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Congress of the United States

House of Representatives

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June 24, 2010

Admiral Thad W. Allen
Commandant
United States Coast Guard
2100 Second Street SW Stop 7101
Washington, DC 20593-7101

Dear Admiral Allen,

I write to request information on the use of dispersants as a means to mitigate the effects of the oil that has been spewing into the Gulf of Mexico for 9 weeks, As slicks and plumes of oil and gas expand in the Gulf, the list of unknowns that surround the disaster's impact on the marine life and human health continue to grow.

One of BP's primary mitigation strategies involves the application of chemical dispersants to break the oil into tiny droplets that scatter in the ocean and may be more readily consumed by microbes. These chemicals are being sprayed onto the surface of the ocean, and for the first time in U.S. history are also being applied at the source of the leak, almost one mile below sea surface. Millions of gallons of chemical dispersant have been added to the Gulf waters, contributing to a toxic stew of chemicals, oil and gas with impacts that are not well understood.

There has been much speculation that the use of dispersants has contributed to the formation of large plumes or clouds of oil that are suspended well below the ocean surface. Many experts have raised concerns about these plumes' potential to cause significant harm to aquatic life in the Gulf of Mexico. This can occur via two mechanisms. First, the toxic constituents of oil and dispersants can poison the aquatic life exposed to them and may lead to death or non-lethal harm to species and contamination of the marine food chain. Second, as naturally-occurring bacteria consume the oil, they also use up oxygen that is critical to the survival of many marine organisms. This can in turn lead to localized depletions of oxygen levels that could cause marine life to die of asphyxiation. Oxygen depleted at the depths that these plumes have

been found can take years to replenish, causing long-term damage to the deep Gulf ecosystem. On June 23, 2010, NOAA scientists re-confirmed the existence of these plumes, and additionally confirmed that their characteristics are consistent with the use of chemically-dispersed oil.

In light of environmental concerns about dispersants, on May 20, 2010 EPA and the U.S. Coast Guard directed BP to identify and start using a dispersant that is of lower toxicity and higher efficacy than Corexit, the trademarked name for the most toxic and least effective of the EPA-approved dispersants. After receiving BP's response, which defended the company's choice in selecting Corexit, EPA and the U.S. Coast Guard announced that they were not satisfied with BP's evaluation of alternatives and that EPA would undertake its own independent evaluation to determine the best dispersant available in the volumes necessary for this crisis. In the meantime, EPA and the U.S. Coast Guard directed BP to reduce the overall volume of dispersant by 75% from the maximum daily amount used (70,000 gallons per day) and to completely eliminate surface application of dispersants unless absolutely necessary.

An analysis of BP's recent dispersant use indicates that the company has not eliminated the surface application of dispersants, and although it has reduced the amount of dispersant used subsurface at the well head, it has exceeded the recommended daily level of 15,000 gallons at times. The surface application volumes, while reduced by approximately 50%, have in no way ceased, as daily volumes used hover around 10,000 gallons In order to understand the reasons why BP continues to use such high volumes of Corexit, I ask that you respond to the following questions.

1. In its May 26, 2010 directive[1] EPA and the U.S. Coast Guard instructed BP to eliminate surface application of dispersants, except in rare cases. While in the few days following the directive, the amount of surface application was reduced significantly, BP has not ceased surface application of dispersant. In fact for the last few days, more than 10,000 gallons of dispersants have been applied daily to the surface waters of the Gulf of Mexico. While this is a 50% reduction from the pre-directive daily average of approximately 20,000 gallons, the average daily volumes are certainly not zero.
    a. Why is BP continuing to use dispersants on the surface waters of the Gulf of Mexico?
    b. The May 26, 2010 directive explicitly stated that if BP wanted to use surface dispersant it needed to make a request in writing to the Federal on Scene Coordinator for approval by the United States Coast Guard. Please provide me with copies of the BP requests to the United States Coast Guard, responses to those requests and any associated documentation that would describe the circumstances surrounding the approval(s) for surface dispersant use after the May 26 directive.

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[1] http://www.epa.gov/bpspill/dispersants/directive-addendum3.pdf

c. The directive also instructed BP to use no more than 15,000 gallons per day of dispersant subsurface at the site of the well head. Since the directive was issued, BP has exceeded this daily maximum on four occasions (May 28, May 30, June 6, and June 20). Please provide me with copies of the BP requests to the United States Coast Guard to exceed these levels, as well as the responses to those requests.

Thank you for your assistance and cooperation in responding to this request. Should you have any questions, please have your staff contact Dr. Michal Freedhoff of the Subcommittee staff or Dr. Avenel Joseph of my staff at 202-225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey
Chairman
Subcommittee on Energy and Environment

cc. The Honorable Henry A. Waxman
Chairman, House Energy and Commerce Committee

The Honorable Joe Barton
Ranking Member, House Energy and Commerce Committee

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment