



Clean Water Network Position Statement on the Gulf of Mexico Oil Spill

May 11, 2010

Since the April 20, 2010 British Petroleum (BP)/Deepwater Horizon oil rig explosion, hundreds of thousands of gallons of crude oil have been spewing every single day, into one of America's most beautiful and productive marine habitats, the Gulf of Mexico.

The Gulf is the 11th largest water body in the world and one of the richest breeding grounds for fish, crabs, oysters and shrimp. It accounts for 83 percent of the nation's total commercial shrimp landings, 56 percent of the U.S. oyster landings and 14 percent of the total commercial fish landings in the United States. In 2008, commercial fishermen in the Gulf of Mexico harvested 1.3 billion pounds of finfish and shellfish, earning \$662 million in total revenues.¹

This massive oil spill is poised to eclipse the Exxon Valdez spill in Alaska's Prince William Sound as the largest oil spill in US history. Fish kills, marine and terrestrial wildlife devastation and long term contamination of Gulf waters will take their toll both economically and ecologically for many years to come.

The Clean Water Network (CWN), the largest grassroots coalition in the country working to protect our nation's water resources, calls on President Obama and Congress to swiftly take the following actions:

- 1. Hold BP and Transocean, and other responsible parties, fully accountable** for the environmental devastation they have caused, as well as all aspects of the failing response efforts to stem the flow of oil in the Gulf.
- 2. Revise the federal regulatory process** that allowed this crisis to occur. The Department of Interior's Mineral Management Service's (MMS) current regulations failed to adequately protect the Gulf's ecosystem and economy. It is CWN's view that the Administration and Congress must immediately reassess the laws and regulations governing minerals management, and work to make them more protective of public health and the environment. Simply addressing BP and Transocean's part in this tragedy will leave the door open for this to happen again.

CWN calls on the Administration and Congress to examine MMS's failure, within its environmental review of this project, to require an analysis of a worst case spill scenario and prepare a comprehensive oil spill response plan prior to initiation of drilling of the well.

In a 2009 document filed with MMS in response to questions about off shore drilling operations in the Gulf, BP stated it was "unlikely that an accidental surface or subsurface oil spill would occur from the proposed activities." While BP acknowledged

¹ *National Marine Fisheries Service: The Gulf of Mexico at a Glance, June 2008, a publication of the National Oceanic and Atmospheric Administration, Department of Commerce, developed in partnership with the U.S. Environmental Protection Agency Gulf of Mexico Program, for the Gulf of Mexico Alliance.*



Clean Water Network Position Statement on the Gulf of Mexico Oil Spill

May 11, 2010

that any spill would impact beaches, wildlife refuges and wilderness areas, the company argued that "due to the distance to shore (48 miles) and the response capabilities that would be implemented, no significant adverse impacts are expected." BP's response efforts have clearly shown that they were not prepared, which is not surprising in light of the fact that they were not required to prepare a comprehensive oil spill plan.²

It is important that the Administration examine why the MMS did not question BP's responses or require the company to have an emergency plan in the event of a complete system failure. CWN is also concerned that the oil and gas industry has not been required to do significant research & development on oil spill response technologies that leaves society having to choose from options that create their own environmental risks, not all of which are fully understood (i.e. in-situ burn or toxic dispersants). The industry is also not required to construct containment bunkers to have at the ready should a spill occur. BP and the oil industry as a whole must be required to use the best available technology to prevent a leak (i.e. remote activated shut-off valves) and invest in R & D necessary to improve the effectiveness and reduce the toxicity of oil spill response techniques.

- 3. Remove the liability cap on oil companies.** While it is too early to accurately assess the full measure of the damages caused by the disastrous spill in the Gulf of Mexico, it is clear that all companies should be held responsible for all of those costs, in addition to recovery costs. However, under current law, liability for damages beyond removal costs, resulting from accidents of this nature is capped at \$75 million (except in cases of gross negligence, willful misconduct, or violation of the law). Without full liability, companies do not have an incentive to protect the environment to the maximum extent possible. Congress should lift the cap on liability. In addition, BP and Transocean should not be found eligible to qualify for the current liability limit.
- 4. Increase resources, training and support for communities and non-profit organizations** working on the ground to aggressively clean up the coastal areas affected by the oil spill. These communities are in critical need of training and support in order to tackle the environmental devastation. Local citizen groups need to be engaged and empowered to actively contribute to their own livelihood. These expenditures should be added to the responsible parties' bill. Local community representatives must also be included in all planning and strategy sessions, including all Incident Command System meetings. Information must be shared openly with impacted communities and all efforts should be made to address local concerns as they arise.

² Associated Press: http://news.yahoo.com/s/ap/20100501/ap_on_bi_ge/us_louisiana_oil_rig_explosion_335



**Clean Water Network
Position Statement on the
Gulf of Mexico Oil Spill
May 11, 2010**

- 5. Establish an immediate moratorium on new offshore drilling operations nationwide to protect coastal waters from pollution associated with oil and gas development.** In addition to a moratorium, the deficiencies and issues identified in this position statement should be addressed and corrected and BP's and other responsible parties' debt to the government and impacted communities settled swiftly.

The crucial issues we have outlined are:

- a. Ensure swift and aggressive action to cleanup and remediate the Gulf Coast;
- b. Examine and improve federal permitting policies and internal review processes;
- c. Provide critical resources for communities and organizations working on the ground to tackle this disaster;
- d. Provide funding and resources for monitoring and remediation of contamination associated with the spill that poses a threat to water and wetland resources; and
- e. Eliminate the liability cap for companies responsible for environmentally destructive oil spills.

- 6. Rapidly transition our country away from its dependence on fossil fuels and towards the efficient use of environmentally-sound renewable energy.** The unfortunate reality is that better technologies, practices, and plans can reduce but not eliminate the risk of major oil spills. The life cycle of fossil fuel production, processing, transmission, and combustion, by its very nature, holds unacceptable risks to our water resources, and, critically, our climate. To protect our waters, and improve the security of our country, the time has come to build a clean energy economy as well as promote conservation and reduce consumption to help us progress towards a sustainable future.

CWN calls on the Administration and Congress to pass comprehensive climate and energy reform legislation to end our country's dependence on dirty fossil fuels, promote the efficient use of environmentally-sound renewable energy, and safeguard our shared climate.

The Clean Water Network works to protect our nation's precious water resources. CWN is the largest grassroots coalition in the country with more than 1200 public interest organizations representing 5 million people. The organization's membership is comprised of a diverse set of groups including farmers, hunters and anglers, garden clubs, surfers, boaters, environmentalists, faith communities, labor organizations, smart growth planners, consumer advocates and civic associations.