

Congress of the United States
Washington, DC 20515

December 8, 2020

The Honorable Howard Elliott
Administrator
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Dear Administrator Elliott,

Thank you for your continued leadership of the Pipeline and Hazardous Materials Safety Administration (PHMSA) and for your dedication to the safe and secure transportation of our nation's energy resources.

We write to you today to share our deep concerns with recent actions taken by the government of Michigan seeking to effectively terminate the operation of Enbridge's Line 5 pipeline. That pipeline, as you know, links Superior, Wisconsin with Sarnia, Ontario. The State's action came on November 13, 2020, in the form of a Notice of Revocation and Termination issued by Governor Whitmer and Daniel Eichinger, Director of Michigan's Department of Natural Resources. That Notice purports to revoke and terminate in 180 days (on May 12, 2021) the easement granted by Michigan in 1953 that authorizes the location of Line 5 across the Straits of Mackinac. On November 13, Michigan Attorney General Dana Nessel, on behalf of Gov. Whitmer and Director Eichinger, also filed a complaint in Ingham County Circuit Court seeking to enforce the revocation and termination of the easement.

Since the easement was first issued, Line 5 has been used to transport light oil and natural gas liquids that heat homes and businesses, fuel vehicles, and power industry. For example, Line 5 supplies about 65 percent of the propane used in Michigan's Upper Peninsula, and about 15 percent of northwest Ohio's fuel supply. Should the State succeed in its attempts to shut down Line 5, tens of thousands of jobs would be lost across Ohio, Michigan, Wisconsin, and the region; billions of dollars in economy activity would be in jeopardy; and the environment would be at greater risk due to additional trucks operating on roadways and railroads carrying hazardous materials where that is even possible.

The devastating consequences of shutting down Line 5 cannot be overstated. It would put at risk and possibly cause the shutdown of refineries served by Line 5 in Ohio and elsewhere, resulting in the loss of over \$5.4 billion in annual economic output and tens of thousands of jobs. Commerce in the region would be threatened since the fuel supply to Detroit Metro Airport, which receives at least 50 percent of its fuel supplies from refineries served by Line 5, would be disrupted. Chicago Midway International Airport also obtains fuel supplies from refineries that utilize Line 5. The uncertainty over the delivery of energy products would mean that consumers would see spikes in their energy bills and experience difficulties in powering their homes and businesses due to propane and other energy shortages.

In addition to the substantial economic impact, any decision to shut down Line 5 would adversely impact the environment. According to data from the U.S. Department of Transportation, pipelines are the safest and most efficient way to transport energy products. Research from the National Transportation Safety Board indicates that pipelines make up 0.01 percent of all transportation accidents in the United States.

Concurrently, the Federal Motor Carrier Safety Administration estimates that 215 incidents occurred in 2018 where hazardous materials were released from large trucks involved in fatal or injury crashes. There is also a concern with the additional carbon dioxide emissions released into the atmosphere as a result of the 503,104 extra trucking miles that would be required each month to deliver the energy products in the Toledo and Detroit metro areas, if that were even possible.

We understand that PHMSA has reviewed the fitness for service of the section of Line 5 that crosses the Straits. If so, we call on PHMSA to state its views that the Line 5 Straits crossing is structurally sound and does not manifest an unsafe condition or constitute an imminent hazard that would warrant its closure for safety reasons. Specifically, given the responsibility Congress has vested with PHMSA to ensure the safety and integrity of hazardous liquids and natural gas pipeline infrastructure across the country, we ask the agency to please provide all documentation surrounding PHMSA's review and conclusions of the agency to confirm the Line's fitness for service at the Straits within 30 days. Finally, in addition to providing documentation, can you confirm that PHMSA, and not the State of Michigan, is the exclusive regulator of Line 5's safe operation and maintenance in interstate commerce?

We believe that the intrastate, interstate, and international commerce implications of the possible shutdown of Line 5 compel PHMSA to provide clarity on the matter. We thus look forward to your prompt response.

Again, we commend your continued leadership of the administration and ask for your attention to this matter.

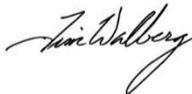
Sincerely,



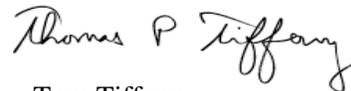
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