



July 11, 2012

Subject: **Docket ID PHMSA-2012-0142:** Implementing Incorporation by Reference (IBR) Requirements of Section 24

We regretfully are not able to attend the public workshop on July 13 due to expenses of travel. We request that you consider these comments as you would comments submitted in person.

We the undersigned organizations are writing to urge you to oppose any weakening or repeal of Section 24 of H.R. 2845, the "Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011." Section 24 assures that future agency pipeline safety rules that incorporate standards by reference will require that those standards be made publically available for free on the Internet.

Western Organization of Resource Councils (WORC) is a regional network of seven grassroots community organizations with 10,000 members and 38 local chapters: including Dakota Rural Action in South Dakota, the Dakota Resource Council in North Dakota, and the Northern Plains Resource Council in Montana, which have members affected by the Keystone I pipeline and the proposed Keystone XL pipeline.

Dakota Rural Action is a grassroots family agriculture and conservation group that organizes South Dakotans to protect our family farmers and ranchers, natural resources and unique way of life. We are a member group of WORC and represent over 950 South Dakotans across the state. Many of our members in South Dakota have been directly impacted by numerous pipeline projects, with anticipation of more being constructed.

Representing the public interest, we strive to create a more fair and open government. Secret laws, or a government that only allows access to laws by a segment of the public able to pay for it, goes in direct opposition to the values of a participatory democracy. Congress has repeatedly recognized the need for public access to information with the Administrative Procedures Act, the Federal Register Act, the National Technology Transfer and Advancement Act, the Electronic Freedom of Information Act, and, most recently, with Section 24 of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011.

As of June 2010 there were 85 standards referenced in 46 CFR 192, 193, 195. For a citizen to have access to these referenced standards they would have to pay private organizations upwards of \$2,000. These associated costs are an insurmountable burden for an average citizen, making it practically impossible for the public to knowledgeably comment in a rulemaking proceeding, or to propose changes to regulations that already incorporate referenced standards.

There is no reasonable excuse for failing to provide standards and supporting information that are part of existing or proposed regulations implementing federal law at no charge to the public. The fact that these standards were developed by private associations of companies subject to the laws and regulations in question does not entitle the regulated industry or any private entity serving that industry to profit from exclusive access to information and language meant to protect public health and safety.

Anything short of full implementation of Section 24 of the Pipeline Safety, Regulatory Certainty and Job Creation Act of 2011 would amount to deliberate action by PHMSA to block public participation in our government, directly contradicting the principles and values of access and transparency of the Administration and expressed by Congress in enacting section 24.



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