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May 14, 2010

Mr. Lamar McKay
President and CEO
BP America, Inc.
501 WestLake Park Boulevard
Houston, Texas 77079

Dear Mr. McKay:

BP's current estimate for the amount of oil flowing into the Gulf of Mexico from the Deepwater Horizon spill is 5,000 barrels per day. BP's initial estimate for the amount of oil flowing into the gulf was 1,000 barrels per day. At a briefing provided to members of the Energy and Environment Subcommittee of the Energy and Commerce Committee, Mr. Dave Rainey of BP indicated that a maximum flow from the well, if uncontrolled, would be approximately 60,000 barrels per day, with a midrange estimate of 40,000 barrels per day from an uncontrolled release. At the hearing of the Subcommittee on Oversight and Investigations, on May 11, you reaffirmed the 5,000 barrels per day estimate.

Recent news reports indicate that the actual amount of oil being released into the Gulf of Mexico could be upwards of 70,000 barrels per day.

As reported by National Public Radio, an independent scientific analysis concluded that, with a plus or minus 20 percent accuracy rate, the flow could range from 56,000 barrels per day, up to 84,000 barrels per day. Other estimates reported in the media also indicate that the well could be releasing 4 to 5 times as much oil as is currently being reported.

The public needs to know the answers to very basic questions: how much oil is leaking into the Gulf and how much oil can be expected to end up on our shores and our ocean environment? I am concerned that an underestimation of the flow may be impeding the ability to solve the leak and handle management of the disaster. We have already had

one estimate that grossly underestimated the amount of oil being released and we cannot afford to have another.

I would therefore ask that you answer the following questions and provide any requested documents within the next 24 hours. You are requested to update your response or provide additional documents at such time as such information becomes available.

- 1) Prior to the incident, did BP already have an estimate of the maximum amount of oil that could be expected to flow from this well under normal conditions?
- 2) What was the basis for this estimate?
- 3) Please provide all documents that relate to the amount of oil that could be expected to flow from this well, including any estimates of profits that this well was projected to generate.
- 4) What is the BP method and scientific basis for the estimate of 5,000 barrels per day? Was this estimate based solely on surface monitoring of the size of the spill?
- 5) Were all or any of the latest methods that are available today for estimating the amount of such a spill employed?
- 6) Please provide all documents created since the incident occurred that bear on, or relate to, in any way, estimates of the amount of oil being released.
- 7) What is the basis, if any, for the worst case estimate of approximately 60,000 barrels per day provided to the Energy and Commerce Committee during a May 4th briefing?
- 8) Was BP, as has been reported in the press, offered an opportunity to use the latest technology for estimating the volume of oil flowing from the pipe?
- 9) Did BP accept or refuse any such offers and has BP used the latest technology to estimate the volume of oil flowing from the well?
- 10) Has BP used any subsurface technology to estimate the amount of oil flowing from the well? If so, please provide the results of any such efforts.
- 11) Is it accurate to suggest as BP Vice President Kent Wells did recently that "There's just no way to measure it?" If so, then does BP stand behind the current estimates of the amount of oil flowing or not?

12) Could an increased flow from the riser pipe affect proposed or attempted efforts to stop the flow of oil, such as the failed containment dome strategy, the so called "junk shot" strategy, attempts to place an additional pipe into the riser, and the drilling of relief wells for plugging the well bore?

13) Please indicate for the record BP's current estimate of the amount of oil flowing from the well and provide the basis and methodology for that estimate, along with any uncertainty or error ranges for the estimate.

14) BP has suggested in press reports that it is focused on closing the leak, rather than in measuring it. Are efforts to close the leak inconsistent with efforts to measure its volume? Why wouldn't such efforts actually be complementary?

15) Using estimates of 5,000 barrels per day, 40,000 barrels per day and 70,000 barrels per day, and further assuming that the leak continues for another 60 days, what is the projected extent of the spill in square miles and the amount of Gulf coastline in miles that would potentially be affected by such a spill?

If you have any questions please contact Morgan Gray of my staff at 202-225-4012.

Sincerely



Edward J. Markey
Chairman
Subcommittee on Energy and Environment
Committee on Energy and Commerce

CC: Chairman Henry Waxman
Ranking Member Joe Barton
Ranking Member Fred Upton