

ONE HUNDRED ELEVENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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June 18, 2010

Mr. Tony Hayward
Chief Executive Officer
BP PLC
1 St. James's Square
London SW1 Y 4PD
United Kingdom

Dear Mr. Hayward:

I write to request additional information regarding BP's assertions that there are no sub-surface plumes of oil spewing into the ocean from the Deepwater Horizon leak. BP's June 7th response to my letter of May 31st, as well as your responses to my questions on this topic at yesterday's Oversight and Investigations Subcommittee hearing, were inadequate, and, along with numerous public statements by BP officials, raise additional questions.

As you know, on June 8, NOAA Administrator Jane Lubchenco confirmed the findings of several scientists that identified large volumes of oil under the surface of water, saying "We have always known that there is oil under the surface."¹ She went on to confirm the presence of several sub-surface clouds or plumes of oil that were traceable to the Deepwater Horizon leak.

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 plants and animals that are exposed to them, leading to death, non-lethal harm to species or contamination of the marine food chain. Second, as naturally-occurring bacteria consume the oil dispersed in the plumes and multiply, they also use up oxygen, and this can in turn lead to localized depletions in 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.

¹ Transcript, Unified Command Press Briefing, June 8, 2010

I wrote to BP on May 31 because you stated on May 30 that BP's samples showed "no evidence" that oil was suspended sub-surface in this manner, going on to state that "The oil is on the surface. Oil has a specific gravity that's about half that of water. It wants to get to the surface because of the difference in specific gravity."

In its June 7 response, and despite NOAA's findings to the contrary, BP continues to assert that "there is no coherent body of hydrocarbons below the surface." Additionally, on June 9 2010, BP COO Doug Suttles stated on the Today Show that "We haven't found any large concentrations of oil under the sea. To my knowledge, no one has."

BP's measurements provided to me as the purported basis for these assertions seem limited at best. They do not address the findings of subsurface plumes made by other independent scientists and verified by NOAA, and appear to be missing evidence of subsurface plumes that EPA maintains was derived from BP's own measurements. Additionally, your responses to my questions at yesterday's hearing were equivocal – you did not clearly confirm BP's view that sub-surface plumes do exist.

In short, it appears as though once again, BP is making questionable assertions using flawed and incomplete data in order to minimize the potential harm its leak has caused and may cause going forward. Please respond to the following questions:

1. BP provided summary materials for 4 research cruises spanning the time period May 15th to June 1st. The R/V Brooks McCall conducted 3 of those cruises and the R/V Ocean Veritas conducted one. With the exception of 3 stations on the R/V Ocean Veritas cruise, all of the sample locations for these cruises were west of the wellhead. The university cruises that initially identified subsurface oil concentrations found them to the east of the wellhead. Did BP conduct additional sample collections east of the wellhead, in order to verify the findings made by these independent scientists? If not, why not, and on what basis did you and Mr. Suttles then dismiss their findings (on May 30 and June 9, respectively)?
2. As you know, NOAA recently launched a new website² to enable scientists and other members of the public to track the spill response in real-time. One feature this website enables is a way to determine where the subsurface monitoring ships are sampling. Is BP providing all information necessary to enable tracking of BP's vessels using this website? For example, are BP's ships equipped with operating location identification technologies at all times? If so, please describe all such technologies. If not, why not?
3. In your responses to my questions at yesterday's hearing, you agreed to provide all your data and measurements. I appreciate your willingness to do so. Please provide the coordinates for all ships used for sampling that have been funded by BP as a part of the cleanup effort, including all independent contractors and recruited locals, since April 20, 2010. Please provide all data collected by these

² <http://gomex.erma.noaa.gov/erma.html#x=-90.42000&y=28.03000&z=6&layers=3023+497+3852>

ships, including but not limited to fluorometry, air sampling measurements, conductivity, temperature and depth measurements, dissolved oxygen, total petroleum hydrocarbons concentrations, polyaromatic hydrocarbon concentrations, oil particle size, methane concentrations, and colored dissolved organic matter measurements.

4. BP also provided in your response the May 30th Interim Summary Report of the R/V Brooks McCall. The first bullet of the summary says: "There are very low concentrations of hydrocarbons, measured in the range of not detectable, effectively 0, to a maximum known spike of 72 parts per billion in the water column below the visible oil slick on the surface. This means there is no coherent body of hydrocarbons beneath the surface." Taken as written, this suggests that samples were only taken in areas where oil was visible on the ocean surface. Were samples taken at locations without visible oil slicks? If not, why not, since many of the reports of sub-surface plumes were found elsewhere?
5. In my May 31 letter, I asked that you provide me with your sampling methodology. Instead, you provided EPA's directive to BP for developing a sampling plan. Please provide the sampling plans developed in response to EPA's directive.
6. EPA's website contains a May 30, 2010 map of subsurface plumes that have been identified, reportedly using BP data.³ As you can see from the map, it indicates that BP's data from the R/V Brooks McCall identified 17 subsurface plumes in various locations surrounding the wellhead. Why did you fail to note this data in your June 7, 2010 response? Please provide all data submitted to EPA and used to construct this map.

Thank you very much for your attention to this important matter. Please provide your response no later than Friday June 25, 2010. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of the Energy and Environment Subcommittee staff at 202-225-2836.

Sincerely,



Edward J. Markey
Chairman
Energy and Environment Subcommittee

cc: Honorable Henry Waxman, Chairman
Honorable Joe Barton, Ranking Member
Honorable Fred Upton, Ranking Member

³ <http://www.epa.gov/bpspill/dispersants/bp-map-may30.jpg>