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THE ENVIRONMENTAL IMPLICATIONS OF THE DISCOVERY AND DELIVERY OF NEW ENERGY RESOURCES IN THE CANADA/U.S. CONTEXT

Introduction - James P. McIlroy[†]

Let me start by saying that originally my friend Larry Herman was scheduled to preside this session, but as some of you may know, Larry does a lot of work in the steel industry and you can imagine how busy he is these days. He is unable to join us; however he send his regards, and here I am again.

Our topic this bright and early Saturday morning is “The Environmental Implications of the Discovery and Delivery of New Energy Resources in the Canada/United States Context.” Earlier this week we saw how timely this session is when the United States Senate rejected the Bush Administration’s proposal to allow drilling in the Arctic National Wildlife Refuge.¹

To set the stage for this session this morning, I thought I would just briefly read the article that appeared in the front page of *The Plain Dealer* yesterday, because I really think the cost/benefit equation, the national security issues, and a whole bunch of other issues were swirling around on this debate.

The article is entitled “Senate Blocks Oil Drilling in Atlantic Arctic Refuge: 54 to 46 Vote Gives a Stiff Blow to President’s Energy Package.”² I would like to point out that this was on the front page of *The Plain Dealer*, not buried somewhere in the first section and not in the business section.

Here is what the article says: “Senators opposed to drilling in ANWR said the potential oil and gas yield does not justify the likely harm the big rigs and roadways would bring to the pristine area - home to caribou, polar bears and bald eagles.”³ You can see the cost/benefit analysis right there: how much oil we are going to get and what the risks are going to be to get it. The article goes on to say: The risks outweigh the benefits,’ said Senator Mike DeWine, who broke ranks with the majority in his party by opposing ANWR drilling.

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¹ See Tom Diemer, *Senate Blocks Oil Drilling in Alaskan Arctic Refuge*, PLAIN DEALER (Cleveland), Apr. 19, 2002, at A1, available at 2002 WL 6365259.

² *Id.*

³ *Id.*

'The impacts of drilling or accidents in the fragile ANWR areas are too high.'"⁴

That is what the people who voted on the majority side were saying; let us look at those who voted in the minority side of the vote said. The article says, "Supporters of drilling said finding a new source of domestic oil - one that could produce more than one million barrels a day - was a matter of national security in a time when the nation relies of foreign oil from hostile nations such as Iraq."⁵ So I think the fact that it is on the front page and that it appeared yesterday shows that Professor King has once again put on our agenda a very timely and controversial topic. We have two excellent speakers this morning who will enlighten us on this.

First of all, we have Professor James Hickey, who teaches at Hofstra University in New York, and he is joined by David Luff, Vice President of Stewardship and Public Affairs of the Canadian Association of Petroleum Producers (CAPP). You may notice that in your materials there is some very good information regarding what CAPP does. They are the voice of Canada's oil and gas exploration and production industry. CAPP's 150 member-companies account for over 95 percent of the crude oil and natural gas that is produced in Canada,⁶ and much of what is produced in Canada ends up here in the United States.

Professor Hickey teaches courses in international law, U.S. federal energy law and policy, and on energy, the environment and the global economy. He has written several books on energy law and policy and is very active in the American Bar Association on issues pertaining to international energy and environmental law.

Mr. Luff has held his current position at CAPP for five years. Before his appointment to CAPP, he spent two decades in the Alberta Department of Energy, where he rose to be a key assistant deputy minister.

⁴ *Id.*

⁵ *Id.*

⁶ *See About CAPP*, at http://www.capp.ca/default.asp?V_DOC_ID=18 (last visited June 24, 2002).