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Subject: Credit Suisse ongoing financing of controversial pipeline companies

We are writing to you regarding Credit Suisse's role in providing finance for Energy Transfer Partners (and related companies), the company behind the controversial Dakota Access Pipeline (DAPL,) and for TransCanada Corporation and Enbridge Inc (and/or their subsidiaries), which are intending to build climate damaging and controversial tar sands pipelines (Keystone XL and Line 3 Expansion respectively) in Canada and the United States.

We also note that Credit Suisse has, in the past, provided finance to Kinder Morgan Inc, a company up until recently associated with the under-development Trans Mountain Expansion Project (TMEP) in Canada. Last week, the Canadian federal government reached an agreement with Kinder Morgan to purchase TMEP and related pipeline and terminal assets with the intention of selling them on to a new owner or owners. The transfer from Kinder Morgan is expected to complete by the end of August. In the interim, Kinder Morgan will continue with pre-construction works including securing permits with the support of a loan guarantee from Export Development Canada.

Greenpeace has been campaigning globally over the past year to encourage banks to review their provision of financial services to pipeline companies associated with these disastrous projects. This summer, Greenpeace will be actively communicating about these companies, the pipeline projects, and the banks backing them with our supporters worldwide - many of whom will be customers of Credit Suisse.

Other global banks have already started to make moves with regard to these pipeline projects. French banks BNP Paribas and Natixis, and the world's biggest insurance and investment company AXA, as well as Dutch bank ING, and Sweden's largest pension fund, AP7, all made announcements in 2017 which signaled a move away from the tar sands sector as well as critical infrastructure like tar sands pipelines and associated projects. These announcements have set off a wave of movements from banks

around the globe to look critically at their financial exposure to tar sands pipelines and related companies.

The construction and financial success of any of the proposed pipelines is incompatible with the ambitions of the Paris Climate Agreement. As such, any decision to provide financial services which directly or indirectly assist with their construction or operation is also a test of Credit Suisse's approach to climate change. It is estimated that two of the proposed pipelines, the Keystone XL pipeline and TMEP, could add 830,000¹ and 590,000² barrels per day capacity respectively, with the capacity of the Enbridge Line 3 Expansion potentially adding up to 525,000³ barrels per day, leading to a combined increase in capacity of over 2 million barrels per day. In addition, the proposed pipelines carry an unacceptable risk of negative environmental impacts including deforestation, loss of biodiversity, and contamination of drinking water from leaks.

The proposed tar sands pipelines do not have the free, prior, and informed consent of all Indigenous Nations along or impacted by the pipeline route. Over 150 First Nations across Canada and the U.S. have signed the Treaty Alliance Against Tar Sands Expansion.⁴

Beyond the events that occurred at Standing Rock in 2017 regarding the Dakota Access pipeline, which included compromising sacred sites and burial grounds⁵, ETP continues to employ tactics against those opposing their controversial projects that Greenpeace finds deeply disturbing. This includes ETP's record of violence against Water Protectors and other people on the ground via a private security contractor,⁶ and outstanding compliance issues with environmental laws and permits for pipelines, which have already resulted in fines, penalties, lawsuits, and U.S. federal investigations.⁷ ETP and affiliated subsidiaries also have a deplorable track record when it comes to pipeline spills and incidents.

¹ <https://keystonepipeline-xl.state.gov/documents/organization/221135.pdf>

² Environment and Climate Change Canada, Trans Mountain Pipeline ULC - Trans Mountain Expansion Project Review of Related Upstream Greenhouse Gas Emissions Estimates, <http://ceaa-acee.gc.ca/050/documents/p80061/116524E.pdf>

³ [mn.gov/commerce/energyfacilities/documents/34079/11.%20CN%20Section%208%20-%20Project%20Description%204-15-15.pdf](http://www.mn.gov/commerce/energyfacilities/documents/34079/11.%20CN%20Section%208%20-%20Project%20Description%204-15-15.pdf)

⁴ <http://www.treatyalliance.org/>

⁵ "Brief of Amici Curiae Great Plains Tribal Chairmen's Association, National Congress of American Indians, and 18 Federally Recognized Indian Tribes and Tribal Organizations," Standing Rock Sioux Tribe v. U.S. Army Corps of Engineers, August 7, 2017.

<https://earthjustice.org/sites/default/files/files/GPTC-amicus.pdf>; AND : "Report and Statement from Chief Edward John," United Nations Permanent Forum on Indigenous Issues, November 1, 2016.

