



American
Petroleum
Institute



American Public
Gas Association



November 22, 2021

The Honorable David P. Pekoske
Administrator
Transportation Security Administration
6595 Springfield Center Drive
Springfield, VA 22150

Administrator Pekoske,

The included pipeline trade associations, AFPM, AGA, AOPL, API, APGA, INGAA, and GPA Midstream appreciate the opportunity to engage with TSA in the next phase of pipeline cybersecurity regulations. These trade associations represent almost all aspects of U.S. energy pipeline operations that serve customers reliably across North America. The associations' members represent refineries and petrochemical operators -- through which pipelines receive and distribute products, regional and local natural gas distribution pipelines, liquids pipelines, integrated and midstream natural gas and oil companies, operators of municipal natural gas systems, natural gas transmission pipelines, and natural gas product pipelines and processors.

Across the industry, our members all share the same concerns regarding TSA's development of pipeline cybersecurity regulations. Both pipeline Security Directives¹ are slated to sunset in May and July 2022, respectively. Based on conversations with you and the TSA Surface Operations and Policy sections, we understand TSA intends to pursue formal rulemaking for pipeline cybersecurity to replace the Security Directives. Your remarks to our associations and members this Fall regarding collaboration and process transparency around future rulemaking were well-received. Notably, you welcomed the opportunity for pre-rulemaking meetings with stakeholders and underscored TSA's intention to have a robust, thoughtful comment period for each phase of the rulemaking process.

In light of this, we strongly urge TSA to issue an Advanced Notice of Proposed Rulemaking (ANPRM) well in advance of the sunset dates for the Security Directives. Further, given the rule will likely affect a broader range of companies than presently impacted by the Security Directives, an ANPRM is appropriate for obtaining input from the additional potentially impacted entities.

TSA can leverage the ANPRM formal process to receive feedback from industry and public stakeholders on risk-based pipeline cybersecurity regulations and responses to questions that promote a greater

¹ *Security Directive Pipeline 2021-01* issued on May 28, 2021 and *Security Directive Pipeline 2021-02* issued on July 19, 2021



understanding of what are reasonable, applicable, auditable, and sustainable regulations. For example, central questions TSA should address as part of pipeline cybersecurity development include:

1. What types of cybersecurity risks are most threatening to operating a pipeline safely and without interruption?
2. How can TSA design a cybersecurity regulatory program to best address the risks faced by pipeline operators?
3. What factors should TSA consider to ensure cybersecurity regulatory requirements do not disrupt or impair pipeline operations or safety systems?
4. How should TSA design a cybersecurity regulatory program so that it is able to evolve with the risks and tactics of cybercriminals?

By following the approach of other federal government agencies and asking a series of questions on the subject matter, TSA can develop, issue, and receive ANPRM comments on a short timeline. To the extent TSA questions whether an ANPRM would add additional time to the rulemaking process, our trade associations pledge to respond to an ANPRM in a timely manner.

Operational reliability and safety are important to the pipeline industry. We are committed to supporting efforts to advance pipeline cybersecurity capability. Our associations and members have the technical expertise to inform such regulations so that prescribed actions do not compromise reliability and safety, nor conflict with existing cybersecurity regulations. We look forward to working with TSA on regulation development.