

A Not-So-Public Hearing

by Julie MacArthur - Friday, January 18, 2013

<https://politicsrespun.org/2013/01/a-not-so-public-hearing/>

Yesterday I gave my testimony to the Joint Review Panel for the Northern Gateway Pipeline Project.



Protesters in Vancouver January 2013

Some might argue it was an exercise in futility because ultimately Bill C-38 gives decision-making power for these projects to Cabinet. Perhaps. Yet yesterday on the fourth floor of the Wall Centre hotel person after person put on record their opposition to the project. Their stories were powerful despite the fact that the public is physically shut out of these hearings, distanced by some 15 blocks (a public viewing area was set up at the Westin Bayshore). The separation of presenters from a supportive public actually seemed oddly appropriate to me given that this review process has been all about separating things from context: the pipeline from the marine effects, from climate change, from discussion of our addiction to oil. Why not separate people as well? Fear not though, Enbridge representatives didn't have to listen to the webcast or watch with the public: they had a prime viewing table right in the room beside the review panel.

Everyone in my section of 35 yesterday afternoon signed up in 2011 to speak. The group was made up of a diverse collection of fishermen, engineers, students, retired biologists, artists and software programmers. All opposed the project as did the [253 in Victoria](#) the previous week.

It was a moving experience. As one young man put it yesterday: "we will stop this pipeline, whether you're with us or not...but we'd like you with us". His mic was cut soon thereafter for pointing out that people would put their bodies on the line to stop it.

Another speaker started with a joke: "Why did the ship's captain pull the oil tanker over?.....To take a leak."

I urge those interested to listen to the webcasts, or read the [transcripts of the presentations](#). The sheer passion and commitment of the people testifying inside the panel room and out on the streets is heartening. This reminds me of a quote I read the other day by Martin Keough:

When asked if I am pessimistic or optimistic about the future, my answer is always the same: if you look at the science about what is happening on earth and aren't pessimistic, you don't understand the data. But if you meet the people who are working to restore this earth and the lives of the poor, and you aren't optimistic, you haven't got a pulse.

So, without further ado, my public statement to the Joint Review Panel:

January 17, 2013

Good afternoon,

My name is Julie MacArthur, and I am a Canadian citizen as well as a researcher and educator in political science and environmental sustainability at Simon Fraser University. My research analyzes the role of community ownership in the development of new renewable energy projects. I am speaking at this not-so-public hearing in my private capacity—not as a representative of my university—in order to express my opposition to Enbridge's Northern Gateway Project.

I would like to acknowledge that I am giving this statement on unceded Coast Salish territory. While you consider the merits of this application from Enbridge I urge you to remember that in this province most Nations have not surrendered their traditional lands. This is not merely part of our history. Indeed, the just distribution of power over land underpins our present and future success as a political community. I have had the privilege of being educated as a youth on Nisga'a and then later St'at'imc territory and, as a result, have some small appreciation of how deep First Nations roots in B.C. go and the diverse and very necessary perspectives these Nations bring to our understanding of this land's value. I stand in solidarity with the many people now mobilizing against this pipeline as one part of the broader Idle No More movement for indigenous justice in this country.

My objection to the project rests on the fact that the Northern Gateway Project proposal fails a basic public interest test on a number of fronts. Many presenters at these hearings have already spoken eloquently about the significant environmental risks pipeline projects poses: to animals, their land and marine habitats, the social and economic livelihood of B.C. communities, in contributing to fossil fuel dependence and, ultimately, global climate change. They have also argued that the company is [grossly inflating the number of jobs](#) the project will generate, and thus even the narrowly construed economic benefits to our province.

Previous speakers have also pointed out the poor history of Enbridge in particular with spill monitoring, cleanup and prevention. As the philosopher George Santayana said, "Those who

cannot remember the past are condemned to repeat it." So let's consider Enbridge's history as a transporter of fuels. The fact is that pipelines leak and this particular company has far from a clean record. According to the Polaris Institute, Enbridge has had 804 spills between 1999 and 2010. In fact, in a July 2012 release from the National Transportation Safety Board in the United States the 2010 Enbridge spill in Kalamazoo Michigan—the most expensive onshore in U.S. history at 800 million—was due to "Pervasive organizational failures" including "Inadequate training of control center personnel". Indeed, "[Enbridge knew for \[5\] years that this section of the pipeline was vulnerable yet they didn't act on that information,](#)" said Chairman [Deborah] Hersman of the [NTSB](#)".

The Michigan spill was also deemed to be a result of "regulatory failure" in the United States and we are at risk of repeating the same mistakes here. Canada's environmental assessment and monitoring regime has been undermined by the current federal government to the point where the public interest in these projects is severely compromised. Environmental policy today is shaped by a focus on voluntarism, funding cuts and cheerleading for extractive industries. The changes to project approvals processes and environmental staffing reductions in Bills C-38 and C-45 mean that new projects like this pipeline are accompanied by increased risks for local populations. We now have less coastguard personnel, less assessment officers and less scientists with which to monitor the environment and ensure that the company meets its commitments.

In order to recommend a project that moves bitumen across many First Nations, two provinces and 1,177 kilometers of wilderness you need at the very least faith that the mitigation efforts proposed will actually take place and that the costs of a likely spill will be fairly distributed. I have outlined above that this is unlikely given the history of the company and the current policy regime. In addition, the history of oil spills demonstrates that it is overwhelmingly the public purse that is on the line for monitoring, cleanup, and the legal costs of prosecuting non-compliant companies for the consequences of resource exploitation. Even the rosier estimates will cover maritime spills off the coast for a maximum of 1.3 billion, which leaves [taxpayers with billions](#) more in cleanup costs for generations to come.

Taken together, these broader circumstances of funding and monitoring capacity demand that a precautionary approach to project approval.

Of course, you will judge, as the terms of reference for this panel outline, whether the environmental risks are justified in these circumstances. Whether the risks to predominantly B.C. communities and coasts are justified by the need this company has to expand its operations to new markets. I urge you though, not to conflate the economic interests of Enbridge with the public interest of Canadians more broadly, as our Prime Minister and his Cabinet seem to.

I urge you to consider that trusting this company to fulfill their [vague promises](#) to accommodate First Nations needs and to consult with local communities and safeguard a land quite removed Calgary boardrooms is tantamount to "letting the fox guard the henhouse", as the NTSC chairman said about Enbridge in the Michigan case. In my research I've found that leaving these details until *after* approval significantly reduces the local negotiating capacity as well as the likelihood of follow-through.

Northwest British Columbia is a place most Canadians let alone Enbridge investors will never visit and will probably have no reason to, but it is and was home to some of us as well as a stunning diversity plant and animal species. This represents an issue of what political scientists like myself call 'moral hazard' where the interests of groups with asymmetrical information and power do not align. In this case, this pits the profitability interests of a large company with a poor history of spill monitoring and cleanup against the interests of present and future generations of B.C. residents in preserving their natural heritage.

The land is connected to the people who live here. It is they who will pay, ultimately, for use and overuse of the resources.

American photographer Ansel Adams argued that: "It is horrifying that we have to fight our own government to save the environment." I would like to urge the panel to join with the overwhelming majority of people you've hopefully been listening to over the past weeks; support the public interest over private short-term gain and recommend and against approval of Enbridge's Northern Gateway Pipeline.