



August 29, 2025

Michigan Department of Environment, Great Lakes, and Energy (EGLE)
Gaylord District Office Water Resources Division
P.O. Box 30458
Lansing, Michigan 48909-7958

Subject: Application Number HQ3-8BYB-N9DT1: Enbridge's Line 5 Application for Proposed Tunnel Construction Involving Potential Wetlands Impacts

Dear Michigan Department of Environment, Great Lakes, and Energy (EGLE):

The Environmental and Data Governance Initiative - Environmental Enforcement Watch working group (EDGI-EEW) appreciates the opportunity to submit comments regarding Application Number HQ3-8BYB-N9DT1: Enbridge's Line 5 Application for Proposed Tunnel Construction Involving Potential Wetlands Impacts.

EDGI is an active research collaborative and network of professionals devoted to evidence-based policy making and public interest science that advances the Environmental Right to Know.¹ The EDGI-EEW is expressly interested in the use of publicly available data to study the enforcement of environmental protection laws and the violation records of corporations.² As a multidisciplinary team of researchers, scholars, programmers, and analysts with expertise in the study of environmental enforcement, we have serious concerns about Enbridge's history of violating environmental laws, poor safety record, and high recidivism rate.

To better assess Enbridge's permit request, we examined instances of Enbridge's misconduct which were pursued by local, state, and federal regulatory agencies ("reported violations"). We found that, according to the Good Jobs First Violation Tracker, Enbridge has had over 100 reported violations since the year 2000, averaging more than 4 reported

¹ <https://envirodatagov.org/about/>

² <https://environmentalenforcementwatch.org/>

violations per year³. It should be noted that because these records do not include violations that went unreported or are otherwise unknown to regulators, the true volume of Enbridge's offending may be much higher. We are concerned that, should this permit be granted, this project will afford Enbridge additional opportunities for harming Michiganders and the Great Lakes region. Moreover, issuing a permit to a company with a poor safety record signals permissiveness towards corporate crime, which may encourage violation behaviors among other firms.

Below, we briefly review what we learned about Enbridge's reported violation history across four domains: (1) Reported Pipeline Safety and Oil Spill Violations (2) Other Reported Environmental Violations, (3) Reported Consumer Protection, Safety, Employment, and Competition-Related Violations, and (4) Environmental Injustice and Civil Rights Concerns. Based on these reported violations, we recommend that you deny this permit. Furthermore, we would like to echo the Oil and Water Don't Mix organization and request a full Great Lakes Submerged Lands Act review of Enbridge's application.

Reported Pipeline Safety and Oil Spill Violations

According to the Good Jobs First Violation Tracker, Enbridge has 39 separate violations concerning oil spills and pipeline safety, showing a consistent pattern of non-compliance⁴. The most significant incident was the 2010 Line 6B rupture in Marshall, Michigan, which released more than 840,000 gallons of crude oil into the Kalamazoo River and led to over \$177 million in penalties, as well as an additional \$75 million settlement with the Michigan Attorney General. The National Oceanic and Atmospheric Administration identifies this spill as one of the largest oil spills affecting U.S. waters since 1969⁵. This extensive history of violations raises substantial concerns about whether the company can be trusted to complete the Line 5 project safely.

Other Reported Environmental Violations

Enbridge's environmental violations are not restricted to pipeline safety violations and oil spills. For example, according to the Good Jobs First Violation Tracker,⁶ Enbridge is connected to 67 other environmental-related offenses. Examples of these offenses include,

³ <https://violationtracker.goodjobsfirst.org/?parent=enbridge>

⁴ <https://violationtracker.goodjobsfirst.org/?parent=enbridge>

⁵ <https://response.restoration.noaa.gov/oil-and-chemical-spills/oil-spills/largest-oil-spills-affecting-us-waters-1969.html>

