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THE DEEPWATER HORIZON OIL SPILL CHAIN OF COMMAND: AN EXAMINATION OF INFORMATION SHARING PRACTICES DURING A SPILL OF NATIONAL SIGNIFICANCE

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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THE DEEPWATER HORIZON OIL SPILL CHAIN OF COMMAND: AN EXAMINATION OF INFORMATION SHARING PRACTICES DURING A SPILL OF NATIONAL SIGNIFICANCE

Monday, July 12, 2010

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON MANAGEMENT, INVESTIGATIONS, AND OVERSIGHT,
New Orleans, LA.

The subcommittee met, pursuant to call, at 2:18 p.m., in the Louisiana Supreme Court, 400 Royal Street, New Orleans, Louisiana, Hon. Christopher P. Carney [Chairman of the subcommittee] presiding.

Present: Representatives Carney, Green, Jackson Lee, Richardson, Bilirakis, and Cao.

Mr. CARNEY. The Subcommittee on Management, Investigations, and Oversight will come to order.

The subcommittee is meeting today to receive testimony on "The Deepwater Horizon Oil Spill Chain of Command: An Examination of Information Sharing Practices During A Spill of National Significance." I would like to thank all of you for joining us today.

We are here today to examine the command structure, including roles and responsibilities for the response to the Deepwater Horizon oil spill. We will examine whether the chain of command is being properly followed by the more than 38,000 personnel responding to the spill and ascertain how information flows from the Unified Area Command in New Orleans through the Incident Command Centers in Houma, Louisiana, Mobile, Alabama and St. Petersburg, Florida to State and local entities.

The most recent Government estimate projects approximately 60,000 to 100,000 barrels of oil are leaking from the damaged well each day. Based on estimates of the Flow Rate Technical Group, the spill has become the largest in U.S. waters, eclipsing the 1989 Exxon Valdez several times over.

Prior to the Deepwater Horizon spill, the largest release of oil from a platform accident was the Alpha Well 21 Platform A disaster in 1969, also known as the Santa Barbara oil spill which released about 100,000 barrels of oil. The Deepwater Horizon passed that mark in the first couple of days.

Although there have been seven spills of National significance exercises, or SONS, the magnitude of the Deepwater Horizon oil spill is so much greater spill that the preconceived command struc-

ture may need to be revised. It is hard to believe that anyone could have imagined the devastation on the level that we are seeing today.

Secretary Napolitano's Spill of National Significance declaration triggered the incident command system set forth in the National response framework and dictated from that point forward a unified command structure established by the Federal Government would be in place to coordinate the response to the spill. There are more than a dozen Federal agencies involved in the Deepwater Horizon oil spill chain of command. Confusion surrounding the chain of command for the Deepwater Horizon oil spill is exacerbated by the number of Government entities, including Federal, State, local, and Tribal that compromise the unified response. Moreover, the magnitude of the present spill has caused many of the Federal Government's best-laid plans to become inoperable under the present circumstances. Past exercises yielded a blueprint for the Deepwater Horizon response. Unfortunately, the fact that the source has yet to be contained and oil is continuing to flow into the Gulf has prevented those in the chain of command from shifting solely to a clean-up operation and caused a much more complicated situation than had been previously imagined.

Today, more than anything else, I want to hear how smoothly information is running up and down the chain of command. I would like to hear constructive ways that that information flow can improve. We need to know where the bottlenecks are so that they can be eliminated. I want to know if local and State entities are getting all the resources and the information they are requesting as well as the Federal Government and the decision-makers getting all the information they request.

As much as I hope nothing like this ever happens again, none of us in this room are that naive. Sooner or later our country will face another environmental disaster. We would be remiss as a Nation if we did not thoroughly reflect on our response to this incident so that we could be better prepared for the next one.

I would like to thank all the witnesses for their participation and I look forward to your testimony.

The Chairman now recognizes the Ranking Member of the subcommittee, the gentleman from Florida, Mr. Bilirakis, for an opening statement.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

As you know on May 1, I, along with a couple of other Members of this subcommittee requested hearings to consider the Department of Homeland Security and the Coast Guard's information-sharing and dissemination efforts, Coast Guard staffing and resources, and the oil spill's impact on the Gulf region. I am very pleased that the subcommittee—thank you, Mr. Chairman—is meeting to consider these issues today.

It has been more than 80 days since this unprecedented disaster began, and unfortunately there is no end in sight. Oil has now reached the shores in Texas, Louisiana, Mississippi, Alabama, and in my home State of Florida, damaging the environment and wildlife and adversely impacting the fishing and tourism industries, the lifeblood of many Gulf cities and towns.

Like many Members of Congress, I am very concerned about the Unified Command's efforts to share information with State, local, and private sector officials. I have heard from numerous constituents representing both the public and private sectors, who are experiencing difficulty in receiving vital information about the impact of the oil spill and recovery efforts. It is for this reason I am interested in learning from our Federal witnesses about how they provide information to their State, local, and private sector partners and also how they respond to the concerns of these partners.

I hope that this hearing will serve to further inform BP and Federal responders of the needs and concerns of the residents of the Gulf region that have been so terribly impacted. I am also interested in hearing about BP and Federal efforts to rapidly deploy resources and consider new alternative technologies to combat this spill. We need to consider all available options, including offers of international assistance. The Unified Command must rapidly consider and respond to local requests for resource deployment. We cannot let bureaucracy get in the way of response efforts.

It was reported last week in the Washington Post that BP has received approximately 120,000 proposals for technology that could address the spill. I am concerned about reports of delays in approving and deploying promising technology that could help stop the further spread of oil. How are the Government and BP processing these proposals to ensure that credible solutions are deployed in a timely manner?

As we progress further into what NOAA has projected to be an active—extremely active, excuse me—Atlantic hurricane season, I would like to learn more about the potential impact of a hurricane on oil spill response and clean-up efforts, along with hurricane preparedness efforts.

With that, I would like to welcome our witnesses here today. You all have a very important job ahead of you and the Members of this subcommittee stand ready to assist you.

Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. CARNEY. Thank you, Mr. Bilirakis.

Other Members of the subcommittee are reminded that under committee rules, opening statements may be submitted for the record.

We have unanimous consent that Representatives Jackson Lee and Richardson be able to sit and question the witnesses.

Without objection, the gentlewoman from Texas, Congresswoman Sheila Jackson Lee, who chairs the committee's Subcommittee on Transportation Security and Infrastructure Protection; and the gentlewoman from California, Congresswoman Laura Richardson, who chairs the committee's Subcommittee on Emergency Communications, Preparedness, and Response are authorized to sit on the dais for the purpose of questioning the witnesses during the hearing today.

Hearing no objection, it is so ordered.

Today's hearing will be divided into three panels. The first panel is comprised of State and local witnesses. The second panel will be comprised of Federal Government representatives and the third panel we will hear from will be from industry. I welcome each of the witnesses.

Our first witness is Colonel Michael D. Edmondson. Colonel Edmondson was appointed as the 25th superintendent of the Louisiana State Police in January 2008 by Governor Bobby Jindal, who of course is an alumni of this committee. He also serves as the Deputy Secretary of Public Safety Services and is responsible for an agency of more than 2,800 employees and a budget of nearly $0.5 billion. In his role as Deputy Secretary, Colonel Edmondson oversees the Louisiana Highway Safety Commission, the Office of Management and Finance, the Office of Motor Vehicles, the Office of State Fire Marshal, the Louisiana Oil Spill Coordinator's Office and the Liquefied Petroleum Gas Commission.

Colonel Edmondson is a career State police officer, having joined the organization in 1981. He earned his bachelor's of criminal justice in 1980 from Louisiana State University. He also attended graduate school there and is a graduate of the prestigious FBI National Academy in Quantico and the FBI National Executive Institute.

Our second witness is the Honorable Frank V. Hibbard, Mayor of Clearwater, Florida. Mayor Hibbard was elected in March 2002. He is a graduate of Florida State University with bachelor of science degrees in business and economics as well as an MBA.

He served as the volunteer executive to the United Way of Pinellas County and the Board of Corporate Partners at H. Lee Moffitt Cancer Center as well as a Board Member of the Jim Moran Institute for Entrepreneurial Study at Florida State College of Business. Mayor Hibbard is a graduate of the Class of 2000 Leadership Pinellas and the Class of 2007 Leadership Florida.

He currently serves as Vice Chairman of the Tampa Bay Area Regional Transportation Authority, or TBARTA, and on the Board of the Pinellas County Metropolitan Planning Organization, the Ruth Eckerd Hall, Salvation Army, and Clothes for Kids. Mayor Hibbard is a member of the Florida League of Mayors and the Mayors Council of Pinellas County.

Without objection, the witnesses' full statements will be inserted into the record. I now ask each witness to summarize his statement for 5 minutes, beginning with Colonel Edmondson.

STATEMENT OF MICHAEL D. EDMONDSON, DEPUTY SECRETARY, SUPERINTENDENT OF STATE POLICE, LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

Col. EDMONDSON. Thank you, Mr. Chairman and Members of the committee; thank you for inviting me to discuss the information sharing atmosphere that exists between the Command Group in the State of Louisiana during this oil spill of National significance.

Although I am here to discuss issues related to the oil spill caused by the explosion and subsequent sinking of the Deepwater Horizon, I would like to first take a moment to remember the 11 individuals who lost their lives on the night of April 20, 2010. The loss of life is tragic and should remain at the heart of everything we do. I ask the committee to remember these individuals and their families in your thoughts and prayers. We do every day in Louisiana.

The Louisiana Oil Spill Coordinator's Office (LOSCO) was moved to the Department of Public Safety in July 2009 by an act of the

Louisiana legislature. As you know and stated previously, located within the Public Safety Services is the Office of State Police, State Fire Marshal, Emergency Response, and Hazardous Materials. These offices contain specialized units such as crisis response and hazardous materials management that were thought by the legislature to be compatible with the core mission of LOSCO. From its inception in 1991 until July 2009, LOSCO was organizationally under the Office of the Governor. The move to place it under the umbrella of a large State agency provided a backbone of support and resources to assist LOSCO in carrying out its mission. The Department of Public Safety is able to provide administrative, technical, and logistical support to LOSCO at levels not seen previously. The original numbers were seven; with the advent of bringing them into the umbrella of State Police and Public Safety, they have the ability to have 50-plus individuals at their command when needed.

In 1995, LOSCO and its partners in State government created a plan that describes how Louisiana agencies will respond during oil spills. Called the State Contingency Plan, this document helps clarify and streamline response procedures. LOSCO and its partners are continually working to further refine the State Contingency Plan. The results of this effort provide a more detailed chain of command for oil spill cleanups, including a description of each agency's responsibilities in accordance with the Incident Command System.

The State Contingency Plan is augmented by the Area Contingency Plan. There are three of those in Louisiana; one for each United States Coast Guard Marine Safety Office jurisdiction: MSO New Orleans, Morgan City, and Port Arthur.

The plans describe response strategies for targeted areas, thereby providing an essential layer of preparation for oil spills. A committee guides each plan's development and revisions. The committees are composed of representatives from industry, environmental groups, and planners from Federal, State, and local government. The committees meet regularly to update oil spill response plans, identify sensitive resources and develop site-specific response strategies. The meetings are co-chaired by LOSCO and the United States Coast Guard.

Louisiana responds to any emergency through the Unified Command process. Through this process, Governor Bobby Jindal receives input from the involved State agencies and directs their responses. The Unified Command Group is established by statute and is defined as the strategic decision-making body for emergencies in this State with the Governor serving as the unified commander. The complex array of traditional and emerging threats and hazards demands the application of a unified and coordinated approach to emergency incident management not only during emergencies, but during day-to-day operation of State government. Governor Jindal established the UCG membership by Executive Order. It is composed of 16 members and I am a member of the Unified Command Group as well as the Oil Spill Coordinator. We have met every day and this being day 84 since the oil spill, we have met every day with the Governor to go over what is going on in the State of Louisiana. We have been flown to places around the State

that have been impacted by the oil spill. The current Executive Director of the Oil Spill Coordinator's Office is with me today, Mr. Roland Guidry. He will be here for any questions you might have. He and his Deputy Director, Dr. Karolien Debussche, are here with me also and will communicate with me as they do on a daily basis as to the status of the response and issues that may be communicated to them through local, State, and our Federal partners. LOSCO staff prepares and disseminates reports to me and my command staff as to the status of the responses and the numbers and assignments of staff assigned to the Deepwater Horizon event responses.

Unified Command Group meetings are held daily in response to this disaster. Also in Louisiana, our trustee meetings that are comprised of the Department of Environmental Quality, the Department of Natural Resources, Wildlife, and Fisheries, LOSCO, and Coastal Protection and Restoration, they meet every day as they look at the National disaster plan and damage assessment to the State of Louisiana. The Governor and cabinet members often present action items or requests for information to these representatives, who take such items back to the Incident Unified Command for review, response, and action.

A Spill of National Significance was declared by the Secretary of the United States Department of Homeland Security on April 29. Governor Jindal then issued a State-wide declaration of emergency also on that same date. As the immediate emergency rescue missions ended, LOSCO engaged the Coast Guard and BP to begin normal oil spill response actions in accordance with the Federal Oil Pollution Act of 1990 and the Louisiana Oil Spill Prevention Act of 1991. It is crucial to note that under the Federal law, that being OPA 90, BP, as the responsibility party, is legally responsible for response and removal activities.

As the magnitude of the oil spill grew—and as you know, on Day 1, there was a first report that came in there was no oil. Of course, there was maybe 1,000 barrels and then maybe 4,000 barrels, then maybe 9,000, 15,000 and then 19,000 and now anywhere from 30- to 60,000 barrels a day—it became apparent that more defensive measures to protect the coastline were necessary and that there was time to implement those measures as the oil approached from 48 miles offshore. Local governments, concerned with the lack of protective measures in their parishes, developed more robust plans to counteract the approaching oil, but were frustrated with their inability to interact and participate in the response efforts. OPA 90 imposes responsibility upon the responsible party to conduct response and removal activities with oversight from the United States Coast Guard for offshore spills. BP and the Coast Guard were rigidly, with little or no impact, executing an Area Contingency Plan and the State and local governments found it hard to influence those actions and to incorporate more recent analysis of what critical areas needed protection. Representatives from the State continued to engage the locals in preparing alternative response plans. These alternative response plans were then presented to BP/Coast Guard Incident Command, and vetted through the Planning and Operations subgroups. These plans were not

adopted in full, but served as a framework for use by the Unified Command in protecting the coast from impact.

A State whose territory is impacted by an oil spill does not have the authority to direct response activities. This stands in marked contrast to the emergency response framework for non-oil spill emergencies and disasters such as hurricanes, tornadoes, ice storms, and earthquakes, where State and local officials have the authority and are expected to take direct actions to protect life and property. Under OPA 90, it is the responsible party—in this case, BP—that has the authority to conduct response and cleanup activities while the Federal Government maintains ultimate authority. As the event continued into the first weeks, the Coast Guard incorporated the local governments into the response efforts, both to take advantage of their in-depth knowledge of the local area, and to adopt the detailed local response plans into the overall response effort.

LOSCO representatives have maintained their interaction with local officials since the early days of this event. A designated State On-Scene Coordinator has been present in the Houma command center since its inception. Representatives of State agencies have been integrated into various levels of the Federal response to include the Houma Incident Command Post and the Unified Area Command which was in Robert, Louisiana and is now located here in New Orleans. Additionally, State employees have worked tirelessly with local officials to better coordinate resource requests and serve as an ombudsman for local government. Additionally, LOSCO engaged a full-time representative to enhance coordination with the parishes.

The United States Coast Guard has stationed a liaison officer at the State Emergency Operations Center. The Army Corps of Engineers, United States Department of Interior, NOAA, and the Department of Interior and others have been actively engaged in the response to protect Louisiana's coastline.

In conclusion, at this time, over 1,100 State personnel, including our National Guard, are involved in the response, both in the field and the Houma Command Center. The oil is the enemy and our response will remain firm and lines of communication will remain open.

As of today, we need more skimmers to remove oil from the water, more boom to protect our shores, improved surveillance of oil so it can be removed from the water before it destroys more of our interior wetland. Most importantly, we need the Federal Government to pay attention to strategies for combatting this oil spill from those of us on the front line and to take action on them with the urgency this fight demands. If the Federal Government agrees this is a war, we need to see that they are in it to win it, as our Governor stated. He further states that our prayers continue to be with those on the coast and every Louisianan who is impacted by this spill. We are constantly amazed by the perseverance of our people in responding to this disaster. They are on the front lines every day turning fishing boats into defense ships, dragging boom to the oil to stop the oil and always coming up with more ideas to protect our land and waters.

It is the same spirit of perseverance that strengthened us through hurricanes Katrina, Rita, Gustaf, and Ike. This same perseverance leaves no doubt in our mind that we will win this war against the oil spill and come back better than ever before.

To the people of coastal Louisiana, we will stand with you and work along side you until every drop of oil is off our coast and out of our waters and all of our fisheries, our industry are 100 percent restored.

I stand available for any questions at the conclusion. Thank you very much.

[The statement of Colonel Edmondson follows:]

PREPARED STATEMENT OF MICHAEL D. EDMONSON

JULY 12, 2010

Good morning. I am Colonel Mike Edmonson, deputy secretary of the Louisiana Department of Public Safety, Public Safety Services. Although I am here to discuss issues related to the oil spill caused by the explosion and subsequent sinking of the Deepwater Horizon, I would like us to first take a moment to remember the 11 individuals who lost their lives on the night of April 20, 2010. The loss of life is tragic. I ask the committee to remember these individuals and their families in your thoughts and prayers.

Chairman Thompson and Members of this committee: Thank you for inviting me to discuss the information-sharing atmosphere that exists between the Command Group and the State of Louisiana during this Spill of National Significance.

The Louisiana Oil Spill Coordinator's Office (LOSCO) was moved to the Department of Public Safety in July of 2009 by an act of the Louisiana legislature. Also located within the Public Safety Services are the Office of State Police and the State Fire Marshal. These offices contain specialized units such as Crisis Response and Hazardous Materials Management that were thought by the legislature to be compatible with the core mission of LOSCO. From its inception in 1991 until July 2009, LOSCO was organizationally under the Office of the Governor. The move to place it under the umbrella of a large State-wide agency provided a backbone of support and resources to assist LOSCO in carrying out its mission. The Department of Public Safety is able to provide administrative, technical, and logistical support to LOSCO at levels not seen previously.

In 1995, LOSCO and its partners in State government created a plan that describes how Louisiana agencies will respond during oil spills. Called the State Contingency Plan, this document helps clarify and streamline response procedures. LOSCO and its partners are continually working to further refine the State Contingency Plan. The results of this effort will provide a more detailed chain of command for oil spill cleanups, including a description of each agency's responsibilities in accordance with the Incident Command System. The State Contingency Plan is augmented by the Area Contingency Plan (ACP).

There are three ACP's in Louisiana's coastal zone, one for each of the United States Coast Guard (USCG) Marine Safety Office (MSO) jurisdictions.

- MSO New Orleans ACP
- MSO Morgan City ACP
- MSO Port Arthur ACP

The plans describe response strategies for targeted areas, thereby providing an essential layer of preparation for oil spills. A committee guides each plan's development and revisions. The committees are composed of representatives from industry, environmental groups, and planners from Federal, State, and local government. The committees meet regularly to update oil spill response plans, identify sensitive resources, and develop site-specific response strategies. The meetings are co-chaired by LOSCO and the USCG.

Louisiana responds to any emergency through the Unified Command process. Through this process, Governor Bobby Jindal receives input from the involved State agencies and directs their responses. The Unified Command Group (UCG) is established by statute and is defined as the strategic decision making body for emergencies in the State with the Governor serving as the unified commander. The complex array of traditional and emerging threats and hazards demands the application of a unified and coordinated approach to emergency incident management not only during emergencies but during day-to-day operations of State government. Governor

Jindal established the UCG membership by an Executive Order. The UCG is composed of sixteen members. I am a member of the UCG as well as the Oil Spill Coordinator. The current Executive Director of the Oil Spill Coordinator's Office is Mr. Roland Guidry. He and his Deputy Director, Dr. Karolien Debusschere, are here with me today and communicate with me daily as to status of the response and issues that may be communicated to them through local, State, and Federal partners. LOSCO staff prepares and disseminates reports to me, and my command staff, as to the status of the response, and the numbers and assignments of staff assigned to the Deepwater Horizon event response.

UCG meetings are held daily in response to this disaster. Present at these daily meetings are representatives from BP and the Coast Guard who brief the Group with what they represent to be the most up to date data available from the Command Groups in Houma and New Orleans. The Governor and cabinet members often present action items or requests for information to these representatives, who take such items back to the Incident Unified Command for review, response, and action.

A Spill of National Significance was declared by Secretary of U.S. Department of Homeland Security on April 29, 2010. Governor Jindal issued a State-wide declaration of emergency also on that same date. As the immediate emergency rescue missions ended, LOSCO engaged the U.S. Coast Guard and BP to begin normal oil spill response actions in accordance with the Federal Oil Pollution Act of 1990 ("OPA 90") and the Louisiana Oil Spill Prevention Act of 1991. It is crucial to note that, under the Federal law—OPA 90—BP, as the responsible party, is legally responsible for response and removal activities.

As the magnitude of the spill grew over the first several days, it became apparent that more defensive measures to protect the coastline were necessary and that there was time to implement those measures as the oil approached from 48 miles offshore. Local governments, concerned with the lack of protective measures in their parishes, developed more robust plans to counteract the approaching oil but were frustrated with their inability to interact and participate in the response efforts. OPA 90 imposes responsibility upon the "responsible party" to conduct response and removal activities, with oversight from the U.S. Coast Guard for offshore spills. BP and the Coast Guard were rigidly executing the Area Contingency Plan and the State and local governments found it hard to influence those actions and to incorporate more recent analysis of what critical areas needed protection. Representatives from the State continue to engage the locals in preparing alternative response plans. These alternative response plans were then presented to the BP/Coast Guard Incident Command, and vetted through the Planning and Operations subgroups. These plans were not adopted in full, but served as a framework for use by the Unified Command in protecting the coast from impact.

A State, whose territory is impacted by an oil spill, does not have the authority to direct response activities. This stands in marked contrast to the emergency response framework for non-oil spill emergencies and disasters (such as hurricanes, tornadoes, ice storms, and earthquakes) where State and local officials have the authority, and are expected, to take direct actions to protect life and property. Under OPA 90, it is the responsible party—in this case, BP—that has the authority to conduct response and clean-up activities while the Federal Government maintains ultimate authority. As the event continued into the first weeks, the Coast Guard incorporated the local governments into the response efforts both to take advantage of their in-depth knowledge of the local area, and to adopt the detailed local response plans into the overall response effort.

LOSCO representatives have maintained their interaction with local officials since the early days of this event. A designated State On-Scene Coordinator (SOSC) has been present in the Houma command center since its inception. Representatives of State agencies have been integrated into various levels of the Federal response to include the Houma-Incident Command Post and Unified Area Command which was in Robert, LA, and is now located in New Orleans. Additionally State employees have worked tirelessly with local officials to better coordinate resource requests and serve as an ombudsman for local government. Additionally, LOSCO engaged a full-time representative to enhance coordination with the parishes.

