

CUSP – Citizens United for a Sustainable Planet OEB Submission for Wednesday  
March 26<sup>th</sup>, 2014

Please note: The presentation will highlight sections of this document in order to remain within the 5 – 10 minute timeline.

CUSP – Citizens United for a Sustainable Planet  
c/o Paul Berger  
1181 Sunrise Beach Drive  
Shuniah, ON, P7A 0Z5

March 24<sup>th</sup>, 2014

Ontario Energy Board  
PO Box 2319  
2300 Yonge Street  
Toronto, ON, M4P 1E4

Dear Members of the OEB,

CUSP is a grassroots group that has met regularly in Thunder Bay since April, 2012. CUSP was formed by a group of concerned citizens after the federal government withdrew Canada from the Kyoto Protocol. Our mission is to work on environmental issues (especially climate change), push for Canada to respect Indigenous rights, and advocate for social justice. We have no formal membership protocols. Seventy-six people are on the CUSP 'meetings' listserv and thus receive the CUSP monthly meeting agenda, meeting minutes, and other updates, and a further 70 people are on the CUSP 'events' listserv and receive information about events we feel to be important, such as the OEB Energy East community conversation.

CUSP believes that the Energy East proposal brings with it substantial risks, certain deleterious impacts, and no substantial benefits. We are aware that the NEB assessment process may disallow intervenors from speaking about the upstream impacts of the proposed pipeline conversion. Still, these are the most dangerous and we will outline them here. If the assessment process does disallow this discussion, we recommend that the OEB note that the process is flawed, and proceed to make a case against Energy East based on the certainty that the pipeline will leak.

It is certain that the pipeline will leak. The conversion would use the existing Eastern Mainline Gas Pipeline, built in the 1950s – the same vintage as Exxon's Pegasus pipeline that ruptured in 2013 in Mayflower, Arkansas, flooding homes with diluted bitumen. Similar to the proposed Energy East pipeline, the Pegasus pipeline was carrying material for which it was not designed. According to the

National Petroleum Council<sup>1</sup>, "pipelines operating outside of their design parameters such as those carrying commodities for which they were not initially designed, or high flow pipelines, are at the greatest risk of integrity issues in the future due to the nature of their operation."

Between 2000 and 2011 the NEB recorded at least 1047 separate pipeline incidents<sup>2</sup>. TransCanada Pipelines states that pipelines in Canada had a 99.9994% safety record between 2002 and 2011<sup>3</sup>. While they do not provide information as to how the figure should be interpreted, with 1.1 million barrels a day proposed to flow through Energy East every day, 660 barrels per day on average can be expected to be transported unsafely.

This puts Northern Ontario watersheds at great risk, especially since the diluted bitumen cannot be cleaned up by conventional methods, as Enbridge's disastrous Kalamazoo spill in 2010 demonstrated. While pipeline companies in Canada are legally responsible for cleanup costs related to pipeline spills for which they are to blame, there is no way to adequately compensate people for loss of use or loss of tourism related to lengthy and incomplete cleanups, like in the Mayflower and Kalamazoo spills. For example, a spill into the Nipigon River would quickly move into the Lake Superior National Marine Conservation Area, contaminating prime speckled trout spawning grounds and the water supply for the town of Red Rock, Nipigon, and the Lake Helen First Nation. Cleanup would be next to impossible and would have serious deleterious impacts.

This scenario is not hypothetical. In 1990 a major landslide at the TransCanada pipeline crossing was caused in part by disturbance by the pipe itself<sup>4</sup>. It left the pipe hanging above the riverbank<sup>5</sup>.

An old pipe, carrying a product it was not designed for, at a high flow rate of 12.7 barrels per second, will leak. The result will be catastrophic.

The second reason that CUSP opposes the Energy East proposal is that much of the land traversed by the current and proposed new sections of the pipeline are Aboriginal territory. CUSP will withdraw opposition on these grounds if all Aboriginal Peoples whose land is affected are fully consulted and give free prior and

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<sup>1</sup> 2011, p. 49, <http://www.documentcloud.org/documents/676105-1-7-crude-oil-infrastructure-papernpc.html>

<sup>2</sup> <http://activehistory.ca/2013/11/tracking-canadas-history-of-oil-pipeline-spills/>

<sup>3</sup> <http://www.energyeastpipeline.com/myth-vs-fact-the-truth-about-pipelines/>

<sup>4</sup> section 4.1,

[https://archive.org/stream/NIPIGONRIVERDEVE00SNSN20236.ome/NIPIGONRIVERDEVE00SNSN20236\\_djvu.txt](https://archive.org/stream/NIPIGONRIVERDEVE00SNSN20236.ome/NIPIGONRIVERDEVE00SNSN20236_djvu.txt)

<sup>5</sup> <http://canadians.org/blog/thunder-bay-chapter-defends-watersheds-lake-superiors-north-shore>

informed consent<sup>6</sup> to the project. The Supreme Court, in the *Delgamuukw* and *Haida Nation* decisions noted that full consent is required on “very serious issues.”

