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ONE HUNDRED ELEVENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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June 24, 2010

The Honorable Ken Salazar  
Secretary  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Secretary Salazar:

I look forward to your testimony before the Subcommittee on Oversight and Investigations and Subcommittee on Energy and Environment on June 29, 2010, about your agency's role and actions relating to the blowout and explosion on the Deepwater Horizon drilling rig and the ongoing oil spill along the Gulf Coast. Given the integral role of the Department of Interior (the Department) and its component agencies in the oversight and inspections of the Deepwater Horizon rig, drilling equipment, well construction, and well control operations, as well as the post-incident response, I believe your testimony can provide critical information that will assist the Subcommittee's investigation going forward.

I write respectfully to ask that you be prepared to respond next week in your testimony to questions developing out of our investigation and hearings. In particular, among the questions surrounding federal oversight of the rig prior to the explosion and the related response, I would like you to address the following:

1. What were the Department's interactions with BP and/or the Deepwater Horizon rig personnel during the week prior to the incident? What communications occurred during that time period between Department and rig personnel, including on the date of the explosion?
2. What specific role has the Department played in responding to the Deepwater Horizon disaster, including the initial response and the ongoing response efforts? What assets and personnel have been deployed? What role has the Department played in Unified Command decision-making?
3. What role did Department requirements and regulations play in the development of oil spill risk models used by oil producers in their response plans filed with the Department? According to the June 24, 2010, Wall Street Journal article, *BP Relied on Faulty U.S.*

*Data* (attached), oil companies were required to rely on what the Department understood were government computer models of questionable accuracy. Is this true? What is the Department doing to improve computer modeling?

4. Your May 27, 2010, report to the President entitled *Increased Safety Measures for Energy Development of the Outer Continental Shelf* lists 23 Department-sponsored studies over the past two decades which evaluated the use of well control techniques and equipment, including casing, cementing, mud, pressure control valves, and blow out preventers. Have the recommendations of all of these studies been implemented by the Department and used when evaluating drilling operations and well designs? Is the Department evaluating implementation of these safety recommendations during inspections?
5. On May 30, 2010, you ordered an extended moratorium on offshore drilling, based upon your May 27, 2010, report to President Obama referenced above. On June 22, 2010, a federal judge struck down this moratorium and granted a preliminary injunction. In partial response to this decision, you announced that you would issue an order in support of a new version of the moratorium. What is your assessment of the direct and indirect employment impacts in the Gulf of Mexico region and elsewhere in the United States that may result from the moratorium and related notice to lessees (NTL)? What does the Administration estimate will be the cumulative and long-term economic impacts of the moratorium and related NTL? What economic or employment analyses have been prepared or considered by the Department relating to the effects of the moratorium and related NTL? Could you make those available to the Committee?

In addition, as the Subcommittee reviews documents provided by the Department, I seek your assurance that the Department will make available to Majority and Minority Committee staff the relevant individuals or officials with knowledge of the application approvals, safety inspections, and related oversight of the Deepwater Horizon operations.

Sincerely,



Michael C. Burgess  
Ranking Member  
Subcommittee on Oversight and Investigations

cc: The Honorable Henry A. Waxman, Chairman

The Honorable Joe Barton, Ranking Member

The Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigations

Attachment



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**THE WALL STREET JOURNAL.**

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BUSINESS | JUNE 24, 2010

## BP Relied on Faulty U.S. Data

By NEIL KING JR. And KEITH JOHNSON

BP PLC and other big oil companies based their plans for responding to a big oil spill in the Gulf of Mexico on U.S. government projections that gave very low odds of oil hitting shore, even in the case of a spill much larger than the current one.

The government models, which oil companies are required to use but have not been updated since 2004, assumed that most of the oil would rapidly evaporate or get broken up by waves or weather. In the weeks since the Deepwater Horizon caught fire and sank, real life has proven these models, prepared by the Interior Department's Mineral Management Service, wrong.

### More

[Mishap Sets Back Efforts to Contain Well](#)  
[U.S., Louisiana Clash Over Berms](#)

Oil has hit 171 miles of shoreline in southern Louisiana, Mississippi, Alabama and northern Florida. Further, government models don't address how oil released a mile below the surface would behave—despite years of concern among government scientists and oil companies about deep-water

spills.

BP's efforts to contain the spill suffered a brief setback when an undersea robot hit the cap that's channeling oil to the surface. BP was able to reinstall the cap Wednesday night.



AFP/Getty Images

Oil gushes unchecked into the Gulf Wednesday after a robot damaged the containment cap on BP's blown-out well.

Separately, Interior Secretary Ken Salazar told lawmakers that he is reviewing how to re-draft a moratorium on new deep-water drilling in response to a federal judge's ruling that struck down a blanket six-month drilling halt ordered by President Barack Obama last month. The Obama administration on Wednesday night asked the judge to delay his court ruling while the Justice Department appeals the decision, according to the Associated Press.

The government's optimistic forecasts reinforced the oil industry's confidence in its spill-prevention technology, leading to decisions that left both oil companies and the government ill-prepared for the disaster that has unfolded in the Gulf since April 20.

BP and government agencies responding to the spill have scrambled to assemble enough oil-containing boom and the ships and hardware needed to keep oil out of marshes and off beaches. Owen Kratz, chief executive officer of Helix Energy Solutions, one of the company's working to contain the spill for BP, said Wednesday that the industry needs to have more oil containment equipment positioned to handle a blowout – instead of building containment systems after an accident.

