

July 6, 2014

DEBRIEFING — What Did They Say?

Northern Michigan Pipeline Symposium, Petoskey, MI, June 24, 2014
Hosted by Tip of the Mitt Watershed Council

Debriefing by 3 Oil Spill Survivors of Exxon Valdez, BP Deepwater Horizon & Enbridge Line 6B in Kalamazoo (Contact: spillinfo@rikiott.com)

Some 200 concerned citizens attended this symposium to learn more about Enbridge's Line 5 pipeline that runs under the Straits of Mackinaw, then through, across, or near wetlands, lakes, streams, private property, and communities in northern Michigan. Enbridge's Line 5 terminates in Sarnia (Ontario), but it is part of a large and rapidly expanding pipeline infrastructure in North America that connects inland oil and gas fields like North Dakota's Bakken shale oil and Alberta's tar sands oil to refineries and ports in the United States and Canada. Enbridge's Line 5 has been carrying natural gas liquids and light crude oils including synthetic crude (upgraded crude from heavy oil, tar sands oil, or shale oil). People wanted to know if Enbridge had plans for Line 5 to carry heavy crude and diluted bitumen—tar sands oil and diluents (industrial solvents) to thin the thick oil for transportation in pipelines. People wanted to know what the industry and federal and state agencies were doing to prevent spills, and what they would do in the event of a spill to protect people and the environment.

As veterans of the largest oil disasters in America, we wanted to share what we heard from the presentations by U.S. PHMSA (Pipeline and Hazardous Materials Safety Administration), Enbridge, and EPA (Environmental Protection Agency), and the Q/A session. Based on our disaster experience, we have learned how to burst the bubble of industry-government rhetoric and assurances. We share our debriefing to help people understand some of the real risks of oil disasters to people and the environment. Spills are an *inevitable* part of oil transportation. It's best to be prepared.

1. Will Line 5 carry tar sands oil as diluted bitumen (dilbit) in the future?

Enbridge: No. PHMSA: We won't know because industry is only required to report "crude oil" and not distinguish between conventional crude oil and tar sands oil.

Our interpretation: Very likely. Any existing pipeline can be converted to carry dilbit (tar sands oil with diluent). There is tremendous political and economic pressure to move tar sands oil out of Alberta to refineries and ports on the Pacific, Gulf, and Atlantic coasts. There is tremendous public resistance to new pipelines crossing western Canada and states in the proposed Keystone XL corridor (Montana to Texas). The resistance has increased pressure to ship crude by rail and through existing pipelines that are being repurposed, even reversed, to carry tar sands oil. There is no reason to believe this couldn't happen to Line 5.

2. So what's the big deal? Crude is crude, right?

EPA steadfastly maintained that "crude is crude," that crude oil does not sink, and that conventional oil spill response equipment will work to "clean up" any crude oil spill.

Guess what? Some crude oils sink. According to the International Spill Control Organization, "Sinking oils (Group V Class C/D) including oil sands, Dilbit, Bitumen, Lamp Black, and other non-buoyant oils have a specific gravity of [greater than] 1.0, which is heavier than water and, if spilt (sic), will submerge or sink in water" (emphasis added). In fact, the industry and federal government (USCG and NOAA) are hosting an international forum on non-buoyant

oils in Detroit in September to focus on “the challenges of these type oils.” In other words, the industry itself does not know how to contain and remove oil that sinks after it spills. The forum is open to all interested parties. Maybe someone should invite EPA?

<http://www.spillcontrol.org/isco-what-s-new/276-press-release-international-forum-on-group-v-non-buoyant-oils>

Our interpretation: If EPA admits that crude oil sinks, then EPA must also admit that conventional oil spill response equipment like booms and skimmers will not work on tar sands oil that sinks or highly volatile oil that explodes like Bakken shale oil. Our National Oil and Hazardous Substances Contingency Plan was first written in 1968 in response to oil spills at sea and for one type of oil—conventional crude that floats. In effect, this means that oil shippers of crude that sinks or explodes are out of compliance with the law (Clean Water Act) that requires oil shippers to have viable contingency plans. *Our opinion: If they can't clean it up, they shouldn't be allowed to ship it by rail, pipeline, tanker, barge, or tank truck!*

3. Pipelines last forever.

Yep, that's what Enbridge said. We just take care of them and they last forever.

