

If Not You, Who?

Many years ago in Peoria, Illinois, I saw a bumper sticker stuck on a locker in the crew room at the local gas utility. It read: “Arguing with an inspector is like wrestling a pig in the mud. After a while, you realize the pig is enjoying it.”

There are a couple of different kinds of inspectors in the utility business. Most commonly, the term “inspector” refers to a construction inspector. This is a person assigned to oversee utility line installation projects and to confirm that the installation meets facility owner specifications. It’s a common perception inspectors enjoy their leverage over the construction workers, thus the basis for the bumper sticker.

Another kind of utility inspector is the state pipeline safety inspector. In or around 1992, I knew of a young pipeline safety inspector that was put in his place by a few gas company supervisors. Seems the supervisors had their feathers ruffled when the inspector had the nerve to challenge the validity of the gas company’s safety inspection records. The young inspector was not deterred.

Three years later the headline in the local paper read: “Former Supervisor Admits Hiding Potential Dangers.” The former supervisor pleaded guilty in federal court to conspiring to violate the Natural Gas Pipeline Safety Act. In court, the former supervisor implicated three other supervisors that had participated in record keeping shenanigans. According to the paper, “The three, who have left the company, have been advised by their lawyers not to comment on the case. At least three other employees have been fired and others have been disciplined since the falsified came to light last year.”

This story is somewhat personal for me. I knew the four gas company supervisors for about ten years before the crap hit the fan. You see, in the early eighties I worked in their city for three months checking for gas leaks. There were a lot of gas leaks. So many, in fact, that on several occasions I stopped looking for leaks in the early afternoon. Not because I was a slacker, but because my right hand cramped so severely from writing leak report after leak report, I could no longer grasp a pen. But what I didn’t know then was that in the years to come, the supervisors would make many of the leaks I found—leaks much older than me—go away.

It was impossible to drive the streets and not notice the burnt grass lining the curbs. Grass choked to death by leaking natural gas. The burns started at the curb and often encroached halfway to the building walls of the homes and businesses. And even if you didn’t know for sure that it was natural gas killing the grass, the subtle yet distinguishable odor would tip you off.

These leaks had been around for a long time before I got to town. The state pipeline safety office had been in town a long time before I got there, too. I often wondered what the head of pipeline safety thought about each day as he drove to work. Perhaps he just got so used to seeing the leaks, they sort of just went away. Or maybe he tried hard to straighten out the mess, but apathetic superiors neutralized his efforts. I guess I will never know, but I will always wonder why the leaks just kept leaking.

I had lunch with the young pipeline inspector the summer before last; he’s not so young anymore and neither am I. He’s been in



A burn mark located at curb beyond yellow arrow.

charge of the pipeline safety group for quite a few years. As we ate we talked about those events in the early nineties that reshaped so many peoples’ lives. I knew most of the story: it started when the supervisors ignored an inspector, and then escalated when they argued with an inspector.

Because of the supervisors’ arrogance, the inspector became highly motivated to put a stop to what he suspected was not only unethical behavior, but illegal behavior. He sought help from those above him. Soon, someone from the Attorney General’s office

“There had been other inspectors assigned to the gas company before me. When it was my turn, I wasn’t so sure what to do at first. But then I thought, ‘If not me, who?’ So I dove in headfirst.”

stepped in and the dominoes begin to fall. The rest is regulatory history.

Later, as we sipped our coffee, I asked him if he had enjoyed those years, happy that he had done what he did. His smile answered for him. It occurred to me that I had always liked him despite thinking he was borderline cocky, somewhat brash and more than a little bit stubborn. The bumper sticker inspector personified, I thought. Not only would he enjoy his leverage over the utility company, he'd enjoy wrestling matches in the mud.

But as if he was reading my mind, his smile went away as he began to answer my question. His response went something like this: "There had been other inspectors assigned to the gas company before me. When it was my turn, I wasn't so sure what to do at first. But then I thought, 'If not me, who?' So I dove in headfirst."

In many states, the pipeline safety office enforces the state's damage prevention laws. At the federal level, PHMSA is currently initiating a procedure to establish criteria for determining if a state's damage prevention laws are adequate. It seems like PHMSA is diving headfirst into the states' business and ruffling some feathers on the way down.

Some people think that PHMSA is laying the foundation of a federal damage prevention law, intent on bypassing state-level control of damage prevention laws as well as state-level enforcement of those laws. Who knows if that's true? I asked a few regulatory types about it. "PHMSA couldn't do it if they tried—(no funding, no motivation)," was one answer. Another response was that PHMSA is only dishing out gentle persuasion so that states are motivated to strengthen their own damage prevention laws and enforcement.

How many state pipeline regulators have the "If not me, who?" mentality? I wish I knew. One thing I can do as I write this column (a column dedicated to business ethics in damage prevention) is to ask myself what my favorite pipeline safety inspector would say about things. Better yet, I'm going to take four or five regulators I know and roll them into a single fictional character I'll call Jack Damage. I'm already starting to feel muddy.

Introducing Jack Damage

"Simplicity does not precede complexity, but follows it."

-Alan Perlis, American scientist

Jack Damage likes simple explanations and simple solutions. That's why he didn't much care for the Common Ground Alliance's Best Practices Committee's practice statement and practice description related to the marking of service laterals in response to excavation notices relayed to one-call centers:

"A service line is marked in response to a locate request to the operator that uses the service line to pursue a business that derives revenue by providing a product or service to an end-use customer via the service line, or the service line is marked in response to a locate request to a governmental entity that provides a product or service to an end-use customer via the service line.

"A service line is a type of underground facility connected to a main facility that is used by an operator to provide a product or service within a ROW, easement, or allowed access to or through private property in the course of pursuing a business that generates revenue by providing a product or service to an end-use customer other than another operator of like kind or themselves, or a governmental entity that provides a product or service via that service line.

"The operator or the governmental entity locates and marks these service lines within the bounds of the locate request up to the point of their operational responsibility, to the point the service line enters a building, or to where the access to locate the line terminates, as designated by the prevailing law."

Jack knows that the Committee did the best they could in order to appease all of the constituents. But Jack thinks that if utilities don't mark service laterals to the building wall when responding to one-call requests there's an extremely strong likelihood that these pipes and cables will go unmarked, sometimes compromising the safety of the public.

That's why Jack would prefer to read a simple statement from the Best Practices

"If not the utilities, who?"
He wishes the
Committee had seized
their opportunity
instead of opting to punt.

Committee. Something that reads along the lines of: "All service laterals will be located up to the building wall by the respective one-call member."

Jack understands the complexity of the service line issue. But he thinks the use of the phrases, "up to the point of their operational responsibility," and "where the access to locate the line terminates," significantly marginalize the Committee's work.

Jack knows for a practice to be considered a "Best Practice," it must *already* be in practice. Previous to working for the state utility regulatory commission, Jack worked as a city engineer for a city whose practice was to locate sewer and water laterals up to the building wall. The city started locating these pipes after the city manager's home filled with natural gas following a plumber's successful attempt to clear a clog in the home's sewer line, a clog created by the presence of a plastic gas main.

Jack's way of thinking is, "If not the utilities, who?" He wishes the Committee had seized their opportunity instead of opting to punt. "But perhaps from the Committee's complexity there might one day be simplicity," Jack thought. "It will just take a few more major accidents."

He turns his attention to the news reports of the February 1, 2010 house explosion in St. Paul, MN. "One day in my state," Jack reflects, "simplicity will follow complexity. I'll see to that." **UF**