

CEH Statement on the Dakota Access Pipeline March 2017

The Center for Environmental Health (CEH) stands with the Standing Rock Sioux Tribe, the Cheyenne River Sioux Tribe, the Water Protectors and other communities who oppose the construction of the Dakota Access Pipeline (DAPL). We strenuously object to the Trump administration's reckless and illegal actions in pushing this toxic project forward, in violation of Native American treaty rights, the United Nations Declaration on the Rights of Indigenous Peoples, free, prior and informed consent and health and environmental protections that all Americans deserve.

Brief Background

DAPL would cover more than 1,100 miles across North Dakota, South Dakota, Iowa, and Illinois, carrying up to 450,000 barrels of fracked oil per day and potentially increasing to 570,000 barrels per day. Spills from oil and gas pipelines are routine and threaten local communities' health, drinking water supplies, and natural habitat.

Even according to the company behind DAPL, the project will create just 40 permanent jobs. By contrast, a recent study found that a commitment to powering just 25% of the nation's electricity from renewable sources would create nearly 1,000 jobs in North Dakota alone.

The proposed route of DAPL calls for the pipeline to run under the Missouri River (at Lake Oahe) just half a mile upstream of the Standing Rock Sioux Reservation. The Tribe relies on the area's clean water supply and considers the waters of the Missouri River as sacred and central to the Tribe's practice of religion. The Tribe has vehemently objected to the project and have warned about the devastation a spill would bring to their people. DAPL is also a clear example of environmental racism: the pipeline was originally intended to cross the river 10 miles north of the predominantly white city of Bismarck, but was re-routed after residents there raised concerns that a leak would threaten their drinking water, health and environment.

CEH calls for an immediate halt to DAPL and all new fossil fuel development and transportation projects, and a turn towards a national energy policy based on a swift transition to clean, renewable energy sources. We support the Tribes' efforts to stop DAPL, and the [Rise With Standing Rock Native Nations March](#) in Washington DC on March 10.

Background details

Public health and drinking water at risk

Pipeline spills are common and can be devastating to health, drinking water safety, agriculture and natural habitats. A statement on DAPL from more than 230 scientists notes that a spill from the pipeline "could impact the drinking water of the Standing Rock Sioux Tribe, as well as

thousands of others downstream who rely on the river for drinking water and irrigation.”¹ Since 1986 there have been nearly 8,000 pipeline explosions, ruptures or other incidents (nearly 300 per year on average), resulting in more than 500 deaths, more than 2,300 injuries, and nearly \$7 billion in damage.²

Enbridge Energy Partners, one of the companies behind DAPL, also co-owns the Seaway pipeline, which has suffered at least two major spills since it opened just last year.³ This is especially troublesome since pipelines tend to become more prone to ruptures as they age, with many recent serious accidents and spills linked to pipelines that have been in use for decades. Further, an independent expert’s review of DAPL raised concerns of the company’s poor pipeline construction, lack of proper safety measures to monitor and contain spills, and failure to address risks to the pipeline posed by landslides, among other serious safety issues.⁴

Enbridge is also responsible for the 2010 pipeline rupture in Kalamazoo, Michigan, in which 1 million gallons of crude oil spilled into the Kalamazoo River. Following the spill residents suffered memory loss, asthma, and other respiratory problems as well as rashes, heart attacks, kidney issues, and cancer.⁵ Similarly, following a spill in Utah, residents complained of headaches, fainting spells and even episodes of temporary blindness.⁶ Health problems from oil spills are common: crude oil typically contains more than 1,000 chemicals, many of them known to cause cancer and/or linked to other serious diseases.

Pipeline spills also pose serious threats to safe drinking water resources. DAPL crosses the Missouri and Mississippi River, eight major tributaries of the rivers, and numerous other waterways and wetlands.⁷ It is estimated that an oil spill from DAPL could affect 17 million people located downstream,⁸ including threatening the water supplies of 12 other tribal communities in the Missouri River basin beyond Standing Rock.⁹

Drinking water contamination and air pollution from pipeline spills is all too common. Just last summer, a pipeline rupture in Canada sent an oil slick 370 kilometers down the Saskatchewan River, affecting the drinking water safety of 70,000 people for months.¹⁰ In 2015, drinking water in one Montana community tested high for the cancer-causing chemical benzene following a

¹ https://www.dropbox.com/s/avwe4fspbpdqynt/DAPL_Scientist_SignOn_Letter.pdf

² http://www.biologicaldiversity.org/campaigns/americas_dangerous_pipelines/

³ <https://www.desmogblog.com/2017/02/09/dakota-access-pipeline-approved-enbridge-spill-texas>

⁴ <http://earthjustice.org/sites/default/files/files/10-28-16-Final-Accufacts-Report.pdf>

⁵ <http://america.aljazeera.com/articles/2014/5/16/l-a-oil-spill.html>

⁶ <https://insideclimatenews.org/news/20130618/what-sickens-people-oil-spills-and-how-badly-anybodys-guess>

⁷ <http://www.commondreams.org/news/2016/12/16/beyond-standing-rock-communities-along-dapl-route-fear-drinking-water>

⁸ <http://earthjustice.org/news/press/2016/pipeline-expert-government-underestimated-risk-of-an-oil-spill-from-dakota-access-pipeline>

⁹ Note 6, op cit.

