consumer-driven analytical

16   tools.

17   You could set up your own machine-

18   learning environment on the Cloud with any one of

19   those vendors, Microsoft as well. Very, very

20   potent tools for doing all of the things that

21   you're probably going to need to do.

22   And the other thing is is it's

1   managed, which is nice. Because they're taking

2   care of a lot of the work that we have

3   traditional done, as organizations, as entities,

4   had to hire people to do.

5   And what I like about it is, it's

6   fairly agnostic. They just provide the

7   environment. We choose the one that we want to

8   use. And there's nothing to say that you can't

9   choose one or more otherwise. So it's a very

10   flexible, consumer-driven environment.

11   That, I think, is the big takeaway

12   from that, is as a consumer, as an agency, as a

13   group, moving down this, you have a lot of choice

14   ahead of you.

15   And I'm sure any one of those Cloud

16   providers would be very interested in working

17   with this group to do what they need to do. When

18   you look at data, data is either fixed, it's

19   either being updated, or it's continuous.

20   And the only reason I bring that up is

21   because it's obvious, but it is how we look at

22   data. Static data is a snapshot of data in time

1 and space.

2 An inline inspection run is a snapshot

3 of that pipeline at that time. That data will

4 not likely be updated. That attic data is

5 created, it's updated, it changes, it's tracked

6 historically, and it's retired.

7 So, for me, from a data management

8 standpoint, I look at a pipeline as being dynamic

9 data. I install it. I start operating it. I

10 replace portions of it as they cease to be fit

11 for service. And then, eventually, it reaches

12 the span of its design life and I retire it.

13 And then, streaming data is the new

14 thing. Every time you use your phone and get in

15 your car and drive, your location is being

16 tracked, especially with the Google interface.

17 If you have a Google account and

18 they're looking at where you're driving and that

19 gives you that really cool traffic pattern on

20 your Google maps. All right?

21 So that's streaming data which, in

22 essence, is static, but now, we're getting it at

1 such a volume that we're not able to keep up. I

2 mean, there's some really good statistics on the

3 amounts of data that is being generated within

4 the last year.

5   It surpasses everything that's been

6 generated prior to this year. And we're looking

7 at maybe five percent of it, if we're lucky. All

8 right.

9   Data transfer, the old way of looking

10 at it was we queried something from a database

11 and we got results. The problem with the

12 database is, while there's lots of advantages to

13 a database, but at the same token, the model is

14 very fixes.

15   So it's a very fit-for-purpose type of

16 environment. A little more flexibility is this

17 idea of an application programming interface.

18 And I'm not going to go into the huge details of

19 this.

20   But, if you've consumed a map service,

21 if you're a GIS user and you consume a backdrop

22 map, you are consuming, through an API, that map

1   service into your map.

2   And both the client and the server

3   know how to talk to each other. And I think this

4   is going to be a big part of your system.

5   You're going to have different

6   databases, different functionalities, talking to

7   each other through that. How that data is

8   exchanged, the two common formats now are really

9   Javascript Objection Notation, which is JSON or

10   Extended Markup Language, which is XML.

11   And then, that's great. This is all

12   just technology. But how it is handed, in a

13   mechanism that is understood by your system, by

14   your databases, by your interfaces, by your

15   users, has to have some sort of idea of a

16   standard around it to say, let's package this

17   information in a coherent fashion that these

18   systems understand and in a standard fashion.

19   Drew talked about that in his

20   presentation. It's always great having someone

21   really bring up a presentation before you do

22   yours so you can use it as examples.

1   But, delivery of data in a common

2   format, is absolutely critical to any kind of

3   understanding and processing within a system.

4   Because if you don't do that, if you

5   don't deliver, here's my list of defects and here

6   are the tolerances by which they were collected

7   and how they were validated in the field, you can

8   do anything with that data, effectively.

9   So one of the examples of that is like

10 the pipeline open data standard. They're

11 developing a data exchange specification, which

12 is going to codify how data is transferred

13 between systems using JSON or XML.

14   So, simple graphics on how this works,

15 and that's -- keep hitting them. So I need to

16 have security to get to a database. I execute an

17 SQL query. It goes to the database and it

18 returns me some tables, row and columns is

19 standard. Keep going on.

20   I've got two different databases. And

21 I want to take data that's collected here and it

22 doesn't really fit the way I want to view it

1   here.

2   So what I do is I have security to

3   both databases and I do something known as an

4   ETL, an extract, a transform, and a load. And

5   now, I put it into this system, which could fall

6   into this paradigm where I could pull out

7   information in a common format.

8   In very secure, encrypted systems, I

9   want a way to talk in between those two systems.

10   And it's usually not SQL or ETL, but it is a way

11   to go to another system where I have security in

12   both.

13   And I've got an encrypted message that

14   goes between. And I think that this is going to

15   be very important to how you load information

16   into your system and how you pull back that

17   information.

18   Because the idea of privacy,

19   obfuscation, and anonymity, all come into play

20   around how the data is passed back and forth.

21   And again, as I said prior to this, the typical

22   machine, human-readable formats, are JSON and

1   XML.

2   And, of course, with 128-bit

3   encryption, they can be passed where very few

4   people on the face of the earth can read them an

5   decipher them.

6   And the data transfer, at large, from

7   systems, would typically not just be an API call,

8   but a transfer of a coherent file that describes

9   something.

10   And, as I said before -- and in full

11   disclosure, I'm on the PODS Board of Directors.

12   But we are building these standards for the

13   ability to exchange pipeline information between

14   systems.

15   And we're doing that deliberately

16   because we think the data model isn't necessarily

17   as important as the ability to share and transfer

18   information between the two systems.

19   MR. CRADIT: So through the past ten

20   years -- and this is from Gartner. It's their

21   standard sort of data grid and their magic

22   quadrants. Where you want to be is over here,

1   where you're innovating and exploring beyond just

2   the doing.

3   Here is the stuff that you know it can

4   do really well. So people who have a GIS system

5   managing pipeline data are fully in this

6   quadrant.

7   And if you start clicking through, you

8   can start seeing that we have data warehouses,

9   where's there's a bunch of things there.

10   So I've got a real-time data warehouse

11   which is looking at my data and presenting it to

12   me in a way that makes sense, in terms of graphs

13   and reports.