The United States Coast Guard has stationed a liaison officer at the State Emergency Operations Center. The United States Army Corps of Engineers, United States Department of the Interior, National Oceanographic and Atmospheric Administration (NOAA), Department of the Interior, and others have been actively engaged in the response to protect Louisiana's coastline.

In conclusion, at this time, over thousand State personnel are involved in the response; both in the field, and in the Houma Command Center. The oil is the enemy and our response will remain firm and lines of communication open.

Thank you.

Mr. CARNEY. Thank you, Colonel.

We will hear from Mayor Hibbard. But Mayor Hibbard, please, for 5 minutes.

STATEMENT OF FRANK V. HIBBARD, MAYOR, CLEARWATER, FLORIDA

Mr. HIBBARD. Thank you. I am very familiar with time limits; thank you, Mr. Chair, committee. I am glad to have the opportunity to talk to you and give you a local government's perspective.

I would like to talk about communication between the Federal, State, county, and local governments along with some of the effects from an economic standpoint that this spill is having in our area.

I understand that we are functioning under unified command and have gone through all the required NIMS training. At the same time, there has been a disconnect between the data that we are getting at the local level. It is incumbent upon county emergency managers to be at the top of the heap as far as local response. Initially the conference calls that those emergency managers were having on a daily basis with BP, the Federal Government, and State DEP, we were not privy to those. So a lot of that data is not filtering down to the local cities that are dealing with this on a daily basis and trying to prepare and understand the resources.

I did have the opportunity to visit New Orleans just a couple of weeks ago and go out to the marshlands right here in Louisiana and see the response and see the fact that you have limited resources. We want to make certain that those resources are going where they are most needed. We do not want to steal those away from the areas that are currently being affected.

That being said, we also want to know that when the time comes, we will have resources should oil start to threaten our shores. That is one of the great challenges for us.

I would also say that many of the conference calls which I have sat in on personally are very good from a technical standpoint, to keep someone like myself or our emergency managers up on the latest events. But as all of you know, all of the issues that we face have many facets, they are very complicated.

I would request that somehow, we get somebody who specializes in public relations that can synthesize a lot of that data down so that we can convey it to our citizens and our businesses. One of the greatest challenges we have right now is educating people on what truly is going on, what they can expect, what form the oil may manifest itself on my beaches. We are also a victim of geography and the very poor geography that most Americans understand. They do not understand what a large State Florida is and the fact that there may be oil in Pensacola but we are 8 hours away and have not yet been affected directly by the oil. But certainly have been affected by the stigma that it brings. That is most affecting us right now with our European tourists that are normally coming from Germany and Great Britain. Those people are guaranteed that they will have a positive experience by their tour operators. If they do not, they are refunded their money. Now our hotels are giving money-back guarantees that there will not be oil on our

beaches and if there are, that the customers will not have to pay for that. But the airlines are not giving the same type of treatment. Therefore, none of the tour agencies in Europe—they have taken Florida basically off the map.

We continue to try to communicate where the oil is and where it is not. A perfect example of poor communication was Visit Florida using a NOAA map and talking about how tourists should deal with oil should it be on the beach, for the entire State of Florida. That was disseminated to Europe, it was devastating. That is the bad type of information that we are seeing out there and I think that is something that certainly needs to be worked on.

Our area is just coming off of obviously the recession, we were just starting to turn the corner, a very difficult cold spring and also the demonization of business travel. We have lost tremendous numbers of conventioners and we were just coming off that and now we are dealing with it again. We do not have the benefit of all the workers that Louisiana has. Our hotels just simply are losing business because people do not know that oil will not be there in a month or 2, even though we know that the loop current probably will keep it away from us.

Let me give you just a couple of anecdotal stories. Our fishing fleets are backing off, they are not getting tours any more, they are concerned that some of our waters will be reduced. Our hotels, and the hotels have a tremendous multiplier effect. There are people in advertising, marketing, logistics that work with them and when they lose business, that trickle down effect is affecting all of these folks. We are even having real estate deals that folks are backing away from. That means we do not have documentary stamps, that means we do not have other transactions and that money is then not in our economy.

So, Mr. Chairman, I will end there. If there are any questions I might answer, you also have my written statement, which is far more detailed.

[The statement of Mr. Hibbard follows:]

PREPARED STATEMENT OF FRANK V. HIBBARD

JULY 12, 2010

I would like to thank the Committee on Homeland Security for the opportunity to address the tragic events in the Gulf that we have been dealing with since April. I will be focusing my comments on communication between different levels of government, BP, and the public. I would also like to provide anecdotal examples of how this catastrophe is affecting our local and State economy.

I did have the opportunity to travel to New Orleans in June with the U.S. Conference of Mayors and tour some of the Louisiana coast line. I have seen the resources being utilized and the devastation to the environment and economy. I am sensitive to efficient use of resources and making sure that resources are available to those most in need. I do know that the issues in Louisiana are different from those in Florida and believe the Federal Government has a responsibility along with BP in recognizing this as a factor in allocation of resources.

It is understood that we are functioning under unified command throughout this event but at times it is unclear whether BP or the Coast Guard has ultimate authority. The difficulty for local government is that we are in daily contact with our citizens and businesses and they look to us to be a filter and advocate for them. Currently the Coast Guard and White House have daily conference calls, originally local governments were not privy to these calls, that has since changed.

We look to our County emergency managers on a local basis for mitigation strategies and to determine whether we have all the resources to combat oil should it arrive on our beaches and estuaries, and the different forms it may manifest itself.

We are concerned about usurping the resources that are currently needed elsewhere but also want to insure that we are prepared and will have access to the resources should they become necessary. The time frames in which we would be notified by Coast Guard have been a moving target between 4 and 6 days. As a Mayor I have to be able to assure our coastal residents and businesses that we will be prepared to minimize damage and coordinate a rapid clean-up!

I have personally listened to several of the conference calls and they are helpful in staying abreast of recent developments especially on a technical side. I would hope that an additional format can be developed that is more appropriate for a layman. We need information that is technically accurate but can be used to educate the media, citizens, and the tourist industry. Our greatest challenge in Clearwater and along the entire Florida coast is getting accurate information about where oil is and areas that most probably will not be directly affected.

While there has been a shift of economic activity in Louisiana from fishing to oil clean-up, Florida is not reaping an offset of activity we are simply seeing a decline in tourism activity. While those in Louisiana fight a legitimate physical battle with oil we are in a fight with perception and the stigma of potential oil. We do not have a flood of workers staying in our hotels on the contrary we are losing reservations on a daily basis.

Currently we are in our high season for tourists from Great Britain and Germany this is very challenging because these countries require tour operators to guarantee the quality of their customer's experience. This guarantee has resulted in many tour operators taking Florida off their menu of destinations. They have done this because even with the knowledge that oil is not on Clearwater's beach today there is no assurance that in a month when their client arrives that we will still be unaffected. Many of our larger hotels have introduced programs that offer a money-back guarantee should oil be on our beaches, this is beneficial but does not eliminate the second issue which is airlines. The second roadblock is that airlines are not allowing people to get out of their reservations and so they are choosing other destinations.

What has all this done to our economy? It has hampered what was starting to be a slow recovery from the recession and a very cold spring. The multiplier effect of this is tremendous impacting; restaurants, fishing charters, logistical companies, retail, marketing firms, advertising, real estate, sales tax, car rentals, etc. We recently had a group meeting from the Labor Department that canceled because of the threat of oil and is now going to Boulder.

A few examples of the multiplier effect; we recently had a convention coming that had contracted with a limousine and bus company for all transportation it was a contract worth $35,000 and with the conference moving to outside Florida that operator has lost that revenue which creates jobs for drivers and a means to cash flow vehicles. A prominent realtor I spoke with recently lost two beach front condo closings due to the threat of oil on our sugar white sand beaches. This resulted in a loss of commission that the realtor will not be spending locally. The State has lost documentary stamp revenue. There is no need for movers or the buying of appliances or any of the other activities associated with a real estate transaction. Eventually those units will sell but possibly at a lower price which then diminishes property tax revenues that leads to fewer dollars for Police, Fire, and Libraries. These are claims that are virtually impossible to quantify and will most likely never find their way to BP.

We in Florida also face the challenge of geography, Clearwater is over 8 hours from Pensacola but the media reports that oil is on Florida's beaches without distinguishing that the majority of the State is completely unaffected. I am not hopeful at getting our Nation to become better at geography nor those from other countries, that is why the quality of the information and the format in which it is presented is so crucial. This falls to BP and the Coast Guard as the originator of data. I would appreciate BP spending more money on public relations for the areas that have been affected tangibly and simply through perception.

I hope that this synopsis is helpful and I look forward to answering questions not addressed as we work together to repair this devastating tragedy.

Mr. CARNEY. Thank you, Mr. Hibbard. I want to thank both of you for your testimony.

I will remind each Member that he or she will have 5 minutes to question the panel and I will recognize myself for 5 minutes. If need be, we will go to a couple rounds of questions.

This is for both of you. Have you ever received conflicting information from the Federal Government and/or BP?

Col. EDMONDSON. I think you can go back to Day 1. I think as part of our Hazardous Material Hotline Louisiana, the first calls made into that line by BP was the fact that there was an explosion on that oil rig, but there was no oil at that time leaking, there was no impact to the State of Louisiana. That continued for several days when they really did not know how much was coming out of it. It could be as little as 1,000 barrels and it could be as much as an unlimited amount. That changed every single day.

I think what was most disturbing for a member of the Governor's cabinet is the fact that getting resources into the State of Louisiana, we needed more boom, we needed more skimmers. You know, you go back to Katrina, I was here during Katrina, I saw the lives of families, I saw the looks on faces and the response somewhat from the Federal Government—and this is just honest—was maybe it is just not that bad. It is just not that bad, this is New Orleans, there is a little water down there, they are used to it, they are below sea level anyway. Well, maybe this incident in the Gulf, maybe it is just not that bad, is what they are saying.

With that much oil even from Day 1 escaping from that line and the ability of how close it was to Louisiana of coming here. Keep in mind, it still has not stopped. I mean we are cleaning it up. It is easier to clean off the beach but it still has an impact. Getting inside those marshes, remember, that is what protects the city of New Orleans and cities along interstate 10 as storms come into the State of Louisiana. When that oil gets into the marsh, it just simply dies.

Mr. CARNEY. Colonel, was the fact that the first couple of days or 2 or 3 days, that they said there is no or little oil coming up as a result of the explosion, that delayed, in your mind, the response from the Federal Government and State governments in terms of getting skimmers and boom in place and that sort of thing?

Col. EDMONDSON. I think it certainly did and I think when you look at BP, did they have plans in place. Most definitely they had plans in place. Were they plans that looked at significance occurrence, was it worst-case scenarios? Because this was a worst-case scenario in the beginning. It just did not seem like they were prepared at that point to actually fight that. To think that, again, maybe it is just not going to be that bad and we will be able to clear this up, because most oil spills in a regulated area, it is usually by space and even by time and this was one in the middle of the ocean and 5,000 feet. Certainly when plumes of oil come up, they do not go straight up, they move within the water. That is what we saw within Louisiana and then every day, depending on the weather, depending on the wind, it just kept coming right back into it.

The other thing with NOAA, they rely on mechanisms within models to be able to look at where the possibility of the oil might go but if it is not a live eye looking at it that day because of weather or something like that, they really can only guesstimate based on models out of another State, to see what is happening in the Gulf of Mexico. So I think that was some of the earlier unknowns and inability. Keep in mind, you are dealing with the State of Louisiana, a very diverse group of individuals that are going to go out

there and do the best they can to protect their areas and they started doing that from Day 1.

Mr. CARNEY. Are the lines of authority clear?

Col. EDMONDSON. I think they are in some parts. I think you have to go to—you can certainly do whatever you want, but it is that reimbursement. The ability of whether you do those things even though you are trying to fight the oil doing those things, there may not be a reimbursement in that portion of it from either the Federal Government or from the Oil Spill Act or whatever form or mechanism or funding that is available to get those in.

Mr. CARNEY. I certainly hope that is not the initial decision point before somebody acts.

Col. EDMONDSON. We certainly hope that also.

Mr. CARNEY. I am sorry—Mayor.

Mr. HIBBARD. I would say there were several things. I think the lines are becoming clearer, fortunately.

One of the things that has vacillated is how the oil would manifest itself on our beaches. Would it be pure oil, would it be sheen, would it be tar balls. We were told that Pensacola would not get what I would call pure oil, that it would come in the form of tar balls. That obviously has not been the case. That is something that has been on-going.

We have been told anywhere——

Mr. CARNEY. Excuse me. Who told you this? Was it——

Mr. HIBBARD. We had information from the Coast Guard.

Mr. CARNEY. From the Coast Guard.

Mr. HIBBARD. Yes.

Mr. CARNEY. Okay. Is the Coast Guard your primary source of information?

Mr. HIBBARD. It is one of our primaries, having Air Station Clearwater, who did the most Katrina sorties, they are one of our primaries. Also St. Petersburg has been one of the incident command points.

Mr. CARNEY. Right.

Mr. HIBBARD. So they have been a point of contact.

Mr. CARNEY. Okay.

Mr. HIBBARD. The other issue has been how much notice we would get. Obviously we are dealing with weather, so that is variable.

Mr. CARNEY. Right.

Mr. HIBBARD. But it has gone between 3 and 6 days that we would have a firm number, that if they thought it was coming to our beaches in the central west coast. At first, we were told 6 days, it has gone as low as 3 and now the party line is 4 days. The question is: Do we have the resources to deal with it? We have gone to each of our fire departments to find boom rather than going to the Coast Guard or BP.

Also the success of boom. I guess you have all taken the tour today. Certainly when I was here a couple of weeks ago, you could see that the boom is a very imperfect defense against the oil. We too have estuaries very similar to the marshes.

Then just the effects of a hurricane. What kind of wild card is a hurricane, and I do not think that anyone knows that. But getting a similar answer from different agencies is difficult.

Mr. CARNEY. Okay. My time is up. Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mayor, are you hearing from constituents that the claims process currently established by BP is sufficient? Are you worried that claims that are difficult to quantify, such as the impact on the real estate market or tax revenue will not ultimately be paid by BP, and what input has BP solicited from your office to ensure that they have complete information on the impact of this spill on the Clearwater economy as they work to resolve the claim issues?

Mr. HIBBARD. Well, I would credit Mr. Dempsey, who you are going to hear from shortly, to having very open lines of communication. He has done an excellent job.

We recently had a claims office open in the city of Clearwater, which is a good and bad thing. Once people hear that you have a claims office, they assume again that you have oil on your beach rather than you are just being impacted by the threat.

I think the information on how people will go through the claims process still needs work. That is one of the things that I continue to hope to work on. Most of the people should be putting their claims in on-line initially and then if they are having difficulties with that, then they can go to an actual field office to talk to them.

I think the second part of your question, Congressman, is what I am most concerned about and that is quantifying the effect of this spill and the stigma attached to it. When you start getting further and further from the source of revenue, I think that is very difficult. I do not know that we will be able to quantify lost sales of real estate and what that means to our tax base and how that affects police and fire and libraries which we pay for through those tax revenues. All of the other multipliers within that. I think the further you get from the source, if you are not a fishing charter boat, if you are not a hotelier that has not had a canceled reservation, how can you quantify the business that simply is not even making inquiries in coming to your area?

Mr. BILIRAKIS. Thank you. As in many Gulf cities, the tourism industry in Clearwater has suffered greatly from the cancellation of events as a result of this spill. You mentioned in your testimony a group from the Department of Labor canceling their meetings and relocating them to Boulder, Colorado because of the threat of the oil. This seems to illustrate the point that the Government is not doing a sufficient job internally to share information, let alone spread the message that the oil has only reached certain parts of Florida. What efforts would you like to see taken in terms of public relations and media messaging to alter the current perception that oil has reached all of Florida? You mentioned Europe and other parts of the country as well.

Mr. HIBBARD. BP has given money to the State of Florida. A portion of that recently did come down to our Tourist Development Council within our county, which was our initial request to the Governor, because we believe that we understand our market and the markets that we serve better than Visit Florida does. We have been trying to get the information out.

I think it is very difficult to get that information. The media has not been as helpful as we would like in reporting on the stories of where oil is versus where it is not.

My other concern I think is that we need to have another form of information that is less technical, that is accurate. Accuracy is critical but the information that we get from the Coast Guard and FDEP is not the kind of information that we can pass on to tour operators and hotels and our citizens. So there needs to be a more user-friendly medium.

Mr. BILIRAKIS. Question for the entire panel and my last question, Mr. Chairman.

What impact has the oil spill had on your hurricane preparedness efforts? Maybe Colonel, you could start on that.

Col. EDMONDSON. Of course, we started some time ago with our hurricane preparedness. One of the main things we needed from BP, which took awhile to get from them was exactly their evacuation plan. That is going to be important to us as we look at removing those people that are closest to the coastline of Louisiana. So we need a plan from BP of actually how they are going to remove those people from the oil rigs, from the working ships in that area, to move them into Louisiana so we can get them out of harm's way.

What is critical to Louisiana is the H-hour and that is the hour when tropical force winds reach the coast of Louisiana. Once that starts 40 hours out, we have to start looking at contraflow, which is our last means of removing people from south Louisiana. Once we do that, of course, we close interstates and move them in one direction so we can move people. It is kind of like an hourglass. Prior to contraflow, you can go anywhere you want. To move people out, we encourage it, we assist people in doing that, but once those tropical force winds get close to the coast, we have got to quickly move those people out. So what has been critical, and we have gotten those plans from BP but it was a lot later than we would have liked to have gotten them. But we have been working, that is a constant effort that is on-going within Louisiana as far as hurricanes. We are certainly not, along with our brothers in Alabama, Mississippi, Florida, and of course in Texas, we do know how to deal with those things. Our concern is the life and property in the waters, to actually move those prior to hurricanes coming in.

Mr. BILIRAKIS. Thank you. Mayor.

Mr. HIBBARD. Congressman, it has not changed any of our plans. Obviously those are in place. I think what it is, more than anything, is a distraction. As soon as we hit June 1, obviously we need to keep our eye on the ball in preparation for hurricanes. I think the spill has certainly distracted us from that.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I yield back.

Mr. CARNEY. Thank you, Mr. Bilirakis. Mr. Green for 5 minutes, please.

Mr. GREEN. Thank you, Mr. Chairman. I would like to thank you for your visionary leadership. This is clearly a hearing that is timely. I also would like to thank the members of the Court and the Court Administrators. It is not that often that we have an opportunity to have a hearing in such a stately and courtly environment. Most appreciative that we have been afforded this opportunity.

Colonel, in my opinion, some things bear repeating. What you said about the lives lost, it bears repeating. Eleven people lost their lives, families are still suffering. Many were injured, still recovering. We should not forget that while we have other concerns that

have to be addressed, those lives that were lost must be considered such that we never allow this to happen again. I do not want us to lose focus and I am most appreciative that you called it to our attention.

Mayor, I want to thank you for your testimony. You have a perch from which you have viewed this that is exceedingly important to us. So I will have a first question for you, Mayor.

Heard a lot about the moratorium and we hear quite a bit about the jobs that are impacted. You are from another side of the Gulf. I am interested in knowing what your people are saying about this in terms of getting it right so that it never happens again.

Mr. HIBBARD. There has been great discussion on that, Congressman. Our Governor has called a special session to talk about offshore drilling on Florida, which was on the docket for the next legislative session. I think the majority of Floridians right now see the threat that offshore drilling presents. At the same time, visiting here several weeks ago, I had the opportunity to be meet several families, half of which were fishermen and half of which worked for the oil industry. Those seemed to be inseparable. They believe that they can continue to live in harmony. I think the key is making certain that there are steps to increase safety on the rigs. We understand that we want to move towards energy independence.

I would make one comment. Certainly we should remember the 11 men that died on that rig, but there are lives being ruined right now because of the economic impact—people who will lose their livelihoods, lose boats, lose family businesses, that they may never get back.

Mr. GREEN. Thank you. I concur with you. There is a balance that we have to achieve. We have to make safety of primary importance and I understand this and I have a special relationship, by the way, with your State and with this State. I was born right here in this city and was reared in Florida. You and I went to institutions that border each other, I was at Florida A&M. So I do understand both States and I concur with you with reference to what we must do to do what we can to minimize the impact on the economy throughout the area along the Gulf coast. That balance has to include all that we can do to stem the flow of the oil, to move on with getting people back to work and keeping those jobs available, as well as making sure that we do not have the tragedy occur again. I just do not want us to lose sight of that as we talk about the economy. The economy is exceedingly important but so are lives, and it is that balance that we have to achieve.

I would like to ask you, if I may, Colonel, as you have been working with the various departments trying to maintain as much intelligence as possible, what has been the chief obstacle that you have encountered in terms of having information flow to you such that you would have the empirical evidence that you need to make the decisions that you have made along the way?

Col. EDMONDSON. I think several issues that you have got to look at in that. One, the ability to know where the oil is moving to. Evidence outside of models from other States that guess possibly where the oil is moving to and then for us to see an impact to an area that the models did not really show that. Nothing beats a live eye, the ability for weather to be clear to allow a plane to fly over

to actually see from it. I think that was what was so important for every single day as we finished our Unified Command Group meeting, we got on a Blackhawk helicopter with Governor Jindal and we went to where we thought the oil was, so we could see first-hand, so we could talk to the individuals that were there and ask them: How is it affecting you, how can we do this better? There was an inability of that.

I think the flow of communication early on was significant, because as we needed more boom, you really were not sure where the boom was. It was being deployed to other States, we certainly got our fair share in Louisiana, but some got moved to other States where there was no oil at the time. Then they would try to move it back to Louisiana. We also know that there was not a large supply of boom in the world at that time and we were trying to get as much as we could into Louisiana. But listen to that every single day, knowing that we needed those skimmers, knowing how much oil was coming out of that area, that it was just going to continue to flow, you needed that information, needed to get it quickly. So I think that flow of information early on to know the significance of this event. Certainly, BP had to know the significance of what the worst-case scenario would be from that oil and it just was not given to us in the timely manner that we felt we could have been a little bit more prepared.

Plans were there, but also the ability to be flexible sometimes with those plans, to know your plan is this, this is what we are geared up for. Well, but you know what, we know that area a little bit better, we know that we should be flexible, let us do some other things here. Just the inability to do that in a timely manner. We will get back with you tomorrow, we will get back with you next week. Then next week, well, you know, give us another week. Every day that oil is flowing, every day lives are impacted, every day the economy is impacted. The Gulf is 35 percent of our seafood industry in the country, a third of our oil. So we know every day what that impact was. I think it was an inability for that to be focused so that we could get the right resources in place. I think that was probably the biggest obstacle as we looked at that, getting that flow of information.

We have a working relationship with our Coast Guard, members of the Coast Guard was in our command staff briefings every day. So we had the ability to get that, but even from that point, sometimes his answer was, you know, I can only pass that forward. I will get back to you tomorrow. Tomorrow is 24 hours later and sometimes that is what the difficulty is. Both agencies were frustrated in ability to move forward on that. I think we saw that.

I was in the very first meeting when President Obama came to Louisiana, I was able to be in that room that day. To hear from the EPA of the impact in New Orleans, to hear on our coastline, to hear from the Coast Guard, to hear from the officials first-hand what was going on and even the inability of well, we really are not sure exactly what to do, exactly what needs to be done. I think that inability that we saw in those first few days and first few weeks, I think we have paid the price for that as we move forward. Because it is hard to recoup that when the oil has not stopped. It is still flowing every single day.