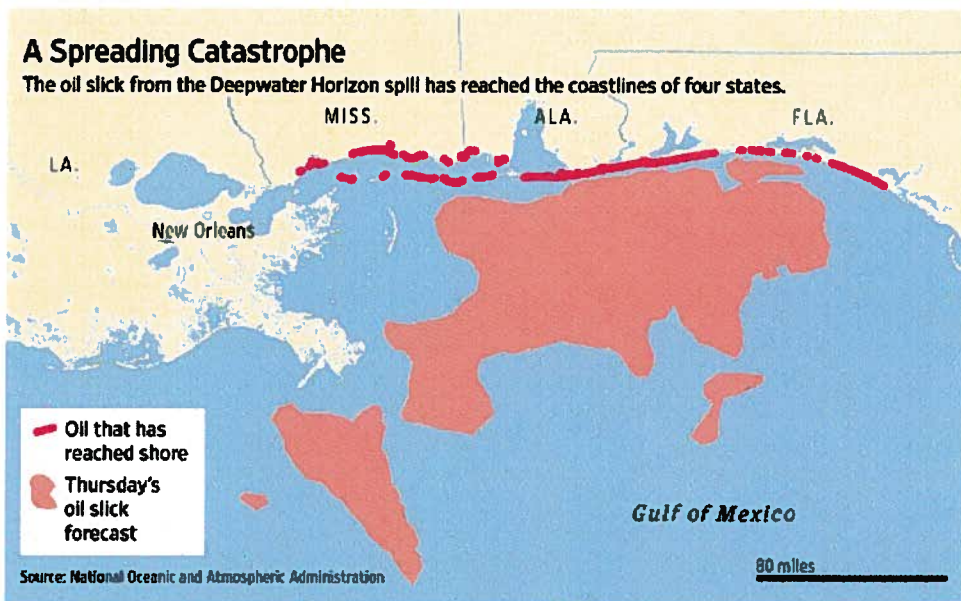
"We hope the best science will be used going forward in this model that MMS requires," said a spokesperson for the American Petroleum Institute.

The Obama administration has launched a major overhaul of the agency that regulates offshore oil and gas drilling in the wake of the Gulf spill. "Without question, we must raise the bar for offshore oil and gas operations," a spokesperson for the Interior Department said Wednesday in response to questions about the spill models.

BP has come under heavy fire from Congress and environmental groups for its lack of readiness to handle a worst-case spill. But that criticism has overlooked a key fact: BP was required by federal regulators to base its preparations on Interior Department models that were last updated in 2004.

The government's spill models have been at the center of years of debate among scientists that study oil spills. One study in the late 1990s used satellites to track almost 100 "drifters" set loose in the Gulf of Mexico to mimic floating oil. The paths of the drifting objects were compared with what the model predicted. After 30 days, the average discrepancy was 300 miles. "We have observed differences of some magnitude," a 2003 paper said, summarizing the study.

But the researchers, led by a team of scientists from the Interior Department's MMS, concluded that the results were "neither surprising nor disappointing," and "do not negate the utility" of the model. The scientists said the findings could lead to improvements in oil-spill modeling.



Researchers have spent the past decade trying to improve modeling of oil spills. The biggest challenge: to update the models to reflect the new reality of deep-water oil drilling. Spills thousands of feet below the surface behave very differently than spills on the surface.

Underwater currents, for example, can grab plumes of oil and transport them far from the scene of the initial spill, scientists say. Deep-water releases tend to break into smaller oil slicks, further complicating efforts to forecast where they'll go.

MMS said in early 2000, in a notice to lessees, that it planned to require oil companies operating in deep-water to use new oil-spill predictions specifically designed for deep water.

That regulation never came into effect. Oil companies today still base their contingency plans on the government's models, designed only for surface spills.

In 2001, the then-head of the MMS environmental division wrote a paper that warned "the oil spill trajectory models currently used by the oil industry for the preparation of oil spill response plans may not be adequate for deep water."

Since then, MMS researchers have experimented with new models specifically designed to simulate deep-water oil spills. In 2005, after one such experiment, the MMS modeling team wrote in a paper that "spill response plans

need to be upgraded" to deal with potential deep-water releases. But the models haven't incorporated new deep-water simulations.

Questions about the industry's preparedness for a spill have come up repeatedly as Congress has investigated the response to the Gulf disaster.

House lawmakers accused BP, Exxon Mobil Corp., Chevron Corp. and other companies last week of using "cookie cutter" contingency plans that contained numerous errors and omissions.

Exxon Chief Executive Rex Tillerson pointed out that much of the company's response plan "is prescribed by regulation, including the models that are used to project different scenarios for oil spills."

The MMS spill trajectory model is known as OSRA, an acronym for "oil spill risk analysis." The model simulated currents and winds in the Gulf to calculate where oil slicks would travel over a period of three, 10, and 30 days.

That model projected that a spill of oil on the surface in the Mississippi Canyon area, located 68 miles offshore, would have just an 11% chance of making landfall in Plaquemines Parish, La., after 30 days. In reality, Plaquemines, the area hardest hit by the current spill, got its first tar balls 22 days after the explosion.

The bulk of the Gulf Coast, according to the model which projects spill trajectories for 30 days maximum, would not see oil reach shore even with a catastrophic offshore spill.

**Write to Neil King Jr. at [neil.king@wsj.com](mailto:neil.king@wsj.com) and Keith Johnson at [keith.johnson@wsj.com](mailto:keith.johnson@wsj.com)**

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