

Hazardous Materials

Federal

The Pipeline and Hazardous Materials Safety Administration (PHMSA) issued a final rule intended to strengthen state programs to enforce damage prevention programs ([80 FR 43835](#)). Pursuant to the Pipeline Inspection, Protection, Enforcement & Safety (PIPES) Act of 2006, the final rule amends federal pipeline safety regulations to establish: (1) criteria and procedures PHMSA will use to determine the adequacy of state pipeline excavation damage prevention law enforcement programs; (2) an administrative process for states to contest notices of inadequacy from PHMSA should they elect to do so; (3) the federal requirements PHMSA will enforce against excavators for violations in states with inadequate excavation damage prevention law enforcement programs; and (4) the adjudication process for administrative enforcement proceedings against excavators where federal authority is exercised.