

United States Senate

WASHINGTON, DC 20510-4705

December 7, 2016

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Obama:

I am extremely concerned about the risk the Trans Mountain Pipeline Expansion Project poses to the Pacific Northwest. Last week, Prime Minister Justin Trudeau approved Kinder Morgan Canada's plan to nearly triple capacity of the Trans Mountain Pipeline from 300,000 to 890,000 barrels of crude oil a day. Expansion of the Trans Mountain Pipeline is projected to increase oil vessel traffic along the U.S. Pacific Coast seven-fold, with each tanker holding more than 25 million gallons of oil. This decision was made based solely on the impact of the pipeline to Canada and did not take into account the risk posed to the United States. Project approval was rendered without consideration of the best available science on oil properties and interactions with the marine environment and ignored known significant deficiencies in tar sands oil spill prevention and response capabilities. I urge you to directly engage with Prime Minister Trudeau and call on the Canadian government to ensure adequate protections are in place to mitigate oil spill risk in Canadian and United States waters prior to construction of the Trans Mountain Pipeline Expansion Project.

Crude oil derived from Alberta's tar sands is markedly different from other forms of oil and poses increased environmental risks far beyond those of conventional oil. In a 2014 hearing in the Senate Committee on Commerce, Science & Transportation, Coast Guard Commandant Admiral Paul Zukunft confirmed the United States does not have the capacity to cleanup heavy oils, like tar sands oil, which can sink when spilled. A recent report by the National Academy of Sciences¹ echoed the Admiral's statement, finding that oil spill response agencies lack the methods and technologies required to adequately clean up tar sands oil. Despite these concerning findings, the report was not considered by Canada.

In addition to inadequate oil spill response technology, the approved project proposal does not address how to best equip first responders in the event of an oil spill. Kinder Morgan Canada² would not commit to providing spill responders and regulators with information about the basic chemical properties of oil that will be moving through the pipeline. We must have access to this critical data to ensure emergency responders can facilitate safe and appropriate spill response and preparedness procedures. In 2010, when an Enbridge Energy pipeline spilled more than 800,000 gallons of tar sands oil into the Kalamazoo River in Michigan there was confusion and uncertainty regarding the type of oil spilled, which delayed an effective response. More than six years following this spill, approximately twenty percent of unrecovered tar sands oil remains in the Kalamazoo River system.

The risk of billions of gallons of foreign tar sands oil products transiting our waters, combined with a lack of technology for cleaning up spilled oil once it settles on the sea floor, puts our multi-billion dollar coastal economy at risk. Oil spills have the potential to collapse our fisheries, devastate our tourism industry, and pose a direct threat to key species such as the endangered Southern resident orcas.

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An oil spill in the Strait of Juan de Fuca or the transboundary Salish Sea could restrict vessel traffic to such a degree that our ports could be brought to a grinding halt, which would have overwhelming impacts on both the Washington state and the national economies.

Increased oil spill risk has direct implications for the health and prosperity of the people of Washington state. I am particularly concerned about Tribes with treaty fishing rights in Puget Sound, the Salish Sea and the Pacific Coast. Pacific Northwest Tribes have fished these waters for salmon, crab, halibut and shellfish since time immemorial. An oil spill here would not only be disastrous for these important fisheries, but could also destroy usual and accustomed fishing grounds. It is our treaty trust responsibility to protect Tribal fishing rights against the risks posed by increasing foreign oil tankers transiting our waterways.

Although prevention is always best, a robust oil spill response is critical in the event of a spill. The current federal oil spill response funding framework is grossly unequipped to handle a tar sands oil spill. The Oil Spill Liability Trust Fund is the principal federal mechanism designated for funding oil spill response and cleanup efforts for oil spills in U.S. waters. An 8-cent per barrel tax is currently imposed on imported and domestic crude oil to generate revenue and sustain the fund. Tar sands oil is exempt from this excise tax, even though the fund could be used to pay for cleanup of a tar sands oil spill. This has the potential to cause excessive strain on, and potentially bankrupt, the fund. The brunt of cleanup costs not covered by the responsible party, would then fall on the American taxpayer—for a *Canadian* oil spill.

A tar sands oil spill would create far reaching environmental and economic consequences in the Pacific Northwest. We lack the necessary oil spill prevention and response technologies, as well as the data, to facilitate safe and appropriate spill response and preparedness procedures. Without these critical tools and resources, we are unable to protect our people, our coastal resources, and our economy from the catastrophic devastation of a tar sands oil spill. Given the importance of the Pacific Coast to the United States, I urge you to engage with Prime Minister Trudeau and take action to protect Puget Sound. It is critical that sufficient policies, response resources and regulations are in place before moving forward with construction of the Kinder Morgan Trans Mountain Pipeline Expansion Project.

Sincerely,



Maria Cantwell
U.S. Senator

CC: Secretary John F. Kerry, U.S Department of State
Admiral Paul F. Zukunft, Commandant, U.S. Coast Guard

¹ National Academy of Sciences Report, “Spills of Diluted Bitumen from Pipelines: A Comparative Study of Environmental Fate, Effects, and Response,” 2016, available at: <http://www.nap.edu/21834>

² Canada National Energy Board Report, “Trans Mountain Expansion Project,” May 2016, available at: https://docs.neb-one.gc.ca/ll-eng/llisapi.dll/fetch/2000/90464/90552/548311/956726/2392873/2969696/2969867/A77045-1_NEB_Report_-_Trans_Mountain_Expansion_Project_-_OH-001-2014.pdf?nodeid=2969681&vernum=-2