⁶ <https://violationtracker.goodjobsfirst.org/?parent=enbridge>

though are not limited to, air pollution violations, an offshore drilling violation, and violations of permit requirements. This subset of offenses resulted in over \$22 million in fines. The four largest of these fines (each of which were at least \$1 million) were connected to violations in Wisconsin, Minnesota, and Michigan. The largest penalty (\$11 million dollars) was announced in 2022, concerning a settlement with the Minnesota Pollution Control Agency, the Department of Natural Resources, and the Fond du Lac Band of Lake Superior. These fines were related to water quality violations and aquifer breaches related to Enbridge's Line 3 construction project⁷. The fifth-largest of these fines (\$425,000) was for violating a permit requirement under the Clean Water Act in Duluth, Minnesota. Taken together: Enbridge has a documented history of disregard for environmental law, including permit violations. Their negligence has imposed significant harm in the Midwest region, including Michigan.

Reported Consumer Protection, Safety, Employment, and Competition-Related Violations

In addition to its environmental violations, Enbridge has tallied up over \$1.6 million in penalties for consumer protection-, safety-, employment- and competition-related violations. For Enbridge, these include violations of workplace or health safety, motor vehicle safety, railroad safety, and labor relations laws. A party to numerous anti-trust or anti-monopoly lawsuits, Enbridge's other penalties also include \$900,000 in competition-related offenses and energy market violations from the Federal Energy Regulatory Commission for its outsized influence on the energy market. Enbridge's record shows that it not only endangers the environment and the health of the general public, but also the health and well-being of its own employees, depletes consumers of energy market options, and abuses public infrastructures.

Reported Environmental Injustice and Civil Rights Concerns

The Great Lakes are one of the world's largest sources of surface freshwater, accounting for approximately 21% of the world's freshwater supply⁸. Enbridge's Line 5 pipeline carries millions of gallons of crude oil and natural gas over 600 miles from Superior, Wisconsin to Sarnia, Ontario. It runs along the southern shores of Lake Superior, passing critical wetlands such as the Kakagon Sloughs. It continues along the northern shores of Lake

⁷<https://files.dnr.state.mn.us/features/line3/dnr-mpca-joint-news-release-line-3-enforcement-10-17-2022.pdf>

⁸ <https://www.epa.gov/greatlakes/great-lakes-facts-and-figures>

Michigan before stretching across the Straits of Mackinac and connecting Michigan's upper and lower peninsulas. The Kakagon Sloughs wetlands of Northern Wisconsin are the first Tribal-designated Ramsar Convention Wetlands of International Importance, and are protected by the Bad River Band of Lake Superior Chippewa.⁹ On April 10, 2024, the U.S. Department of Justice filed an Amicus Brief siding with the Bad River Band and supporting the findings of Wisconsin's Western District Court that Enbridge has been consciously trespassing on Tribal lands since at least 2013.¹⁰ However, the Department of Justice has not taken action beyond this to ensure that Enbridge ceases operations on these lands. EDGI-EEW support the efforts of the Bad River Band, and reiterate that an oil spill in this region risks damaging Tribal lands, habitats, and natural resources that support land- and water-based livelihoods. This includes the drinking water supply for millions of people, as well as fishing, hunting, and agriculture in both the United States and Canada.

Conclusion

In total, Enbridge has accumulated over \$285 million in penalties between the United States and Canada since the year 2000.¹¹ This is an unacceptable track record, especially for a company that has received over \$152 million in subsidies from state and federal governments in the same time period.¹² The Environmental Data and Governance Initiative - Environmental Enforcement Watch recommends that this permit be denied, and underscores calls from Oil and Water Don't Mix and others for a full Great Lakes Submerged Lands Act review of Enbridge's proposal.

Sincerely,

Environmental Data and Governance Initiative (EDGI)
Environmental Enforcement Watch (EEW)

⁹ <https://www.badriver-nsn.gov/wetland-resources/>

¹⁰ <https://www.narf.org/nill/documents/20240410-line5-bad-river-us-amicus.pdf>

¹¹ <https://violationtracker.goodjobsfirst.org/?parent=enbridge>

¹² Our review includes information from the Good Jobs First Violation Tracker Enbridge page. Due to variability in the availability of data, totals may not account for all violations and subsidies.