Mr. GREEN. Thank you.

Col. EDMONDSON. I just want to add this, if I could. What is most important, and I know y'all know this. This is not a 100-yard dash. When that oil—we hope that when they place it on there, we can stop that oil. We pray for that every day. But that is not the end. We cannot declare victory after that. We still have to clean it up, we still have to fix our fisheries, our coastline, our shoreline. That is what we have to remember. This is a marathon. We need to be in it for the long haul and that is why it is so important for y'all to have these hearings, that is why I am so pleased you could be here to be able to talk about these things, because you need to hear from us. We are in it for the long haul and we need to hear that from y'all.

Mr. GREEN. Thank you.

Mr. CARNEY. Thank you, Mr. Green. Mr. Cao for 5 minutes or so, please.

Mr. CAO. Thank you very much, Mr. Chairman. Thank you for holding this important hearing in my district, which is at the front line of this oil spill.

I have seen first-hand the confusion and the frustration caused by what I see as a lack of a coherent command structure. So most of my questions will be focused—will be asked toward Colonel Edmondson.

My first question to you, sir, is you stated in your testimony that Federal officials should listen more to State and local governments with respect to this oil spill. In what ways has the Unified Command lacked in that regard and how has this deficiency affected the State's ability to prevent oil from entering our most sensitive areas?

Col. EDMONDSON. Well, I think we have certainly seen improvement. As we have all grown in this matter, we have certainly seen improvement in that area. But I think understanding the fact that people live in an area, work in an area, work within that industry, they know first-hand the best ways to approach the problems of significance in that area. I think we saw that and tried to get that information out, to be able to be flexible in those plans and to get the communication out. Maybe the original plan showed that boom needed to be in a specific area, but to be flexible to know that, you know what, it did say that, but it also needs to be here. As the currents flow within the Gulf, as weather has affected it, as winds affect it, the ability to be flexible and move those things in. I think that was the frustration, as I saw it, from the beginning. Again, I am here from the emergency response effort, to be able to talk about that, and the inability for us to do that.

But certainly it was in place to address those matters, but just the flexibility to change as those matters came in place.

Mr. CAO. Now did you see I guess mixed messages from the different agencies who were deciding on a number of projects or on a number of procedures? Did you encounter, for example, one agency saying one thing and another Federal agency saying another thing? What kind of confusion has that caused, for example, State agencies to better mobilize?

Col. EDMONDSON. Well, I think just in line when you say I will get back to you, the oil is still flowing. To say I will get back to

you when you meet again, it might be 24 hours later. I think it takes sub-sea dispersements. We were against that, we wanted more information on that. Certainly when you disperse oil, it has got to go somewhere. When it breaks up into much smaller pieces, there is some understanding from Wildlife and Fisheries and the Department of Environmental Quality in Louisiana who were listening to our own scientists who work daily within that region and knows the marshes, knows the sub-sea life and the fisheries there. I think the lack of trying to get that information available, because we do not know what the long-term impact is going to be on that, we still do not know to this day.

So I think some of those things as you compile them together certainly were frustrating as we moved forward in that because there were so many unknowns and even we might have had impact in that and it did not necessarily go the way we would suggest it. It had impact directly to the State of Louisiana.

Mr. CAO. Now if you were in the shoes of Admiral Thad Allen, what would you want to implement?

Col. EDMONDSON. I am not in his shoes thankfully.

Mr. CAO. But if you were in his shoes, what would you want to implement?

Col. EDMONDSON. Well, I certainly hate putting words in people's mouths, but I think the ability to just get everyone together and really listen more than speaking, let us listen to exactly what is going on out there, let us talk to the people. Let me tell you something, these Coast Guards that live and work in Louisiana, they are Louisianans, they live and breathe and work here, they have families here. There was even some frustration internally what to do from the beginning because this was such a large magnitude. You know, it is just like the worst-case scenario was not there. We saw him do that, bring people in and try to get all the information available and find out where are the resources. Take the game of football, it takes a game plan, a game plan to get things done, to move that football down the field, to score a run in baseball, to score the winning goal in soccer—it takes a game plan. You have got to be able to stick to that game plan but be flexible in it also.

Mr. CAO. What can we do to improve information sharing between Federal, State, and parish officials?

Col. EDMONDSON. I think we are doing it right here, Congressman. I think by bringing people together, having oversight from a committee such as this and make people talk about this so it is reported in the news, people see that. I think that is important.

But keep in mind, once this is cleaned up and we move forward, we are still involved with the Coast Guard, we are still involved with industry in Louisiana. We have got to be able to move forward and I think that is why the open line of communication, listening, learning from mistakes, learning from incidents that happen and moving forward. I think that is going to be the key to this.

Mr. CAO. Thank you, and I yield back.

Mr. CARNEY. Thank you, Mr. Cao. Ms. Jackson Lee for 5 minutes, please.

Ms. JACKSON LEE. Let me thank the Chairman and Ranking Member for what is a very important hearing as it lays claim to

jurisdictional concerns by the Department of Homeland Security and this committee.

Colonel, you are right, we are communicating and I am listening. It is not just communication, because this is, as my colleague has indicated, a major tragedy. There are families, as we sit here today—and some might think that we are speaking calmly—who are still mourning the loss of their loved ones. There are families who are still nurturing the wounds, both mental and physical, of their loved ones.

Mayor, if there is a resiliency, it is in local government because you have got to be the captain and the champion, you have got to inspire your businesses and your local population to say hold on.

But I want to show a little bit of emotion and suggest that this is gut-wrenching, this is fist-pounding, this is hair-pulling. We should not be ashamed of it. Because the people of the Gulf are resilient. Hurricane Rita, Hurricane Katrina and others, what more can they expect? Why have they been rendered this? Natural disasters we know may have no explanation, but a man-made disaster, for people who are educated and versed with the technology of their industry, you wonder why. So frankly, I am fist-banging today and outraged.

My sympathy to the families and as well to the hard-working workers, innocent families in the industry, energy industry, and shrimpers and oyster persons and fishermen and others who depend upon the Gulf.

I want, Colonel, to say to you that I note the conflictiveness of this process. BP is in charge, the Federal Government is ultimately accountable. That is unique. I would like to raise a question that if we can correct the structure of the utilization of what we call National disaster—a National disaster means that you pull upon Federal resources. The tension between not calling this a National disaster is to throw the burden on the Government as it relates to money.

Would it not be helpful if we looked at that proclamation of a National disaster and had a modification of it that would allow the private entity to pay, but draw in all the resources of a National disaster? That is distinctive from a disaster of significance. Colonel.

Col. EDMONDSON. I think you are right on with that, Ms. Jackson Lee. I think that is exactly something you have to look at and I certainly applaud you for making that statement because that is what we have to head into.

I have got to add, if I might, our thoughts to Texas. Y'all were so good to us in Gustaf. I was on the tarmac with Governor Jindal as we watched ambulances there with people whose oxygen was being depleted and once that was out, it was over. To see those planes come from Texas, that was incredible, to bring the resources that you have. I am going to be meeting with my counterpart in Texas in Houston on July 20 and we are going to talk about preparedness, we are going to talk about this incident, and try to work with the police chiefs in Houston, Beaumont, and Orange to try to look at helping Houston, helping Texas the same way that y'all have been so good to us.

I apologize for adding that, I know that is not what we are here to talk about, but I think it needs to be said.

Ms. JACKSON LEE. We appreciate it.

Col. EDMONDSON. Y'all have been incredible neighbors and we are going to certainly be just as good to y'all.

Ms. JACKSON LEE. We appreciate it.

Col. EDMONDSON. Thank you for those comments. I think that is something we have to——

Ms. JACKSON LEE. Let me pose another question if I might.

The Federal Government, with its structure, if there was the provision that if a company had a series of violations of safety, that the Federal Government could shut that company down in offshore drilling. Would that have made a better situation, now that we know how many safety violations BP had?

Col. EDMONDSON. I think certainly as we move forward we see the significance, as the Federal Government, State government gets involved in the investigation. I think you are going to see how significant that would have been.

Ms. JACKSON LEE. Mayor Hibbard, let me ask you with respect to the tourists and the effort that BP has had. Would you want funds to come directly to local government and what greater efforts can BP implement? Maybe they can use some of the advertising dollars that they have utilized now. I certainly appreciated that they tried to give the public more information. But I would think that they have given them enough information about how many good people are there trying to pay claims. Could they use some of that or could you use some of that—you do not have the ethical violations that might come up—to pay to advertise the goodness of the Florida coastline? Would that be helpful to you?

Mr. HIBBARD. That has been something, Congresswoman, we have been asking for and have not gotten directly. But we do believe that we have the knowledge to really utilize those dollars and in a way to ultimately save BP money because we would not have the losses.

Ms. JACKSON LEE. Less people for claims.

Finally, Colonel, let me just say that in Katrina, as you well know, there was a degree of frustration, devastation, emotional distress. Legislation that I am writing called The Remedies Act includes some of the questions that I asked you. One that it adds is resources for post traumatic stress, which I imagine is happening to shrimpers and others, restaurant owners. Would that be a component in a disaster funding or structure that should be put in place?

Col. EDMONDSON. Absolutely, and we are seeing evidence of that even today. So that is absolutely something we need. We certainly saw it in Katrina. I was there. Now we are seeing it after this incident. I think you are well within the right direction on that.

Ms. JACKSON LEE. Thank you. I yield back.

Mr. CARNEY. Thank you. Ms. Richardson for 5 minutes. But before you do that, I think we will have enough interest in another round for this panel. So go ahead.

Ms. RICHARDSON. Thank you, Mr. Chairman.

I believe it is Colonel, right?

Col. EDMONDSON. Yes, ma'am.

Ms. RICHARDSON. I think you asked the question: Are we in this for the long haul? The answer is yes, and that is why we are here.

Many of us could be in our district and doing other things but we are here because we are concerned about what has happened. We view that there is accountability that can go across the board and that is why we are here.

Let me talk a little bit about communications and outreach. You talked about layman's terms. I have got to tell you—and let me say I am so glad—first of all, I want to thank our Chairman, Mr. Thompson; I want to thank Secretary Napolitano for affording Members an opportunity to not only be here for the hearing but to actually come and to see some of the real world of what is happening out there that you are facing.

I have got to tell you this—and you know, many of us have our frustrations and we are going to have an opportunity to talk to a BP representative shortly, but one of my biggest frustrations, and I am going to be very frank with you, is the media and how this has been portrayed.

When I listened to you, Mr. Hibbard, it is almost criminal what is being done on the television. I expected—and I am going to be very frank with you—I expected to go out there and see waves and waves of oil. I had no idea to be able to put into perspective—I am from California—I had no idea, and I have been to New Orleans many times, but I had no idea how to put in perspective the miles of distance between New Orleans and where we are seeing the unfortunate impacts. So to me, shame on the media, which I think equally has a role to play in this of hyping some of this up to the point that people are afraid to come out of their homes, they think birds will never fly again. I mean it is wrong what has happened.

So what I intend upon doing and what I intend to challenge some of the Government agencies is shame on us for allowing the media to paint the story of what is happening out there. If we have to do our own television shows on C–SPAN or YouTube or whatever it is, then let us do it. But we should not be allowing the one or two scenes—you know, I have some information I am going to show you of, yes, oil that I saw, and, yes, it is there. But it is not what I have seen on the television and it is wrong. So part of what is hurting the economy is the failure to properly communicate what in fact is happening.

So I wanted to say that publicly first and then I will get into my two questions. One for each of you.

Colonel, in your testimony on page No. 5, you talked about participating in the response and you said, "Local governments, concerned with the lack of protective measures in their parishes, developed more robust plans to counteract the approaching oil, but were frustrated with their inability to interact and participate in the response efforts due to the response framework dictated by the OPA 90."

What specifically do you have as an example of what you mean by that?

Col. EDMONDSON. I think most important is flexibility. I know when you have an incident of this magnitude, you have got to be able to be flexible to know that just because in your plan it may have called for boom in one specific area, you ought to be able to move it on an as-needed basis, that was hard to do. Also, when you need more of it, you need to know when it is coming. Not just say,

well, you know, it is coming, it will be here tomorrow and the next day well, it is going to be here the next day. I think every day I think that hampered us and I think that was some of the things we saw involved in that, in getting that information to them and understanding they know it better than anyone does, especially in those areas.

So I think more than anything else the flexibility of getting that information and also giving them impact to know what is needed in that area and try to get the resources there. I know that Chairman Carney actually said we hope that certainly did not impact that, it certainly did and they moved forward and did some of those things and whether we are able to fund that or not, certainly that was the right thing to do. But there ought to be some flexibility in there to actually allow them to do that.

Ms. RICHARDSON. Have you seen that improve?

Col. EDMONDSON. We have seen improvement in that. I think you have seen that, and certainly as we move forward. But I think the damage done in that critical early aftermath of it, I think that is going to be the problems we see from this point out.

Ms. RICHARDSON. Okay, and then my last question of this series is to Mr. Hibbard and I apologize if I am butchering your name here. You said it was difficult to know who was in charge, whether BP or the Coast Guard ultimate had authority. That was on page 1 of your testimony.

Do you not know that today, honestly?

Mr. HIBBARD. I feel much more comfortable now understanding the chain of command. Those lines have been brightened.

Ms. RICHARDSON. Who, in your opinion, is in charge?

Mr. HIBBARD. I feel the Coast Guard is in charge now.

Ms. RICHARDSON. Okay.

Mr. HIBBARD. But at first, I really felt as though BP was calling the shots and even had written the President a letter to that effect, being very concerned. The Colonel had mentioned that it is like a game plan for a football team. We really do need a single coach calling the shots. I appreciate home rule, but you even have competing States for resources.

Ms. RICHARDSON. Absolutely.

Mr. HIBBARD. So we do need unified command. I think that has improved, but it is something to be looked at for future events.

Ms. RICHARDSON. So as I close my first round, I just want to say not to in any way portray that what I saw is not damaging and it is not going to take tremendous work to repair, but what I also saw is that it is not everywhere. All of the implications that I thought were not certainly the case.

Thank you very much.

Mr. CARNEY. Thank you, Ms. Richardson. I think we will do another round with this panel and I appreciate your forbearance. We do not do this always.

I'm sorry?

Col. EDMONDSON. If you need any part of the technical information also, it is available.

Mr. CARNEY. We will get to him if we need it. But the fact we are doing this is testament to the compelling nature of your testimony. So thank you very much.

Colonel, does your office provide input on the spill response efforts? If so, how was that received and how was that information treated?

Col. EDMONDSON. We have input at the meetings and as information goes forward, we have an actual on-scene coordinator through Mr. Guidry's office. He actually was there from Day 1 probably for the first 40-some-odd days, was actually there every day in the command post there in Robert, Louisiana and then we moved him to Houma because that is where the main emphasis was taking place. So we have people in meetings, we have people that are listening.

I think what is critical here, if I may just go in this direction, is the real-time information. I think that is what is so critical. You get that in hurricanes, because everything is in the emergency operations center. With us having that emergency operations center say in Baton Rouge, say in the capitals around Tallahassee or Austin, wherever, Birmingham, Jackson; we had an office in Houma, we had an office in Robert and now in New Orleans. So getting that real-time information and getting it to the Unified Command Group, I think that is where some problems flow in there that you had this, that you have those offices going on. So just getting that real-time information has been difficult.

Mr. CARNEY. Mr. Guidry, how were you received? When you gave your input to the group, did they embrace it and say thank you or——

Mr. GUIDRY. I was accepted by the unified command.

Mr. CARNEY. Okay, very good.

Colonel, did your office participate in the SONS 2002 exercise they had in New Orleans when they had—please step up to the chair and join us.

Mr. GUIDRY. Thank you, Mr. Chairman.

I played the State on-scene coordinator for that along with Admiral Thad Allen. We worked the SONS. The first day after the spill, he told me this is worse than what we had practiced. Yes, sir, it is.

Mr. CARNEY. Right.

For the record, could you identify yourself and your position and spell your name.

Mr. GUIDRY. My name is Roland Guidry, R-o-l-a-n-d G-u-i-d-r-y and for the last 18½ years, I have been the oil spill coordinator.

Mr. CARNEY. Okay. Now, the spill that we are seeing now is worse than you practiced in 2002. What could we have done to close that gap between the reality that we saw and what you practiced? What do you see that we need to do differently?

Mr. GUIDRY. You know, I was the oil spill coordinator for Katrina, Rita where we had over 700 spills. We had 10½ million gallons of oil at one time that got into the environment. We put our hands around it, but not by ourselves. We had the Gulf Strike Team and the Coast Guard Strike Team from the Atlantic and the Pacific coasts that came and helped us. We got into the branches and we really spread this thing out pretty good. I think that is one thing that we did not do fast enough, is get the strike teams activated and have the branches where it goes into the weed, where

the locals get into the branches and make things easier to work all the way up.

Mr. CARNEY. That did not happen in this incident?

Mr. GUIDRY. That did not happen until probably 40 days into the spill, 35–40 days.

Mr. CARNEY. From your opinion and your observation, can you say why that was the case, why it did not happen?

Mr. GUIDRY. No, I have no earthly idea. I asked for those guys early on because I knew how they operated.

Mr. CARNEY. Right. So from Rita and Katrina, you had 10½ million gallons of oil spilled and you were able, using the strike teams, to get a handle on that and clean that up.

Mr. GUIDRY. Pretty fast. When they came into the organization, things started really moving. They are experts in what they do; so, yeah.

Mr. CARNEY. Okay. Well, we will talk about that further I think in the next panel.

Now, I have heard the word boom mentioned a lot and the shortage of it and not knowing exactly how much you had. Is there an inventory done of this and if so, how often? Do you know exactly how many feet of boom you have available? Do you know the type of boom, the in-shore boom, the further-out kind of—do you know that going in or how often is this inventoried?

Col. EDMONDSON. We actually, Mr. Chairman, every single day, we know exactly how much boom is coming into Louisiana, what we have pre-staged, deployed in different areas that we can move forward.

Mr. CARNEY. Prior to the spill?

Col. EDMONDSON. Prior to that. Keep in mind, this does not last forever, so some of the stockpile in those areas, once not used, the expiration dates on there, you cannot use it forward. So it was the unknown of that, of exactly how much was available, and that was some frustration early on to try to get that because there just was not clearly enough to move forward on that.

Mr. CARNEY. Understood. I see my time is up. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mayor, what kind of effect or impact has the oil spill had on the seafood industry in Florida? Of course, knowing that most of Florida has not seen oil. Then Colonel, if you could answer that question as well with regard to Louisiana.

Mr. HIBBARD. It is a very similar effect, Congressman to what the oil is having on the tourism industry. It is stigma. So whether you go to a restaurant that focuses primarily on seafood or a seafood market or the grocery stores, people first of all want to know where that seafood is coming from; and second, they are just avoiding it altogether. So it is affecting the seafood industry in that respect. It is also affecting a lot of the sportsmen that we have that come from all over the country to fish in our waters for grouper and other fish that we are really known for. So it is having an impact.

Mr. BILIRAKIS. Colonel.

Col. EDMONDSON. Clearly devastation in Louisiana because it is the source of what people believe, whether it is accurate or not. So perception, as we know, based on reality, you are exactly right,

Mayor. My friends call me from around the country, I just saw something from Louisiana, I am not going to eat it. Well, it would not be there if it was not safe.

I think what the public needs to know around the country is that every single day we have scientists out there, we have Wildlife and Fisheries agents and DEQ specialists that are out there testing the waters, testing the fish, testing the life within our fisheries and the Gulf coast region and making sure that what comes in is edible and we can move it forward. Every day we open and close areas based on where we see the oil, based on tests that we have done and that. If there is any chance for that to be tainted, we are not going to allow fishing in that area, we are not going to allow it to be removed and we are going to continue to test it as we move forward on it. But again, it is perception.

Mr. BILIRAKIS. We have got to get the word out, is what we need to do.

Colonel, how many—I understand you are authorized to deploy 15,000 National Guardsmen in the State of Louisiana. How many are deployed at this time?

Col. EDMONDSON. The average contingency is 1,100 that they have working throughout Louisiana actively involved in the berms and actually placing the rocks as we protect our coastline. You know, you have got to say hats off to the Louisiana National Guard. What they did in Katrina where they actually patrolled the streets of New Orleans, and what they are doing in this area with this oil spill is certainly outside the scope of what they have done throughout the Nation. They have been a tremendous asset to the State of Louisiana, but again, 1,100 of those are deployed. We have another couple hundred that are every day actively involved in the effort and response to this oil spill in Louisiana.

Mr. BILIRAKIS. Do you plan do deploy more?

Col. EDMONDSON. Well, that certainly would not be my decision. They are certainly available if more are needed, they could certainly do that; yes, sir.

Mr. BILIRAKIS. As noted in your opening statement, I am concerned about the delays in the approval of response requests. I mentioned it, you did as well.

What response capabilities have you requested, aside from the approval to dig berms, that have been delayed or denied and what impact has the denials had on the State of Louisiana?

Col. EDMONDSON. Well, certainly when you look at what you exactly talked about has been the frustration portion of it, needing more boom, needing more skimmers. Knowing that as this oil moves in and out of our shoreline, we have got over 6,000 miles of shoreline in Louisiana. Most people do not realize that. But when you look at the topography of Louisiana, the inlets and outlets, it is so many miles there and knowing as it washes in and washes out, that that effect continues. I think that is why it is so critical that we know how much boom is available, what types of boom are available and getting those deployed in those areas. I think that has been the primary frustration in that aspect along with what you talked about.

Mr. BILIRAKIS. Thank you very much.

Thank you, Mr. Chairman, I yield back.

Mr. CARNEY. Thank you. Mr. Green, please, for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

Colonel, you spoke quite well about the flow of information as it relates to top-down and of course you put emphasis on the necessity to have not only information, but accurate information, and have timely information as it comes from the top down.

I would like for you to put a bit of emphasis, if you will—and you as well, Mayor—on bottom-up. Were you able to have your ideas given immediate consideration? Did you get a response with reference to things that you thought were important that had some merit, that should be evaluated? Were you ideas vetted and did you get the feedback that you needed so that you could make some determination as to how efficacious you were in terms of helping with this endeavor? If you would, please.

Col. EDMONDSON. Certainly you had the initial input, but it did not mean it was going to happen. I think you only had to turn on the news to daily see Parish President Mr. Nungesser and Craig Taffaro of Placquemines and St. Bernard Parish, every day talking about I am asking for this, I am asking for this, where is it? Certainly understand the fact that this oil just kept coming and it is still flowing in today.

Mr. GREEN. Let me interrupt you, please. What was the process, as you understood it, for you to get your ideas to the top?

Col. EDMONDSON. Mr. Guidry can certainly comment on that also because he was in those meetings every single day, but understanding every day listening to our parishes along the coast report information up and getting that to the unified group in Robert or in Houma, Louisiana and then getting that information to the Unified Command Group, of which the Governor is there and the cabinet secretaries. I think that real time, but also understanding that if they need something, they need it. To know that it may be the next day or the next week before it gets there, I think that was some of the frustration that we saw early on.

Mr. GUIDRY. If I may. Stuff was slow coming. You know, boom, we made a request daily for boom and it got to be almost like a joke. I would say "need more boom" and everybody would quote, you know, say "need more boom," everybody there would say the same thing, need more skimmers. Those were slow in coming.