¹⁰ <http://globalnews.ca/news/2845661/oil-spill-triggers-prince-albert-sask-to-shut-down-water-intake/>

pipeline spill into the Yellowstone River.¹¹ Benzene is a volatile organic compound (VOC) that has also been a source of dangerous air pollution from pipeline spills. The EPA recommends people be exposed to less than 9 parts per billion (PPB) of benzene per day to avoid an increased risk of cancer. After one Michigan pipeline spill, air levels of benzene spiked to more than 6,000 ppb, and voluntary evacuation was recommended for three weeks for areas where benzene levels measured more than 200 ppb.¹²

Tribal sovereignty, sacred sites and environmental justice

The Standing Rock Indian Reservation has been established as a permanent homeland for the Hunkpapa, Yanktonai, Cuthead and Blackfoot bands of the Great Sioux Nation.¹³ The Cheyenne River Reservation is home to the four bands (Tiospaye) of the “Titunwan” People of the Plains: The “Mnicoujou” Planters By The Water, “Oohenumpa” Two Kettle, “Itazipco” Without Bows, and “Siha Sapa” Black Foot.¹⁴ In addition, the sixteen federally recognized tribes that make up the Great Plains Tribal Chairman’s Association have stated that they would be directly impacted and deeply injured by DAPL.¹⁵

The failure by the company and the Trump administration to consult with the Tribes and respect tribal sovereignty re-opens deep wounds from the historic abuses heaped on the Sioux Nation. The Great Sioux Reservation was established as a single large land holding in the 1860’s but by 1890 more than nine million acres of land had been taken from the Tribes and the reservation had been split into six smaller reservations.¹⁶ From the 1940’s through the 1960’s, federal flood control projects along the Missouri River went ahead despite tribal opposition, devastating some of the best Native lands and displacing thousands of Native families. The renowned Native American scholar Vine Deloria, Jr., an enrolled member of the Standing Rock Sioux Tribe, described the events as the “most destructive act ever perpetrated on any tribe by the United States.”¹⁷

The routing of DAPL through Native American land is a clear case of environmental racism. The 2015 Environmental Assessment by the Army Corps of Engineers states that the original pipeline route across the Missouri River was at a site ten miles north of Bismarck, but that location was rejected due to the risks an oil spill posed to municipal drinking water supplies, public health, and the environment. The Interior Department later noted that “the reasons for rejecting the Bismarck route are equally (if not more) applicable to the Lake Oahe Route” near Standing Rock. Staff of the Army Corps noted the “blatantly racist attitudes” that DAPL company personnel held towards Indians, and despite their claims that the project would pose no threats

¹¹ <https://phys.org/news/2015-01-cancer-causing-agent-pipeline.html#jCp>

¹² <https://insideclimatenews.org/news/20130618/what-sickens-people-oil-spills-and-how-badly-anybodys-guess>

¹³ <http://sacredstonecamp.org/resolution/>

¹⁴ <http://sioux.org/>

¹⁵ <https://www.indianz.com/News/2017/02/13/gptcabrief021017.pdf>

¹⁶ <http://ndstudies.gov/content/breakup-great-sioux-reservation>

¹⁷ Note 15, op cit, and <http://nativeamericannetroots.net/diary/406> and <http://www.newyorker.com/news/daily-comment/a-pipeline-fight-and-americas-dark-past>

to the Tribes, the company refused to make their assessments of the impacts of the project on tribal land available to the Tribes.¹⁸

In fact, the Tribes objected to the DAPL project even before the company had submitted its permit application. In addition to the health, drinking water, and ecological concerns, the Tribes assert that the pipeline would pass through areas of great cultural significance, such as sacred sites and burials that are protected by federal law.¹⁹ Despite company claims that their “professional archaeologists” approved their proposal, Tribal representatives have noted that the company’s archaeologist’s never consulted the tribe and thus violated professional ethical standards and could not know the extent or significance of traditional cultural properties. In support of the Tribes, the Society for American Archaeology wrote to the Army Corps, stating that “[Tribal] formations may not be apparent to archaeological surveyors who lack the complete benefit of tribal consultation.”²⁰

The Trump administration has perpetuated the racist approach to the Tribes. In late February, court documents made public for the first time revealed that under Trump, the Interior Department withdrew a legal opinion stating that there was “ample reason” to deny DAPL’s permit just two days before approving the permit. The withdrawn document, written by Interior’s top lawyer, noted the environmental injustice implicit in the decision to relocate the project from Bismarck to Standing Rock, stating

The Standing Rock and Cheyenne River Sioux Reservations are the permanent and irreplaceable homelands for the Tribes. Their core identity and livelihood depend upon their relationship to the land and environment -- unlike a resident of Bismarck, who could simply relocate if the [Dakota Access] pipeline fouled the municipal water supply, Tribal members do not have the luxury of moving away from an environmental disaster without also leaving their ancestral territory.

