

Toronto Needs Protection from Toxic Oil Transport

Submission by East End Against Line 9 to Climate Change Mitigation and Adaptation Subcommittee of the City of Toronto's Parks and Environment Committee

We propose that the Climate Change Subcommittee review potential initiatives to protect residents from the perils of toxic unconventional oil transport through the city by rail and pipeline. Steps are needed toward a municipal ban on these dangerous cargoes.

Background

Toronto is being forced to serve as a corridor for transportation of dangerous oil products that threaten our communities and our environment.

A federal regulator, the National Energy Board (NEB), has approved an aging pipeline, Enbridge's Line 9, for cross-Toronto transport of diluted bitumen (tar sands oil) – a toxic substance that, if spilled, threatens our land, air, and water supply. Line 9 may be active by the summer; it could start pumping diluted bitumen at any time thereafter.

During the last two years, the City has become a primary corridor for rail transport of Bakken oil, the substance that exploded in Lac-Mégantic, Quebec, in 2013, causing 47 fatalities. The NEB has approved Bakken oil for transport in Line 9 as well.

During 2014, City Council passed several motions seeking to protect us from these threats, including a request that Enbridge not pump diluted bitumen through the city. Also, Mayor Tory has called for an end to the transport of toxic oil through the city.

However, the City's central concerns have not been addressed.

The Climate Change Subcommittee should help City Council continue its work to protect residents and the environment against these threats.

Scope for Municipal Initiative

1. **Carbon emissions.** The City of Toronto has set a goal of 80% reduction by 2050 in the greenhouse gas emissions that cause climate change. However, the headlong development of tar sands pipelines such as Line 9 makes Canada-wide achievement of that goal impossible. Toronto should oppose the use of its land to promote this disastrous policy.
2. **Bakken oil:** By mid-summer, Enbridge may be pumping explosive Bakken oil through Line 9. This is an unexpected and unexamined threat. Toronto should

seek protection against the danger of a Lac-Mégantic-style explosion on Line 9 in the city.

3. **Public health.** The Climate Change Subcommittee should work with the Toronto Board of Health to determine the public health hazards of Line 9, which were not encompassed in Toronto's Line 9 submission to the federal regulator.
4. **Enbridge negotiations:** During 2014, the City of Toronto has negotiated with Enbridge regarding the City's proposals to strengthen safety measures on this forty-year-old pipe against extreme weather events caused by climate change. A public report and review is needed on the outcome of these discussions.
5. **Water supply:** Canada's pipeline regulator, the National Energy Board (NEB), rejected Enbridge's Line 9 water safety measures in October 2014 as inadequate, resulting in postponement of the project. Enbridge and the regulator have now smoothed over their differences. Toronto needs to determine whether this compromise meets its concerns regarding the city water supply.
6. **Rail safety:** Mayor Tory's initiative for rail safety should be pursued through a feasibility study and further discussions with other municipalities crossed by dangerous tanker-car shipments. Toronto's rail corridors should move people not perilous cargoes.
7. **Burnaby initiative:** The City of Burnaby has asserted its constitutional right to pass by-laws relating to pipelines and has requested a federal court ruling on this issue. This initiative is worth support, which can be expressed through Burnaby solicitor Gerry J. McDade.
8. **For a ban on toxic oil.** In its 16 October 2013 submission to the NEB, the City of Toronto quoted a Supreme Court ruling suggesting "that local governments, being the closest to the people, should be empowered to exceed not lower national norms" and citing "the role of municipalities as 'trustees of the environment.'" The Supreme Court defended municipal jurisdiction in adopting a bylaw to stop the use of weed-killers on lawns.

Toronto should adopt a similar bylaw banning the transport of toxic oil. Such a bylaw will be a meaningful step toward protecting Toronto residents and affirming the role of municipalities in addressing local public health and environmental issues.

East End Against Line 9 is a community-based initiative that has encompassed close to 1,000 neighbours in its frequent public meetings and compiled petitions on Line 9 signed by thousands of residents. For further information, see <http://eastendnotar.org> or write Info@eastendnotar.org.