As the Colonel said, we had probably 16 or 18 reports a day that come in from all the State entities. We have a call in the morning and in the afternoon, all the local branches call in and in the afternoon all the parish EOCs are all together at one time and they comment on what they need, what they are doing, what is not happening. So the lines of communication are open to us and we pass that on. Sometimes it is a little slow getting back, but that is what we do.

Mr. GREEN. Mayor, let me follow up with you if I may. Your access to persons who were able to filter your information, did you conclude that you had a fair vetting process in terms of getting information to the top?

Mr. HIBBARD. We ran most of our information through our internal emergency manager who would run it up the flag pole through the county and then on to the Coast Guard and FDEP. It is a somewhat arduous process. I can tell you that on a daily basis,

Congressman, I was having constituents give me new ideas on how to either stop the well or to absorb oil. It is very hard to run all those down and I certainly would not want to distract the powers that be from the task at hand.

I think one of the other issues we ran into was a lot of volunteers that wanted to be a part of any cleanup effort that might occur and after having a list of literally thousands of volunteers that e-mailed into the city and to the county, we were told that it would be the responsibility of BP and the people that they hired to do any cleanups.

Mr. GREEN. Yes, Colonel. I want you to address another question, so I want your response, but some of this waste cleanup, I am understanding that there is some desire not to have it located in certain places and persons have given their protest but the waste is still being placed in areas pursuant to contracts that were negotiated between BP and certain State agencies.

I would like for you to comment on this if you would, please.

Col. EDMONDSON. Certainly that is true. Once it reaches the coastline, we have a responsibility. Hazardous material is under me as far as response. We have got to make sure it is properly collected and manifested and properly transported to an area. That is a concern when that area transports to may not be an area it needs to be in. So we are working very, very closely with EPA and of course the Department of Environmental Quality, to make sure we work through that. But once it is moved in that area and then it becomes infected in that area, it causes problems. So I think you are right in your comments, Mr. Green, in that area, that we need to make sure that those places are done.

You did ask for examples and I think that we certainly need to be able to give you those. I think when you look at booms, once you are asking for the booms, and that will come in time, then that all moves forward, then it is too late, it is in the marshlands.

One thing that we saw early on and we certainly had many conversations with the Coast Guard, who has tried to respond to these types of things, but one thing they said early on was that we didn't have skimmers small enough to get inside the marshes, which is why we have started doing the vacuum barges. We have actually got trucks on barges that are inside those marsh areas vacuuming that oil from around the marsh area, because there is so much of it and it gets thick in those areas.

I think those are instances right there that just shows the real-time that you talked about, the ability to real-time get resources there, because once you lose that real-time, it has moved on and then you have to start fighting it from a different angle.

Mr. GREEN. Thank you, and thank you, Mr. Chairman.

Mr. CARNEY. Thank you, Mr. Green. Ms. Jackson Lee, please, 5 minutes.

Ms. JACKSON LEE. Mr. Guidry, thank you for your work. I am going to ask a series of rapid questions to sort of build the record.

Mr. Guidry, in your experience, have you ever seen an oil spill like this?

Mr. GUIDRY. No, ma'am. The difference with this one and all the other ones, the other ones, eventually the source stops. This one here is like a thief in the night, it is not there today, tomorrow

morning it is here, next day it is here or it hits you back again in the same spot. You know, things do not move very fast, boats move very slow, so you have got to fly over the site and find out where the oil is in the morning and then send the boats out to clean it up.

Ms. JACKSON LEE. You have worked 18 years—I am going to do some rapid fire questions. You have worked for 18 years and you have had oil spills and you have cleaned up oil spills, is that correct?

Mr. GUIDRY. Yes, ma'am.

Ms. JACKSON LEE. The Gulf has gone on about its business.

Mr. GUIDRY. Yes, ma'am.

Ms. JACKSON LEE. The oyster men and the shrimpers and the fishermen have gone on about their business.

Mr. GUIDRY. Yes, ma'am. I am a former fisherman.

Ms. JACKSON LEE. I think that is important to note, and the reason is because the magnitude of this disaster I think is something that we clearly want to frame. But in terms of trying to fix the problems, let me again go back to a question I think I asked and would like to ask it more specifically.

My understanding is that BP had a series of violations that may have been relevant to this well and that they were just in place, on record in one of our Federal agencies. In a legislative fix that might work, should we not have a certain number—for example, this was a high-risk drilling rig—certain number of violations could bring about an automatic shutdown for a period of time of that well. Mr. Guidry?

Mr. GUIDRY. I really could not comment too much on the size of this, but I would tell you——

Ms. JACKSON LEE. If there were a number of safety violations that had been shown.

Mr. GUIDRY. Yes, ma'am.

Ms. JACKSON LEE. Would it be appropriate for the Federal Government to shut down that well to ask for there to be remedy by the particular parties involved?

Mr. GUIDRY. It could be, but I would have put some MMS people on those wells 24/7 to make sure that these problems did not happen.

Ms. JACKSON LEE. If they saw that it did happen, you would give them the authority to shut the well down?

Mr. GUIDRY. Yes, ma'am.

Ms. JACKSON LEE. Thank you. Colonel.

Col. EDMONDSON. Absolutely. I mean we do not need to be a country of reacting. It ought to be about proactive and the ability to do what you are talking about certainly would allow that.

Ms. JACKSON LEE. Do you think—and you have mentioned the fact that the Coast Guard strike teams have been very effective. Do you think enhanced resources and making those strike teams—I use a different terminology, like a SWAT team, but giving them the additional enhanced resources and training would be helpful as we move into these difficult drilling procedures. Colonel.

Col. EDMONDSON. Absolutely, you are going to have to have that in place so they have the ability to move forward and move rapidly to move those resources in; yes, ma'am.

Ms. JACKSON LEE. The chain of command for me is enormously important. Do you think—and Mr. Guidry said something and I have heard this before of MMS individuals being on the rig and that would be certainly something to look at. Would you also think it is important to have a red phone on the rig that has the ability to go to the right people when you can perceive something is going to go wrong? I asked some of the officials of BP did they get a phone call that night and the answer was no. Do you think there should be a red phone call that reaches the appropriate persons even though this was in the midst of an emergency, so that reaction could start right then and there? Colonel.

Col. EDMONDSON. You are certainly going to have to have that. You are going to have to have some form of communication and listen to everybody on that rig. The ability for anybody, even at the lowest level, when they see problems are occurring, they have got to be able to bring that to someone's attention. Most importantly, when that phone rings, someone has to pick it up and listen.

Ms. JACKSON LEE. If we were to—and this is a question where I do not want you to think that I am trying to get you to write legislation, but the Department of Homeland Security has been labeled as—and I think they have been very effective with the merger of so many different areas, the disaster homeland front line. We see man-made disasters and we see natural disasters, hurricanes. Expanding the jurisdiction of the Department of Homeland Security such that all the resources or the crisis bearing could fall under one department as relates to this kind of disaster, would that help your question of where is the boom, where are the skimmers, who is in charge; so that once something like this occurred, one call, one group of people tells whoever it is get this done.

Col. EDMONDSON. We certainly should have learned that in Katrina, certainly from a Federal level to understand that that inventory is in place. But also the ability to understand from a Federal level, you have got to listen to the local people, you have got to, because what worked in one State is not going to work in other States. I think that flexibility—communication, flexibility, and having plans in place of where your inventory is. I think that is vitally important.

Ms. JACKSON LEE. Or having one Federal Government entity and then working with the local officials, that might be helpful to you.

Col. EDMONDSON. I think so. I do not want them to get so big that they become ineffective. I think when you get too big and you put too much on your plate, you become ineffective. We do that as individuals sometimes. I know I do, and I think you have got to be careful not to put too much on that plate, but give them ability. But I think you are moving in the right direction; yes, ma'am.

Ms. JACKSON LEE. Let me thank you.

Mr. CARNEY. Thank you, Ms. Jackson Lee. Ms. Richardson, do you have questions?

Ms. RICHARDSON. Just a couple of very quick ones and then I am looking forward to us continuing.

Colonel, it is my understanding that the State of Louisiana has received $50 million. How much have you guys spent and what have you spent it on?

Col. EDMONDSON. Well, we spent it on emergency response efforts going on with the oil, the direct response to the oil that is approaching Louisiana, both on the State level and on a local level. I think that is what has been most important.

Ms. RICHARDSON. Specifically doing what though? When you say emergency response, what does that mean?

Col. EDMONDSON. Personnel, resources, equipment. Again, all aimed at combatting the on-going effect of the oil as it approaches Louisiana. I can get the committee information on exactly what we spent it on. I think that would be better than just trying to remember the different things. But I know from my perspective, what I have used it on has been the people directly involved because I think that is where it should be exactly involved every day in combatting both very proactively and reactively the oil as it approaches Louisiana and making sure that it gets into those local areas.

Ms. RICHARDSON. So you will provide that to the committee how much has been spent and on what?

Col. EDMONDSON. Yes, ma'am.

Ms. RICHARDSON. Has it all been spent?

Col. EDMONDSON. I am not sure exact numbers, I know that the first $25 million has been. Again, that second $25 million has not come into Louisiana. I know there was some monies that was placed forward for some work within the coastline itself, but I am familiar with the first $25 million that we have looked at. In fact, that funding actually comes through the Department of Public Safety as far as the area to oversee and disburse that. Again, we do not disburse until we get actual evidence from a State agency that they spent it on that. It is all through the PIRFA process that the Federal Government uses to make sure we document expenditures of those monies.

Ms. RICHARDSON. Okay, thank you, Colonel.

Mr. Guidry, you mentioned that strike teams in the past have physically gone into the marsh themselves and have cleaned the oil out. Did they cut, did they flush it out with water, what was the process used?

Mr. GUIDRY. They direct the clean-up, but in the past, like in the roseau canes, we will cut a path and flush it out with pumps.

Ms. RICHARDSON. So you would cut a path to flush it?

Mr. GUIDRY. Yes, we cut a path in the roseau canes and from there wash the oil out. We put boom on the outside so that when the oil comes out the skimmers can pick it up inside the boom.

Ms. RICHARDSON. You work for the State, sir?

Mr. GUIDRY. Ma'am?

Ms. RICHARDSON. You work for the State of Louisiana?

Mr. GUIDRY. Yes, ma'am.

Ms. RICHARDSON. Okay. That is a very important point that you just made because we saw that just today and there was an issue with that.

Then finally for the record, I just want to say I equally was very frustrated. I did not understand why we could not just put a whole rim of boom around the site of the Horizon to be able to catch the oil before it even got further out. But I have got to tell you, once I physically saw it, with the waves, it only can provide limited protection. I think one thing we have learned out of this incident is

that BP and any other provider that does oil drilling must also use some of that money to look at technology and research and make sure that what we really have can do some work. Because even the booms themselves cannot solve the problems.

Thank you, very much, Mr. Chairman.

Ms. JACKSON LEE. Would the gentlelady yield for a moment? Could I just ask a quick question?

Mr. CARNEY. Yes.

Ms. JACKSON LEE. Yield for a moment?

Ms. RICHARDSON. Yes.

Ms. JACKSON LEE. Thank you. Following up on her question, the headline here says "BP Works on More Secure Well Cap." You made a very important statement, Colonel, it keeps flowing and we cannot clean up. Can you expand on that and the gentlelady's point about having the technology, the redundancy on clean-up if something happens? Clean-up but stopping what happened.

Col. EDMONDSON. Just looking at the diverse shorelines that we have throughout the Gulf, I mean looking at our beautiful beaches, looking at our marshland, our estuaries and all that, all that area requires a different type of response. I think what is most important is that we had so much flow at the beginning that we were not even responding to because we did not know it was there. Then all of a sudden, it was there and we did not have the resources available, the real-time efforts to do those things. As we speak, it is still flowing. Even once we get that cap on it and they capture what they tell us is most of it, and hopefully it is, and hopefully those relief wells that are being drilled are going to be effective and they are going to work and do the things they need to. Then at that point, this marathon, maybe we can get towards the end of it. But I think that natural resource damage assessment has to be ongoing, we have to look at the efforts and we have to make sure that this fight—we are in it for the long haul. I appreciate the fact and certainly you evidence here today in the comments you are making, I believe that y'all are also here to make sure those things happen, and I do appreciate that; and thank you.

Ms. JACKSON LEE. Thank you. Thank you, Mr. Chairman.

Mr. CARNEY. Thank you, Ms. Jackson Lee.

Quickly for all three of you. Where have the bottlenecks of the information flow been that you can identify? Bottlenecks of information. Mr. Guidry, do you have a sense of that?

Mr. GUIDRY. Not really.

Mr. CARNEY. Okay, Colonel.

Col. EDMONDSON. I think what I talked about earlier, I think having three different places of information that has to flow, whether it is the State command post and whatever stage you are in, and you have your National post which is now New Orleans, your Gulf post which is in Houma, Louisiana. I think getting that real time information is difficult when you deal with bureaucracy in each one as you move that information around. I think that is a bottleneck. I think that is when it is hard to understand that you can make a decision here, but it has still got to be approved over here and maybe over here. I think telling you I will get that answer tomorrow. Well, if you do not have it tomorrow, then we are now 36 hours, 48 hours into getting that stuff and then it is past

the coastline, it is into the marshes, on the beaches, it affects the economy, it affects the seafood industry and that. I think the effect just moves on and multiplies when you do not have that real-time information and getting that where it needs to be.

Mr. CARNEY. Mayor.

Mr. HIBBARD. I think certainly we saw bottlenecks at the State level getting down to the county level and the county level to the municipal level. The municipalities were not even included in the process until just recently.

Last, I would say there was a bottleneck between professionals and laymen and we need to get that out.

Mr. CARNEY. For the record, I had a shrimp po' boy for lunch. Okay? It was delicious, so thank you very much.

Gentlemen, thank you so much for your testimony. We could probably do this another couple of hours anyway, but we have to be respectful of the other panels. Our hearts are out to you and certainly all those who lost family in the explosion. But we are in this for the long haul. My kids are long-distance runners and I know what it means to be in it for the long haul, and as long as I am in this Chair, we will stay here and work with you to make sure this kind of thing does not happen again.

We will probably have further questions and we may come to you in writing. Please respond as soon as you possibly can to our questions if we have them. Please free to contact our subcommittee and our committee any time you think there is information we ought to have.

We will adjourn this panel. We will reconvene in 5 minutes, so people can refresh themselves.

[Recess.]

Mr. CARNEY. We will call the second panel now. I want to welcome our second panel of witnesses and thank them for their patience. I think the first panel was very interesting and we needed to hear from them.

Our first witness will be Rear Admiral Peter Neffenger. Rear Admiral Neffenger serves as the Deputy National Incident Commander for the Deepwater Horizon Oil Spill response. Previous to this assignment, he served as Commander of the Ninth Coast Guard District from May 2008 to April 2010. In this capacity, he was responsible for Coast Guard operations throughout the five Great Lakes, the St. Lawrence Seaway and parts of the surrounding States, including 6,700 miles of shoreline and 1,500 miles of international border with Canada.

A native of Elyria, Ohio, Rear Admiral Neffenger was commissioned in 1982 at Coast Guard Officer Candidate School in Yorktown, Virginia. He has a diverse career of operational and staff assignments across the spectrum of Coast Guard missions. Notable among these, he was Captain of the Port, Federal Maritime Security Coordinator and Commander of Coast Guard Sector at Los Angeles/Long Beach, California where he was the senior Coast Guard operational commander for an area of responsibility encompassing over 300 miles of southern California coast, including the Los Angeles/Long Beach port complex, the Nation's largest.

He has served in five Marine safety field assignments as an engineer on the U.S. Coast Guard cutter Gallatin; as Coast Guard liai-

son officer in the Territory of American Samoa; as Coast Guard fellow on the U.S. Senate Appropriations Committee and as a Chief of the Office of Budget and Programs at Coast Guard Headquarters in Washington, DC where he was the principal budget advisor to the Commandant of the Coast Guard.

Rear Admiral Neffenger has earned three master's degrees in National Security and Strategic Studies from the Naval War College in Newport, Rhode Island; and Public Administration from Harvard University, Kennedy School of Government; and in Business Management from Central Michigan University—by the way, my wife's alma mater. He holds a bachelor's degree from Baldwin Wallace College in Berea, Ohio.

Our second witness is Department of Homeland Security Assistant Secretary for Intergovernmental Affairs Juliette Kayyem.

As Assistant Secretary, Ms. Kayyem has strengthened coordination of intergovernmental interaction across the Department, improving efficiency and consistency of communication with State, local, Tribal, and territorial partners, and ensuring the integration of their homeland security priorities into the policy development process.

Under her leadership, Intergovernmental Affairs, or IGA, has assumed the primary communication and coordination role in a broad array of homeland security initiatives including grant processes and funding, drivers' license security, energy efficiency, and intelligence and information sharing with the State, local, and Tribal partners. In addition, IGA serves as the primary Tribal liaison for the Department coordinating over 500 Tribes throughout the Nation on homeland security issues.

From 2007 until her appointment by Secretary Napolitano, she served as the Massachusetts first Under Secretary for Homeland Security and the Governor's Federally designated homeland security advisor. In that capacity, she was responsible for developing State-wide policies on homeland security, with a focus on all-hazards strategic planning, prevention, and response, information sharing, interoperability, and energy security. Ms. Kayyem also had oversight of the Massachusetts National Guard.

She is a 1995 graduate of Harvard Law School and a 1991 graduate of Harvard College.

Without objection, the witnesses' full statements will be inserted into the record.

I now ask each to summarize his or her statement for 5 minutes—for 5 minutes—beginning with Rear Admiral Neffenger.

STATEMENT OF PETER NEFFENGER, DEPUTY NATIONAL INCIDENT COMMANDER, UNITED STATES COAST GUARD, UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Adm. NEFFENGER. I will do my best, sir.

Good afternoon, Chairman Carney and distinguished Members of the committee. Thank you for the opportunity to testify today about the on-going response into the explosion and oil spill from the Deepwater Horizon mobile offshore drilling unit.

What began as a massive rescue and subsequent search for 11 who unfortunately were lost, has become the most complex spill

our Nation has ever encountered and certainly the most complex event of my career.

This spill is further complicated by the lack of human access to the source, the challenge of measuring the total volume of oil discharge, the fact that the oil is spreading out in all directions, and that we have a major new oil spill every day. This is not a single monolithic spill, but rather has become thousands of small spills that in total threaten all five of the Gulf States and the livelihoods of the citizens of the Gulf coast.

As you have already heard in previous testimony, there are thousands of people and hundreds of organizations across the Gulf coast that are responding to this spill. So I can understand why it sometimes is not clear how we are organized and command and control functions. Let me try to explain some of how that works.

One of the lessons that we learned coming out of Exxon Valdez and what led to the Oil Pollution Act of 1990 was that during major incidents, you need National level leadership to set strategic direction, coordinate National policy, facilitate collaboration among Federal, State, and local governments and coordinate strategic communications across Government and the affected communities.

In this case, you have a National Incident Commander named, and that is Admiral Thad Allen, and as noted, I am his Deputy and was named as such on the second of May of this year.

At the next level, we have the Federal on-scene coordinator with the statutory authority for oversight of oil spill cleanup on the water in the case of the Coast Guard. That individual directs the operation, overseeing the incident commands and we have one in Houma, Louisiana, one in Mobile, Alabama. Those are the two most active incident commands. We have also established incident commands in Galveston, Texas as well as Miami, Florida, for potential impacts in those areas.

The Federal on-scene coordinator sits at the Unified Area Command, and so the purpose of the area command is to coordinate resources amongst those various incident commands, but the actual decision-making on a daily basis takes place in the incident commands. So those individuals in Houma, in Mobile, in Miami, in Galveston, Texas make determinations for the geographic area for which they are responsible.

So in an incident of this complexity, you have to have different levels of organization to manage what are the countless numbers of activities across the thousands of miles of water and coastline. They do not do it alone, the area command, as you have heard, has had State representation from the very outset of the event, and in fact it is critical that the State be involved with us from the outset because they know best how to protect their coastlines and we can speak more to that during the question session.

Given the scope and magnitude of this event, we brought together all levels of government, industry, nongovernmental organizations, and volunteers to respond in unprecedented numbers.

As I said, my primary purpose is to ensure a tight linkage among all those levels, to look for problems and try to correct those problems so that we have effective command and control, the guiding principle of which is to push authority to the lowest possible level so that on-scene leaders can act and can act immediately with flexi-

bility and autonomy to employ effective response strategies. We continue to work to make that tenet a reality across the Gulf region. We learned a lot of lessons along the way and it is improving and getting better with each day of this response.

I have personally briefed every day the five States' Governors. I do this 7 days a week each day, and we typically have at least three of the five Governors on those calls. I have received valuable and very frank feedback that has alerted me to areas where we needed to adjust operations, expand efforts, and incorporate greater State and local participation.

Harnessing local knowledge and leadership is a continuing priority and I would agree with Colonel Edmondson's assessment of the need to involve State and local—I mean local individuals. There are a number of examples of how we have done that, pushing liaisons out to each of the parish presidents' offices in the State of Louisiana, to the county supervisors' offices in the other States. We have liaisons assigned to each Governor and we have liaisons at the local branch levels, which are down in the local communities. So we have attempted to continue to engage at greater and increasing numbers.

We have established vessel of opportunity programs where we are giving local control of those vessels to local communities under the over-arching guidelines established by the incident commanders.

I have spent a significant amount of my time in the Gulf region over the last 2½ months. I have visited spill sites numerous times and have worked a lot with the incident commands to determine what it is they need and how we can do it. We have identified every—with respect to resources there are a number of critical resources and we have heard of some of those. We have identified every foot of fire boom in the world, we have established a supply chain for everything from dispersants to skimmers to boom. We have procured boom from all domestic manufacturers and we mobilized all east and Gulf coast offshore skimming vessels. To that end, we are now procuring nearly all Nationally produced snare, containment fire boom, and we have engaged every domestic boom supplier. Of note, the daily or the weekly production was a few thousand feet prior to this spill event. We are now producing domestically a quarter million feet of boom per week as a result of the demand placed by this.

So in closing, I think the success of this response hinges on a unified coordinated effort at all levels in reaching down as deep into the local organizations as you—or local communities as possible. We will be here as long as it takes to get this region cleaned up and made whole again. The Coast Guard will not be going away. As was noted, we live here too. This is a community. I spent 8 years of my life in New Orleans in the Coast Guard and so I have a lot of affection and concern for this area.

So I thank you for this opportunity and I welcome any questions you may have.

