

# In The News

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## E&E News: How Hacking Threats Spurred Secret US Blacklist

April 18, 2019

According to numerous sources, US energy regulators are sharing a foreign technology supplier “don’t buy” list with US-based electric utilities. This regulatory decision reflects the growing concern that hackers and foreign actors are targeting US infrastructure.

However, according to Steve Bunnell, co-chair of O’Melveny’s data security and privacy practice and former general counsel at DHS, publishing a “don’t buy” list could expose the government to litigation. “I think the government is expecting that there will be some pushback, and it’s healthy to have some pressure-testing,” said Bunnell.

He continued: “One of the risks, particularly with China, is if we end up having two sets of technology — the Chinese one, and the US one — and we force the world to choose between those two, that might make us a little more secure in the short term, but globally it makes us less capable to deal with a lot of hard problems that aren’t necessarily limited to China and the US, like climate change or cybersecurity.”

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