Our concern: Pipelines don't last forever. Pipelines last longer with proper inspection and maintenance. However, tar sands oil is more corrosive and more abrasive than conventional crude. (That's why it sinks: it has a high concentration of silica quartz particles—the same level as sand-blasters in fact.) According to a Cornell University report published after the Enbridge Kalamazoo River spill, “pipelines transporting diluted bitumen tar sands oil have a higher frequency of spills than pipelines carrying conventional crude. Between 2007 and 2010, pipelines transporting diluted bitumen tar sands oil in the northern mid-west spilled three times more oil per mile than the national average for conventional crude oil.”

Cornell also reported that in its first year, “the U.S. section of Keystone 1 had a spill frequency 100 times greater than Trans-Canada forecast.”

Further, the industry is largely self-regulated because there are too few pipeline inspectors nationwide. U.S. DOT Secretary Anthony Foxx said Tuesday his department has too few resources to test and monitor shipments of hazardous materials. Foxx said the Obama administration has asked Congress for a \$40 million “flexible fund to give us the ability to be nimble right now to develop a plan over two years to dramatically increase our efforts on the safety front...” <http://blogs.rollcall.com/the-container/rule-on-crude-by-rail-shipments-is-priority-over-hazmat-fee-foxx-says/> To us, such statements are guaranteeing increased lax oversight and increased risk of spills.

4. There have been improvements in spill detection and prevention measures.

Enbridge cited numerous improvements in safety and integrity following the “Marshall incident”—the largest reported inland spill of tar sands oil in the United States.

Our experience: Industry always claims to make numerous improvements after a horrific disaster. Such actions just prove the overall lack of industry's concern for public safety, health, and the environment because most of the “improvements” were measures that the industry could have implemented to prevent or minimize risk of a disaster—before the disaster. Instead industry chooses to maximize its profit instead of spending money to minimize risk of spills. Further, unless such “improvements” are written into law and regulation—and enforced, they provide only false assurances as the industry has a long history of broken promises. Federal investigations and new laws are weakened by compromises brokered by industry lobbyists. Laws are further eroded by agencies tasked with implementing regulations. Adequate safety measures, enacted and enforced, fall far short

of what is needed to protect public health and welfare—or even first responders, as evidenced by the series of emergency regulations to improve crude by rail shipment issued by US DOT in early 2014. Effective citizen engagement and oversight of energy operations has been found to be critical to the proper function of industry, government, and civil society, as with the Citizens' Advisory Council in Prince William Sound, Alaska, that was mandated by the Oil Pollution Act of 1990. The Act also encourages creation of such Councils in other regions.

5. Pipeline people are good neighbors.

One Enbridge brochure emphasizes treating landowners fairly and compensating people for fair market value of land, damage, disturbance and inconvenience, and other adverse effects. Another focuses on community “investments” in grants to first responders and community groups.

Our experience: Not even close to being true. Pipeline Safety Trust published a series of stories of frustrated landowners, Voices from the Trenches, in its November 2013 newsletter. <http://pstrust.org/> Complaints include: attitude of entitlement (to your property) by eminent domain; unresponsive to damages to homes, humans, pets and livestock; no courtesy calls prior to visits; trespass, especially when surveying (your land); soil compaction with water flow or crop disruption; massive ecological damage; replacement of fertile topsoil with clay; noise and light disturbance (for months on end); dust; speeding vehicles (across your property); and giant ruts in yards making it hard to get in or out of your home. Landowners describe the “Enbridge Experience” as “horrific” and a “nightmare.” Further, according to PST, industry lobbying has tweaked the definition of High Consequence Areas to exclude thousands of miles of pipeline from stricter inspection and protection rules, saving themselves billions of dollars while exposing areas with high human populations, sensitive habitats, or drinking

water supplies to higher risk of disaster and pollution.