[The statement of Admiral Neffenger and Ms. Kayyem follows:]

PREPARED STATEMENT OF PETER NEFFENGER AND JULIETTE KAYYEM

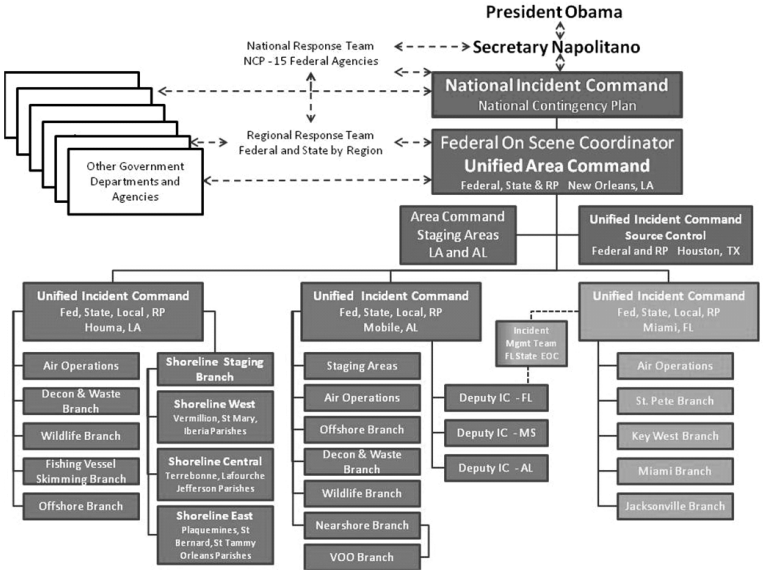
JULY 12, 2010

Good morning Mr. Chairman and distinguished Members of the committee. We appreciate the opportunity to appear before you to discuss the Federal Government's response to the Deepwater Horizon Oil Spill specifically the chain of command for responders.

On the evening of April 20, 2010, the Transocean-owned, BP-chartered, Marshall Islands-flagged Mobile Offshore Drilling Unit (MODU) DEEPWATER HORIZON, located approximately 72 miles Southeast of Venice, Louisiana, reported an explosion and fire on-board. This began as a Search and Rescue (SAR) mission—within the first few hours, 115 of the 126 crewmembers were safely recovered; SAR activities continued through April 23rd, though the other 11 crewmembers remain missing.

Concurrent with the SAR effort, the response to extinguishing the fire and mitigating the impacts of the approximate 700,000 gallons of diesel fuel onboard began almost immediately. In accordance with the operator's Minerals Management Service (MMS)-approved Response Plan, oil spill response resources, including Oil Spill Response Vessels (OSRVs), were dispatched to the scene. After 2 days of fighting the fire, the MODU sank into approximately 5,000 feet of water on April 22nd. On April 23rd, remotely operated vehicles (ROVs) located the MODU on the seafloor, and, on April 24th, BP found the first two leaks in the riser pipe and alerted the Federal Government. ROVs continue to monitor the flow of oil.

As the event unfolded, a robust Incident Command System (ICS) response organization was stood up in accordance with the National Response Framework (NRF) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). ICS is utilized to provide a common method for developing and implementing tactical plans to efficiently and effectively manage the response to oil spills. The ICS organization for this response includes Incident Command Posts and Unified Commands at the local level, and a Unified Area Command at the regional level. It is comprised of representatives from the Coast Guard (Federal On-Scene Coordinator (FOSC)), other Federal, State, and local agencies, as well as BP as a Responsible Party.



The Federal Government has addressed the Gulf Oil Spill with an all-hands-on deck approach from the moment the explosion occurred. During the night of April 20th—the date of the explosion—a command center was set up on the Gulf Coast to address the potential environmental impact of the event and to coordinate with State and local governments. After the MODU sank on the 22nd, the National Response Team (NRT), led by the Secretary of Homeland Security and comprised of 16 Federal agencies including the Coast Guard, other DHS offices, the Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), Department of Interior (DOI), as well as Regional Response Teams (RRT), was activated.

On April 29, Secretary Napolitano declared the event a Spill of National Significance (SONS), which enhanced operational and policy coordination at the National level and concurrently allowed Admiral Allen's appointment as the National Incident Commander (NIC) for the administration's continued, coordinated response. The NIC's role is to coordinate strategic communications, National policy, and resource support, and to facilitate collaboration with key parts of the Federal, State, and local governments.

The NIC staff is comprised of subject matter experts from across the Federal Government, allowing for immediate interagency collaboration, approval, and coordination. While the FOSC maintains authorities for response operations as directed in the National Contingency Plan, the NIC's primary focus is providing National-level support to the operational response. This means providing the Unified Command with everything that it needs—from resources to policy decisions—to secure the source and mitigate the impact. This will be a sustained effort that will continue until the discharges are permanently stopped and the effects of the spill are mitigated to the greatest extent possible. Beyond securing the source of the spill, the Unified Command is committed to minimizing the economic and social impacts to the affected communities and the Nation.

VOLUNTEERISM AND COMMUNICATION WITH LOCAL COMMUNITIES

A critical aspect of response operations is active engagement and communication with the local communities. Several initiatives are underway to ensure that happens.

1. Active participation and engagement in town hall meetings across the region with industry and Government involvement.
2. Coordination of public involvement through a volunteer registration hotline (1–866–448–5816), alternative technology, products, and services e-mail

(horizonsupport@aol.com), and response and safety training scheduled and conducted in numerous locations.

3. More than 35,889 inquiries received on-line via the response website *(www.deepwaterhorizonresponse.com)* with more than 34,478 inquiries completed, with 4-hour average time of response.

4. Over 12 million page hits on response website.

5. Over 754 documents created/posted to response website for public consumption.

6. News, photo/video releases, advisories to more than 5,000 media/Governmental/private contacts.

7. Full utilization of social media including Facebook, YouTube, Twitter, and Flickr.

8. Establishment of Local Government hotlines in Houma, LA (985–493–7835), Mobile, AL (251–445–8968), New Orleans, LA (985–902–5253).

CONCLUSION

From the very beginning of this crisis, the Federal Government has been in charge of the largest environmental clean-up effort in our Nation's history. Thousands of ships and other vessels have been deployed to the Gulf. There are now nearly 46,000 personnel working across four States to contain and clean up the oil. These personnel are assisting in efforts to prevent more oil from coming ashore, clean beaches, train response workers, and help process claims.

On July 7, Admiral Allen announced the launch of a new Federal web portal—*RestoreTheGulf.gov*—dedicated to providing the American people with clear and accessible information and resources related to the BP Deepwater Horizon oil spill response and recovery. The site is designed to serve as a one-stop repository for news, data, and operational updates related to administration-wide efforts to stop the BP oil leak and mitigate its impact on the environment, the economy and public health—unifying web resources across the administration and increasing public access to the latest information.

The Unified Command continues to attack the spill. As of July 6, 2010, over 28 million gallons of oily water have been successfully recovered using mechanical surface cleaning methods. Further, over a million gallons of surface dispersants have been applied to break up the slick, and controlled burns have been used as weather conditions have allowed. In addition to the on-going offshore oil recovery operations, significant containment and exclusion booms have been deployed and staged strategically throughout the Gulf region. These booms are used to protect environmental and cultural resources, as well as critical infrastructure, as identified in the applicable Area Contingency Plans (ACPs). To date, nearly 3 million feet of boom have been positioned to protect environmentally sensitive areas. Fourteen staging areas and three regional command centers have been established across the Gulf Coast States. The Secretary of Defense approved the requests of the Governors of Alabama (up to 3,000), Florida (up to 2,500), Louisiana (up to 6,000), and Mississippi (up to 6,000) to use their National Guard forces in Title 32, U.S. Code, status to help in the response to the oil spill.

Thank you for the opportunity to testify today. We are ready to answer any questions you may have.

Mr. CARNEY. Thank you, Admiral. Secretary Kayyem.

STATEMENT OF JULIETTE KAYYEM, ASSISTANT SECRETARY FOR INTERGOVERNMENTAL AFFAIRS, DEPARTMENT OF HOMELAND SECURITY

Ms. KAYYEM. Thank you, Chairman Carney and Members of the committee. I thank you for the opportunity to testify before you on the BP Deepwater Horizon oil spill and the efforts that the Department of Homeland Security, the Coast Guard, and our Federal family have undertaken to respond to this incident in coordination with our State and local partners. So my testimony will focus on that fact.

My history, as you said, Chairman, I was a State homeland security advisor, I worked for a Governor, I now work for a former Governor. So I understand quite well the priority of focusing State and local—of understanding what State and local officials know, under-

standing their unique needs of their community and environments, unlike any other entity.

As the Assistant Secretary for Intergovernmental Affairs at DHS, one of my roles, ironically actually, was to serve as the intergovernmental lead in the SONS, the Spill of National Significance, exercise just a few months before this spill. During that exercise, we were able to identify information gaps with our State and local partners and update our plans to address these. Obviously, as Admiral Neffenger said, the exercises in no way were reflective of what we are experiencing today, we admit that wholeheartedly.

From the outset, we knew that working collaboratively with the State and local officials and responders closest to the incident would be essential in order to effectively coordinate this response and their input would be an invaluable resource for ideas and suggestions for improvement. This has been an unparalleled event with many challenges along the way, and we sought to learn lessons from the past and use this local knowledge and experience to inform our decision-making in every step of the response. We have learned as we have gone along, there is no question about it. I will describe some of the changes we made. We continue to try to improve every day, especially as the mayor noted in the previous testimony, very helpful for him to tell us and to tell you sometimes we are speaking in Coast Guardese or we are speaking in a language that is not understandable for his constituents. We have that as a take-away and we will continue to improve every day as we shift from the immediate response to the long-term recovery and some of the priorities the Secretary made as she takes on that essential and important agenda.

So as I said, since Day 1, the administration has engaged in all-hands-on-deck response to this spill. As we transition from the search and rescue operation into a larger incident response, we begin then to more thoroughly engage with our State and local counterparts in Louisiana, Texas, Mississippi, Alabama, and Florida, with Texas sort of not being—being more engaged as of late because some of the tar balls have appeared there and we continue to engage indeed along the eastern seaboard. We have had a number of outreach efforts with the Governors in those States.

These efforts were built upon the extensive coordination that took place prior to this event, including of course the Area Contingency Plans and the work that people like Roland from Louisiana, we have known him for a long time, the kind of work that we have been doing from the get-go on oil spills.

We heard about the pipe leaking on a Saturday, I was down here by Monday and we had our first Governors' call on that Monday. We were in close contact with the Governors and their staffs and on that day the Governors' staffs were invited into the Unified Area Command. We made it a priority to set up different structures to allow State and local officials to have input into the response efforts and these structures took several forms. As I said, we had the calls with the Governors, they became daily by the beginning of May and we have held these daily morning conference calls with senior administration officials and the Governors of the affected States and followed up in the afternoon with daily calls with local officials in the afternoon. I think those were the calls

that the Mayor was speaking about. These calls offer an opportunity for Governors and local officials to obtain the most current operational information and engage in a dialogue with the senior administration officials who are overseeing the response, like the Admiral, and to make suggestions or convey concerns. These include the briefings on leak stabilization, resource deployments, obviously a very large issue, and answers to questions officials have received from local constituents, primarily on claims, of course.

For example, I will just give you examples, so that this does not sound so theoretical. On one of the daily calls, Governor Barber of Mississippi raised concerns about the communication capabilities of boats participating in the vessels of opportunity program. You will remember, a lot of boats, a lot of boat owners came forward, a couple thousand. It was a massive undertaking and the Coast Guard actually working with the State of Mississippi and all the States subsequently worked to put in place a task force system led by the Coast Guard boats to improve communication between the vessels and to get the resources available to those vessels, so maybe not every vessel had all the high-tech needs that the lead vessel would have but we had a way to be able to say there is oil here, we need to move here.

As a result of these daily calls, it also became clear—so this is our lessons learned as we went along—that the response would benefit through increased and direct communication between the Governors and the officials running the multi-State incident command posts. In response, the Coast Guard and the Department set up deputy incident commanders. So instead of having it too top-heavy, this was the beginning of the flat-lining of the response in each State. So these deputy incident commanders are in each State to give Governors direct access to the individuals running Coast Guard operations in their States. This meant that not all the Governors had to come to Houma or Robert—excuse me, Robert, Louisiana, that facility is now in New Orleans. It meant that we were able to get deputy incident commanders in each State. This also ensured that any questions, concerns, or requests from these Governors could be met promptly.

I also want to make it clear that we are DHS-focused, Coast Guard-focused. This is being repeated in almost every level with the Federal family. So there are weekly calls between the Labor Department and the State workforce commissions, between OSHA and the State employment workforce commissions. I could go down—SBA, I mean, we are polling and working with the entire Federal family to make sure that their natural access points within the States and localities; for example, Health and Human Services working with the State health officials, are all getting the right information at the right time.

In addition to the daily calls, I am just going to highlight one last thing, which the admiral focused on, which is the liaison officers and the changes we made. As the mayor said, sometimes the States have a governance structure that is not getting to the local level. We understand that now. We are used to working with Governors' offices because of the State EOC structure, that is how it works. So beginning in May, we began to deploy what we are calling the Coast Guard Liaison Program, it was originally called the Parish

President Liaison Program but we realized we had other States that did not have parishes—and have deployed up to 80 Coast Guard officials in Louisiana, Mississippi, Alabama, and Florida to provide direct access to response for local officials. We have people sitting in these local government entities, whether they are mayors, county officials, whatever, trying to get to yes as quickly as possible. We hear in the media about a lot of the no's, but when you actually think of the number of decisions that are being made on the local level about boom deployment, boat deployment, whatever else, that is all being done because of the close and localized cooperation between the Coast Guard, the Federal family, and the State and localities.

I have gone over my time, but I would be happy to answer any questions about the governance structure and our responsiveness. Thank you.

Mr. CARNEY. Thank you, Ms. Kayyem. We will begin the round of questions, each Member getting 5 minutes, of course, and we will go until we are done. I will start and recognize myself for 5 minutes.

Admiral, when was the Coast Guard first made aware of the explosion?

Adm. NEFFENGER. On the day that it happened. I think—I do not know the exact time, I do not have a time line, but I think it was within about an hour and a half or 2 hours after the initial explosion that we were notified of it and notified that we had the potential for both a massive search and rescue operation as well as a potential for a major oil spill. There were 700,000 gallons of fuel oil on board that vessel, so from the very outset, we were concerned about a major oil spill as a result of the explosion.

Mr. CARNEY. I saw pictures in the news and that was one hell of an explosion.

Adm. NEFFENGER. It really was; yes, sir.

Mr. CARNEY. Why did it take 2 hours to notify you?

Adm. NEFFENGER. Well, again, let me double-check on that to be sure. We got initial notification, I think it probably took us awhile to get out there because it is quite a ways offshore and so by the time you out on sea and it is going to be at least a couple of hours by the time you get the helicopters launched.

Mr. CARNEY. Okay, so the on-scene is different than the time you were notified.

Adm. NEFFENGER. Yes, sir.

Mr. CARNEY. Okay. Then what role did you play once you were there?

Adm. NEFFENGER. Well, initially, it was a rescue operation. There were over 100 people on board the vessel and 11 of whom were very early on identified as missing. So the first was a rescue operation and then a coordination of those vessels that were on scene to fight the fire on board the vessel. The Coast Guard does not do firefighting but we coordinate the efforts of those who do come out and do firefighting. So the fire-fighting efforts were going on, we were coordinating those efforts as well as conducting the search. That search went on for, as you know, a period of about 36 hours or so.

Mr. CARNEY. Right, right. Now within your experience, did the initial, the first responders and the initial response, did that all work as pre-arranged within the various chains of command that had been pre-established?

Adm. NEFFENGER. Yes, sir, in my experience, it went according to our normal protocols and there were no delays in terms of that response. This is something that we do every day.

Mr. CARNEY. Sure. You know, it is interesting because the initial reports were that there is no oil flowing out of this explosion. So we go from zero barrels a day to somewhere between 60 and 100,000. In fact, we have heard the range from zero to 100,000 and we are still hearing that. That, I imagine, has to cause some confusion obviously in terms of response, et cetera. When did you actually notice the oil starting to flow?

Adm. NEFFENGER. Well, as I said, we thought from the outset that we had the potential for a major oil spill, so we actually activated our strike teams on the very next day, on the 21st of April. The first of the strike team members actually began to deploy the 21st, so the very next day, because again, there were 700,000 gallons of fuel oil on board. So at a minimum, we were concerned about that.

We did not know what might happen with respect to the wellhead. We, like everyone else, assumed that the blowout preventer would have operated, although we do not typically monitor blowout preventers. But when the vessel sank on the 22nd——

Mr. CARNEY. Let me stop you there. Are you now monitoring the blowout preventers? Or are you relying on BP to do that or the industry to do that?

Adm. NEFFENGER. Well, again, the Coast Guard does not have any statutory authority to do so. This is what was the Minerals Management Service responsibility to do that. I think that that is a question that needs to be asked with respect to Government oversight. Our responsibility is for the vessel itself, so the mobile offshore drilling unit. But all the drilling equipment and the connection to the drill floor was the responsibility of the Minerals Management Service.

Mr. CARNEY. Okay. I apologize, you were talking about the time line.

Adm. NEFFENGER. Yes, sir. So anyway, when the rig sank on the 22nd and took down with it that 5,000 feet of riser pipe, when it hit the bottom, it stirred up a tremendous amount of mud and silt. So the initial attempts to see what happened were clouded by that mud and silt. We did not know whether or not it was leaking, but again, we were already responding as if we were going to have a massive spill because it took 700,000 gallons of fuel oil down with it. So at a minimum, we were concerned about that from the Coast Guard. So we had actually begun to mobilize and we pulled out the Area Contingency Plan, talked to the State and said we need to start mobilizing. In fact, we had State representatives in that. The incident command post in Houma was established on the 21st, the very next day. The State provided a State on-scene coordinator on that very day, and in fact, the very first incident action plan that was signed, talked about mobilizing resources for a major oil spill. So our approach was potential major oil spill from the outset and

our typical response is to then start rolling the resources in, which we did with the strike team.

As it became clear that there were significant leaks coming off the top of that—and it took about 24 to 36 hours for the turbidity to settle and really to get a good look at that riser. Then we realized that we had a potentially much, much larger problem on our hand. But as I said, we were already rolling a lot of resources in or had already begun the process, I should say to roll resources in.

Mr. CARNEY. So it is beyond major at this point, by the time the resources are rolling and the turbidity has cleared, it is clear it is beyond a major spill. I am not sure what the next step is beyond a major spill, but we are in the midst of it right now.

Adm. NEFFENGER. Well, it is a worst-case discharge at that point.

Mr. CARNEY. Obviously. The question I had is would you have done anything differently had you known sort of what the magnitude of the spill was at that time? I mean what else could you have done had you known?

Adm. NEFFENGER. Had we had perfect information, in other words.

Mr. CARNEY. Yeah.

Adm. NEFFENGER. I do not think that initially we would have done anything different. Remember, we were involved in a very massive search and rescue operation first. That always takes precedence, safety and preservation of life. So that consumed the better part of the first 12 to 18 hours, the initial 12 to 18 hours and actually stretched out over a longer period as we looked at it. The rig, as I said, the rig did not sink until the 22nd but when it went down, we were still looking for—we still had some hope that the individuals might have survived on the rig, but just were not able to get free, that they might have been able to free themselves as the rig sank. But I do not know that there would have been any different response initially because of the need to mobilize rescue resources while at the same time beginning to move resources for a spill response.

Mr. CARNEY. Okay, thank you. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman. Thank you, admiral, for being here and testifying.

Can you give us an update on the latest containment methods?

Adm. NEFFENGER. Yes, sir. Well, today, this is actually a critical week with respect to containment and I do not know how familiar you are with the various options that have been in play, but essentially you have—if I can just describe for a moment what was occurring up until yesterday and then what the plan is moving forward.

Up until yesterday, we had a vessel called the Discover Enterprise, which was the so-called top hat that you have heard about. This is the one where you can see the oil leaking around the skirt of it. That has been collecting somewhere in the neighborhood of 15,000 barrels daily off the top of that blowout preventer and lower marine riser package. Attached to one of the lines coming off of the side, it is called a choke line, is a vessel called the Q–4000. It has been collecting about 8,200 barrels on average a day. It has been burning all those off because it has no storage capacity, so it has just been flaring that off. So the combined total has been some-

where in the neighborhood of 24- to 25,000 barrels daily coming off the top of that leak.

The plan moving forward, and this is actually taking place today, was to remove that top hat and to place instead a sealing cap on board. Basically another small blowout preventer that will sit on top of the current blowout preventer, seal tightly and allow for a 100 percent capture of the oil coming off the top of that wellhead, assuming you do not have any hurricanes or storms that would interrupt the vessel. So there are some additional vessels that have come on scene in order to collect that oil. However, it also gives the opportunity to attempt to shut the well in, which is the first thing that they will do.

So there are Government scientists from the National Laboratories who have been in Houston for the past 80 days or so, and they have been reviewing, along with the BP engineers and others, the various steps associated with this. It really comes down to whether or not the well bore has integrity. So when they close it, there are three valves or three rams on this device that they are putting on this weekend. They will attempt to make the initial closure of those rams sometime in the next 48 to 72 hours, depending upon the testing and what it shows. They will see whether the well bore holds pressure, and they are expecting it to hold a certain amount of pressure. If it does, then it should be an indication that you have a well bore that is intact, and they may actually be able to shut the well in with no further outflow at all, with the final closure of the well being the completion of the relief well.

I hope that is responsive to your question.

Mr. BILIRAKIS. When will we know whether this method, this latest method, is successful? Why did we not try it say weeks ago?

Adm. NEFFENGER. As I understand it, and again, I am not an engineer, a sub-sea engineer. But as it has been explained to me and I have spent a fair amount of time talking with our scientists and the scientists, engineers, that are working on this; part of the problem initially was that this arrangement of blowout preventer and this device called the lower marine riser package—these are actually two separate devices—when you have an emergency on board a mobile offshore drilling unit, the first line of defense of course is the closure of the blowout preventer. That is supposed to have sealed it off. The second is what is called an emergency breakaway, which should have allowed that second piece of equipment called the lower marine riser package to break free and pull off the top. Both of those failed, and that of course, is—the ultimate question is how did that, how did you have a fail of all the fail-safe systems?

Well, because that package did not pull off as designed, there was no way to—had that top package pulled off, you would have had an ability to immediately attach another blowout preventer because all the fittings would have been exactly right. So the intervening time it has taken them to both—and you had the blowout preventer that got kinked over at about a 5-degree angle. So over the intervening weeks, they have slowly been straightening the blowout preventer, straightening the fittings, fabricating new fittings to go on top of something that was never designed to take a blowout preventer, and actually fabricating a new blowout preventer. It just took—as I understand it, it just took those inter-

vening days to do that. But they started working on this procedure immediately when they determined that that piece of equipment did not come off the top.

But all that tells me is that this is an exceptionally complex undertaking underwater, if not frustrating, that it takes as long as it does to see results.

Mr. BILIRAKIS. Okay, thank you. I would like to talk about the use of dispersants. Representatives from the Southern Shrimping Alliance, the director of which lives in my district, they have expressed deep concern that the use of dispersants poses a threat to certain species in the Gulf of Mexico, including the shrimp. John Williams, who is executive director of the alliance, wrote NOAA and EPA weeks ago but has not received a response. My question is why are dispersants still being used when the EPA called for BP weeks ago to find a less toxic means of breaking up the oil slicks at the surface and we have no clue what type of long-term ecological impact dispersants have on the seafood industry, but in general. Are there alternative technologies and then also if so, why are we not using these technologies?

Adm. NEFFENGER. I think you rightfully note that the EPA is the governing agency for use of dispersants and they have been—we have worked very closely with them with respect to how to use those and how to use them effectively. They have used very carefully at the toxicity of the current dispersants, they are continuing to conduct tests. I will tell you that the goal is to minimize their use as much as possible.

