

Response from Enbridge

9 December 2022

Business & Human Rights Resource Centre invited Enbridge to respond to allegations that the company has used strategic lawsuits against public participation (SLAPPs) and/or other judicial harassment tactics in attempts to silence or punish critics in the United States. More information can be found in the report linked below.

- [“The Fossil Fuel Industry’s Use of SLAPPs and Judicial Harassment in the United States”](https://earthrights.org/publication/the-fossil-fuel-industrys-use-of-slapps-and-judicial-harassment-in-the-united-states/). EarthRights International, September 2022. <https://earthrights.org/publication/the-fossil-fuel-industrys-use-of-slapps-and-judicial-harassment-in-the-united-states/>

Enbridge sent the following response:

December 9, 2022 – 11:45 AM Central Time

“It is our strongly held view that EarthRights International erred in its reliance on a single media article to mention Enbridge in its report issued September 2022. Regarding the citations on Pages 8 and 34 of your report, *The Guardian* story about policing regarding Line 3 protests includes a host of false, inaccurate statements and mischaracterizations.

The article in *The Guardian*, and therefore the EarthRights International report, fails to acknowledge that Enbridge was required by the Minnesota Public Utilities Commission to fund a Public Safety Escrow Account to reimburse of local governments for public safety costs associated with the Line 3 Replacement Project. This was a condition of our route permit.

The report also fails to acknowledge that this account was not managed by Enbridge, but rather by an independent manager appointed by the State. Enbridge had absolutely no say in how these funds were dispersed. Community police and sheriff deputies are always responsible for public safety. Officers decided when protestors were breaking the law – or were putting themselves and others in danger.

As a company, we recognize the rights of individuals and groups to express their views legally and peacefully. What isn’t included in this report, nor in *The Guardian* article, is that construction sites were overrun by protestors with ladders, poles and sticks. Activists harassed, threatened, taunted, pushed and spat on contractors – many of whom were Native Americans. Equipment, including some owned by Native American contractors and operated by Native American workers, was vandalized and damaged. [These are not actions protected by the right to assemble under the First Amendment of the Constitution.](#)

We hoped all parties would come to accept the outcome of the thorough, science-based review and multiple approvals of the project. Line 3 Replacement passed every test through six years of regulatory and permitting review including 70 public comment meetings, appellate review and reaffirmation of a 13,500-page Environmental Impact Statement, four separate reviews by administrative law judges, 320 route modifications in response to stakeholder input, and reviews and approvals from the Minnesota Public Utilities Commission, Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, the U.S. Army Corps of Engineers, the Bureau of Indian Affairs, and the Fond du Lac Band of Lake Superior Chippewa (The only tribe with “Treatment as a State” water quality authority along the pipeline route).

The Line 3 Replacement Project included a first-of-its kind Tribal Cultural Resource Survey led by the Fond du Lac Band of Lake Superior Chippewa who managed review of the more than 330-mile route in Minnesota through the 1855, 1837, and 1863/1864 treaty areas. Fond du Lac employed tribal cultural experts who walked the full route identifying and recording significant cultural resources to be avoided. As a result of this survey, 60 tribally-significant cultural locations were identified and recommended for further avoidance, mitigation treatments or tribal monitoring, all of which were adopted into project plans. The project was built under the supervision of tribal monitors with authority to stop construction, who ensure that important cultural resources are protected. Thirty tribes took part in the consultation process with the Army Corps of Engineers.

In summation, as the inclusion of Enbridge in the EarthRights International report is entirely due to one faulty and inaccurate media article, we'd respectfully request removal of any mention of the company."