14   And then, if I keep going -- you've

15   heard this term recently called a data lake,

16   where I don't have a single warehouse, but I have

17   multiple warehouses.

18   And I'm throwing it into an

19   environment and giving people the ability to just

20   go out and query this. If you go back, which I

21   don't want you to, but to those slides where I

22   did that very simple, conceptual model, the idea

1   of, I have a pipeline.

2   I have an inline inspection. I have

3   the data that came from that. I have field

4   verification. They may come from different

5   systems.

6   And we would like to put them in this

7   lake where I can stir it all up and then, get

8   analytics out of it. The traditional data

9   warehouse sticks formally into what I know.

10   It's very, very rigid. The data lake

11 is a lot more flexible and allows for some

12 exploration. And then, this is the next level.

13   This is where, not only are we putting

14 data out there, but we're wrapping software

15 around it where we can start understanding the

16 patterns.

17   So, there's three more. This would be

18 the very simple. This is my PODS system of

19 record where I'm keeping my GIS center-lined in

20 all of the assets.

21   It's very fixed in space, literally.

22 And then, as I start looking at things like

1   tableau and exploring data with visualization

2   tools in a different fashion, I can start

3   possibly slicing and dicing and merging things

4   together.

5   But the real gold dust, which was a

6   great term, comes from a higher level of

7   analytics. Go ahead. Two more. Right there.

8   Where we're using the machine to start looking at

9   the data and evaluating the trends.

10   Voluntary information sharing group,

11   you have a lot of hurdles. You have

12   standardization and normalization and you have to

13   get people to come to the table to share it.

14   You have to put the data in a way that

15   people can look at it. But I think one of the

16   things you probably need to consider is, how do I

17   find the trends and correlations that are hidden

18   in the data way beyond just what I think is going

19   to happen in my simple user interface.

20   So the idea of a unity plot that takes

21   an ILI dig and compares it to the vendor, we want

22   to develop unity plots for the things that we

1   never, ever thought possible before.

2   And that's where the next level of

3   analytics goes. Go ahead one more. And the big

4   part of that is, we want to turn it into natural

5   language query.

6   Show me this or find me that. And

7   start exploring beyond just the simple stuff.

8   MR. VEENSTRA: Now, it's the end of

9   the day. We've been going at this for a good 15

10   minutes so far and this is a lot of stuff. But

11   Jason and I really struggled -- how do we present

12   all of these things?

13   But these are the things that we think

14   about. These are the things that people are

15   asking us to think about. These are the things

16   that we're seeing in a data management paradigm,

17   constantly, continually.

18   And this is really where it's heading.

19   If read any tech articles right now, AI, Machine

20   Learning, blah, blah, blah. If you're not doing

21   it, you're not doing it.

22   But I think there is some validity in

1   that. So data storage technology, we know the

2   standard relational database model. We've heard

3   about the no-sequel big data model.

4   I can describe those for you

5   afterwards at a local pub, over a beer, if you

6   want all the details on that. There are other

7   types of databases, network graph and hierarchal

8   databases which are amazing for incredibly fast

9   retrieval.

10   They were implemented in the mainframe

11   systems, but they're making a resurgence in terms

12   of how to organize data. There's this idea of

13   block storage, where I'm not going to structure

14   my data.

15   I'm not going to have these text

16   files, but I'm just going to dump it in a

17   container and wrap some meta data around it and

18   then query it and have it come up when I need it.

19   And you'll hear of the Amazon S3

20   storage where you can just dump whatever you want

21   in there. It's like a file folder on your

22   computer, literally, and the ability to quickly

1   search and do that.

2   So don't just think when you're going

3   through the systems, looking at the technologies,

4   that it's all about rows and columns in a table,

5   because it isn't anymore.

6   And then, you've also, probably, if

7   you've read any of the tech stuff, heard the

8   block chain story.

9   And what I find very fascinating about

10   that and how it's applicable to this is, when

11   someone loads data into the system, we can use

12   the block chain mechanism to A, encrypt that data

13   and definitely say who submitted it, but hide

14   that information from the general user, but still

15   make it part of the data itself

16   It's very advanced, but it's got a

17   huge amount of applicability to what this group

18   is doing.

19   MR. CRADIT: So Pete talked a lot

20   about these high-level concepts. And, at the end

21   of the day, the working group we're part of and

22   the subcommittee we're in, or I'm in, is it has

1   to eventually boil down to a recommendation.

2   So it has to be useful and that's what

3   we're after. And one of the things we started

4   looking at, he mentioned, Pete mentioned a lot of

5   different types of databases, structures, and

6   data storage formats.

7   And this is from some of the major

8   vendors like Amazon Dynamo DB is a NoSQL

9   database. And that's very different that SQL

10   server and incredibly different than Hadoop,

11   HDFS, or Redshift.

12   And you don't need to worry about what

13   those logos do or the actual technologies behind

14   them. But I'll tell you the point I'm trying to

15   make is, each one of them, you implement for a

16   reason.

17   And that reason could be because you

18   want to minimize costs, like the Amazon S3

19   example. You could store a terabyte for around a

20   penny. That's pretty cheap. But you're never

21   going to run analytics on it because it's

22   incredibly slow.

1   And that's an important point.

2   However, it's incredibly scalable. You could

3   have petabytes and zetabytes and all of those

4   kinds of things.

5   But you're not going to do anything

6   meaningful from it. So there comes a point where

7   you want to look at and put the right mechanism

8   in, regardless of the brand.

9   It doesn't necessarily matter. But,

10 put the right technology in the right spot to

11 make it most useful for the outcomes. And that

12 comes with integration.

13   So the paradigms that Pete introduced

14 earlier, this idea of vertical scaling. And the

15 idea is that once you have all of your data in

16 the right data location, like a database or an S3

17 or something like that, that you're going to want

18 to process it.

19   You're going to want to use it to turn

20 it into an analytical outcome or to ask questions

21 from it. The historical way of doing that is the

22 vertical way. I need more RAM. I need more CPU

1 power. Luckily, we don't have seven-year-old

2 laptops in our organization, but I feel for you,

3 Drew.

4   But that's not how things really work

5 anymore. Instead, now, you really focus on

6 horizontal. And this idea of adding compute

7 power when you need it and then, turning it off

8 when you don't.

