

by [David Anderson](#) / Times Colonist

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The report handed down on Dec. 19 by the federal panel assessing the Enbridge Northern Gateway pipeline proposal is deeply flawed.

The panel has attached 209 conditions to its approval of the proposal, and if these conditions were met, it is beyond question pipeline and port safety would improve. But attaching conditions is the easy part. This does not create any greater level of security.

The question that the panel failed to address is the probability of these requirements being met during the construction phase and, more importantly, in the years after the pipeline enters service. There was no examination of other similar situations where construction was expected to be in accordance with mandated conditions, but where, in fact, when the construction began or the operation of the facility began, the mandated conditions were simply ignored or set aside.

There are many examples of this. The closest parallel to the Enbridge proposal is the construction and operation of the TransAlaska Pipeline system. Under pressure to get the proposal underway, many safety and environmental commitments were made, both by the United States government and by the construction consortium. Many were met, but as accident reports on the Exxon Valdez spill of 1989 made clear, many others — the difficult or expensive ones — had been ignored.

The TransAlaska Pipeline and the Exxon Valdez lessons are clear. Setting out conditions is easy. What counts is putting them in place.

So, if the federal government accepts the panel's recommendations and Enbridge is allowed to proceed, what are the chances that these 209 conditions will be met?

There are two major players here. One is the company, Enbridge. The other is the federal government.

Company culture with respect to worker or environmental protection is probably the most important factor in overall transportation safety. Accident reports in aviation, railways, shipping and the space industry show this, time after time.

Enbridge, unfortunately, is not a company known for taking environmental protection as seriously as it should. The response to the 2011 spill from one of its pipelines at Kalamazoo, the largest on-land spill in U.S. history, was so incompetent that the exasperated head of the U.S. National Transportation Safety Board described Enbridge's safety practices as a "Keystone Kops" operation.

The panel (which, incredibly, initially refused to call for evidence on the Kalamazoo spill), appears to have taken the company's word that all is now in order and that there has been a complete change in company culture. Such naïve confidence in the face of the NTSB's damning report suggests a far too close relationship between industry and regulators in Canada.

The other major factor is likely federal government response to any request to waive conditions.

It is abundantly clear that the prime minister and his government want this pipeline built. It is also clear (Bill C-38) that the government has substantially reduced environmental protection for waters and fish in Canada, and has reduced environmental protection generally wherever it might impede resource development.

Can one seriously expect the federal government to reverse the approach that has marked its

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environmental record over the past six years? Of course not. As in the case of the TransAlaska Pipeline, the pesky condition will be ignored or waived.

That pressure to ignore onerous conditions will become even more difficult to resist once the pipeline is built and bitumen is flowing.

Like it or not, Canadians should realize that as far as tanker safety goes, we are unlikely to get anything much better than the less-than-stellar international standards of existing Asian tanker routes.

Taken together, the 209 conditions of the report cannot be relied on to protect Canada's west coast or to protect the environment of the route of the pipeline. The more onerous and expensive conditions will in time be waived or ignored.

The panel did not examine past experience, the corporate safety culture of Enbridge or the record of the Canadian government in overseeing projects once approved. Its report offers no help it determining whether its conditions can be expected to be met.

Its failure to do so greatly weakens its usefulness.

Following the Exxon Valdez spill, David Anderson served as special adviser to the premier of British Columbia on tankers and oil spills. In the 1990s, he was MP for Victoria and federal Minister of Fisheries and Oceans, and federal Minister of Environment.

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