In response to the Trump administration’s approval of the project, the Tribe is now pursuing legal action to stop DAPL from going forward. Tribal Chair Dave Archambault II stated, “We are a sovereign nation and we will fight to protect our water and sacred places from the brazen private interests trying to push this pipeline through to benefit a few wealthy Americans with financial ties to the Trump administration.”²¹

Climate, jobs and clean energy

Over the past decade, the scientific consensus suggested that in order to avoid catastrophic climate disasters, we must keep the vast majority of all fossil fuel reserves in the ground. Last year, new research showed the situation is even more dire: in order to prevent climate disasters,

¹⁸ <http://earthjustice.org/sites/default/files/files/Memo-ISO-SRSTs-Mtn-for-PSJ.pdf>

¹⁹ <http://sacredstonecamp.org/resolution/> and <http://www.smithsonianmag.com/smart-news/understanding-controversy-behind-dakota-access-pipeline-180960450/#O2zgOKv3yZYog87q.99>

²⁰ <http://dakotaaccesspipeline.net/about/fact-sheet.php>

²¹ <http://standwithstandingrock.net/standing-rock-denounces-army-easement-announcement-vows-court-challenge/>

we cannot release any new fossil fuels, and we must begin a swift, managed draw-down of current oil, gas and coal operations.²²

According to a commentary in the science journal *Nature*, investments in fossil fuel developments including pipeline construction commits society to decades of contamination risks, environmental pollution, and unsustainable carbon emissions. Although emissions in other sectors are falling, those from oil-sands production --including the oil slated for transport through DAPL -- are predicted to triple from 2005 by 2020.²³

While pipeline projects are sold to the public for their impact on job creation, even the company behind DAPL admits that the project will create just 40 permanent jobs.²⁴ By contrast, a recent study by the Renewable Energy Policy Project found that a commitment to powering just 25% of the nation's electricity from renewable sources would create nearly 1,000 jobs in North Dakota alone.²⁵ In fact, the state's clean energy potential has hardly been tapped: for example, all 53 of North Dakota's counties are suitable for wind turbines, but only 26 have projects installed. Because of the state's long summer days, experts say that the solar electric potential in the state is greater than in Jacksonville, Florida or Houston, Texas.²⁶ Similar clean energy growth is predicted in other Midwest states along the DAPL route. A 2016 study found that clean energy jobs throughout the region will grow by more than 4% over the next year, creating about 25,000 jobs.²⁷

Supporting the Tribes and a sane energy future

The Standing Rock and Cheyenne River Sioux Tribes have petitioned the courts to stop DAPL, challenging the Trump administration's decision to suspend the environmental impact process and withdraw the previous impact assessment. The Tribes are demanding that a fair, accurate and lawful environmental impact statement be completed, to identify the true risks to its treaty rights, including its water supply and protection of its sacred places. Thirty-four other Tribes and Native American organizations, along with the civil rights groups the American Civil Liberties Union and the Fred T. Korematsu Center for Law and Equality, have joined in support of the Tribe's lawsuit.²⁸

The Tribes have also asked the court for DAPL to disclose its oil spill and risk assessment records for full transparency and review by the public. The Tribe's also have vehemently denied

²² <https://newrepublic.com/article/136987/recalculating-climate-math>

²³ <http://www.nature.com/news/energy-consider-the-global-impacts-of-oil-pipelines-1.15434>

²⁴ <http://news.nationalgeographic.com/2017/01/impact-keystone-dakota-access-pipeline-environment-global-warming-oil-health/>

²⁵ <https://www.nrdc.org/sites/default/files/cleannd.pdf>

²⁶ http://www.pewtrusts.org/~media/assets/2014/10/clean_energy_north_dakota_web.pdf

²⁷ <http://solarindustrymag.com/u-s-midwest-is-home-to-569000-clean-energy-jobs>

²⁸ <https://www.aclu.org/legal-document/standing-rock-sioux-tribe-v-united-states-army-corps-engineers-amicus-brief>

statements made by the companies behind DAPL and by the White House asserting that the Tribes have been fully involved throughout the proposal process.²⁹

CEH supports the Tribe's lawsuit and their stated intention to work to shut the pipeline down, should it go forward. We support the Tribes in their lawsuit to stop DAPL, and will stand with them at the [Rise With Standing Rock Native Nations March](#) in Washington DC on March 10. We also urge supporters to:

- [Support the Tribes](#) fighting DAPL and other fossil fuel projects around the country. For updates follow [Stand with Standing Rock](#) and the [Indigenous Environmental Network](#).
- Urge [elected officials](#) to oppose the Trump administrations action on DAPL. Even state representatives can take a stand: for example, in New Jersey a [bill has been introduced](#) in opposition to DAPL.
- Join or plan a protest in your area. In addition to elected officials, organizers are asking for protests targeting the [banks that are funding and profiting from DAPL](#).
- Support a transition to 100% renewable energy. The [Solutions Project](#) has resources and tools for making the transition in every state and globally.

²⁹ <http://earthjustice.org/sites/default/files/files/Setting-the-Record-Straight-2.23.17.pdf> and <http://earthjustice.org/features/faq-standing-rock-litigation>