

## BRIEFING ROOM

# FACT SHEET: The Biden-Harris Administration Has Launched an All-of-Government Effort to Address Colonial Pipeline Incident

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*Action Update: May 11, 2021, 6:00 PM EDT*

The recent cyberattack targeting the Colonial Pipeline has triggered a comprehensive federal response focused on securing critical energy supply chains. President Biden is receiving regular briefings on the incident and has directed agencies across the Federal Government to bring their resources to bear to help alleviate shortages where they are occurring. The Administration is focused on avoiding potential energy supply disruptions to impacted communities, the U.S. military, and other facilities reliant on gasoline, diesel, jet fuel and other refined petroleum products. The Administration is continually assessing the pipeline shutdown's impact on the U.S. fuel supply, as well as what additional actions are available to mitigate the impact of the pipeline's shutdown.

Among other things, the Biden-Harris Administration has mobilized a robust federal response:

- **Established an interagency response group to monitor and address the situation as swiftly as possible and ensure a continuing flow of fuel to affected communities.** In response to the Colonial Pipeline cyberattack, the White House has convened an interagency response group consisting of the Department of Justice (including the FBI), the Department of Homeland Security (DHS) including the Cybersecurity and Infrastructure Security Agency (CISA), the Department of Energy (DOE), the Department of Defense (DOD), the Department of Transportation (DOT), the Department of the Treasury, the Federal Energy Regulatory Commission, the Environmental Protection Agency (EPA), and the White House Office of Management and Budget. The group regularly meets to assess the attack's impacts on fuel supply and U.S. energy markets, and assess policy options. As part of the working group, and at the White House's request, DOE's Office of Cybersecurity, Energy Security, and Emergency Response and the U.S. Energy Information Administration have conducted thorough analysis of potential impacts of the shutdown and assessed various options for mitigating those effects, including

moving supplies by trucks or marine vessels. DOE, the FBI, and other working group members are working directly with the pipeline operator to provide any assistance they need to safely restart operation.

- **Issued a targeted, one-week waiver allowing multiple states to temporarily use noncompliant fuel in an effort to boost available supply.** EPA and DOE evaluated the implications of the ransomware attack and determined that extreme and unusual fuel supply circumstances exist. In response, EPA Administrator Michael Reagan temporarily waived the federal Reid vapor pressure requirements for fuel sold in Reformulated Gasoline areas of District of Columbia, Maryland, Pennsylvania, and Virginia. The EPA stands ready to issue waivers for other affected states expeditiously whenever those requests are received. Granting a temporary waiver will help increase supply of gasoline in the affected areas until normal supply to the region can be restored.
- **Issued an “Hours of Service” waiver to provide greater flexibility to drivers transporting fuel.** To ensure fuel continues to flow to impacted communities as quickly as possible, the Department of Transportation’s Federal Motor Carrier Safety Administration (FMCSA) issued a temporary hours of service exemption providing greater flexibility to motor carriers and drivers transporting gasoline, diesel, jet fuel and other refined petroleum products. The waiver only applies to those transporting fuel to Alabama, Arkansas, District of Columbia, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Virginia. The decision came after the U.S. Department of Transportation evaluated the current situation and determined that circumstances dictate providing industry flexibility. As DOT’s top priority is safety, FMCSA is working closely with state and industry partners to monitor driver work hours and conditions for the duration of the exemption.
- **Launched an emergency effort to determine rail operators’ capacity to help transport fuel from ports inland and identify potential actions to enable this effort.** The Federal Railroad Administration is actively canvassing rail operators across the country to assess whether they can temporarily assist in the transportation of fuel from coastal ports to inland communities.
- **Supported state efforts to allow higher weight limits for tank trucks.** North Carolina and Georgia issued waivers to allow higher weight limits for tank trucks, and DOT is working with the full list of potentially effected States to encourage this work, share information and best practices, and try to harmonize and align their efforts.
- **Initiated a survey of Jones Act-qualified vessels to begin the process of evaluating what assets are available in the Jones Act fleet to carry petroleum products within the**

**Gulf, and from the Gulf up the Eastern Seaboard.** DOT's Maritime Administration is determining whether there is sufficient capacity on Jones Act-qualified vessels to carry needed fuel and to determine if a waiver is warranted. Authority to receive requests for and to approve waivers to the Jones Act belongs to the Department of Homeland Security.

- **Temporarily relaxed enforcement of pipeline operator qualification rules to allow for use of emergency personnel that maybe needed to assist in the partial manual return-to-service.** DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) recently determined that the emergency response effort may require service by pipeline personnel that may not fully meet federal operator qualification (OQ) and employment drug testing requirements. In light of the response and recovery efforts, PHMSA issued a notice advising Colonial Pipeline that it does not intend to take any enforcement action relating to noncompliance with operator qualification requirements arising from the use of personnel for pipeline activities related to the attack. This enforcement stay applies only to those areas where Colonial is faced with limited resources as a result of the impacts of the attack.
- **Prepared to issue orders to direct Colonial Pipeline to prioritize fuel for destinations to address critical supply shortages.** FERC is positioned to issue orders quickly, should a company shipping product on the pipeline request it, to direct the pipeline to temporarily provide preference or priority in the transportation of product to serve the areas with the greatest need.
- **Conducted regular outreach to state and local officials, Members of Congress, and impacted companies and retailers.** The Biden-Harris Administration is in regular contact with state and local governments, Members of Congress, retailers and companies in impacted sectors to assess the impact of the shutdown, offer emergency assistance, and gather feedback on next steps.
- **Provided guidance on securing critical infrastructure.** The FBI recently released a FLASH alert for critical infrastructure owners and operators with indicators of compromise and mitigation measures if infected. The FBI has identified the ransomware as the Darkside variant, a ransomware as a service variant, where criminal affiliates conduct attacks and then share the proceeds with the ransomware developers. This alert will help other critical infrastructure owners and operators respond swiftly if they are targeted in future attacks. CISA, in partnership with DOE, is also communicating with industry to provide guidance on securing critical infrastructure, sharing details about the ransomware attack, and discussing recommended measures to mitigate further incidents. And, the Administration is working to help private sector companies like Colonial enhance their cybersecurity through the Industrial Control Systems Cybersecurity initiative, a

**collaborative effort between DOE, CISA, and the electricity industry to strengthen cybersecurity standards.**

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