9   And it's a really important point in

10 data science and analytics because this is really

11 expensive hardware. If you need hundreds of

12 thousands of CPU cores working on a problem, you

13 want to not pay for that, except for the hour

14 you're using.

15   So you minimize that. So once you get

16 into data processing, you really want an

17 environment that focuses on horizontal scaling

18 and not vertical scaling.

19   Don't just add it, buy it, you don't

20 want to rent it kind of thing. So this is an

21 Amazon example. This is one of the Amazon

22 examples that I show.

1   And Pete introduced a lot of these

2 concepts. So I'll quickly go through it. S3 has

3 this idea of a bucket. And these buckets could

4 be ILI data, safety records, and I don't know.

5 Throw one out.

6   It could be anything. It could be

7 incident -- PHMSA's incident database. Really

8 the point is that these are in a data lake. Non-

9 similar data types, more or less and I want to

10 pause for a second.

11   Mark Hereth actually wrote this stuff.

12 And I say that -- he didn't do it intentionally

13 or meaningfully. But, I think -- no. I'm very

14 serious.

15   Two meetings ago, he said what started

16 this whole conversation about why I'm up here

17 right now. Is he said, isn't there technology

18 out there where you don't have to worry about a

19 standard database and worrying about all of this

20 stuff?

21   This is the answer. Of course there

22 is. One of those is S3. This is the Amazon

1   example. Microsoft has one. Google has one.

2   But, to your point, we don't necessarily have to

3   know the end to start.

4   And that's what I want to make sure we

5   all understand. We could just have one bucket

6   and do this processing before we have the other

7   buckets established. And that's an important

8   piece.

9   Once we add that bucket though and

10   it's in here, we start using this MapReduce

11   function. And MapReduce, we don't have to use

12   it. It's just an example.

13   But MapReduce is an opportunity to

14   scale horizontally, as a I mentioned before, to

15   analyze the data. And MapReduce means map first.

16   This master node says, look, all of these other

17   slave nodes, go out and process some data.

18   But I'm going to map the data and how

19   we join it to you. And then, after you're done,

20   I'll reduce it back to one common format. And

21   then, at the end, it goes into a sequel database

22   or the like or similar.

1   So the point is, you've taken

2   dissimilar data sets. You've run some algorithm.

3   It doesn't matter if it's MapReduce. But you've

4   done some algorithm on it and some analytics on

5   it.

6   And you've got an information set over

7   here that you can then report off of. And it's

8   an important point that Sherry and the good

9   doctor's name I can't remember, was talking

10   about. That there's a difference between storing

11   raw data in its raw form and what you potentially

12   present at the end.

13   It's incredibly different, potentially

14   very different. It's important to think about

15   that because we'll talk about cyber security and

16   privacy in a little bit.

17   But I want to make sure we understand

18   that raw data eventually gets processed and ends

19   up in something that you then report to the

20   public, to operators, to ILI vendors or whoever

21   needs to know.

22   It's an important concept. And, at

1   the end of the day, as we all said, if we could

2   just simplify it, what we want is to create

3   actionable insights.

4   We want to be able to get some insight

5   so we can then use them to save lives or protect

6   the environment or all of those things. Right

7   now, we're kind of in this descriptive box here.

8   Right now, we get a report. We

9   understand it tells us what happened. It doesn't

10   necessarily why it happened. It just says, this

11   failure occurred. And that's where we're at kind

12   of today. But as we mature, we want to get into

13   diagnostics.

14   Well, why did that happen? What

15   happened to -- you know, what are all of those

16   variables that led to this outcome.

17   Well, as we get eventually to that

18   point, so that we can say all of these variables

19   ended up in this outcome, that's really where

20   machine learning kind of comes into.

21   So we can start to predict, well, if

22   these features happen again, then this will be

1   the outcome. And that's a predictive -- so a

2   very normal, linear aggression model that many of

3   you may have seen.

4   But that's predictive analytics. And

5   eventually, you might want to move to the next

6   step of saying, if you do this, then this will

7   happen. Did you have something you want to add?

8   MR. VEENSTRA: No.

9   MR. CRADIT: No? You're good? But

10   eventually, you want to be able to get to this

11   point. And I feel like that's kind of where ASAP

12   is at now, where they can say, if we do this, we

13   know we're going to reduce this, whatever the X

14   and the Y are there.

15   Right now, though, I think this

16   industry and where we're at is really in the

17   description phase. We saw this. Now we have

18   this.

19   And we want to mature our industry

20   into -- to use more intelligence and analytics to

21   solve those problems. But, of course, cyber

22   security has to come up and it's 4:15.

1   So I want to briefly go over cyber

2   security. And I think I want to do this because

3   I want to make sure we have a common vernacular

4   as we talk about it.

5   But really, cyber security and really

6   my background as a geek, I'm a special kind of

7   geek, is in cyber security.

8   I worked for -- before I was in oil

9   and gas for a defense contractor for a number of

10   years, running a cyber security program and

11   helping inform the organization on how to handle

12   their environment.

13   But it gets really cryptic and people

14   get scared. And I want to break all of that

15   down. And there's really just three facets, the

16   three-legged stool. I mean, this is cyber

17   security. The first is confidentiality. And

18   that's what everybody thinks about.

19   Am I going to get hacked and how do I

20   control access to only the people who should have

21   access? And I think that's what everybody stops

22   and thinks about.

1   Because the other two -- the next is

2   integrity. And that's -- only the people who

3   should the opportunity to change the data, can.

4   And that's an important point.

5   One is, only those that should have

6   access do. And that's kind of a read on I don't

7   want to share my information with you or you.

8   It's mine.

9   And then there's availability. And

10 this is a denial of service kind of thing. It

11 needs to be up and usable when I need it. That's

12 the entire world of cyber security in less than

13 three minutes.

14   But that's the idea. I mean, we make

15 it really hard and we make it really confusing

16 for the common people. But this is things like

17 encryption and this is things like -- well, the

18 block change is really more of an integrity

19 solution because it makes every atomic change its

20 own unit and it never changes again. And that's

21 an important point.

22   So the last thing that is kind of

1 wrapping all of this is making sure those things

2 are true. We want to make sure that only the

3 people who should have access do.