The third reason CUSP opposes the Energy East project is because, at the very moment in history when climate change demands that we move rapidly away from our fossil fuel addiction, this project would move us much deeper into that addiction. Energy East is primarily about creating a pathway for Alberta Tar Sands dilbit to get to overseas markets, facilitating an expansion of the Tar Sands. Natural Resources Canada confirms the pipelines/expansion nexus: “A July 2012 report from the Canadian Energy Research Institute also showed that the economic benefits from future oil sands production depends greatly on the building of new pipeline infrastructure”<sup>7</sup>.

It is well known that the burning of fossil fuels is warming the planet, .8 C so far since the beginning of the industrial revolution. The more frequent extreme weather that the world has been experiencing is one of the first symptoms of this. Extreme weather has been felt locally, including the Thunder Bay Flood in May, 2012, the Duluth Flood in June, 2012, the Wawa Flood in October, 2012, and a bit further afield in the June, 2013 Calgary Flood and July, 2013 Toronto Flood. The damages have been staggering, with the Calgary Flood the costliest ‘natural’ disaster ever in Canada, costing insurers alone almost 2 billion dollars<sup>8</sup>. Globally, disasters such as Typhoon Haiyan that hit the Philippines in November, 2013 have created enormous human misery.

Unfortunately, the extreme weather we’ve seen is only the beginning. Without sharp reductions in global CO<sub>2</sub> emissions we risk an acceleration of warming and the triggering of slow feedback mechanisms such as methane release from permafrost that will lead to catastrophic warming of 3 – 4 C<sup>9</sup>. At just a 1.6 C increase in global temperatures the IPCC predicts 9% - 31% of species will be committed to extinction, while with a 2.9 C rise 21% - 52% will be committed to extinction<sup>10</sup>. Sea level rise at 2 C warming of 9 m is expected, while 3 C warming will bring 15 – 25 m higher seas<sup>11</sup>.

Building energy infrastructure that locks us into expanding the Alberta Tar Sands – the most energy-intensive fossil fuel on the planet – is incompatible with tackling climate change and returning Earth to a stable climate. Retired leading NASA climate

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<sup>6</sup> <http://www.amnesty.ca/get-involved/lead-in-your-community/factsheet-on-indigenous-peoples-and-free-prior-and-informed>

<sup>7</sup> section 2.7, <http://www.nrcan.gc.ca/energy/infrastructure/5893#h-4>

<sup>8</sup> <http://www.torontosun.com/2014/01/20/bad-weather-cost-canadian-insurers-32b-in-2013>

<sup>9</sup> <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0081648>

<sup>10</sup> <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0081648>

<sup>11</sup> <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0081648>

scientist James Hansen et al. argue that to stabilize climate at a 1 C rise with 350 ppm CO<sub>2</sub> in the atmosphere by 2100 we must reduce fossil fuel consumption by 6%/year starting immediately<sup>12</sup>.

Another way to look at the amount of fossil fuel that humans can burn and possibly still stay safe is provided by 350.org<sup>13</sup>. We can burn 565 more gigatons of CO<sub>2</sub> and probably stay within 2 C of warming. Fossil fuel companies, however, have 2795 gigatons in proven reserves. For the livability and survivability of the planet for our children, grandchildren, and descendants, much of that fossil fuel must stay in the ground.

From a planetary perspective, melting and 'washing' bitumen out of sand is indefensible. The Tar Sands produce more CO<sub>2</sub> than Jamaica or Rwanda<sup>14</sup>. The Pembina Institute has calculated the Energy East pipeline would result in an additional 30 to 32 megatons of CO<sub>2</sub> per year<sup>15</sup>. From 34 megatons of CO<sub>2</sub> per year in 2005, the Canadian Government plans to expand Tar Sands production to 137 megatons by 2030<sup>16</sup>. This is plainly insane.

Ontario is one of only a few provinces that have taken actions aimed at significantly reducing greenhouse gas emissions. Through its support of feed-in tariffs for renewable energy and the phasing out of coal-fired generating stations, Ontario has been single-handedly responsible for cutting more CO<sub>2</sub> than any other province. The Nanticoke Generating Station's eight units alone produced over 17 megatons of CO<sub>2</sub> per year before being decommissioned<sup>17</sup>

It would be tragic if Ontario did not oppose Energy East. The gains made in cutting greenhouse gas emissions in Ontario will quickly be lost to the Tar Sands expansion facilitated by this project.

These, in brief, are the reasons CUSP opposes the proposed Energy East pipeline. We call on the OEB to recommend rejection of the project to the Ontario Government and to speak against it at the NEB hearings.

Sincerely,

Paul Berger

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<sup>12</sup> <http://www.plosone.org/article/info:doi/10.1371/journal.pone.0081648>

<sup>13</sup> <http://math.350.org/>

<sup>14</sup> see Tar Sands, Andrew Nikiforuk, p. 133.

<sup>15</sup> <http://www.pembina.org/pub/2519>

<sup>16</sup> [http://www.huffingtonpost.ca/2014/01/14/oil-sands-emissions-alberta\\_n\\_4598004.html](http://www.huffingtonpost.ca/2014/01/14/oil-sands-emissions-alberta_n_4598004.html)

<sup>17</sup> [http://en.wikipedia.org/wiki/Nanticoke\\_Generating\\_Station](http://en.wikipedia.org/wiki/Nanticoke_Generating_Station)