

US EPA ARCHIVE DOCUMENT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 26 2010

THE ADMINISTRATOR

Mr. David Rainey
Vice President of Gulf of Mexico Exploration
BP Exploration and Production
501 Westlake Park Boulevard
Houston, Texas 77079

Dear Mr. Rainey:

In your response dated May 23, 2010, you stated that you will continue to search for an alternative dispersant and that you fully understand and intend to comply with the directive from the U.S. Environmental Protection Agency and the U.S. Coast Guard to minimize the use of dispersants. I want to reinforce the importance of this approach to the BP oil spill response.

In the directive we sent last week, the EPA instructed you to analyze potential alternative dispersants for toxicity and effectiveness and report back within 24 hours. The goal of that directive was to determine whether a less toxic, more alternative dispersant existed in the quantities necessary to address this crisis.

Before I discuss the steps the EPA will take, I want to reiterate what Admiral Landry and I stated on a press conference call yesterday: The EPA and the Coast Guard believe your response to the directive was insufficient. We believe the response lacked sufficient analysis and focused more on defending your initial decisions than on analyzing possible better options.

Because we believe your analysis of potential alternative dispersants was insufficient, the EPA is performing its own scientific verification of the data BP presented. In addition, the EPA will perform testing to determine whether there is indeed a less toxic, more effective dispersant available in the volumes necessary for a crisis of this magnitude. The EPA will be performing at least two types of assessments to evaluate COREXIT 9500 and 9527 and other dispersants. Laboratory comparisons will be made with Gulf of Mexico species, including a silverside and Mysid shrimp. The EPA will use the quality assurance and testing methods set forth in the EPA test manuals (<http://www.epa.gov/waterscience/methods/wet/disk2/index.html>).

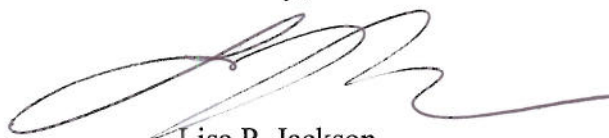
The EPA also will identify a test for endocrine disrupters and will use the test results to help make a determination in selecting less toxic dispersants.

Furthermore, as we discussed, the federal government, led by the Coast Guard, is reiterating its instructions to BP to take immediate steps to significantly scale back the overall use of dispersants. Data demonstrates that subsea dispersant application is having an effect on the oil at the source of the leak and thus far has had no observed significant ecological effects. Because so much is still unknown about the potential impact of dispersants, BP should use no more dispersant than is necessary. By decreasing the amount of dispersant used, particularly on the surface where we expect less undispersed oil because of the subsea application, BP can reduce the amount of dispersant applied by as much as 75 percent and possibly more.

Finally, I reiterate that BP must operate openly and transparently. Your response to EPA's directive contained redacted information because BP and dispersant manufacturers claim some sections of the response contain confidential business information. Once again, we demand that you immediately release to the public all of the information BP has claimed as CBI and urge you to do all you can to ensure Americans are fully informed about the potential environmental impact of these alternative dispersants.

I have attached a directive from the EPA and the Coast Guard requiring you to significantly reduce dispersant use. I fully expect your immediate and complete compliance with the requirements of the directive.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa P. Jackson', with a long horizontal flourish extending to the right.

Lisa P. Jackson