4   But we also want to know that that's

5 the case. So there's a second or kind of other

6 circulating thing around auditing and

7 accreditation.

8   And it's an important component too,

9 in cyber security programming. But none of that,

10 did I really talk about privacy. And privacy is

11 a lot different.

12   And that gets around the question of

13 who should have access and to what data? And one

14 of the things we heard yesterday -- and I wasn't

15 here, but I heard we heard yesterday, is that

16 this question of should we store the raw data or

17 not?

18   And should we store all of the

19 location information or not? And we get really

20 close into this question of de-identification.

21 And de-identification's really important because,

22 as we all know, there's only a certain number of

1   people who run a pipeline through Tennessee.

2   And only a certain number of people

3   with an MFL 1.5 tool. And those certain things

4   could help identify people, whether they're in

5   aggregate or even just by themselves.

6   So it's really important to think

7   about though. If you're running a pipeline

8   through Tennessee and you use an MFL 1.5 tool

9   against it, like, let's just say, there could be

10   meaningful information about that.

11   There could be some meaningful

12   information around soil types, around who the

13   operator and the ILI technicians or the analysts

14   that looked at the data, that could be relevant

15   to safety.

16   But certainly not something that you

17   want to expose to the rest of the world. So

18   there's this idea of roles-based authentication.

19   And certainly, these people aren't meant to

20   encapsulate all of the people.

21   There's going to be other subgroups,

22   but I ran out of space in the circle. So this is

1   it.   These are the different groups.   And I would

2   suppose a research organization is going to want

3   all of the data they can get to.

4   This is a group like Mitre or somebody

5   like that, like the FAA uses, that they use the

6   data and they discover interesting trends.

7   But they're not necessarily going to

8   share that, I think as ASAP has said, share that

9   with other people, like service providers or the

10   public.   Because there's a conflict there.

11   It's not of interest, but it could

12   help save people.   So the key questions, I think,

13   when we ask about the roles, is what data are we

14   actually talking about?

15   What's the source format versus the

16   delivery?   Remember, the source was in this

17   bucket over here and the delivery format -- it

18   could just be a KPI that shows we're going to

19   improve safety by this much or these are the

20   logos of the people who are contributing to the

21   system and providing information to the public.

22   And it's still meaningful information

1   to researchers and operators. But, as Wen said,

2   earlier today, earlier today, through HDA, there

3   needs to be governance. And this question of who

4   decides who gets access to what and when they get

5   access, will need to be addressed.

6   I think part of the IT architecture

7   should come up with that. But I think we also

8   need help with who should decide what gets

9   addressed and when.

10   And we want to talk about, just really

11   briefly here, information and privacy. And we've

12   talked about obfuscation. So I want to make sure

13   -- de-identification and obfuscation are kind of

14   the same thing.

15   But the different processes from a

16   cyber security professional that you might run

17   through. PII stands for Personally Identifiable

18   Information, Mike.

19   And you're all used to that. Your

20   credit card or your social security and your

21   healthcare records. You all have those things

22   and you want to keep them private and to

1   yourself.

2   And that's the idea of Personally

3   Identifiable Information. So one of the things

4   that happens when you start do to data de-

5   identification or obfuscation is these are five

6   of the normal practices. So, first is

7   substitution, where you take a number and you

8   say, Kinder Morgan, you're a four and Sunoco,

9   you're a three.

10   And that's really helpful. Because

11 now, it doesn't say Kinder Morgan or Sunoco. But

12 the problem is very obvious. We can all kind of

13 infer, in a small community, who's three and

14 who's four.

15   And so, that may not work. The other

16 option, and this is a real one, is shuffling. So

17 while Kinder Morgan may have submitted something

18 to the system like this, we just shuffle the deck

19 and say, well, now it says Sunoco.

20   Because there may or may not be a

21 point where that matters, that you can't undo

22 that. But that's a real-life example of what

1   happens in shuffling for de-identification

2   purposes.

3   Again, there might be some interesting

4   artifact that says Kinder Morgan, in this area,

5   with this vendor. That could be interesting.

6   And you've immediately broken that

7   capability of understanding the data behind it.

8   Obviously, encryption is one a lot of people

9   point to. If we just had strong encryption and

10   we just make so nobody can read it unless you

11   have a key.

12   The problem with that is people have

13   keys. I mean, eventually, at some point,

14   somebody has the key and they can read the data.

15   And that is what it is.

16   It doesn't add a whole lot of cost to

17   the system. But people will have the ability to

18   read the data at some point. So what did you

19   actually accomplish?

20   Encryption would go back into this

21   idea of the role space and who can access what

22   level. And so, having a good, governed structure

1   around it makes sense.

2   I think we're all familiar with

3   masking as a technique. And that's -- I think

4   when you fill out your credit card information

5   online, it gives you the little stars or the X's

6   and you get the last four and that's all you get.

7   That's a masking technique. And then,

8   there's nulling which is just don't keep the

9   data, which is similar to what we heard from, I

10 think, ASAP and others, is that you just don't

11 store personally identifiable information, for

12 the company.

13   So we would just never say, Kinder

14 Morgan, or -- I keep picking on Kinder Morgan.

15 But we would just never say that. We would just

16 never have that information in there or Baker

17 Hughes or Rosen or whoever.

18   Or whatever we deem as personally

19 identifiable information that we don't want to or

20 want to de-identify, we just never store it.

21 Obviously, the problem becomes, what if there is

22 something interesting about that data?

1   But really, you can Google it. I

2   swear. This is kind of the main ways of de-

3   identifying data. And I've obviously trivialized

4   it.

5   We can get very scientific into these

6   things. But these are the basic ways of doing

7   it. And we will need to come up with what is the

8   one we choose or maybe we use different types for

9   some.

10   You know, maybe for an operator or an

11   ILI vendor, we just use substitution. But, for

12   nulling, there's certain things we just do not

13   maintain. And we eventually want to come up with

14   that taxonomy and make that recommendation.

15   MR. VEENSTRA: And this goes back to

16   the whole, what questions are you asking thing.

17   Because that will determine how all of this stuff

18   rolls, especially this part here, this slide.

19   MR. CRADIT: Yes. That's right. So

20   this is the absolute, one of the byproducts of a

21   meeting between Mark Zuniga, myself, and

22   Microsoft. Obviously, it's got the logo -- of

1   how a complete system could work.

2   And as we heard earlier in the budget

3   stuff, this would be really, really expensive to

4   go into. But it encapsulates everything we

5   talked about, data storage, and what are the

6   types Pete brought up about pods and ILI vendors

7   and specialties.

8   And then we pump it into a data

9   storage routine. And this is the real time

10   versus the static data that Pete introduced. And

11   then, we're running some analytics on it at some

12   point.

13   And then we have an analytical data

14   store which has the information in it. And then,

15   we present out to somebody. You know, the KDIs

16   or the Safety Records and hopefully that

17   improves.

18   And obviously, there's a circle that

19   goes around. This is an IT picture, not a

20   process flow. But you understand what I'm

21   saying.

22   That would be really expensive to use

1   and likely very, very difficult to put in place

2   anytime soon for any organization. So I wanted

3   to say we would -- oops.

4   I pressed the wrong button. You can

5   absolutely start, and this is just a rudimentary

6   look, of saying A data source goes into A SQL

7   server warehouse, does some amount of analytical

8   processing.

9   And this might be ASAP, in a lot of

10   ways. I mean, they're taking anecdotal and

11   story-telling kind of data, qualitative date,

12   holding it somewhere, analyzing it.

13   It sounded like the analyzation may

14   have been more human. In this case, I had a

15   computer icon there. But it sounded like they

16   were more in a, let's review it and see.

17   And, oh, we do have 40 of those types

18   of things in our database. And then, present it

19   out to people who need to know. We could do

20   that. And that's really, really trivial.

21   But, it really, Mark, I think it

22   shifts the ball into your court. Well, what do

1 we want to start with that would be meaningful to

2 get back.

3   And maybe I would suggest qualitative

4 data would make a lot of sense. Whereas,

5 quantitative ILI data, it takes a different level

6 of processing and a different level of standards

7 that the industry doesn't currently have.

8   And so, I might suggest something like

9 a roadmap approach. And then, you start

10 introducing other things. One of things that --

11 I know I see Amy back there.

12   In our subgroup, we talked a lot about

13 this idea. And Pete mentioned the idea of an

14 API, to where we might take a bunch of systems

15 that are data storage mechanisms and wire them

16 together.

17   So then, if you have a system of

18 record like pods or a system of record like NPMS

19 or a system of record like the HEI-1163, where

20 you do have all of the ILI runs put together,

21 well then, maybe that record, we should

22 decentralize it and have all of those be where

1 they live.

2 But then, we run some batch processing

3 and we have our information stored. It's a

4 different way to approach. This is a centralized

5 approach, not the API or decentralized approach

6 we talked about.

7 But we could do that, if there's too

8 many hurdles to people thinking about submitting.

9 I would suggest, if we're going in that

10 direction, or if we wanted to start with just

11 qualitative safety information, we would start

12 with a system very similar to this.

13 And this is the last slide. IT is on

14 time. I just to make sure that's in the record

15 somewhere. But really, one of the things, and

16 it's the punch-line in that movie where Deep

17 Thought said the answer is 42.

18 And it all comes down to this point

19 that they quickly decide that their question was

20 wrong. What they were trying to solve for was

21 not the right answer. They had all of this data

22 and they had all of the processing power anybody

1   could ever ask.

2   They had great IT systems

3   architecture, but they were asking the wrong

4   questions. And I want to make sure we

5   understand.

6   There's a lot of hurdles to getting

7   this done, politically and socially. And I don't

8   see IT as being a problem to executing it, but we

9   need to come up with the right questions to ask

10   and then go from there. So, the end.

11   DR. MURRAY: It's more of a comment.

12   Thank you both for the presentation. And that,

13   your last point, underscores what I wanted to

14   reference earlier about taking it through some

15   sort of a life-cycle process.

16   Because earlier on in those phases is

17   where you flush out some of those critical

18   pieces, what the user's really asking for or in

19   need of, to help determine what's feasible.

20   Coming up with different alternatives,

21   back-loading in the costs and other resource

22   implications. And then, using those things to

1   help drive what you're system development, IT

2   architecture looks like. So, good point.

3   MR. CRADIT: Thank you, Christie.

4   CHAIR BURMAN: Does anybody else have

5   any comments or questions?

6   MR. CRADIT: I think Mark.

7   MR. HERETH: I just have one quick

8   one. First of all, thank you guys. In fact,

9   when he says, we do before you do, that means we

10   rode in the long way. What do we need to do to

11   get the right questions?

12   MR. CRADIT: Right.

13   MR. HERETH: I think that's what I've

14   got to -- is that something you guys are going to

15   do in the technology section and the rest of us

16   don't need to worry about it? Wishful thinking.

17   MR. VEENSTRA: So, I'm not on the

18   committee. I think I've been invited on one of

19   the subcommittees.

20   But just sitting back and reading

21   through the materials, this became patently

22   evident to me, is you don't know what your

1   questions are. We want -- and that's why we put

2   that up there.

3   MR. HERETH: So you don't know what

4   are questions are.

5   MR. VEENSTRA: Well, do you?

6   MR. HERETH: We don't know either.

7   MR. VEENSTRA: Right. No. I'm dead

8   serious.

9   MR. HERETH: How do we -- what are the

10   steps that we need to take to get to where we

11   understand what the questions are?

12   MR. VEENSTRA: Typically, when there's

13   an existing set of processes, we would just do an

14   assessment workshop, where you ask the questions,

15   who's doing it, what are they doing, who do they

16   talk to, and where do they hand the data off to?

17   It's not necessarily going to be

18   applicable here. But I think you could draw some

19   corollaries around that. You have all of these

20   working groups.

21   I think one of the suggested things is

22   that they all need to start providing the list of

1   literally-used cases. And Jason and I have been

2   sort of working this slide deck separately.

3   There was a slide that was not

4   included. But a big part of it, and Drew

5   mentioned it, one of the use cases is absolutely

6   normalization of data. We must have the data in

7   a standard playing field so that we can do

8   something with it. And that's esoteric use case.

9   Now, when somebody goes there -- at

10   the start of the presentation, we talked about

11   improving pipeline safety and reducing incidents.