If you have good weather windows, you can skim, burn, and otherwise attack the oil mechanically and significantly reduce the number of dispersants that you use. But the real tradeoff is between shoreline impact, ultimately shoreline impact and the potential environmental damage that that can do, particularly in sensitive marsh areas and rookeries and the like, and using dispersants to knock down that a bit. The other reason that they use dispersants is to knock down the volatile compounds coming up around the vessels because those pose, not just hazards to human beings, but explosion hazards out on the sea.

So to that end, EPA has worked very carefully to set levels of dispersant use that they would like to see not exceeded. Those for the most part have been adhered to, although there have been times when operations have dictated use of higher levels. The hope is that this week if they are able to shut the well in, then we can stop using dispersants entirely because I think that no one ever expected to be using dispersants over this extended period of time.

Mr. BILIRAKIS. Thank you very much, I appreciate it. Mr. Chairman, I yield back.

Mr. CARNEY. Mr. Green for 5 minutes. We are going to adhere closely to 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman and thank you, admiral, for your testimony today. I thank the other witness as well. But I also thank you, admiral, for your service to our country. We appreciate you greatly.

Admiral, there is not a one-size-fits-all response. You indicated that you initially assumed that you had a major oil spill. Do you make a distinction in your mind between a major oil spill and what

we have with reference to the wellhead and oil continuing to flow from that wellhead at an enormous rate?

Adm. NEFFENGER. Well, I think that it is a new major oil spill every day for us. That is the unprecedented piece. I mean we have an event that has a beginning right now, but most oil spills have a beginning, middle, and end, the Exxon Valdez, even the very large ones are generally bound by an event. You have a full release and then you are done.

So I think what makes this the most challenging oil spill certainly that I have been involved in and probably that this country has faced is the fact that it is on-going and it is continuous. So even on a good day when you can collect a lot of oil by skimming, you can burn a lot of it off and you can collect a lot through the containment systems, you are still facing another day the next day of the same thing.

Mr. GREEN. If I may, Admiral, because time is of the essence, when did you first determine that you needed to throw everything that you have at it?

Adm. NEFFENGER. I think when we saw those leaks, when we realized that we did not have—the blowout preventer did not work and when the first images of those individual leaks coming off the riser pipe were seen, then we knew we had a real problem.

Mr. GREEN. When did you conclude that you did not have enough resources immediately available to contain this spill?

Adm. NEFFENGER. Well, I just think back in my own experience, I've always assumed I do not have enough resources available because you cannot get everything you need fast enough. As an operational commander, I have always said send me everything you can find and if I do not need it, I will send it back home.

Mr. GREEN. In this case, when did you say send me everything that you can find?

Adm. NEFFENGER. I think it was within the first few days of discovering that we had that leak coming out.

Now again, I remind you that I became involved on the second of May, but I can tell you that when I arrived down here on the third of May, I saw people asking for everything they could get their hands on. Now the interesting thing is that as I mentioned before in my opening statement, there were only a few thousand feet of boom being manufactured weekly in this country prior to this spill, for obvious reasons. There was not a great demand for it. So it takes some time to ramp up production and it certainly takes some time to ramp up production of bigger ticket items like skimmers, particularly the types of skimmers that you need for inshore and near-shore.

Mr. GREEN. I have two additional questions, Admiral, so I will have to intercede. One is this, have you received an estimate or a guesstimate as to the size of the pool of oil that the spill is emanating from?

Adm. NEFFENGER. The reservoir itself?

Mr. GREEN. Yes.

Adm. NEFFENGER. I just know that it is considered a productive reservoir. I think I would refer that question to—in fact, I can take that question back to the BP engineers to get you an answer as to

how much they might expect to produce from that. But I do not have that answer at my fingertips.

Mr. GREEN. I would like for you to, if you would, give us a written response.

Adm. NEFFENGER. I can do that.

Mr. GREEN. My next question is, given what has happened this time and while your worst-case scenario, well, your major oil spill did not coincide with what this has become, a worst-case scenario, what would you need and what resources would you need, and what would you do differently if you had the opportunity to have the resources necessary? How would you go about this, coping with this and making sure that you had minimal impact by virtue of resources that you could utilize to impact the spill itself?

Adm. NEFFENGER. I think we would always have been challenged by moving resources in, because again, you have—there are a lot of resources on the Gulf coast and most of those moved right away, the large skimming vessels. So getting out to the source was not the initial concern, it was really preparing, getting enough boom and other protective devices and materials and technologies along the beaches as you look at the potential for an impact across a 5-State region. That is the unprecedented piece and you have hundreds and hundreds of small communities and sensitive areas and the like. Most oil spills are limited in geography as well as limited in time. So you can work to move those massive resources that you have to those areas. So I think that the challenge is thinking about what type of capacity do you need to have in reserve for something that threatens this large of a geographic area.

Mr. GREEN. Thank you.

Mr. CARNEY. Ms. Jackson Lee, 5 minutes, please.

Ms. JACKSON LEE. Mr. Chairman, our colleague has to leave and I will yield to my colleague from California.

Mr. CARNEY. All right.

Ms. RICHARDSON. Thank you, the gentlelady from Texas and Mr. Chairman.

I am going to be very brief in my questions and if you could answer as much as possible yes and no, that would be greatly appreciated.

No. 1, Admiral, could you please provide to this committee the time line for both the skimmers and the boom, how many we have received, where we got them from and what is our plan forward? You do not have to give it to us right this moment, but within the next, preferably 48 hours, if you could give us the time line. I know it has gone anywhere from 300 to 447 3 weeks ago to now I think somewhere around 500-something. I think it is supposed to get to 750. So if you could let us know, because I think that is a key point in how the recovery or the response occurred.

My second question, Ms. Kayyem, clearly from the comments that have been made from the first panel, there is a concern about the terms of what is being communicated. I have watched the admiral make his presentation, Admiral Allen, and although it was excellent and all of that, to the general layman, it is quite complicated. So would you please take back to the Secretary for her very serious consideration of immediately, not lessons learned next time, but now, how quickly can we get a crew out here to begin to

televise on a daily basis pictures of what is happening, go out in the boats, so people will accurately know what is going on. Because as I said in my beginning comments, I have not found the coverage to be accurate thus far, of what I viewed of the media in terms of the entire coverage.

The next is——

Ms. KAYYEM. Yes, I will. Thank you.

Ms. RICHARDSON. Okay. Admiral, if you would please—I do not know if you had an opportunity to hear Mr. Guidry, but he works for the State and when we were out there today in the impacted marsh, he admitted from the State level that one of the processes that they have used in the past has been to cut and to allow the flow to go through. Apparently there is disagreement out there in the sensitive area where we were, which was Pass a Loutre, of allowing that. So would you please double back and make a commitment to finding out if the State has already allowed it, why is there a concern now in the sensitive area? If I am not mistaken, you are in charge. So if you are in charge, the Coast Guard is in charge, what my request would be is if there is any disagreement, test one or two, and if it works, then we know. But to hold back and to allow it to sit there when that has not always been the practice that has been used I think certainly merits your review.

Adm. NEFFENGER. I will take a look at that and we will get a report back to you.

Ms. RICHARDSON. Thank you, sir.

Then my last comments that I just wanted to make was a little bit of the facts of what I have learned, and I am on my way to learn some more. One, I want to say that to my knowledge, over 600 media individuals have been allowed the opportunity to view what is going on. I do not think that has been clearly communicated, that there has been a very free moving back and forth.

No. 2, 75 Members of Congress have been out here. There are 46,000 workers out there working right now every day, many of them from 6:00 a.m. in the morning until 10:00 at night, and that is not being said.

No. 3, finally, what I think is most important, my closing point, is to your liaisons. Commander Dan Precourt, who is in the Tammany area in Slidell, and Commander Claudia Guiser, I just want to say what incredible people and what they are doing and the folks all who are working with them, not just with the Coast Guard, but other teams as well, local, State, and so on. The people, what they are doing, the passion that they have, they are doing everything that they can. If they could lay their bodies out there and stop one more seep, they would do so. I do not think enough people know it. It is our job to make sure that they are aware of it and to give them the resources that they need.

But I am very grateful for what has happened and hopefully we will make sure that this never occurs again.

Thank you very much. Thank you, Mr. Chairman.

Mr. CARNEY. Thank you. Ms. Jackson Lee, you may reclaim your time now.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. Let me thank the witnesses very much and to admiral, we meet again in New Orleans, as you well know, it should be noted well that you

were ever present during Hurricane Katrina in being first on the search and rescue of 22,000 individuals. That number may have gone up out of the waters of Hurricane Katrina right out of this city, and again, we want to offer our appreciation.

To Madam Secretary, let me just suggest beyond those who are working here, to make it very clear that in the instance of this administration, a quick response has been evident. The President's establishment of a task force that included the Secretary of Homeland Security, the many hours that the EPA Administrator has been on the ground, the Secretary of the Interior, collaborative work of the Secretary of Homeland Security and, of course, the U.S. Coast Guard that has dual jurisdiction in transportation and homeland security have been ever-present. I think that is important because it is difficult to explain the work that the Government is doing.

I was with the EPA Administrator this weekend and I know that she has spent a number of hours, along with the Secretaries, Secretary of the Interior, Secretary of Homeland Security. This is important because as you heard the Colonel say, are you going to leave us, are you going to stay and to finish the mission?

My question to you, Madam Secretary, are we going to finish the mission? Two, what are you doing to answer the question of the mayor as it relates to more resources from BP to help them with their tourism quandary that they are in? Also, his question as to how we can translate technicalese language, reporting language on conference calls to comforting language to businesses and citizens.

Ms. KAYYEM. Well, let me begin with the first one, which is no one is going anywhere. I do not just speak for the Coast Guard or the Department. To describe the number of Federal agencies who are working with the States and localities on everything ranging from the health issues and the EPA issues, which you described, to worker exploitation, to the environment, marshland, and cleanup is an amazing relationship between the Federal Government, the States, and localities. Part of what their job is, is to not only help right now, but to lay a foundation for the important long-term reconstruction and recovery of this area that is not just about the environment and the waters, but of course about the people who have lost jobs or who may have to change jobs. So all of those are part of the mandate that Secretary Mabus, as the President had described and one that we are in partnership with Secretary Mabus' team. You know they have been down here a couple of times already, because we view both the response and the long-term recovery as hand-in-hand.

To the last point about the speaking in—being able to speak to communities, we heard that, we hear that, and we will continue to do that. Part of that is being able to explain to people sort of outside the noise of a lot of the complaints that we have received. We are not immune to what we see on TV either and so I asked this morning, just to give you an example, because I hear it. It sounds like we are not permitting emergency permits given the speed by which we need to get things done and I actually learned this morning that of the emergency permits on the environmental side by the U.S. Army Corps of Engineers, they have gotten 101 permit requests, 79 have been issued, only 8 are pending.

Ms. JACKSON LEE. I only have a few more seconds.

Ms. KAYYEM. Yes. So in terms of putting this in perspective for people to know the speed by which we are working.

Ms. JACKSON LEE. Thank you very much.

Admiral, if you would, strike teams have been very effective and I think people were confused about the line of command and who was leading, if you will. I have always or I have cited what is going on with BP as a cardiac surgeon having the talent to operate on a patient but having no talent to close the patient and the patient bleeds to death. What would be helpful in terms of more resources, more knowledge on technology on our strike teams? Secondarily, has BP, after the June 9 letter of Admiral Watson, provided you with their redundancy if Plan B and C do not work? What then are we expecting and what kind of enforcement will the unified command have, the strike teams have, the Federal Government have on the fact that they have no further answers or making them get an answer?

Adm. NEFFENGER. I will start with the first question on the strike teams. I think that is a relevant question. You know, we have three strike teams in the Coast Guard, they are managed out of the National Strike Force Coordination Center in Elizabeth City, North Carolina. I think it is important to take a look at what type of resourcing we need there going forward and what we learn out of this spill. They are sized for a certain type of expectation and I think that this spill response has taught us that maybe we need to take a look at what those expectations are. So I think that is a good question to ask.

Second, with respect to the letter to BP, they have indeed provided a plan for redundancy. I described part of that plan just a moment ago with this cap, but there is a significant additional collection capacity that is on scene in the event this cap does not work, that we believe will be adequate to contain everything coming off of the top of that. If it is not, then they will have to continue—well, I will put it this way, if what they currently attach to it is not enough to collect it, then they have got additional vessels on hand that we expect them to bring into the fight to continue to collect.

So I think that moving forward, they have provided us with assurances that they understand the need for redundancy, they have not yet failed to provide anything that we have asked for and we are hopeful that the combination of what they are attempting this weekend and the additional vessels that have come on scene should be enough to contain 100 percent of what is coming out and/or close it in completely.

Ms. JACKSON LEE. You will not be giving up?

Adm. NEFFENGER. No, ma'am; no, as I said before, we are in this until it is over, however long that is. So this is my job for a long time.

Ms. JACKSON LEE. Thank you, Mr. Chairman.

Mr. CARNEY. Thank you, ma'am. I hope not too long.

[Laughter.]

Mr. CARNEY. But we are glad you are here.

Now the last SONS exercises in March of this year, were any of the lessons learned there brought to bear in this particular case?

Adm. NEFFENGER. Well, what I would say is you learn a lot of immediate lessons out of exercises and communications is always one of the first lessons. You have to talk to people up and down and sideways. It is always the greatest challenge.

I think the real challenge in this one goes back to what I mentioned earlier and that is that it affected so many different communities so quickly and it is on-going. This is really the first response where you are already dealing with recovery and restoration issues in the middle of an on-going response.

So some of those lessons are always carried forward. The final after-action report I do not believe has been done yet for that, but as I said, the initial lessons are that you need to establish a National incident command, that was one that we learned and we did that immediately as this was declared a Spill of National Significance. You need to work very quickly on establishing effective communications and getting a good handle on the information flow. As you know, those have been challenges, but we are getting better with that as we go along.

Ms. KAYYEM. That was exactly the lesson that we learned working with the Coast Guard, in the Office of the Secretary, was the inner-governmental communications could not be fast enough or constant enough given, in that case, an exercise that just hit I think two States and the east coast. Given the breadth and depth and just how long this has been, that is why we have so many people deployed, that is why we established a liaison program and, as I said, we are learning as we go along. The States are one thing, and as you heard from the mayor, they have communications issues within their own chain of command and within their own State. Where did the $50 million go that BP gave to the State, that is something that the States will have to answer to and so there is a lot of—just because we are talking to a Governor's office does not mean that that is going to be acceptable or necessary for the locality. So that is why we deployed these 80 folks into only local parishes or jurisdictions.

Mr. CARNEY. One thing we learned from the previous panel is the issue of flexibility. I think that word was said about half a dozen times. In terms of communication, Madam Secretary, where are you going to go with the flexibility of communication, you know, to take input from locals who seem to know how to respond, who have done it in the past and work that all the way up to the President if need be?

Ms. KAYYEM. I think some of them have. So I think part of our lessons learned is, No. 1, do people know where to go to actually—with their ideas or their response plans? I think, as you heard, we have worked that through much better now. I think part of that is because people see Coast Guard officials in their local EOCs, they know how to access the Coast Guard at the State EOCs. We have got a lot more people deployed, so they know how to access it. That is the first thing.

The second is a much more difficult issue, which I will just be blunt with you about. Sometimes we cannot get agreement. I mean you have seen it on some of the more large, grand proposals that have come out of some localities. Sometimes there is just going to be reasonable disagreement. What we are trying to do is explain

to people why we are going to go one path and not the other. So we are taking seriously both the access to information issue and speaking maybe to more people more effectively, and then also explaining why certain decisions were made. Just quickly, the marsh issue, right? There is reasonable disagreement—these are things I never knew before—about why you would let oil sit in marshes and just evaporate, because if you put a lot of people in there to clean it up, you are going to kill the marshes. I did not know that, we need to explain it better. I did not know that before and we need to explain it better. That is a choice that we have made through the unified command.

Mr. CARNEY. Oil does not kill the marshes?

Ms. KAYYEM. Pardon? It does. These are the choices. None of these are ideal choices. I mean we start every day knowing that we are dealing with the worst environmental and oil spill. So any time there is slightly good news, that is a better day, and hopefully we are getting closer to some better days.

Mr. CARNEY. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Admiral, as I noted in my opening statement, NOAA has predicted this will be an active to extremely active as far as the hurricane season is concerned. High winds and rough seas from Hurricane Alex delayed response efforts. In addition to the delay in the response efforts, what other impacts on the response and clean-up do you anticipate if another hurricane enters the Gulf and what impact might hurricanes have on the trajectory of the oil and to what extent does the Unified Command work with FEMA to define roles and responsibilities for dealing with the potential of more oil coming ashore as a result of a hurricane?

Adm. NEFFENGER. With respect to the planning that we are concerned about. As you know, there are mature structures in place, mature plans in place for hurricanes along the Gulf coast. So we have a lot of experience, just like the State. Working together with them to plan for the normal types of evacuations that you might expect to see. In our case, it is evacuating people from offshore and/or conducting the various rescue operations that generally come with weather systems that move offshore.

The spill, of course, added some significant complexity to that. We have a lot of critical resources now that we have put to bear on this spill, whether it be skimming equipment, specialized vessels, boom and the like. So without speaking about the interruption of the actual attempt to clean, you have got to think about how you protect that equipment by retrieving it, putting it into safe harbors and/or safekeeping and then immediately putting it back on scene after the hurricane passes.

So in real terms, you are probably looking at about a 2-week interruption by the time you get that equipment out, and we have been working with logisticians and the DOD and others to think about how you would actually take 6,000-plus vessels out of the region, protect them, over 3.5 million feet of boom out of the region, protect it, and get it re-established, re-deployed. So that is a significant challenge. I do not say that lightly because I think that it is likely that it would be difficult to save all the boom, for example.

In fact, most of it you would have to consider lost, but it will do its own damage.

Storm systems typically push in from the south, as you know, so you are going to get strong southerly winds. Alex is a good example of some of the challenges that we would face. It raised the storm tides by about a foot and a half and we suddenly saw tar balls coming into Lake Pontchatrain. That is because of the surge action from a storm that was in the southwest of the Gulf. That flushed back out fortunately and we saw many of those tar balls come back out of Lake Pontchatrain. But you would see some type of impact like that.

With respect to FEMA, we have been working very closely with FEMA over the past month and a half to define responsibilities, respective responsibilities, under this spill response. The definitions are already there for a normal hurricane but we had to determine what happens with this spill response. The basics of what happens is that the Federal on-scene coordinator remains the Federal on-scene coordinator for clean-up of any oil impact from this spill. FEMA has responsibility for the Stafford Act declaration that might follow and the normal assistance and support to the State and localities that would result from that. So we have drawn a very clear line and if you are interested, there is actually a very detailed hurricane plan for this response, which we can provide.

Mr. BILIRAKIS. We would like that.

Adm. NEFFENGER. Okay.

Mr. BILIRAKIS. Madam Secretary, would you like to respond as well?

Ms. KAYYEM. Just to make absolutely clear to you that for purposes of the individuals who would be impacted by a hurricane, what they know, which is the Stafford Act regime, will apply. So there is no—there is this bright line because what we heard from the Secretary and the President was we do not want to mix anything up. So just to be clear that that regime of remedy would still absolutely apply regardless if the spill had stopped, was on-going or whatever else.

Mr. BILIRAKIS. Thank you.

Admiral, do you have sufficient resources to carry out your additional missions? Can you answer that question? Because I know this is a big responsibility, and how can we help as Members of Congress?

Adm. NEFFENGER. Well, I think as I said to somebody once, you know, there is no operational commander who will ever say no to additional resources. But as I look at it, the real challenge for any agency going forward would be surging to this extent for an extended period of time. We have a significant number of our personnel assigned to this response, a significant number of our vessels, quite a few aircraft, and we have to do that while balancing the needs around the rest of the country. We are fortunate in that we have no other major incidents occurring in this country right now. But if we were to have one, it would—we would be stretched thin I believe.

So I think the question going forward is what is the—how much surge capacity do you need a single agency to have and if you cannot afford the surge capacity you think it should have, how best to

integrate all the other arms of Government to be part of this, because honestly this event, there is no single agency that could manage an event like this by itself, you really do need all those other departmental agencies to be part of it as well. So I think that moving forward, the planning has to take into account how you integrate, effectively integrate, all those different arms of Government to take their various roles. But I think that it will remain a challenge for us moving forward if this were to extend for another extended period of time.

Mr. BILIRAKIS. Thank you. Thank you, Mr. Chairman, appreciate it.

Mr. CARNEY. Mr. Green.

Mr. GREEN. Yes, thank you, Mr. Chairman.

One question, admiral. The BP worst-case scenario plan, that plan is something that you were privy to: True?

Adm. NEFFENGER. For this particular well?

Mr. GREEN. Yes.

Adm. NEFFENGER. No, sir, there is no requirement for the Coast Guard to have reviewed the plan that was submitted to the Minerals Management Service. We required a plan for the vessel, for the mobile offshore drilling unit, because it is classified as a vessel. We required a response plan for that——

Mr. GREEN. Have you had occasion to review the plan at all?

Adm. NEFFENGER. I have reviewed the plan since this event; yes, sir.

Mr. GREEN. All right, given that you have reviewed the plan, whether you were required to or not, what is your assessment of that worst-case scenario plan?

Adm. NEFFENGER. Well, I would say that it did not envision this type of scenario. Their plan, as most plans do, envisioned a bounded event, an event that had a beginning, middle, and end. So it did not take into account the potential for a well that was uncontrolled for this period of time.

Mr. GREEN. The plan has been criticized, as you know, in the various media outlets. Some of the criticisms have gone to animals that were to be preserved that no longer exist; persons that were to be contacted that are no longer with us. What other deficiencies did you find in the plan? I want you to be a little bit specific if you can, please?

Adm. NEFFENGER. Well, I can give you a more complete answer for the record, but I would say in general terms, if—and going forward, I think that we need to look at closing that gap, so that—it is clear to me that we need to have—if the Coast Guard is responsible for overseeing and ensuring the effective response to oil spills in the maritime environment, then I would like to know what the plans are associated with those, all the plans associated with the potential for oil to spill in the maritime environment. I think a detailed review of that plan is in order, as are all other plans associated with the potential for oils to spill, not just from vessels but from any entity on the outer continental shelf, because I think that that would be helpful in terms of our response.

I will say though that regardless, we prepare—I always assume it's going to be the worst possible thing that is going to happen. Because as I said before, you can always turn things around and send

them home. But with respect to specific deficiencies, I think that what I would like to do is let some of the investigations really play out and see what they recommend coming out of this. I know that there are a number of investigative arms that are taking a good hard look at that, and I am interested in seeing what their recommendations are for how to improve those plans in the future.

Mr. GREEN. I will yield back the balance of my time, Mr. Chairman.

Mr. CARNEY. Okay, Mr. Cao is here, so he gets to ask a question.

Mr. CAO. I just have one question to the Secretary. Post-Katrina, we saw a lack of communications between Federal agencies. Now in regards to the oil spill, we again see a lack of communications between the different Federal agencies with, for example, just looking at the construction of the berms, the Army Corps of Engineers would say build and then someone else would come and say well, let us stop, move the pipe someplace else. It generated all kinds of confusion for the State as well as for the local governments.

What do you have planned to promote better inter-agency communications in the event of a future natural disaster or a future oil spill?