<http://www.un.org/esa/socdev/unpfii/documents/2016/Docs-updates/Report-ChiefEdwardJohn-DAPL2016.pdf>

⁶ See testimony of Standing Rock Sioux Chairman before the United Nations Human Rights Council in Geneva, Switzerland, September 20, 2016: https://www.youtube.com/watch?v=dW0d_WsuL0Y; October 2016 letters from the Standing Rock Sioux Chairman and Amnesty International to the U.S. Department of Justice requesting a civil rights investigation:

<https://www.documentcloud.org/documents/3189653-Ltr-to-AG-Lynch-Re-Dakota-Access-10-24-16-Pdf-1.html> and

http://www.amnestyusa.org/pdfs/US_DOJ_letter_Lynch_regarding_investigation_and_observation.pdf

⁷ "Ohio EPA Hikes Penalties Against Rover Pipeline to \$2.3 Million and Turns the Case Over to the AG," WKSU, September 20, 2017.

<http://wksu.org/post/ohio-epa-hikes-penalties-against-rover-pipeline-23-million-and-turns-case-over-ag#stream/0>

Federal Energy Regulatory Commission, "Notice of Alleged Violations - Rover Pipeline, LLC and Energy Transfer Partners, L.P.," July 13, 2017.

<https://www.ferc.gov/enforcement/alleged-violation/notices/2017/20170713-Rover-NAV.pdf> 16 "Ohio files lawsuit against Rover Pipeline, citing environmental violations," PBS, November 3, 2017.

<https://www.pbs.org/newshour/nation/ohio-files-lawsuit-against-rover-pipeline-citing-environmental-violations>

Greenpeace released a report earlier this year which found that from 2002 to the end of 2017, ETP, Sunoco, and their subsidiaries and joint ventures reported 527 hazardous liquids pipeline incidents to federal regulators - approximately averaging one incident from existing facilities every eleven days. These spills released a total of 87,273 barrels (3.6 million gallons) of hazardous liquids, including 66,515 barrels (2.8 million gallons) of crude oil. 67 of the hazardous liquid incidents were reported to have contaminated water, of which 18 incidents contaminated groundwater.⁸

Finally, ETP has also threatened free speech and the ability for organizations, communities, and individuals to dissent through a \$900 million dollar SLAPP lawsuit brought against Greenpeace entities, BankTrack, and others that aims to erase the Indigenous leadership at Standing Rock and intimidate and silence opposition to controversial projects.⁹

Based on the threat these projects pose to climate, human rights, and the environment, as well as the corporate behavior and continued controversy around ETP, Credit Suisse should urgently:

- end its current financial relationship with ETP and related companies and not provide any further financial services including loans to such companies;
- sell its existing stake in all or confirm that it will not participate or arrange the renewal of any of the existing credit facilities provided to TransCanada and Enbridge (and/or their subsidiaries) and/or to any company or entity which takes part or full ownership of TMEP if such facilities may be used, directly or indirectly, to finance the acquisition, construction, expansion, or operation of tar sands pipelines;
- confirm that it will neither participate in, arrange, nor underwrite any future credit facilities to or any issue of securities by, TransCanada and Enbridge (and/or their subsidiaries) or to or by any company or entity which takes part or full ownership of TMEP, which may be used, directly or indirectly, to finance the acquisition, construction, expansion, or operation of tar sands pipelines;

These demands are additional to the existing policy demands previously put forward by Greenpeace Switzerland, which include :

- Urgently come up with clear and time-bound plans to make all of their finance flows consistent with the pathway of the Paris Agreement.
- End dedicated financing to new coal power plants worldwide.
- End all financing to coal plant developers, please see list here: <https://coalexit.org/database>
- End all financing to companies with more than 30% of power production deriving from coal. End all financing to companies with more than 10 GW of installed coal power capacity.
- End all financing to mining companies with more than 20 MT of coal mined annually and/ or 30% of revenues attributed to thermal coal mining.
- End all financing to companies and projects which violate FPIC and international indigenous rights conventions.
- Phase out and exclude financing for companies with tar sands expansion plans or more than 30% of their business in tar sands (production, exploration, transportation), as well as finance for tar sands directly.

⁸ <https://www.greenpeace.org/usa/wp-content/uploads/2018/04/oil-water-04.17-MECH.pdf>

⁹ "How A Corporate Assault on Greenpeace Is Spreading," August 28, 2018.

<https://www.bloomberg.com/news/articles/2017-08-28/how-a-corporate-assault-on-greenpeace-is-spreadin>
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- Phase out and exclude new financing for companies expanding in extreme fossil fuels, like arctic oil, ultra-deepwater oil, LNG export.

I and other Greenpeace colleagues would be happy to discuss these issues further. We look forward to hearing from you regarding your approach to tar sands pipeline companies and ETP (including related companies) and our outlined set of demands.

Yours sincerely,

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