12   Well, I think just taking those

13   statements and saying, how do we do that?

14   Improving pipeline safety, well, this needs to

15   respond quickly.

16   But what's it providing to help

17   somebody make an assessment? Just because we

18   load 450,000 ILI instructions with 900 million

19   field verifications -- is the question, should I

20   use this ILI vendor for my pipeline in Tennessee?

21   I think getting down to those types of

22   questions is where you need to go. And you've

1 got working groups and you probably don't want to

2 school one up.

3 So I think all of the working groups

4 need to be looking at a discussion around the

5 questions.

6 MR. HERETH: So I guess my question is

7 --

8 MR. VEENSTRA: You have a question

9 about the questions?

10 MR. HERETH: And we don't need to

11 solve it right now, but it seems like that's a

12 series of steps we need to go through relatively

13 soon.

14 MR. CRADIT: I might add, if I may,

15 that there's -- understanding the difference

16 between qualitative and quantitative data is

17 really important.

18 Because if we just start with

19 qualitative, which is kind of what ASAP was,

20 well, you already know the questions. I mean,

21 you're say that this went wrong and just hold it.

22 And then, eventually, you get enough

1   of those and you're like, there's something

2   there. If you're going to address those kinds of

3   questions, we could start immediately, collect

4   data, and just keep trend information.

5   And that was clearly the role of a

6   data scientist or a miter or somebody like that,

7   or somebody who was just focused on the data. If

8   you're focused on quantitative -- and Sherry

9   started the point on this earlier when she was

10 asking the questions to Drew, do you put this all

11 in the same database and the idea of the run

12 after run after run.

13   And the idea of her question, I think

14 -- yes. She's gone. Would be that, if we have

15 this outcome with these attributes, it's a

16 standard linear aggression model to look at,

17 these attributes come out with that result.

18   But that's a quantitative problem.

19 And the lack of standards between vendors, if

20 we're -- but idea is, if we're only looking at

21 ILI data and looking to correlate that towards

22 incidents, you can get a whole lot of data and

1 you need a standard to do it.

2   And you're a long ways away. So I do

3 think there's the low-hanging fruit as a way to

4 improve safety, the qualitative kind of

5 questioning, very similar to ASAP and growing

6 into a location. I think it inherently needs

7 your questions.

8   MR. VEENSTRA: And I'm going to say

9 what I don't know. I'm not necessarily sure, but

10 I certainly will sit down and think about it over

11 the next couple of weeks or so.

12   And it will come to me and say, here's

13 the way that you can find your questions. And I

14 think part of it is just going to be problem

15 decomposition and some focus on what you're

16 actually trying to answer.

17   Because there's cool tasks and there's

18 a great statement. But there's a lot of details

19 that are not just how we're going to do it, but

20 what is the system supposed to deliver. So --

21   MR. ROBERTI: And I'm thinking out

22 loud here. Because it just seemed to be, in the

1   presentation like what FMA does about all of this

2   ILI data.

3   And you've got trend line against a

4   particular pipeline. Well, what's important here

5   in sharing across the industry, is knowing is

6   there another pipeline of the same age, material,

7   and characteristics, where the fact that the

8   assumption that the corrosion rate was X.

9   And it turns out the corrosion rate

10   was 2X. So a particular pipeline had wall

11   strength that was far thinner than what we

12   expected. The ILI data points that out.

13   What we really need to do is to make

14   sure that that data and that trend line or the

15   differential gets in the hands of other operators

16   of pipes or pipelines of the same vintage. Is

17   that, I mean, is that a thing?

18   MR. VEENSTRA: But I think you need to

19   go further. I think it becomes a function of

20   geography just as much as everything else.

21   Corrosion rates are absolutely driven by

22   geography.

1   Low parts of the pipeline for internal

2   corrosion and alkaline soils for the external

3   corrosion. So you're right. If you solve this,

4   here's the other examples of where that happened.

5   But this is just to verify then, what

6   you saw was right. Because now we're not just

7   looking at your examples. We're looking at

8   everybody's examples.

9   But then, to find some root cause for

10 that would involve using the geography at some

11 level. All right? So I think you're on the

12 right track, absolutely.

13   I'm not disagreeing with you. But I

14 think you go further than just the trends.

15   MR. ROBERTI: Right. But my point is

16 is that a major data dump is not going to get us

17 where we need to be.

18   MR. CRADIT: Not by itself. You're

19 right. And I want to make sure we're clear. I

20 think you're absolutely on the right -- that's a

21 great start. You get all of that. You said

22 there were characteristics.

1   Inevitably, characteristics like

2   geography could lead you to identifiable

3   information when you put those things together.

4   And that's just the elephant.

5   I mean, we need to talk about it and

6   say, at the base level, is that okay, if the

7   researchers find it? But the role-based idea

8   that not everybody gets to see that information,

9   it needs to be clear.

10   MR. VEENSTRA: And maybe this is the

11   way that I think, but if I had a 50 percent wall

12   loss, and I verified that fifty percent wall loss

13   against 25 other inspections for 25 other

14   pipelines with the same technology, well, I think

15   I could put some confidence in that 50 percent

16   wall loss.

17   Now, I want to sit down and say, where

18   else do I have the potential for that situation,

19   not just the validation of 50 percent wall loss.

20   So I think there's one of the question marks. Is

21   -- sorry. You're not a question mark.

22   There's one of the questions, Mark,

1   that comes out of the system that's identified.

2   If I have this result from an ILI inspection with

3   this technology and this vintage of pipe, how

4   much truth can I take or how much stock can I

5   take in the truth of that assessment?

6   And I think that that's one of your

7   premier questions for the system to start.

8   MR. PARKER: Guys, I want to add too,

9   before we start putting IT dollars out, it's good

10   to understand the technology.

11   But your advancing toward a school of

12   hard knocks until we've really nailed down direct

13   questions, nailed down the business approach,

14   before we've started developing.

15   And try to put rigid boundaries here.

16   I mean, that's not to say you can't modify it as

17   needed if -- for a good reason.

18   But I would like to establish a good

19   business case before we start developing. Would

20   you agree?

21   MR. CRADIT: Absolutely.

22   MR. VEENSTRA: Oh, yes. One hundred

1   percent. Yes. I mean, I think -- please take

2   that away from our presentation.