Ms. KAYYEM. Well, let me talk generally and then to that specific issue. So twice a day, both the cabinet Secretaries and then the White House hosts an inter-agency call as well, just to get the Federal family in place because of that concern that we wanted to have everyone on the same page. There are a number of important equities involved with this response. We take the environmental concern seriously, we take the response concern seriously, everyone has a seat at the table. Even within the Federal family, we may not always agree, but everyone has a place at the table for the ultimate decision-maker, which is of course the President, but the National incident command structure, which oversees this.

So in terms of communication, that is how we are trying to get a unified—that is how we sort-of demand a unified voice by the Federal Government. Then as I described earlier, the sort of outreach to the States and localities about what it is that we are doing and why we are doing it, and we have lessons learned in terms of how we are communicating. So, for example, you know, on almost every sort of major initiative announcement, say the Ken Feinberg claims announcement, we were very, very clear about what that would mean and what it did not mean and then we are sort of a unified Federal family.

On the issue about the berm, and obviously a very controversial, very, very public—you know, we have an Army Corps of Engineers that is running quickly on its emergency permits, it has issued all but one in less than 17 days. So we are focusing on the big one, but we are focusing on the minority in terms of what the Army Corps of Engineers is doing every day. If someone heard the Army Corps of Engineers say this is advancing, apologies for that, but actually the Army Corps of Engineers always knew it was not the ultimate decider. So even if it had approved something, which it had only approved a piece of it, ultimately the decision is made by the National incident commander. The Army Corps of Engineers is just looking at the feasibility of doing this; the National incident commander is looking at is this actually something that is going to

be—a larger question which is, is this part of the response or feasible response plan.

Reasonable people disagree about that, but that is why it may appear the focus of where we are, but we have heard you and others concerned about was that red tape. For us, that was actually the necessary sort of different equities that had sort of a strong—different agencies having a strong equity in the ultimate decision.

Mr. CAO. What I have seen at the ground level obviously is the inability of the Federal Government to make quick decisions. In situations such as an oil spill, we do not have a period of weeks or months to do one study and another study and another study. Quick decisions have to be made and again, there seems to be the inability of the Federal Government to do that. What ways can we streamline——

Ms. KAYYEM. We had the similar concern and so over the course of two and a half or however long we have been doing this, the summer of 2010, part of what we have been doing is to ensure that the Coast Guard and all the agencies are flat-lining their decision-making authority. It does not mean—the deputy incident command structure that is established, it is the liaison structure that we have in place with these 80 folks who are making sort of basic decisions. So flat-lining it so the decisions are made quickly about the deployment of assets, when things are coming in, making sure that every Federal partner knows the seriousness of this so, once again, people believe the Corps of Engineers is studying, studying, studying, when you actually look at the numbers, 79 have been issued out of 101 permits with 12 of those withdrawn because they were never going to satisfy the Corps. So we have only done two denials and we issued all but one of them with in 17 days. That is not ideal, you want decisions made in a day, but that is pretty fast from the perspective of the kinds of projects that we want forward. The movement of boom is always related to the weather, we are making those decisions every single morning.

So we are concerned about that, we have heard it, we are trying to flat-line the Federal family and work with the States about what are they doing and what assets are they utilizing that can support us. So as you know, 17,000 National Guard had been authorized by Secretary Napolitano and Secretary Gates in that first week to be used. Only a small fraction are being utilized by the States. What can the States bring to the table as well on the Federal bill, and ultimately the BP bill actually, to assist in getting to yes, very, very quickly. So we look forward to working with the States in sort of the expansive use of their National Guard as well.

Mr. CAO. Thank you, I yield back.

Mr. CARNEY. Ms. Jackson Lee.

Ms. JACKSON LEE. Questions always start mounting when you hear other Members raise concerns.

Let me pose to you, admiral, I represent a large segment of the Gulf region that has individuals who live off the Gulf, whether it is fishermen and shrimpers, and when I say represent, they are in the region in Texas and we have worked with them through different hurricanes as a Member of the Homeland Security Committee. But also thousands of innocent workers who are in the oil and gas industry, who live off those types of opportunities, if you

will, and many around the Nation do not understand that. I think one of the witnesses said they were sitting next to shrimpers and people in the industry and both saying the same thing about the need to preserve their way of life, their opportunity for an income.

With that in mind, you have been very careful not to step on jurisdictional toes and I respect that, but I want from your experience just as you have seen the building blocks come together, would you think it would be important that we ramp up and make more stringent, for example, the kind of recovery redundancy plans, the kinds of plans that the industry has previously had to file on something as catastrophic as this oil spill is?

Adm. NEFFENGER. I think that is a major lesson learned already, that we need to revisit the types of plans that we require and what those plans contain. I think that is something that we are already looking at inside the Coast Guard.

Ms. JACKSON LEE. One of the ideas that I have and let me say it and not necessarily ask you to comment unless you feel positively inspired. But I like you being gracious about the many agencies and I think the collaboration has been wonderful, but after 9/11, America woke up and said we need a general, we need a chief, we need someone to protect the homeland. It is the Department of Homeland Security, we cannot get away from it. Frankly, as I looked at a legislative fix, I think it is enormously important to vest that authority, even more so, in the Department of Homeland Security, which then raises the ante for the component that you may have, for example, because I think the Coast Guard, who has been very effective on the high seas of going and boarding ships and arresting people if necessary for the ills of the sea, has the kind of authority that can make it clear that your recovery plan must be of a great level of excellence and that there be no tomfoolery at relates to this kind of business which can be very dangerous. It can be very positive, but it can be very dangerous.

Do you have thoughts about the need to ensure a better enforcement so that we can be attuned to who is not following the law and who is?

Adm. NEFFENGER. I think your points are spot on. With respect to the particular planning enforcement, it goes back to my earlier comment about what I have already seen to be a gap between the requirements of what was the Minerals Management Service for producing plans, and the requirement of the Coast Guard for producing vessel plans. Those two did not come together. In retrospect, those are two things that should come together. So I absolutely agree that at a minimum, we need to look at closing that gap, so that those agencies, such as the Coast Guard, that are responsible for responding to and overseeing cleanup of oil spills on the water, understand all the potential oil spills that might occur.

Ms. JACKSON LEE. Mr. Chairman, very quickly, I am going to suggest that we try to overcome those sticky jurisdictional issues and look at coming together, the vessel plans and the rig plans; but I know you have an answer. But let me just quickly throw this to you as my time goes.

First of all, you can go back to the Secretary and indicate that Congresswoman Jackson Lee wants the Coast Guard to have arrest powers as they go on the drilling rigs if they are not going to ad-

here to the commands that are being made, if there is a dangerous situation.

But I do want to ask you quickly about this claims system which, again, is ad hoc. We think the person who has had great history with 9/11, but I think there should be a better claims process, independent claims process, that comes under an umbrella of some agency when it is required, beyond FEMA because this is not a natural disaster, has not been declared. What about a claims system that would be based or have some connection to the Department of Homeland Security and are you all ensuring that this claims system is working? I do not think it will because there is a push-back by BP for shrimpers and oyster men, where are their receipts, where are the restaurants' receipts? It does not work that way.

Ms. KAYYEM. So, just very quickly, we do have confidence in the independent assessments and claims process that Ken Feinberg is sort of reviewing right now. He is going to be completely up and running within 2 weeks, he has spent a lot of time in the field. In the interim, the Secretary recognizing the same thing that—most people know Stafford, we have got to deliver on their needs. She set up with Tracy Waring, who is behind me, is the lead in integrated services team that is taking all the claims available to folks and all the money that might be accessible, explaining it to them, providing them information. So in terms of claims, just even today, 53,000 total checks have been written, 160,000 claims filed. So that is about 50 percent right now.

The biggest issue right now is ensuring that what is in place now and the Ken Feinberg regime which is going to be up and running within 2 weeks, that it is perfect for the individuals and the businesses. That is what we are committed to, so that is why we are going to continue with the integrated services teams.

On the moratorium issue and the 100 million that was reserved, we have been pushing BP to determine what in fact is going to be covered by that 100 million. I believe today or tomorrow, the Department of Justice will be issuing a letter to BP regarding what are the plans in terms of those who may be further down, sort of involved with issues related to the economic impact of the spill and so——

Mr. CARNEY. Madam Secretary, I am going to cut you off there. We are going long, we have a number of folks that need to get on a plane and we still have another panel to go.

I would like to thank both you and the admiral for your testimony. As all good panels do, you stimulate more questions and boy, we are going to let you have it. Please respond promptly once we send them, but we need to start the third panel.

Thank you very much.

Mr. Dempsey, are you awake?

Mr. DEMPSEY. I am, sir.

Mr. CARNEY. Good for you, that is great.

I think we are just going to jump right into it.

Okay, our only witness on this panel is Mr. Ray Dempsey, Vice President of Strategy for BP America. Mr. Dempsey is currently deployed as part of the Deepwater Horizon response team, leading external affair activities across the State of Florida. For the response,

Mr. Dempsey is based in the Florida peninsula command post in Miami.

Prior to being deployed on the response, Mr. Dempsey has been Vice President of Strategy and Portfolio for BP's Chicago-based Fuels Value Change Strategic Performance Unit, a Fortune 100-size division of BP. Mr. Dempsey's responsibilities include crude oil and fuel products market analysis, development of long-term strategy and business plans, business development, portfolio management, and project implementation.

Previous to this current role, Mr. Dempsey was the Vice President and Regional Director for BP's Latin America and Caribbean Region with responsibility for external affairs, crisis management, planning, and strategy.

Over his 20-year career, he has held various engineering, environmental, strategy, and financial roles in BP's refining, retail, and corporate staff organizations. Mr. Dempsey holds a bachelor's degree in industrial engineering from Kansas State University in Manhattan, Kansas and a master's degree in business administration from Northwestern University's Kellogg Graduate School of Management in Evanston, Illinois.

Mr. Dempsey is a member of the Board of Directors for the BP Foundation and is a member of the Deans' Advisory Council for the College of Engineering at his alma mater, Kansas State. Mr. Dempsey also is a member of the BP Advisory Board for the National Society of Black Engineers and is a Board liaison for the National Action Council for Minorities in Engineering, NACME.

Without objection, the witness' full statement will be inserted into the record. I will now ask Mr. Dempsey to summarize his statement for 5 minutes, please.

STATEMENT OF RAY DEMPSEY, VICE PRESIDENT OF STRATEGY, BP AMERICA

Mr. DEMPSEY. Thank you, Chairman Carney, Ranking Member Bilirakis, Members of the subcommittee. Thank you for the invitation to appear today before this subcommittee to discuss information-sharing practices related to the oil spill response efforts.

I have worked for BP for 20 years, as you noted. On May 6, 2010, I became a senior BP official in the St. Petersburg Unified Command, which directs the spill response efforts for the west coast of Florida and works together with incident command centers throughout the Gulf region. As part of my responsibilities, I also oversaw the St. Petersburg Joint Information Center where BP worked with the Coast Guard and other Federal and State government representatives to share information on spill-related efforts.

The St. Petersburg Incident Command Post is now a branch of the Miami-based Florida Peninsula Command Post which I joined in early June. While I am directly responsible for supporting BP's response efforts in Florida, I also work closely with my colleagues across the Gulf region and have spent time along the Gulf coast as we stand united in this unprecedented response effort.

We are devastated by this horrendous accident. It has profoundly touched all of us and we are committed to doing the right thing for the people affected by this spill. The friends, family, and loved ones of those who lost their lives in this tragic accident remain in my

thoughts and prayers. Even as we absorb the human dimensions of this tragedy, we are also committed to doing everything possible to minimize and mitigate the environmental and economic impacts of the spill on the Gulf coast.

As you have heard in earlier testimony, the overall region-wide spill response efforts are led by the Unified Area Command and retired Coast Guard Admiral Thad Allen is the National Incident Commander with ultimate responsibility for the overall response effort. Coast Guard Admiral James Watson is the Federal On-Scene Coordinator and the Unified Area Command currently based here in New Orleans includes personnel from BP, Transocean, the Coast Guard, multiple Federal agencies, and the affected States.

To support the Unified Area Command, Incident Command Posts have been established in Mobile, Alabama; Houma, Louisiana; and Miami, Florida. The Incident Command Posts facilitate direct communication with State, city, parish, Tribal, and county officials and direct a significant portion of the near-shore and on-shore response efforts. BP personnel play key roles in supporting the incident command posts along with personnel from the Coast Guard, Department of Homeland Security and other Federal and State personnel. In addition, the BP Command Center based in Houston, which focuses on the source control, is supportive of the Unified Area Command.

Importantly, all sub-sea, surface, and shoreline response efforts are coordinated through and must ultimately be approved by the Unified Area Command. The response currently involves approximately 46,000 personnel, over 6,000 vessels and 118 aircraft. As a result of the efforts, approximately 740,000 barrels of oil have been collected or flared by available containment systems and approximately 3 million feet of boom have been deployed.

BP has committed tremendous global resources to the response effort. Our efforts are focused on two goals—stopping the flow of oil and minimizing the environmental and economic impacts from the spill. Towards this end, BP is deploying resources to fight the spill at the sub-sea, the surface, and the shoreline. These activities are carried out under the direction of the Unified Area Command.

A key responsibility of the Unified Area Command is the timely, accurate information sharing. This is critical to the success of our operations and our obligations to governments, businesses, and individuals in the Gulf who have been affected by the spill. Our information-sharing expectations and objectives can be summed up rather simply—to ensure the timely, accurate updates to the public, to ensure close alignment and communications within the Unified Area Command to facilitate effective operations, and to effectively liaison with local officials, the private sector, and nongovernmental groups to address concerns and assure that recommendations are fully considered and implemented as appropriate.

To successfully meet our goals, we have developed a number of formal and informal channels of communication.

First, the Unified Area Command holds regularly scheduled meetings to facilitate timely information sharing among the Unified Area Command members.

Second, in addition to the formal briefings, the Incident Command Posts communicate with the Unified Area Command mul-

tiple times throughout the day. Decisions and recommendations made in the Incident Command Post are communicated up through ordinary command and through the Government and BP channels.

Third, BP, within the context of the Unified Command and as the responsible party, regularly responds to information requests from key Federal and State entities such as OSHA, the Department of the Interior, the Department of Energy. Moreover, Federal Government personnel, including the Coast Guard, have been a continuous presence at the BP Houston command center.

Finally, the Unified Area Command's external communications are largely handled by the Department of Homeland Security's Emergency Support Function Number 15, which includes the Joint Information Center, a Government affairs team and a community affairs team.

We believe the Unified Area Command structure in place has been largely effective. With any undertaking of this size and complexity, there is always room for improvement. We are committed to making these improvements every day.

BP is under no illusions about the seriousness of the situation that we face. The world is watching us. President Obama and members of his cabinet have visited the Gulf region and made clear their expectations of BP and our industry. So have Governors and local officials, Members of Congress, and the American people. We know that we will be judged by our response to this crisis and I can assure you that my colleagues and I at BP are fully committed to ensuring that we do the right thing. We are mounting the largest spill response effort in history. The complexities, as you have heard described, are unprecedented. We and the entire industry will learn from this terrible event, and will emerge from it stronger, smarter, and safer.

I am very happy to answer your questions.

[The statement of Mr. Dempsey follows:]

PREPARED STATEMENT OF RAY DEMPSEY

JULY 12, 2010 [1]

Chairman Carney, Ranking Member Bilirakis, Members of the subcommittee, I am Ray Dempsey, Vice President for Strategy & Portfolio for BP America. I am pleased to appear today before this subcommittee to discuss information sharing practices related to the oil spill response efforts.

I have worked for BP for 20 years. On May 6, 2010, I joined the St. Petersburg Unified Command, which directs spill response efforts for the west coast of Florida and works together with incident command centers throughout the Gulf region, as a senior BP official. As part of my responsibilities, I also oversaw the St. Petersburg Joint Information Center, where BP worked with the Coast Guard and other Federal and State government representatives to share information on spill-related efforts. The St. Petersburg Incident Command Post is now a branch of the Miami-based Florida Peninsula Command Post, which I joined in early June. While I am directly responsible for supporting BP's response efforts in Florida, I also work closely with my colleagues across the Gulf region and have spent time along the Gulf Coast as we stand united in this unprecedented response effort.

There is an enormous team working on the response efforts, with over 47,000 personnel deployed throughout the Gulf region. In my role, I focus on information sharing within the Unified Area Command generally, and the Florida Peninsula Command Post more specifically.

[1] The data described throughout this testimony is accurate to the best of my knowledge as of Friday, July 9, 2010, when this testimony was prepared. The information that we have continues to develop as our response to the incident continues.

We are devastated by this horrendous accident. This incident has profoundly touched all of us, and we are all committed to doing the right thing for the people affected by this spill. Even as we absorb the human dimensions of this tragedy, we are committed to doing everything possible to minimize the environmental and economic impacts of the oil spill on the Gulf Coast. I volunteered for my current assignment because I want to help the company respond to this spill and to address the needs of the people in the Gulf Coast region.

THE UNIFIED AREA COMMAND STRUCTURE

Overall region-wide spill response efforts are led by the Unified Area Command ("UAC"). Retired Coast Guard Admiral Thad Allen is the National Incident Commander with ultimate responsibility for the overall response effort, and Coast Guard Admiral James Watson is the Federal On-Scene Coordinator. The UAC, currently based in New Orleans, Louisiana, includes personnel from BP and Transocean, the Coast Guard, the Bureau of Ocean Energy Management, Regulation and Enforcement ("BOE"), and other Federal entities such as the Departments of Homeland Security ("DHS"), Energy, and Defense, the National Oceanic and Atmospheric Administration ("NOAA"), the U.S. Fish & Wildlife Service ("USFWS"), the National Marine Fisheries Service ("NMFS"), the Environmental Protection Agency ("EPA"), the Occupational Safety and Health Administration ("OSHA"), and the affected States.

To support the UAC, Incident Command Posts ("ICPs") have been established in Mobile, Alabama; Houma, Louisiana; and Miami, Florida. The ICPs facilitate direct communication with State, city, parish, Tribal, and county officials and direct a significant portion of the near-shore and on-shore response efforts. BP personnel play key roles in supporting the ICPs, along with personnel from the Coast Guard and DHS and other Federal and State personnel. Twenty branch locations (nine serve under the Houma ICP, nine under the Mobile ICP, and two under the Miami ICP) serve as Forward Operating Bases to help protect the shoreline and provide locations for efficient storage and deployment of the equipment, materials, and personnel needed for this response. Local government personnel engage with the BP and U.S. Coast Guard personnel at these branches. In addition, the BP Command Center based in Houston, which focuses on source control, also supports the UAC.

Importantly, all subsea, surface, and shoreline response efforts are coordinated through, and must ultimately be approved by, the UAC. The response currently involves approximately 47,000 personnel, 6,670 vessels and 118 aircraft. As a result of these efforts, approximately 740,000 barrels of oil have been collected or flared by available containment systems and approximately 3 million feet of boom has been deployed. These actions have all been carried out under the direction of the UAC.

BP'S ROLE IN THE UAC

BP has committed tremendous global resources to the response effort. Our efforts are focused on two goals: Stopping the flow of oil and minimizing the environmental and economic impacts from the spill. Towards this end, BP is deploying resources to fight the spill at the subsea, surface, and shoreline.

For example, immediately following the explosion, in coordination with the Unified Command, BP activated its pre-approved spill response plan and began mobilizing oil spill response resources including skimmers, storage barges, tugs, aircraft, dispersant, and open-water and near shore boom. Today, BP carries out these activities through the ICPs. Currently, the Houma ICP directs offshore and near-shore skimming, dispersants, and controlled burn efforts. The nine branches serving under the Houma ICP direct the tactical response for near-shore skimming, marsh, and beach clean-up activities. Similarly, the Mobile ICP and its branch locations direct near shore, marsh, and beach activities for their area of responsibility. The UAC provides high-level strategic oversight of all ICP activities.

In addition, all source control procedures and activities undertaken by BP's Houston command center are approved through the UAC prior to execution.

INFORMATION SHARING WITHIN THE UNIFIED AREA COMMAND

As a senior BP official in the Florida Unified Command, I have spent substantial time working with government officials at all levels to address concerns, to discuss requests and recommendations, and ultimately to take the appropriate actions to meet our responsibilities in the Gulf region. This is a key responsibility of the UAC—timely, accurate information sharing is both critical to the success of our operations and our obligations to the governments, businesses, and individuals in the Gulf who have been affected by this spill. Our information sharing expectations and objectives can be summarized simply: Ensure timely, accurate updates to the public;

ensure close alignment of communications within the UAC to facilitate effective operations; and effectively liaison with local officials, the private sector and non-governmental groups to address concerns and ensure that recommendations are fully considered and implemented as appropriate. To successfully meet our goals, we have developed a number of formal and informal channels of communication.

First, the UAC holds regularly scheduled meetings to facilitate timely information sharing among UAC members. Under the Incident Command System ("ICS"), the UAC must hold regular situation updates, briefings, and meetings. For example, daily situation briefings are held twice each day. They are attended by section heads, including BP and the Coast Guard (although any member of the UAC is able to attend), and led by the planning section chief, as prescribed by ICS.

The UAC also holds daily area command briefings, which include personnel from BP, the Coast Guard, and Government agencies, including Federal and State officials. Participants receive briefings from the ICPs, discuss requests, and receive updates on weather, oil movement, and status of operations.

Second, in addition to the formal briefings, the ICPs communicate with the UAC multiple times throughout the day. The ICPs were established to ensure more direct access to and communication with local officials, businesses, and residents. Decisions and recommendations made in the ICPs are communicated up through ordinary command and through Government and BP channels. Moreover, IPCs continually seek input from localities, consider seriously any concerns and issues raised, and do our best to address them accordingly. As a result, our operations and information-sharing practices are constantly evolving. As a result, our operations and information-sharing practices are constantly evolving. For example, we just recently enhanced our Florida unified command structure to include additional branch locations in the Panhandle region. This is intended to bring an enhanced level of command and control that includes representatives of local government. Local government best understands the needs of their communities, and we are striving better to integrate them into response efforts.

Third, BP, both within the context of the UAC and as a responsible party, communicates directly with Federal and State government officials. BP regularly responds to information requests from key Federal and State entities, such as OSHA, the Department of the Interior, and the Department of Energy. Moreover, Federal Government personnel, including the Coast Guard, have been a continuous presence at the BP Houston command center. Through these activities, BP seeks to ensure up-to-the-minute information-sharing with key Federal and State personnel.

Finally, the UAC's external communications are largely handled by DHS's Emergency Support Function ("ESF") No. 15. ESF No. 15 has external affairs staff (led by the Coast Guard), including the Joint Information Center, which is staffed by representatives from BP, the Coast Guard, the Department of Defense, and Federal agencies (e.g., EPA, NOAA, USFWS), and which is responsible for responding to media inquiries. There is also a Governmental affairs team composed of liaison officers who provide information to and coordinate visits from elected officials and other interested parties. The community affairs team, composed of community liaisons, coordinates with BP and DHS community representatives working at the ICPs and branches. Community liaisons are responsible for working with affected members of the public and local officials in the affected areas and elevating issues to the UAC when necessary.

CONCLUSION

We believe the UAC structure in place has been largely effective. With any undertaking of this size and complexity, there is always room for improvement. We are committed to making these improvements every day.

BP is under no illusions about the seriousness of the situation we face. The world is watching us. President Obama and members of his Cabinet have visited the Gulf region and made clear their expectations of BP and our industry. So have Governors and local officials, Members of Congress, and the American people.

