



AMERICAN PETROLEUM INSTITUTE

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Kenneth A. Blanco
Acting Assistant Attorney General
Criminal Division
U.S. Department of Justice

Dear Mr. Blanco:

The American Petroleum Institute (API) is a national trade association that represents almost 640 members involved in all aspects of the oil and natural gas industry, including producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry. API members are deeply committed to safe, secure, and environmentally responsible operations which reduce potential risk to the public, as well as employees, contractors, and operations.

The safety of our communities, workers and operations is the number one priority of the oil and natural gas industry and our members work continuously to reach a goal of zero incidents. Recent third-party actions aimed at disrupting operations at oil and natural gas sites and facilities have raised significant concern among our members.¹ As indicated in recent FBI analysis, “an increase in criminal acts by environmental extremists against oil and natural gas (ONG)-related construction projects is likely, as criminal incidents violating federal, state, and local statutes have occurred in several states since late July 2016 in areas of or related to contentious ONG-related infrastructure development projects.”² In addition, a recent letter to the editor in Boulder’s Daily Camera espousing violence against oil and gas workers is yet another disturbing example of this growing concern.³ It is clear that there must be increased vigilance in the face of these increasing threats. While API members and the broader industry remain fully committed to ensuring the safety

¹ See, e.g., REUTERS, “Activists Disrupt Key Canada-U.S. Oil Pipelines, *available at* <http://www.reuters.com/article/us-usa-canada-pipelines-idUSKCN12B260> (Oct. 12, 2016).

² Strategic Perspective: Executive Analytical Report, (U//FOUO) Likely Increase in Environmental Extremist Actions as Opposition to the Dakota Access Pipeline and Other Oil and Natural Gas-related Construction Projects Continues, Counterterrorism Division (Feb. 24, 2017).

³ “A Moral Responsibility to Fight Fracking,” *available at* http://www.dailycamera.com/letters/ci_30930903/andrew-j-oconnor-moral-responsibility-fight-fracking (April 19, 2017). An earlier version of the published letter, since removed from the Daily Camera’s website, and a local political blog post published after the original letter contain express examples of incitement of violent acts against oil and gas workers. See Colorado Politics, “Letter Endorsing Anti-Fracking Violence Penned By Author of Ballot Issue to Hike Oil-and-Gas Tax,” *available at* <http://coloradopolitics.com/letter-endorsing-anti-fracking-violence-penned-author-proposal-hike-oil-gas-tax/> (April 25, 2017).

and security of our operations, we urge the Department to support and devote appropriate resources to investigate these and future incidents, in cooperation with local and state partners.

Increasing criminal activity aimed at oil and natural gas operations and facilities, as confirmed by the FBI's own analysis, should not be deterred by industry actions alone. Investigations and law enforcement actions are a critical element to preventing criminality as well as potential environmental damage. While we respect individuals' rights to free speech and peaceful protest, robust investigations into whether laws protecting critical energy infrastructure and the environment were broken is a responsible next step in certain situations. This is a role that only the government has the ability to play. As you know, federal laws designed to address these issues include, but are not limited to, 18 U.S.C. § 1366 and 49 U.S.C. § 60123.

It is important to highlight that the oil and natural gas industry has been identified by the Department of Homeland Security in the National Infrastructure Protection Plan (NIPP) as critical infrastructure, which is defined as "systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters."⁴ We would encourage the Administration to renew the government's commitment to the NIPP, and more importantly, to the importance of identifying, deterring, detecting, disrupting, and preparing for threats and hazards to our nation's critical infrastructure. API and its members are committed to the partnership established in the NIPP. We look forward to future dialogue and to exploring ways we can collectively increase the safety and security of the oil and natural gas industry.

Sincerely,



Stacy Linden
Vice President & General Counsel
American Petroleum Institute

cc: Jeffrey H. Wood, Assistant Attorney General (acting), ENRD
Deborah L. Harris, Section Chief, Environmental Crimes
Sonya Proctor, Director, Surface Transportation Division, Transportation
Security Administration

⁴ Available at <https://www.dhs.gov/sites/default/files/publications/national-infrastructure-protection-plan-2013-508.pdf> (2013).

David Lehman, Director, Oil Spill Preparedness and Emergency Support
Division, Office of Pipeline Safety, Pipeline and Hazardous Materials
Safety Administration

Robert Kolasky, Deputy Undersecretary (acting), National Protection &
Programs Directorate, U.S. Department of Homeland Security

Patricia Hoffman, Undersecretary for Energy & Science (acting), U.S.
Department of Energy