



August 20, 2018

The Honorable John Thune
Chairman, U.S. Senate Commerce, Science, & Transportation Committee
512 Dirksen Senate Office Building
Washington D.C., 20510

The Honorable Bill Nelson
Ranking Member, U.S. Senate Commerce, Science, & Transportation Committee
512 Dirksen Senate Office Building
Washington D.C., 20510

The Honorable Gary C. Peters
724 Hart Senate Office Building
United State Senate
Washington, D.C., 20510

Dear Chairman Thune, Ranking Member Nelson, and Senator Peters:

Thank you for convening the field hearing titled “Pipeline Safety in the Great Lakes: Incident Prevention and Response Efforts at the Straits of Mackinac.” By holding the hearing in Traverse City, Michigan, you are providing a welcome opportunity for the public in Michigan and the Great Lakes region to hear from top experts and stakeholders. Exploring the threats posed by Enbridge Line 5 petroleum pipeline and understanding the important federal role is essential to prevent and protect the Great Lakes from an oil pipeline spill catastrophe.

The U.S. Senate Committee on Commerce, Science, and Transportation (Committee) plays a vital role in oversight over federal regulation to prevent a rupture of Line 5 as well as ensuring incident response readiness. The last major pipeline safety bill signed into law – which was sponsored by Senator Peters and passed by this Committee – was the *Protecting our Infrastructure of Pipelines and Enhancing Safety (PIPES) Act of 2016*. The PIPES Act included several important provisions to improve pipeline safety in the Great Lakes region, including a classification of the entire Great Lakes as a high consequence area and a requirement to consider ice coverage in oil spill response plans. We urge you to pursue additional safeguards through legislation, including several bills introduced by Senator Peters and others that would raise spill liability caps, improve coordination among agencies, and strengthen emergency authority to suspend or shut down operations.

Despite the Committee’s commendable work, federal pipeline safety standards and enforcement remains inadequate. Pipeline and Hazardous Materials Safety Administration (PHMSA) authority is weak, enforcement actions lack teeth, the rulemaking process to implement critical safety recommendations is extremely slow, the pipeline safety budget is relatively small, and standards to prevent and anticipate problems are unnecessarily low.

In addition to issues with PHMSA’s ability to prevent spills, there are real concerns that the U.S. Coast Guard and other oil spill responders would struggle to adequately contain oil in the unique conditions of the Straits of Mackinac and in the Great Lakes in general. The Straits were labeled the “worst place” for an oil spill by expert researchers at the University of Michigan. Strong currents, high waves, ice coverage in winter, and the fact that the Great Lakes are a source of drinking water for over 40 million people are just some of the factors that raise the stakes for a spill of any contaminant in these waters. As a result, we remain concerned that federal laws and industry best practices do not sufficiently protect Great Lakes resources from even a small oil spill.

The importance of strong federal oversight from Congress and federal agencies was demonstrated in a near-catastrophic incident that took place in April 2018. Line 5's twin oil pipelines in the Straits, which were already vulnerable from gaps in protective coating, were struck by an anchor, denting them in three places and chipping off more of the coating, leaving bare metal exposed. Shortly thereafter, it was clear that the Straits of Mackinac would experience severe weather, with high winds and waves in an area that still had chunks of ice floating in the water. Even though Enbridge had recently agreed to shut down operation in adverse weather and high waves, and even though a visual inspection to confirm the pipeline's condition was not conducted, the company insisted on continuing to operate Line 5 in the Straits.

It was only through intense pressure from Senator Peters, Senator Stabenow, and PHMSA did Enbridge finally temporarily shut down operations. Enbridge's resistance to these precautions show a lack of concern for the Great Lakes and for the people that depend on these resources for drinking water, fish and wildlife habitat, and jobs. We urge Senator Peters to explore this incident in the hearing with all parties involved, including Enbridge and the federal pipeline safety and response entities.

The near-disaster in April of this year is part of a severely disturbing trend of operation, management, and communication on the part of Enbridge. A few more examples of Enbridge's troubling track record:

- Enbridge was responsible for the one of the worst onshore oil pipeline spills in our country's history when Line 6B ruptured and spilled heavy tar sands crude oil for 17 hours near Marshall, MI, fouling over 30 miles of the Kalamazoo River.
- There have been 29 confirmed spills along the inland segments of Line 5 over many years.
- Despite clear requirements in the easement allowing Line 5 to use the bottom of the Straits of Mackinac, Enbridge has allowed crucial supports to go missing for long and undetermined lengths of time.
- Gaps in Line 5's protective coating and other important pieces of information were hidden from the public and decision-makers and not immediately addressed when discovered.

Given the information available about the location and condition of the pipeline, Enbridge's history of spills and lack of transparency, weaknesses in the federal standards for pipeline safety, the absence of necessary action by Governor Snyder and Attorney General Schuette, and the inability to adequately respond to and remediate an oil spill in the fresh waters of the Great Lakes, it is clear that it is time to retire this dangerous 65-year-old oil pipeline once and for all. Like most Michiganders, we believe the state should exercise their clear authority to revoke the state agreement that allows Enbridge to operate the dangerous Line 5 pipeline in the Straits of Mackinac.

We urge you to use your powers of federal oversight to work with the appropriate agencies and experts to eliminate this threat to the Great Lakes, improve prevention and response capabilities, and seek feasible alternatives that will still meet the energy needs of Michigan and the United. We stand ready to assist in this effort and once again express our sincere gratitude for convening this Committee hearing.

With best regards,



Lisa Wozniak
Executive Director
Michigan League of Conservation Voters