

Congress of the United States
Washington, DC 20515

February 26, 2012

The Honorable John Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Mr. Secretary,

We write to request that the State Department require a new Presidential Permit and conduct a comprehensive Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act should the Portland Pipe Line Corporation (PPLC) seek to transport Canadian tar sands oil through the Portland Montreal Pipe Line (PMPL) running through Maine, New Hampshire and Vermont.

Many of our constituents have significant concerns about the environmental and economic impacts a tar sands pipeline could pose to the region. They question whether the transportation of Canadian tar sands through our communities for export would be in the United States' national interests. Oil tankers carrying tar sands could pose a real risk to wildlife and fisheries in Casco Bay, and throughout the Gulf of Maine and Atlantic. The pipeline passes along a number of pristine lakes and rivers including Sebago Lake, the jewel of a regional tourism economy and the drinking water supply for much of southern Maine. The path of the pipeline also includes the Androscoggin and Connecticut Rivers as well as many miles of undeveloped and important forests and wetlands, including the Victory State Forest in Vermont.

In 2008, PPLC and Enbridge sought to reverse the PMPL and several other pipelines owned by Enbridge to ship tar sands from Alberta, through the Midwest, central Canada, and eventually the Northeast to Portland, Maine. From Portland, tar sands could be shipped to refineries or exported overseas. Although the original project stalled during the economic downturn, and PPLC is not currently seeking State Department approval to reverse the PMPL, several recent events indicate that PPLC is drawing closer to reversing the pipeline to carry tar sands. Enbridge's Line 9, the Ontario pipeline that links the PMPL to tar sands pipelines in Michigan, has already received Canadian approval for a partial reversal and a full reversal to Montreal is currently under review.

The State Department's response to PPLC's 2008 reversal proposal was extremely troubling. In July 2008, the State Department, with no public comment process, informed PPLC's lawyers that no federal review was necessary to reverse the PMPL. This letter made no mention of tar sands and its unique dangers to the environment and communities along the pipeline in the event of a spill. Nor did the letter mention whether it would be in our national interest to assume those elevated risks on behalf of foreign oil companies looking for an outlet to export Canadian oil. Despite this lack of oversight, we were pleased to learn that on January 2nd, 2013, the State Department required a Presidential Permit and associated environmental review for a proposed expansion of the Alberta-Clipper tar sands pipeline in North Dakota, Minnesota, and Wisconsin.

We believe that a changeover to carrying tar sands is a significant alteration in function and environmental risk for existing pipelines, and that the State Department should require a new permit and environmental review for these changes to occur. Tar sands is a greater hazard to the communities through which it is shipped than conventional oil, as illustrated by the 2010 Kalamazoo River tar sands oil spill in Michigan – the most expensive pipeline spill in U.S. history. Tar sands transported as diluted bitumen differs considerably from conventional crude. Diluted bitumen is 15-20 times higher in total acid concentrations, 40-70 times more viscous, and 5-10 times more sulfuric than standard North American crude, and contains significant quantities of quartz and silicates. Because of its differing properties, diluted bitumen is heated and highly pressurized in order to move through pipelines, increasing the corrosive effects it has on pipelines as well as the risk of spills.

Despite the unique hazards of transporting tar sands oil, federal regulatory entities have yet to impose special safety requirements for tar sands pipelines, and companies are using pipelines designed for conventional crude to move diluted bitumen. Not only is diluted bitumen more likely to spill, it is even more difficult to clean up when spills occur. Although some of the diluents evaporate, a large portion of the mixture sinks in water, confounding oil spill responses that have been designed to deal with floating conventional oil. Simply put, traditional cleanup mechanisms do not work for tar sands and because the makeup of the spill is considered proprietary, regulatory entities may not be prepared to protect public health when a spill occurs.

The State Department review process should also account for impacts related to climate change, including any increase in greenhouse gas emissions as a result of the transition to a new use for this pipeline. The Environmental Protection Agency has stated in evaluating an EIS for other Canadian tar sands crude pipeline infrastructure that greenhouse gas emissions from Canadian tar sands crude are 82 percent higher on a well-to-tank basis than conventional crude. Any analysis of this pipeline reversal and other pipeline infrastructure should account for the impact of carbon emissions as a result of increased market access for Canadian tar sands.

The State Department has the responsibility to ensure transnational pipeline projects serve the national interest and prevent projects that will put our communities and the environment at risk of destructive spills. A project that places American communities at risk without any tangible benefits is certainly not in the interest of our constituents.

Should PPLC again seek to reverse the PMPL, the State Department should require a new Presidential Permit and a full Environmental Impact Statement to determine the risks to the region and ensure adequate protections for our communities.

Sincerely,




Bernard Sanders
United States Senator



Chellie Pingree
Member of Congress


Patrick Leahy
United States Senator


Elizabeth Warren
United States Senator


Michael Capuano
Member of Congress



Steve Cohen
Member of Congress

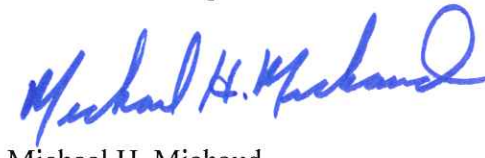

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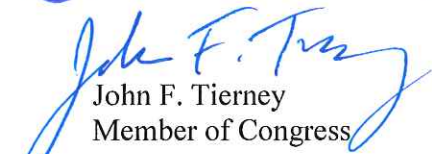

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