3   There's all sorts of amazing

4   technology and Jason summed it up amazingly well

5   at the end. We're not worried that the

6   technology can do what you need to do.

7   It's just out there and it's evolving.

8   The seven-year laptop story's not going to be

9   part of the vernacular of this group.

10   MR. HEVLE: Thank you.

11   MR. VEENSTRA: Yes. Dude, you're

12   immortalized now.

13   MR. HEVLE: This is my eighth year.

14   It's getting replaced this year.

15   MR. VEENSTRA: Joking aside, Alan,

16   it's a lot cheaper to produce stuff on paper than

17   it is to start actually implementing it in

18   computer systems.

19   And I think what our big plea, I guess

20   is, is have your business case, have your use

21   cases, have your questions and explore. I think

22   part of your discussions within this team really

1 need to be exploring what are the questions. If

2 I went to this -- you know, maybe that's a

3 challenge to everybody on this committee.

4   If I went to this system when we had

5 the system that I think we need, I would ask it

6 this. And everyone come up with three or four

7 questions and then, start filtering it together

8 and make part of your discussions around that.

9   And you'd be amazed. Maybe you'd get

10 30 questions that everybody needs to ask. Well,

11 I would say that that's one that is of real

12 importance.

13   And then you'd get some of the

14 outliers that you're like, I never thought of

15 that. All right? So maybe you all will sit down

16 in this committee and say, if I had this system

17 the way I would want it, what would I be able to

18 get out of it?

19   And I think that that -- and it's

20 discussion. It's group workshops. But all of

21 your different subcommittees could start

22 formulating that and roll it up. And send them

1   all to Alan. He'll tabulate them.

2   MS. WHETSEL: Can't you get some of

3   that from your smart pick data? Some of the

4   questions that they're asking are paced to begin

5   with, as a part of the groundwork release

6   questions. I'm just throwing it out there.

7   MR. MAYBERRY: I'm sorry. I couldn't

8   hear you.

9   MS. WHETSEL: I just want to -- can't

10   you utilize smart picks? You know one of the

11   questions they're asking is smart picks. Don't

12   you have sort of a groundwork for a start?

13   And I don't want to interrupt your

14   chain of thought here, but I do want to --

15   administratively, I want to tell you that it does

16   take more than three minutes to get an Uber here.

17   It takes 30 minutes.

18   So if you have to get to the airport,

19   call an Uber or a taxi right now.

20   MR. BELLAMY: Can I just say

21   something? If anybody's going with American

22   Airlines, you'd better check your flights,

1   because I just had two cancels. I can't get a

2   flight out of here until tomorrow.

3   MS. WHETSEL: Oh, yes. There's some

4   political issues going on. I'm sorry. I just

5   really wanted to get this straight. I wanted to

6   warn you. Thank you. Mike, did you have a

7   question?

8   MR. BELLAMY: Well, yes. I regret

9   this afternoon has built to a crescendo. Michael

10 Bellamy, I regret that we left the best

11 presentation for the last.

12   Sorry, Drew. And I reason I say that

13 is that simple notion of what question are we

14 asking, is extraordinarily powerful.

15   And it might be heretical for me to

16 say this, but I think we've made -- we've

17 confused ourselves by allowing us to drift away

18 from the central question that started this

19 committee in coming into being in the first

20 place, which came from questioning about, why are

21 there so many incidents following an ILI run?

22   That's what lawmakers were thinking

1   about when they called me in to ask me questions

2   about that. We didn't drive it. What you said

3   earlier today is not correct. GE didn't drive

4   this.

5   Lawmakers were already asking

6   questions because they saw that incidents were

7   happening after ILI runs. So something was

8   missing in the ILI process. Got it.

9   So that's where we started. That's

10   what raised this whole thing. The core of

11   charter is -- was about ILI until we tinkered

12   with it.

13   All right. We've tinkered with it.

14   We're now at a different place. I get it. So

15   now I suggest we've got maybe two or three or

16   maybe four different paradigms of questions that

17   we're going to have to define.

18   And, unfortunately, it's now ten until

19   5:00. American Airlines is cancelling flights.

20   Everyone's probably not ready to do this. But

21   that's the reason I regret we've left the best

22   until last, in a sense.

1   MR. VEENSTRA: And I want to go back

2   to your question. Sorry. But your question of

3   that comparison, why I immediately jumped onto

4   geography, is because it's a question of

5   integration.

6   Why are there so many incidences

7   immediately after I run ILI? And inevitably, it

8   is the occurrence and interaction of different

9   forces on the pipeline that weren't being

10   accounted for.

11   So that's where we go back to the

12   whole questions and what's driving it. And it's

13   not meant to derail it. But again, walking into

14   the committee and reading the materials from the

15   outside, this is the -- I said it to Jason when

16   we were putting this together.

17   I said, what questions are being

18   asked? And, I'm sorry, I don't know the

19   background, so I take a risk getting up here and

20   looking foolish.

21   MR. BELLAMY: No. You reverse-

22   engineered the question perfectly. You deduced

1 it exactly right.

2 MR. VEENSTRA: All right. Well,

3 anyway, I appreciate it. Both of us do. Thank

4 you very much for letting us be here.

5 CHAIR BURMAN: I think that was really

6 good. I think it also shows that we do need to

7 have the technology subcommittee with the

8 different subcommittees too, to help fluff out

9 that.

10 Because I do think that the

11 integration of that is very key and we're at the

12 point of needing that. And I also do think,

13 looking now, going forward, as we're on agenda,

14 my Item 5.

15 And so, that the next focus, which is

16 the subcommittee's meeting fleshing out some of

17 the core, substantive issues that we've

18 identified from the subcommittee meetings

19 yesterday and then, today.

20 But also looking at our August

21 meeting, I do think that we need to -- and I'm

22 looking for feedback. I do think that we need to

1   have more time for core discussion, especially

2   because we'll be looking at language.

3   So we're going to need to look at the

4   language ahead of time to be able to flesh out

5   some of the core issues and then have time for

6   our collaborative discussion.

7   And then, seeing -- if we only had one

8   or two presenters, what is the substance that we

9   need to help facilitate our committee discussions

10   as well. Kate?

