



U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, S.E.
Washington, D.C. 20590

January 12, 2026

**NOTICE OF LIMITED ENFORCEMENT DISCRETION AND
STATEMENT OF POLICY FOR ISSUING SPECIAL PERMITS
IN RESPONSE TO NATIONAL ENERGY EMERGENCY**

On January 20, 2025, the President of the United States signed Executive Order 14156, “Declaring a National Energy Emergency,” 90 FR 8353 (Jan. 29, 2025) (E.O. 14156), declaring a national energy emergency and directing the heads of executive departments and agencies to, among other things, take certain actions “to facilitate the . . . transportation of energy in and through the West Coast of the United States, Northeast of the United States, and Alaska.” The Pipeline and Hazardous Materials Safety Administration (PHMSA) is one of the modal administrations within the U.S. Department of Transportation (DOT) that oversees the transportation of domestic energy resources in the areas identified in E.O. 14156.

Specifically, PHMSA’s Office of Pipeline Safety (OPS) is responsible for prescribing and enforcing Federal safety standards for pipeline facilities that transport energy products, including natural gas, crude oil, and petroleum products. OPS’s safety standards and reporting requirements, which are codified at 49 CFR parts 190 to 199, apply to more than 3.3 million miles of pipeline, as well as approximately 400 underground natural gas storage facilities and 180 liquefied natural gas facilities. In addition, PHMSA’s Office of Hazardous Materials Safety (OHMS) is responsible for prescribing Federal safety standards for the transportation of energy products by rail, vessel, highway, and air. OHMS’s safety standards, which are codified at 49 CFR parts 171 to 180, apply to the more than 3.3 billion tons of hazardous materials that are shipped annually, including more than 88 million barrels of crude oil, and are enforced by OHMS and other DOT modal administrations, such as the Federal Railroad Administration, Federal Motor Carrier Safety Administration, and Federal Aviation Administration.

OPS and OHMS are afforded considerable discretion in administering the requirements in their regulations, particularly with respect to establishing enforcement policies and priorities in response to Presidential directives.¹ OPS and OHMS have previously used that discretion to

¹ See Linda Daugherty, Acting Associate Administrator for Pipeline Safety, Memorandum to Office of Pipeline Safety Staff: Inspection and Enforcement Priorities (Jul. 17, 2025), <https://www.phmsa.dot.gov/regulatory-compliance/phmsa-guidance/phmsa-pipeline-safety-inspection-and-enforcement-priorities>; William Quade, Acting

provide relief to regulated parties during national emergencies.² OPS and OHMS are also authorized to grant waivers or exemptions of their regulatory requirements. These waivers or exemptions, included in what are known as special permits, can be provided to regulated parties on either an emergency or non-emergency basis.³

Consistent with E.O. 14156, PHMSA is announcing a limited exercise of enforcement discretion and statement of policy for issuing special permits in response to the national energy emergency. Specifically, OPS and OHMS will refrain from taking any enforcement action against a regulated party who defers the performance of an activity that would otherwise be required under the Federal pipeline or hazardous materials safety regulations if:

- (1) The regulated party demonstrates that performing the required activity would contribute to the national energy emergency by adversely impacting the transportation of energy in and through the West Coast of the United States, Northeast of the United States, and Alaska, including by increasing energy prices for American consumers, particularly those living on low- and fixed-incomes, reducing the domestic supply of affordable and reliable energy, or impairing the integrity and expansion of the nation's energy infrastructure;
- (2) The regulated party demonstrates that deferring the performance of the required activity will not create an unreasonable risk to public safety, property, or the environment, including, if necessary, through the implementation of alternative remedial measures; and
- (3) The regulated party files an application for a special permit promptly, but no later than 45 days after determining that the required activity should not be performed in response to the national energy emergency.

PHMSA will prioritize the review of any application for a special permit that meets the above criteria. PHMSA will also refrain from taking any enforcement action against the party that would otherwise be subject to the applicable regulation until a final decision on the special permit is issued. Moreover, if the application for a special permit is denied, PHMSA will continue to refrain from taking any enforcement action for a reasonable period of time thereafter,

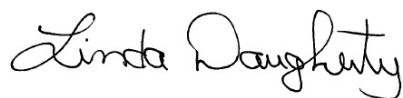
Associate Administrator for Hazardous Materials Safety, Memorandum to Office of Hazardous Materials Safety Staff: Inspection and Enforcement Priorities (Nov. 20, 2025), <https://www.phmsa.dot.gov/standards-rulemaking/hazmat/ohms-inspection-and-enforcement-priorities-memo>; *see also* Executive Order 14219, "Ensuring Lawful Governance and Implementing the President's 'Department of Government Efficiency' Deregulatory Initiative," 90 FR 10583 (Feb. 25, 2025).

² *See* Assistance to the Public During COVID-19, <https://www.phmsa.dot.gov/news/assistance-public-during-covid-19> (last updated Jan. 19, 2022).

³ *See* 49 U.S.C. § 60118(c) (authorizing OPS to issue waivers); 49 CFR § 190.341 (establishing procedural requirements for issuance of waivers in OPS special permits); 49 U.S.C. § 5117 (authorizing OHMS to issue special permits); 49 CFR §§ 107.101 to 107.127 (establishing procedural requirements for issuance of OHMS special permits).

so that the party who sought the waiver or exemption can take appropriate action to perform the required activity without incurring any additional enforcement risk.⁴

Regulated parties may rely on this notice as a temporary safeguard from PHMSA regulatory enforcement as described herein. PHMSA recommends that its State partners exercise the same enforcement discretion described in this Notice. To the extent this Notice includes guidance on how regulated parties may comply with existing regulations, it does not have the force and effect of law and is not meant to bind the regulated entities in any way. Nothing herein prohibits PHMSA from rescinding this limited exercise of its enforcement discretion and pursuing an enforcement action if it determines that a significant safety issue warrants doing so. Nothing herein relieves operators from compliance with any other applicable provisions of Federal regulations or other law, and PHMSA reserves the right to exercise all of its other authorities.



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⁴ PHMSA will apply these same principles in handling requests for other appropriate forms of relief, including requests for findings or approvals or for modifications to the terms, conditions, restrictions, or limitations imposed in orders, that regulated parties submit in response to the national energy emergency.