

Congress of the United States
Washington, DC 20515

June 24, 2020

The Honorable Elaine Chao
Secretary
U.S. Department of Transportation
1200 New Jersey Ave, S.E.
Washington, D.C. 20590

Dear Secretary Chao:

This letter is being sent urgently and with deep concern for the health and safety of the Great Lakes after the discovery of a dislodged support anchor on the east leg of the Enbridge Line 5 dual pipelines and the decision by Enbridge to prematurely reopen the west leg of the pipeline without a proper understanding of all the facts.

Given the uncertainty that remains surrounding this incident and how the support anchor was damaged or moved, we feel it is inappropriate to continue operating the west leg of the pipeline, while the east leg remains under investigation. We believe the continued operation of the pipelines constitutes an unsafe practice when considered in the context of the unsafe condition presented by the loose anchor, and ultimately comprises an imminent hazard that should be abated. We, therefore, strongly urge you to immediately use all of your available authorities to temporarily shut-down the dual pipelines without delay until a full investigation is completed, and it is deemed completely safe. Our shared priority must remain the safety of the Great Lakes—these treasured natural wonders provide a way of life for so many generations, economic strength for the region, and one-fifth of the world’s fresh surface water.

All the people who call this region home deserves to know what happened and to have federal regulators undertake an investigation to determine whether imminent threat of harm to the Great Lakes exists. This includes knowing that both the east and west leg pipelines have been fully inspected by the Pipeline and Hazardous Materials Safety Administration (PHMSA), that documentary evidence from Enbridge or PHMSA has been provided and made public, that there is a clear response plan in place to address the damage that has already been done to the east leg, and that measures are implemented to ensure that this will not happen again.

In the meantime, while all parties continue to investigate the damaged east leg support anchor, we ask you provide a full accounting of what PHMSA has learned about the incident, as well as any communication it has with Enbridge on this situation. Additionally, please provide all available documentary evidence—including any pictures, videos, or other visual information collected or reviewed—that PHMSA used in its own evaluation of the dual pipelines, as well as a summary of the actions Enbridge has taken or plans to take on this issue, as communicated to PHMSA. The public deserves all the information available.

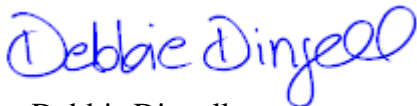
We ask that you answer the following, additional questions regarding the incident and would appreciate prompt and full responses as soon as possible, but in any event not later than July 9, 2020:

1. When did Enbridge notify PHMSA of the incident that triggered the temporary shutdown of the dual pipelines?
2. How did Enbridge describe the incident/damage? Did it explain how the damage had occurred?
3. What specifically did Enbridge say it was going to do to investigate and respond to the damage?
4. Did PHMSA agree that the shutdown was appropriate?
5. What measures did PHMSA direct or recommend Enbridge to take and did this include consultation with other parties, including State officials?
6. What information and data did Enbridge provide to PHMSA about both the East and West legs of the pipelines on June 18, 19 and 20 before Enbridge re-started the West leg on June 20? How did PHMSA review that information? Did it request any additional information? If not, why not?
7. When did Enbridge tell PHMSA it was planning to re-start the West leg on June 20? What explanation and supporting data did Enbridge provide?
8. Did PHMSA approve that decision? Or merely “not object”? Why?
9. Did PHMSA make any independent evaluation or determination of the dual pipelines integrity? Or did it simply rely its determination on Enbridge’s representations and the information they provided?
10. In PHMSA’s view, what existing PHMSA regulations apply in this situation?
11. Under existing regulations, under what circumstances does PHMSA have authority to direct Enbridge to shut-down Line 5 at the Straits? Does it have to wait for an actual release of oil or natural gas to occur?
12. Has PHMSA reviewed and evaluated the two documents it provided to Michigan on June 22? Has PHMSA determined that they adequately assess the integrity of the east and west legs?
13. Please provide copies of all written communications, including but not limited to emails exchanged by Enbridge and PHMSA relating to this incident, from June 18 through the present, and all data, documents, photos, and videos provided, as well as any writings or notes related to telecommunications between Enbridge and PHMSA.

We cannot stress enough how important it is to the Great Lakes region that we determine whether the Enbridge Line 5 dual pipelines are structurally sound and safe after this discovery. We urge you to temporarily reverse Enbridge's decision to reopen the west leg of Line 5 and halt the flow of the dual pipeline until a thorough investigation concludes and is shared with the public, and PHMSA certifies it is completely safe.

Thank you in advance for your consideration of this critically important request and we look forward to a full and prompt response.

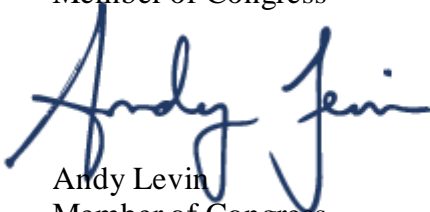
Sincerely,



Debbie Dingell
Member of Congress



Brenda Lawrence
Member of Congress



Andy Levin
Member of Congress



Daniel T. Kildee
Member of Congress



Haley M. Stevens
Member of Congress



Elissa Slotkin
Member of Congress



Rashida Tlaib
Member of Congress

CC:
The Honorable Howard "Skip" Elliott, Administrator, Pipeline and Hazardous Materials Safety Administration