11   MS. BLYSTONE: Kate Blystone. I think

12   we should also plan to have an all-committee

13   conference all between now and then, potentially.

14   CHAIR BURMAN: Right. For a planning?

15   MS. BLYSTONE: Yes. For planning,

16   just for planning. Yes.

17   CHAIR BURMAN: For planning purposes.

18   I think that is important. And I do think that

19   the subcommittee chairs need to have a meeting as

20   well, a conference call discussion to flesh out

21   some of the interconnections that we need to look

22   at.

1   DR. MURRAY: Who's your all committee,

2   the parent committee or --

3   MS. BLYSTONE: Yes. The big

4   committee, all of us.

5   CHAIR BURMAN: Yes.

6   DR. MURRAY: Okay. So that would be

7   more like an administrative meeting that we've

8   had in the past.

9   MS. BLYSTONE: Yes. When we've had

10   some of those in the past, it just seems like we

11   can nail some of the those presentations down.

12   CHAIR BURMAN: And I think it should

13   be held after the July 2nd meeting, with the

14   three subcommittees. Because that will help us

15   in knowing exactly what we're missing and what

16   needs to be fleshed out more.

17   MS. BLYSTONE: Okay.

18   CHAIR BURMAN: Okay. Does anybody

19   else have any other comments or thoughts? Dr.

20   Murray is there anything that we're forgetting to

21   add?

22   DR. MURRAY: Just, I want to remind

1   everybody that we will be sending out information

2   regarding the next meeting, hotels. We want to

3   do that earlier than we've been able to do for

4   this past one.

5   I want to thank everybody for their

6   patience and cooperation. I thought the last two

7   days was extremely beneficial and insightful.

8   Thanks for working with us. Karen?

9   MS. LYNCH: I just wanted to reiterate

10   that the reporting committee is going to schedule

11   a conference call and provide an overview of the

12   guidance documents that we signed.

13   So I'll try to schedule something for

14   the next week, week-and-a-half. I know that the

15   reporting committee or reporting subcommittee are

16   really (inaudible) --

17   DR. MURRAY: Okay. Thank you.

18   CHAIR BURMAN: And the other thing

19   that I thought was really helpful is the real-

20   life examples. And that really put it into focus

21   for me.

22   And I think we need to think about

1   what ones we can use, in some fashion, in the

2   report and in how we look forward. And with our

3   questioning, asking is this meeting the objective

4   of those examples that resonated with us.

5   DR. MURRAY: And there's one more

6   important change or point of reference for the

7   committee. Moving forward, PHMSA will be unable

8   to retain the court reporter transcription

9   services.

10   Unfortunately, due to some new

11   internal directives, we've been asked to hand

12   that responsibility over to the committees.

13   So that's one of the things that we'll

14   probably need to talk more about as we move

15   forward.

16   CHAIR BURMAN: That is, I think, a

17   difficult issue and one that -- I personally

18   believe we need a court reporter. I happen to go

19   back to the transcript.

20   And that has been very helpful to me.

21   And I know that when we go towards the report and

22   making sure that we've captured everything, a lot

1   of what we say, I don't think can be done well by

2   someone who is not a court reporter taking notes.

3   And it does concern me. As much I

4   don't let the court reporter take a break, I

5   think that we need to facilitate having a court

6   reporter in some fashion. So I don't know if

7   anyone else thinks that that's important. But I

8   personally think having a recorded transcript is

9   important.

10   MR. PARKER: Likewise, I do too.

11   CHAIR BURMAN: I don't think it's

12   something that can be given to the committee to

13   take care of.

14   DR. MURRAY: So that may be something

15   to bring up in the administrative meeting.

16   CHAIR BURMAN: We're at the point now

17   where we really need one. So --

18   MR. BELLAMY: What is it, the budget?

19   Is the budget the problem?

20   MR. MAYBERRY: No. It's just a change

21   in the -- how FACAs in general are managed by the

22   department.

1   MR. BELLAMY: It's not just ours.

2   MR. MAYBERRY: It's not just this

3   committee.

4   MR. BELLAMY: It's all the FACAs.

5   MR. MAYBERRY: It's a desire to make

6   them more self-sufficient. But, you know, we're

7   at a critical stage now. And I agree we need --

8   you know, it's time to start writing a report.

9   CHAIR BURMAN: And they think it's

10   something that will also be useful for the

11   record, in terms of capturing what the committee

12   thought.

13   Especially, as we have the discussion

14   on language and the back and forth. You lose it

15   if you go from -- you know, we had this

16   recommendation with this language, to then

17   changing it completely, without have a transcript

18   to showcase the discussion. I'm concerned about

19   that. Kate?

20   MS. BLYSTONE: Kate Blystone. Is it

21   beneficial for us to vote and to write a letter

22   or something. You know what I mean? Oh, maybe

1   not. Is there something we could do to change

2   this policy?

3   DR. MURRAY: I would say that it's a

4   department-wide directive, that I think it's

5   going to be very difficult to overturn.

6   I think that the committees, the

7   guidance is for the committees to find other ways

8   to seek out the services that they so desire.

9   CHAIR BURMAN: So if there was a need

10   for a court reporter and there was some

11   facilitation of having a court reporter provided,

12   that can be done. And that become the monetary

13   issue. I mean, I personally can't get involved

14   in seeking out sponsorships for court reporter

15   services.

16   But I think that's what I'm hearing.

17   So I would leave it to those who may be on the

18   committee who believe that they may have the

19   ability to have a court reporter.

20   And let's talk to PHMSA and follow the

21   appropriate procedures to have that. But I do

22   think the next meeting, we do need a court

1   reporter.

2   And we need to figure out a way to

3   make that happen. And we need to follow

4   appropriate ethical and legal protocols to do

5   that.

6   MR. MAYBERRY: Let us take that back

7   and we'll be talking.

8   CHAIR BURMAN: Okay. Thank you. And

9   we should have this court reporter, if possible.

10   All right. Thank you. And thank you all for

11   everything. You've been great. Safe travels.

12   (Whereupon, the above-entitled matter

13   went off the record at 4:55 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Voluntary Information Sharing
Working Group Meeting

Before: USDOT/PHMSA

Date: 06-20-18

Place: McLean, VA

was duly recorded and accurately transcribed under

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