

June 3, 2022

Dear Commissioners and Railroad Commission Rules Coordinator,

The Texas Propane Gas Association (TPGA) appreciates the opportunity to comment on the proposed LP Gas Safety rules. Propane industry professionals have carefully vetted the proposed rules to ensure the comments made represent the interests of all members of TPGA and support the industry's desire to ensure the utmost health, safety, and welfare of the citizens of Texas.

Safety is at the forefront of all decisions made on behalf of the members of the Texas Propane Gas Association. Texas maintains an excellent safety record due in large part to the training and professionalism of the industry. Texas' population is growing at an unapparelled rate, thus resulting in increased demand for all energy sources. With this demand comes the critical need for certified, professionally trained employees. The Texas Railroad Commission is not able to provide the necessary assets to keep up with training demand. The industry is fortunate that a fix has already been created, and the training is used nationwide.

The Propane Education and Research Council (PERC) is charged with several functional areas, with safety and training at the top of its list. With help of industry experts, PERC has created a suite of safety and technical training used nationwide, including the nationally recognized Dispensing Propane Safety Training and Certified Employee Training Program (CETP).

These programs will eliminate the frustration and scheduling issues the propane industry is dealing with. Although SB 1668 is very limited in scope, it is what the Texas Propane Gas Association sees as the model for future training. We want to see the legislative intent of SB 1668 be rolled out and utilized so that all parties will embrace the future adoption of all the CETP certification programs. This will not only bring the industry to the leading edge of training, but it will also provide the RRC with substantial financial cost savings, reducing the FTPs, eliminating the need to update RRC training modules, and other benefits.

Additionally, TPGA is advocating that use of newer technology be permitted by the Railroad Commission. The 2017 edition NFPA 58 states in Chapter 1 section 1.5 under Equivalency "Nothing in this code is intended to *prevent* the use of systems, methods, or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety over those prescribed by this code."

That said please find our comments on specific rules outlined below and on subsequent pages:

1. To allow for additional safety options, TPGA requests allowing electronic actuators under §9.126 Appurtenances & Equipment and §9.143. Piping & Valve Protection for Stationary LP-Gas Installations as previously discussed and requested.
2. To allow for additional safety options, TPGA requests adding engineered breakaways under §9.143 Piping and Valve Protection for Stationary LP-Gas Installations as previously discussed and requested.
3. TPGA supports RRC allowing cylinder cages as sufficient protection for vertically stored cylinders. TPGA also requests that RRC does not require additional vehicle impact protection at cages for

horizontally stored cylinders at installations not frequented by the public, based on a report from Bison Engineering.

4. TPGA opposes the blanket requirement that “all” license and registration applicants need a 24-hour emergency telephone number under §9.7. These additional stringent emergency number requirements are required for shipping papers, bulk storage, racks, and transfer sites and should not apply to all license and registration types.
5. TPGA opposes the elimination of CETP as continuing education for managers under §9.52 Training & Continuing Education. The nationally recognized Certified Employee Training Program (CETP) is a training developed by the Propane Education & Research Council (PERC) designed to ensure that personnel in the propane industry have the necessary knowledge and skills to perform their job duties safely and effectively.

Additionally, the CETP courses are long and designed for initial certification. The Propane Education & Research Council (PERC) has created CETP refresher courses specifically designed for continuing education. We would like to see these CETP refresher courses be recognized by the Railroad Commission for employee and manager continuing education.

6. The 2.1 RRC initial certification course covers DOT cylinder filling and ASME motor/mobile fuel. Individuals taking the Propane Education & Research Council Dispensing Propane Safety Course should have DOT cylinder certification exemption as well as Motor/Mobile fuel certification exemption as PERC Dispensing Propane Safety course and exams cover these subjects. Training courses for certification are not dictated in statute beyond what was recently adopted by SB 1668. The RRC has the latitude to accept and adopt “any” training by rule. Rarely is an individual solely seeking DOT cylinder filling certification without Motor/Mobile fuel certification. Allowing individuals to take the PERC Dispensing Propane Safety Course and get both certifications will eliminate the training backlog and enable staff to offer other much-needed training classes.
7. TPGA opposes excessive requirements under §9.20 DOT Cylinder Filler Certificate Exemption & new §9.55 PERC Outside Instructor Training rule. TPGA recommends the Commission not adopt §9.55 PERC Outside Instructor Training. The legislation is very clear that if individuals follow PERC guidelines, they get credit. PERC guidelines do not require certification and re-certification of instructors, nor does it require proctoring for the Dispensing Propane Safety exam.

If the Commission is unwilling to remove the PERC outside instructor requirements, in that case, TPGA recommends 1) that RRC allow third-party instructors that do not require trainers to work for a licensed company. 2) Requests that RRC exempt individuals already registered as RRC outside instructors from PERC outside instructor requirements.

8. In figure 16 TAC §9.403(a) section 6.29.3.2 states installations shall comply with this requirement prior to September 1, 2022. TPGA suggests changing the word “prior to” to “by” to add clarity to the requirement.
9. Each edition of NFPA 58 distinguishes changes from one edition to the next with the letter *N* next to the section as well as highlighting the section. TPGA would like the Commission in the new rule books published after this adoption to highlight changes from the 2020 to 2022 edition.

2021 PERC CETP and Safety Information

- The Certified Employee Training Program (CETP) has been used as the primary propane industry technical training program for over 25 years.
- In 2021 there were over 30,000 users that accessed PERC safety training programs through PERC's online training platform "The Learning Center"
- In 2021 there were 3,399 companies that had employees enrolled as users in the Learning Center.
- Over 32 technical and trade schools include PERC's CETP curriculum as part of their accredited course programs.
- In 2021 6,386 CETP Certification programs were completed.
- In 2021 over 49,000 CETP modules were completed
- In 2021 over 24,000 Safety modules were completed
- Nearly every state accepts PERC's CETP training programs to fulfill NFPA, DOT and OSHA required training.
- Nearly every state that has requirements for licensure accepts PERC's CETP training and certification as the basis for Licensure.