We know that we will be judged by our response to this crisis. I can assure you that my colleagues at BP and I are fully committed to ensuring that we do the right thing. We are mounting the largest spill response effort in history. The complexities are unprecedented. We and the entire industry will learn from this terrible event, and emerge from it stronger, smarter, and safer.

Mr. CARNEY. Thank you for your testimony. We are going to go out of order in this case to respect Mr. Green's need for a flight. So I recognize Mr. Green for 5 minutes.

Mr. GREEN. Thank you, Mr. Chairman.

Mr. Chairman, I am going to make a distinction between BP high-level management and BP rank-and-file with reference to my statements. The high-level management is where the policy emanates and I am going to address my questions to high-level management.

People are unhappy with BP. I am one of those persons. BP has become synonymous with broken promises. BP has a record that in my opinion indicates someone in high management is not doing his or her job, and possibly many people.

Texas City, 15 people killed, a report indicating that there was willful neglect. Willful neglect in the sense that there was knowledge that a problem existed and the problem was not corrected at Texas City. The North Slope of Alaska where penalties were paid. Now we have 11 additional person dying right here with the Deepwater Horizon.

BP is not only going to be judged by how well BP responded to this incident, BP ought to be judged also by how well BP performed, allowing this incident to occur. An investigation ought to take place, people ought to be investigated. Oil companies themselves do not commit crimes, people do when they fail to take the proper measures to protect human life. We cannot allow another BP tragedy to occur. The public is not going to forgive us.

It has been said that this was a wake-up call. This indeed was more than a wake-up call. The wake-up call was in Texas City when we lost 15 lives. This is a second alarm and I am not sure that we will have an opportunity to convince the public that we have done our jobs if a third alarm should occur, if something else should occur. I think that we have got to do what we must do, and that is have an external investigation of BP. I separate the rank-and-file workers from the upper-level management where these policies and decisions are being made.

Someone has to understand that the American people are not going to allow this kind of negligence to continue. I believe it to be negligence based upon the reports that I have seen thus far. If other reports to the contrary are presented, I will review them. But I am not happy with BP. I think that it is time for BP to understand that you cannot come in after the fact and throw your money around and then in some way think that you have now compensated for the lives that have been lost.

I think that what is happening to this economy as a result of BP is also something that must be investigated such that not only will those persons who are closely related to these damages that they are suffering, but also those that are remotely related will receive some degree of compensation as well.

This incident has to be the last straw for BP. We cannot continue to allow this company to continue to behave the way it has through the years—15 lives, 11 lives, and God knows what is ahead of us. So I am just letting you know that I am going to push for a thorough investigation of this process. I am interested in the response, but I also want to know what happened to allow this to occur again.

No more deaths. BP has got to keep some of these promises that it continues to make.

Finally this, I appreciate you being here today. Your credentials seem to be impeccable. You are at one level and I am confident that you are capable, competent, qualified. But at some point, I am hopeful that we will get the President of BP or someone in that policy-making room with the President to come before a committee and give us some responses. I understand how you arrived here today, no disrespect to you, sir, but I just want you to know that I am speaking for a lot of people who cannot speak for themselves who are fed up with BP and the way it has responded to other crises that have already occurred, such that this one has now risen its ugly head. BP has got to do better if it is going to continue to do business in this country.

Thank you, Mr. Chairman. I have no time to yield back and I appreciate your courtesy.

Mr. CARNEY. Thank you, Mr. Green.

I will recognize myself for 5 minutes now.

Mr. Dempsey, did BP participate in the SONS 2002 exercise in New Orleans?

Mr. DEMPSEY. Mr. Chairman, I understand that BP has been a participant in a number of exercises around the Gulf for a number of years. In an earlier role of my own, I was accountable for the crisis management team through the United States. My understanding is that yes, indeed, we were part of the SONS exercise in 2002.

Mr. CARNEY. Okay. The lessons learned from your participation or BP's participation, were they applied in this incident?

Mr. DEMPSEY. Mr. Chairman, I believe that in every case of an exercise of the type that was conducted, there is a very thorough debrief, there is a very thorough reflection on what were the lessons learned and what changes can be implemented within our industry and within the Governmental agencies with whom we work. I believe that those lessons learned from that exercise have indeed been applied in BP and throughout our industry.

Mr. CARNEY. What were those lessons learned in 2002?

Mr. DEMPSEY. Mr. Chairman, I think one of the most important observations that relates to this response and relates to our previous exercises is very much about a subject you have heard described throughout this hearing by previous panelists. A critical priority is to ensure the early and continuous involvement of local officials, officials who have deep knowledge and understanding of their geography, of the waters in their areas and of the concerns and priorities within their area of responsibility.

Mr. CARNEY. Okay, I want to ask you a question. The number of gallons or barrels per day leaking started at zero and now it is somewhere between 60- and 100,000. How was that determined, how do you arrive at that number?

Mr. DEMPSEY. Mr. Chairman, in the early weeks of this response, the flow rates were developed and supported by the Unified Area Command and that was based on data provided by BP. In more recent weeks——

Mr. CARNEY. Stop right there. So BP provides Unified Area Command with a number of the flow, right?

Mr. DEMPSEY. No, sir, Mr. Chairman. The data provided by BP relates to the imagery which many of us have seen, it relates to

the amount of oil that has been contained or burned through the series of exercises going on on the surface. Based on that data, estimates were made in a cooperative way by Unified Area Command and now, sir, by the Flow Rate Technical Group, which is an independent body appointed by the National Incident Commander. We continue to provide data to the Flow Rate Technical Group who have developed the most recent estimates for the amount of flow coming from the well.

Mr. CARNEY. So it is true that BP was part of a team and not providing the initial assessments of the flow—of the output?

Mr. DEMPSEY. Yes, sir, Mr. Chairman, that has indeed been the case.

Mr. CARNEY. Okay. Now does BP have an interest in reporting or urging for lower flow rates as opposed to higher ones? Is there some liability that BP may face if the flow rates are actually higher than lower?

Mr. DEMPSEY. Mr. Chairman, I do not know of any specific distinction that would be made in terms of liability as a function of the flow rate. I can assure you that the response that has been mounted here has not been a function of an estimate of the flow rate, it has been based on the reality of the oil that has been identified on the surface and the threat that we have perceived as it relates to shoreline response and response efforts. The resources that have been deployed are a function of BP bringing to bear the entire resources of our company from around the world, and they have been put into place to address whatever oil and whatever threat is identified through the decision-making of the Unified Area Command.

Mr. CARNEY. So what you are saying is BP does not face a larger or smaller fiduciary responsibility based on how much oil has flowed out of the well?

Mr. DEMPSEY. Mr. Chairman, I am not aware of any distinction in the liability that would be a function of this response that relates to the flow rate.

Mr. CARNEY. Okay. If you learn differently, or please investigate that and send your answer back to the subcommittee.

Mr. DEMPSEY. I will.

Mr. CARNEY. I now recognize Mr. Bilirakis for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

What is your response plan for the west coast of Florida, God forbid the oil comes near us?

Mr. DEMPSEY. Congressman Bilirakis, I have personally been involved in the planning and the preparation for response on the west coast of Florida. As I noted in my testimony, I was assigned—I volunteered, frankly—to go to St. Petersburg and arrived there on the 6th of May, where I became a senior BP official. One of the earliest priorities that we identified was to invite in representatives from each of the counties in the 13-county area in the St. Petersburg sector, which starts in Taylor County in the north down to Collier County in the south. Our aim was to work with each of those counties on the Area Contingency Plans to make sure that there was a real sense of clarity about the sensitive areas within their counties, about the protective strategies that were in place according to those Area Contingency Plans, and that any adjustments

that were needed in respect of this particular response were made and made in full cooperation with the counties and local officials.

At this time, the planning and the preparation which includes the development of those Area Contingency Plans has been put into place and, as has been noted in earlier testimony, we are in the process now of engaging through the liaison team to go deeper into communities and make sure we are aware of the priorities, the concerns that are raised by communities and by local officials, and that our response plans continue to be responsive to those priorities.

Mr. BILIRAKIS. Will you include the cities as well?

Mr. DEMPSEY. Congressman Bilirakis, I have met personally with Mayor Hibbard on at least two occasions that come immediately to mind. Indeed, part of my priority over the last month has been to meet with local elected officials, community leaders, business leaders and citizens around the State, and particularly around the west coast. Just last week, I was in a couple of counties up in the eastern edge of the panhandle with Congressman Allen Boyd, where we held a series of community meetings with his constituents to make sure that we listened to their priorities, their concerns and that we helped to share information with them about the preparation that has already taken place and is continuing and the potential threat to their coastlines.

Mr. BILIRAKIS. Thank you.

So, you do not think that this miscalculation with the flow rate had any effect on the response; is that what you are saying?

Mr. DEMPSEY. Congressman, my understanding of the way we have mounted this response from the very beginning, which began frankly on the day of the incident; and on the day after the incident, BP personnel were here in New Orleans, with Admiral Mary Landry, who at that time was identified as the Federal On-Scene Coordinator. Admiral Landry put into place the Unified Area Command structure and from that point we have mounted a response that is focused on addressing the threat that comes from the well. Without specific regard to the estimate of the amount coming from the well, the resources that have been deployed including the activity at the spill site, the near-shore response and the clean-up efforts have been a function of what is there. Therefore, my assertion to you, Congressman, would be that the estimates of the flow rate did not limit our ability to mount this response.

Mr. BILIRAKIS. Okay, next question. I understand there has been a problem with the claims process in the State of Florida and that BP is working on that issue. Can you please give me maybe an update on that?

Mr. DEMPSEY. Congressman, I would say to you that the claims process has been quite a learning experience in many ways. In 84 days now of this response, you may know that we received over 100,000 claims, we have paid out more than half of those or roughly half of those in an amount totaling roughly $165 million. We have made a commitment of a $20 billion fund to be administered over time, and as you may also be aware, we have appointed or we have had appointed an independent administrator, Mr. Kenneth Feinberg, who brings deep experience in this process from the work that he did post-9/11.

In Florida, we have managed to pay out individual claims now in a time of about 4 to 5 days. We now are paying out business claims in a time which is roughly 6 to 8 days. Our priority in recent days has been to streamline and improve the process for the local government entity claims process and just in the last week we have completed payments to a number of counties in the panhandle that had expended resources in this response and monies have been transmitted to them in reimbursement for their costs that have been put into place for this response.

I know that Administrator Feinberg and his team will build into their plans ways to further increase the efficiency, the pace and the assurance that the objective here is to get money into the hands of those who ought to have it just as quickly and efficiently as we can.

Mr. BILIRAKIS. Okay. I have heard reports that BP——

Mr. CARNEY. Mr. Bilirakis, we will do another round.

Mr. BILIRAKIS. Okay, thank you very much.

Mr. CARNEY. Ms. Jackson Lee, please.

Ms. JACKSON LEE. Thank you, Mr. Dempsey, for appearing here today.

I know that BP has a command site in Houston, Texas in its corporate headquarters. My question to you is the willingness of BP to meet with me and my constituents as Texas prepares for the possibility of a hurricane and the intrusion of some of the oil spill in our region. Could you arrange that and ensure that we would have the opportunity to meet with locally elected officials, emergency preparedness individuals, to talk about being prepared in the State of Texas?

Mr. DEMPSEY. Congresswoman, I would be very happy to go back with my colleagues in Houston and ensure that we can facilitate just such a meeting.

Ms. JACKSON LEE. Thank you. Does BP intend to file bankruptcy?

Mr. DEMPSEY. Congresswoman, I have been asked this question before. A month ago in Washington, DC in a Senate hearing, I was asked a similar question by one of your colleagues.

What I can tell you is that we are certainly committed to this response and we have brought to bear the full resources of our company to ensure that we stop the flow of the oil and we mitigate and minimize the environmental and economic impacts. We provide information to our shareholders and we provide information to Wall Street security analysts community and the City of London. They have made their own analyses of the potential liabilities, the potential costs, and they have drawn their own conclusions about whether or not BP will go out of business.

I can tell you that within the organization, I have not been privy to any discussions that suggests that that is an intent that we would pursue.

Ms. JACKSON LEE. Well, let me just say this, and I thank you for that answer. I think BP owes the American people a forthright pronouncement that they will not file bankruptcy and they will not file to the detriment of those who are still suffering.

The second part of my question is I have repeatedly asked BP to understand the uniqueness of small restaurants, the tourism

business, oyster, fishermen, et cetera. My visit here, my first visit, was to oystermen, fishermen, and others and asked BP to provide them with a lump sum payment. To date, the restaurant is still on the brink of closing or already closed, the owner cannot pay her mortgage, and fishermen and oystermen have not gotten compensation based upon BP's, if you will, entangled process of calling for receipts.

I do not think these people are trying to defraud BP and the question is can BP move this process along now that the independent claims person has it? I frankly do not believe it is going to move any quicker if we have the same standards that BP is using. What are you doing to help these people who do not have traditional financial records?

Mr. DEMPSEY. Congresswoman, I can tell you that from the early days of the claims process, we——

Ms. JACKSON LEE. Mr. Dempsey, I do not want to interrupt you, but my time is very short too and I am leaving for the airport. Are you going to work with these individuals to provide them with funding? Can I get this back in writing? Why do I not just ask for an answer back in writing about the payment to these individuals. I will just move on.

The other question is, quickly: What you are doing regarding health concerns and mental health concerns, which I think is also challenging? In addition, there have been many who have technology and I know that you cannot answer everyone's call but there are individuals such as an African-American who has discovered a technology that is now presently on hold and I am trying to find the individual's name—Rodney Whitney—been on hold for 6 weeks and has not been able to get a response from BP on utilization of this technology.

Do you have any insight on small contractors who are waiting to be helpful and seemingly cannot get a response, along with the mental health issue?

Mr. DEMPSEY. Congresswoman, just as it relates to your earlier question, I am not familiar with the specifics of the case that you were describing there, but I am happy to follow up with you and I will follow up to pursue that.

Ms. JACKSON LEE. I appreciate that, thank you.

Mr. DEMPSEY. We share your concerns around mental health impacts and I know that there is a conversation underway with States around the region to get clarity as to the best and the most effective way to support those concerns.

As it relates to the third part of your question there, I am sorry, will you please——

Ms. JACKSON LEE. Mental and physical health concerns.

Mr. DEMPSEY. Right and there was——

Ms. JACKSON LEE. Compensating for that.

Mr. DEMPSEY. There was a third part to your question, Congresswoman and I——

Ms. JACKSON LEE. It was the small business.

Mr. DEMPSEY. Small businesses.

Ms. JACKSON LEE. Yes.

Mr. DEMPSEY. Yes, that is right; thank you for the reminder.

Ms. JACKSON LEE. The independent claims, whether or not you are able to move forward on paying people that do not have the traditional financial records that BP seems to be insisting on. Everybody is committing fraud, as we seemingly—they are interpreting that everyone is trying to, you know, take advantage of BP and these people are dying.

Mr. DEMPSEY. Thank you, I will go back to that and then return to the question around the ideas.

So from early in the process, we created an advance payment facility for fishermen and a boat captain could go into any of the 35 claims offices around the region and in many cases with very little documentation, presumably a payroll stub or some sort of a bank deposit receipt, could walk out of the claims office with a check for $5,000. A deck hand similarly could walk into a claims office with very little in the way of documentation, again, a check stub, a payroll receipt; and in many cases, frankly, Congresswoman, we would make a call to a boat captain to confirm their employment, and those deck hands could leave the claims office with a check for $2,500. The substantiation that would follow would give the opportunity for us to true-up their true compensation. So in the event that a boat captain earned more than that, they would be trued up in the following month.

Ms. JACKSON LEE. If I could just have you answer the other questions in writing. What you are repeating to me, there are those that are saying that they have not gotten checks in months and literally they are dying on the vine.

Let me just conclude and thank the Chairman for this excellent hearing and say to you, Mr. Dempsey, that I too represent thousands who are innocent that are in the industry and I would only say that I believe your company and the entire industry owes, in a stand-up way, the American people an apology and an explanation of who the oil industry is. Not putting their head in the sand, and begin to talk about how they can do better and how they can work together with the American people to preserve what we have and to improve upon what needs to be improved. They owe us an apology and they are my constituents, because you are hurting not only the American people, but you are hurting all these innocent workers who are frightened for their jobs. That means those in the oil industry that I represent. Leadership owes a pronouncement to the American people that we will not go bankrupt. Your partners need to come out of hiding and they need to stand with you and own up to paying the American people, because everyone knows there are more than just BP on that rig. These individuals are hiding and you should not allow them to hide.

So, Mr. Chairman, I hope as we try to construct a better management or command structure, that we also look at all the parties that were involved in this catastrophe, we call them out, let them stand before the American public and tell us how they will fix it.

Mr. Dempsey, I appreciate your leadership and what you are trying to do. But you are trying to climb up the rough side of the mountain and you need your leadership to recognize that.

I yield back, Mr. Chairman.

Mr. CARNEY. Thank you, Ms. Jackson Lee; thank you for your questions.

Mr. Dempsey, media reports after the explosion occurred indicated, "There was no one in charge aboard the rig." Who was actually in charge or who should have been in charge? Was it BP, was it Transocean, who?

Mr. DEMPSEY. Congressman—Mr. Chairman, I should say that I think this answer is also a bit responsive to the comments made by Congressman Green and the comments made just now by Congresswoman Jackson Lee. I think it is really important to note that, first of all, this is indeed an unprecedented event and it is something that is beyond the scope of our previous experiences. There is an investigation underway and as Mr. Green called for and as Ms. Jackson Lee also called for, I want to make sure that it is clear that there is an investigation underway, both by BP and by the Federal Government.

I am certain that given the conclusion of those investigations, we will learn what went wrong here and I believe that we will put into place changes in the policies, the practices, and the procedures to ensure that this kind of incident cannot happen again.

Mr. CARNEY. Thank you. From your experience watching the flow of information up and down the chain of command, where do you see the bottlenecks? Where do you see constrictions in flow and response?

Mr. DEMPSEY. Mr. Chairman, I think that the unified command structure is actually quite purposeful in that it brings together expertise from different parties. The role that BP plays in the unified command structure is probably quite different from that that could be brought by the Coast Guard and by the other associated State and Federal agencies.

I think that because there is a need for us to work cooperatively and collaboratively, there have been occasions where the time it takes to understand each others' points of view, to understand the most effective ways to protect the shoreline have taken more time than many of us might like. I am not sure that I could point, Mr. Chairman, at any particular constriction, but it is important to note that working in the unified command structure, there is indeed a decision-making process and we are working very carefully within that to ensure that we make the right choices to maximize our protection of the shoreline.

Mr. CARNEY. Thank you very much. Mr. Bilirakis.

Mr. BILIRAKIS. Thank you. Thank you, Mr. Chairman.

Getting back to the claims process, I know there is a claims process now going on with BP and the $20 billion trust fund, which Mr. Feinberg is in charge of, the independent trust fund. How is that going to jibe in, how is that going to work? Is he going to be responsible for all the claims once the guidelines are established? You know, my constituents need to know where to go to, where to turn to.

Mr. DEMPSEY. I understand. So, Congressman Bilirakis, I believe that the independent claims administrator, Mr. Feinberg, will make very clear over the next couple of weeks the scope and the range of the work that he and his team will do. My expectation is that they will indeed take accountability for executing the claims process for individuals, for businesses, and for local Government entities.

Mr. BILIRAKIS. Okay. With regard to the relief wells, there was a report I guess 3 or 4 days ago that the one well at least will be on-line by possibly July 20. I know that the target date is mid-August. Tell me something about that. Can you give me an estimation when it will be completed?

Mr. DEMPSEY. Yes, sir. Congressman, I am as anxious as the rest of the world to know that we have successfully completed the relief wells and will have killed the well. I listen every morning to the briefing provided by Admiral Allen, the National Incident Commander, as to the progress and the status and the expectations as to the timing of the completion. I believe that his briefings are thorough and comprehensive and the estimates that he provides are the best authoritative view as to when that work will be completed.

Mr. BILIRAKIS. How about the latest containment method that is going on right now, anything on that?

Mr. DEMPSEY. Earlier today, Congressman, Admiral Allen provided a briefing on the placement of the containment cap. From my perspective, he was quite hopeful that within a matter of days now, we will have some clarity as to our ability to contain the flow from the well and will make some judgments about how best to ensure that that work is continued, but that the ultimate ending for this remains with the completion of the relief wells.

Mr. BILIRAKIS. Okay, last question. In your testimony, you noted that local government best understands the needs of their communities. This is something of course that I strongly agree with. I am pleased that you indicate BP is striving better to integrate them into response efforts, especially considering the comments we heard from Mayor Hibbard about the need for better communication efforts with local communities. What changes are you making to better integrate the expertise of State and local officials and businesses into the response efforts?

Mr. DEMPSEY. Congressman, I think the most powerful example of the adjustments that we have made as we have been learning throughout this process is the implementation of these deputy incident commanders and the branches in the States throughout the region. In the State of Florida in particular, we have established a Florida Command Post based now in Tallahassee, led by a unified command structure that includes the Department of Environmental Protection Secretary Mike Sole, a BP Incident Commander Mary Schaefer-Maliki and Coast Guard Commander Joe Boudreau. Their accountability now will be to bring much more closely to the local jurisdictions, the counties, and the municipalities, to understand the planning, the preparation, and the response efforts that are underway in their communities and ensure that we understand their concerns and that we make adjustments in real time for maximum protection of their coastlines. This development of this deputy incident command came directly out of the understanding and the learning that the operations being directed from Mobile, while very comprehensive, left a distance from the voices of those on the ground within the counties and the municipalities.

Mr. BILIRAKIS. If my constituents have questions or issues, can we contact you directly?

Mr. DEMPSEY. Congressman; yes, sir, you may. I would be very happy to try to address any concerns by those constituents based in the State of Florida, as that is my primary accountability.

Mr. BILIRAKIS. Thank you. Thank you, Mr. Chairman, appreciate it and I appreciate you holding this hearing.

Mr. CARNEY. Thank you, Mr. Bilirakis.

Mr. Dempsey, one more question and we can end for the day. Will BP make this situation whole, fix this situation regardless of the cost?

Mr. DEMPSEY. Mr. Chairman, I remember early in this exercise, early in the response, there were questions about the $75 million liability cap to which we suggested——

Mr. CARNEY. Yes or no.

Mr. DEMPSEY [continuing]. That we were not going to be focused on that. My answer, Mr. Chairman, is yes, BP is committed to bring the full resources of our company to meet the requirements of this response for as long as it takes.

Mr. CARNEY. Thank you very much.

I really want to thank everybody who came today, everybody who stuck around today. I especially want to thank the staff of the courthouse for going way above and way beyond. This is I think a very important hearing to hold, it affects New Orleans, it affects the region and it affects the Gulf, it affects the entire Nation. So your efforts on our behalf are truly appreciated; thank you all on the staff.

Once again, the staff that we have on our subcommittee is amazing, they do a great deal of work to prepare us for this, for these hearings. We are not done with this, we will be asking questions long into the future.

Mr. Dempsey, I imagine you will receive some questions in writing, I appreciate your candor and we will get back to it at some point.

But right now, the subcommittee stands adjourned.

[Whereupon at 6:01, the subcommittee was adjourned.]

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