After spills, it gets worse. People, pets, and livestock are sickened from petrochemical exposures and left to deal with debilitating and life-threatening illnesses while industry (and government) ignore this unfortunate consequence of our oil dependency. Without government acknowledging community-level public health impacts, it becomes expensive and difficult for individuals to obtain proper diagnoses and treatment. After the Enbridge tar sands spill in the Battle Creek-Kalamazoo region, the Michigan Dept. of Community Health published a report finding that nearly 60 percent of the people exposed to the tar sands oil spill reported symptoms characteristic of crude oil exposure such as difficulty breathing, headaches, dizziness, nausea, skin lesions, etc. However, within a year Michigan published a follow up report that there were no long-term health consequences from this disaster. Meanwhile, in one neighborhood next to the impacted river, 27 people (to-date) have died since the disaster (local lore holds from the disaster), and people are still reporting sicknesses in children, adults, and pets near oiled areas.

And as for community investments, it is standard industry-wide practice to scatter relatively small amounts of money in communities to buy favor. Instead of viewing this as goodwill, communities should anticipate needs based on additional risk and present industry with serious demands to cover costs for initial and annual HAZWOPER (Hazardous Waste Operator) training for emergency responders; safety gear; storage and maintenance costs for that gear; emergency shelters; evacuation planning and procedures; environmental medicine training for local or regional health care providers on chemical illnesses; education for the general public including school children on chemical illnesses (symptoms; diagnosis and treatment); and more.

6. Are we prepared for a spill?

You decide. For starters in the Forum program, Marine Pollution Control (the region's spill responder) listed to its credit that it offloaded some 40 million gallons of oil from the stricken tanker *Exxon Valdez*, thus preventing a much worse spill. In fact, according to a State of Alaska investigation, the industry under-reported the amount spilled by ten to twenty million gallons by reporting off-loaded seawater (flowing into the tanker from holes in its hull) as "oil recovered." Industry under-reporting of spill volume is common as fines are based on volume spilled—and the industry usually gets away with it.

Marine Pollution Control spouted off statistics on how many feet of boom were stockpiled in various upper Michigan communities, but nothing about how boom only works in fairly mild weather conditions—and not at all for oil that sinks or submerges and not in ice conditions. Booms also need trained personnel, skimmers, storage tanks, and a disposal plan (waste oil wound up in municipal landfills after the BP Gulf disaster), but of these nothing was said. Also not mentioned is the fact that dispersants and other toxic chemical response products may be used during spill response and are listed for oil spill response in both the Sub-Area and Regional Contingency Plans, which were both last updated prior to the Enbridge pipeline rupture in Kalamazoo. http://glin.net/partners/epa/northmi/NoMich_su_b-acp.pdf (updated in 2001) and http://www.mikejoecoffey.net/spills/Records/Region5ACP-RCP_revMay2011.pdf (updated in 2009). The Subarea Plan states that EPA Region 5 does not promote the use of dispersants or other oil emulsifiers because of two primary concerns: the use of freshwaters as a water supply and dispersants do not work in fresh water. However, the U.S. Coast Guard

(lead agency in inland spills in navigable waters despite EPA comments to the contrary) is a huge fan of dispersant use and is able to overrule EPA on use as occurred during the BP Gulf disaster. The Coast Guard also promotes subsurface use of dispersants in the Gulf of Mexico.

All this to say, if the Coast Guard considers an oil spill to be a significant threat to public health, it can (and almost certainly will) authorize use of chemical agents to combat the oil without considering the human health threat posed by the chemicals themselves—as it has done in all past spill responses that use chemical agents. Contingency plans have provisions to rescue and rehabilitate wildlife, but no similar provisions to protect workers or the general public at risk of or injured by petrochemical exposures. Workers, children, elderly, pregnant women, African Americans, and people with chronic conditions are especially prone to chemical illnesses from a toxic exposure—and are collateral damage in the public relations war to market a successful "cleanup" to the American public. The 2012 Dispersant Initiative Report even discusses how to communicate "a human health risk tradeoff" of using chemical agents such as dispersants to the American public. And it's back to business as usual for the oil industry...

What can you do?

Get informed. Get involved—especially with the local activists and organizers who are working to make a difference.

For more information on gaps in the National Contingency Plan (and reflected in all regional and area contingency plans), human health impacts of petrochemicals, and Citizen Advisory Councils, see dispersantban.org.