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LOCAL IMPACT OF THE DEEPWATER HORIZON OIL SPILL

HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

OF THE

COMMITTEE ON ENERGY AND COMMERCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED ELEVENTH CONGRESS

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LOCAL IMPACT OF THE DEEPWATER HORIZON OIL SPILL

MONDAY, JUNE 7, 2010

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC.

The subcommittee met, pursuant to call, 10 a.m., in the Council Chambers of the St. Bernard Parish Government Complex, 8201 West Judge Perez Drive, Chalmette, Louisiana, Hon. Bart Stupak (chairman of the subcommittee) presiding.

Present: Representatives Stupak, Markey, Degette, Schakowsky, Christensen, and Burgess.

Also Present: Representatives Scalise and Melancon.

OPENING STATEMENT OF HON. BART STUPAK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. STUPAK. This meeting will document today we have a field hearing entitled "Inquiry Into the Deepwater Horizon Gulf Coast Oil Spill." I'd like to begin by thanking St. Bernard Parish and the officials here in Chalmette for being gracious hosts for today's hearing. I also wish to thank the United States Coast Guard, the United States Fish and Wildlife, the Louisiana Fish and Wildlife, and then the Louisiana Air National Guard for our trip down to the marshes last night.

After this hearing, we will be further down in the Gulf later today as members are still exploring the impact that it's had on this region. I'd also like to recognize two of Louisiana's Congressmen: Congressman Charlie Melancon is supposed to be here. I'm sure he will be here any minute. He's running a little bit late, but he will be here; and Steve Scalise who are with us. Neither of them are members of the subcommittee. They are members of the full committee of the Energy and Commerce Committee, and because this is a field hearing in their home state, I ask unanimous consent that they be allowed to make an opening statement and ask questions during today's hearing. Without objection, so ordered.

We will now hear from the members for their opening statements. The chairman and ranking member will be recognized for a five-minute opening and other members will be recognized for three minutes. I will begin.

Let me begin today's hearing by expressing, on behalf of all members of Congress, our condolences to the friends and family members of those who died or were injured in the April 20th explosion on the Deepwater Horizon oil rig in the Gulf of Mexico. Eleven

lives were lost and 15 people were injured. Our hearts, thoughts, and prayers go out to those families and to the thousands of people impacted by this disaster as the well continues to spew oil into the Gulf and onto your shores.

Today's Subcommittee on Oversight and Investigations continues our examination into the explosion and oil leak into the Gulf of Mexico. This is the second hearing that our subcommittee has conducted on the Deepwater Horizon incident and the third hearing that the Committee of Energy in Congress has held on this issue. While this oil spill is an unprecedented environmental disaster, it pales in comparison to the tragic loss of life. Our goal is that, with greater understanding of the effects of such a catastrophe, we can assure it will never happen again.

On May 12th, our subcommittee held a hearing into the events surrounding the Deepwater Horizon explosion and oil spill. During that hearing, we learned that BP, Transocean, and Halliburton failed to address various issues with the rig, the well, and the blowout preventer prior to the explosion. BP and Transocean failed to ensure that the blowout preventer was fully operational. BP and Halliburton failed to identify discrepancies in pressure tests done in the cementing of the well. Subsequently, BP briefed our committee on the progress of its internal investigation. BP reported it had concerns about whether proper procedures were followed at critical times prior to and on the day of the explosion.

As a result of the explosion, each day 12,000 to 19,000 barrels of oil are leaking into the Gulf Coast threatening beaches, fishing grounds, critical wetland habitat, sea life, and waterfowl. BP officials said under a worst case scenario, the spill rate could reach as much as 60,000 barrels, 2.5 million gallons a day.

Several attempts by BP to stop the flow of oil have proven unsuccessful. No one knows the full extent of the damage to the Gulf Coast region. It may be several years before we can quantify the true impact of this massive oil spill, but here's what we do know: 88,500—88,502 square miles of coastal waters, 37 percent of U.S. Waters in the Gulf have been closed resulting in the significant loss of income to fishermen and businesses. Oil from the spill has reached the barrier islands in Alabama and Mississippi and just reached Florida's shores this weekend.

37,193 claims have been filed with BP to repay those who have suffered a financial loss as a result this spill. More than one million gallons of dispersants have been used to treat the area. These dispersants can be toxic to some—some organisms living in the coastal waters.

Less than two weeks ago, some oil spill cleanup and recovery workers were hospitalized after complaining of dizziness, headaches, and respiratory problems. Several community groups have complained that BP failed to provide adequate protection for these workers. More than 700 birds and numerous sea turtles and at least one dolphin have been found covered in oil and dead on our Gulf shore.

The Deepwater Horizon rig explosion and spill has had far reaching repercussions forever changing the lives of the 126 people onboard the rig and their families.

Each of our witnesses today has a story to share with America about how their lives have been changed by this horrible tragedy. On our first panel, we will hear from Natalie Roshto and Courtney Kemp whose husbands died during the tragic explosion on the oil rig.

We—we will also hear from Gulf Coast residents about the effects of the oil spill and how it has impacted their lives and livelihoods across the Gulf Coast.

Clarence Ronnie Duplessis is a commercial fisherman who relied on the coastal waters for his livelihood. He has been deeply impacted by the closing of the coastal waters and is now struggling to get by in what was supposed to be the first good year of the season of fishing since Hurricane Katrina.

Dr. Moby Solangi is president and executive director of the Institute of Marine Mammal Sciences protecting marine mammals from exposure to toxins like oil and dispersants.

Dr. Solangi has studied and written about the impact of Louisiana crude oil on fisheries.

Mr. Kelby Linn is the owner of ACP Real Estate, a beach front rental real estate broker of Dauphin Island, Alabama, who has been a—who has seen a substantial decline in rental reservations as a result of the oil spill. The drop began to occur almost immediately after the oil spill despite the fact that oil only reached Dauphin Island last week.

Wilma Subra has recently conducted a health survey of residents of the Gulf region and those working on the cleanup to determine whether they have been physically affected by pollutants from the oil and the dispersants.

I want to thank each of our witnesses for sharing their stories today, especially Mrs. Roshto and Mrs. Kemp. Your testimony to the subcommittee will be a valuable tool in helping us to determine this horrible—helping us to address this horrible human and environmental tragedy.

I'd now like to turn to the ranking member of the subcommittee, Mr. Burgess of Texas, for an opening statement. Before you do that comment, I thought I saw Mr. Melancon come in. There you are.

Mr. MELANCON. Good morning.

Mr. STUPAK. Charlie, thanks for being here.

Mr. Burgess, opening statement, please.

OPENING STATEMENT OF HON. MICHAEL C. BURGESS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. BURGESS. Thank you, Mr. Chairman, and thank you for convening this hearing. Certainly, we want to thank the St. Bernard's parish president and council for generously offering this venue for the subcommittee's use. Certainly, we want to welcome our witnesses here today.

St. Bernard Parish was totally devastated by Hurricane Katrina. In fact, my first trip here was September of 2005.

I came down at the request of a group of doctors at your hospital and stood in the parking lot of your hospital and saw firsthand what—what you were dealing with. I remembered driving through the town. We had to come in through a checkpoint that was secured by FEMA. You had to have special permission in coming to

town; and FEMA, of course, recorded that the town was 100 percent destroyed.

What I wasn't prepared for as we drove along the streets were evidence that people were moving back into the area despite of the fact that FEMA had the entire area cordoned it off. People were in their front yards living in tents and tarps and going about their daily lives in spite of all of the devastation around them. This area has extraordinary resilience. I personally witnessed it. Sadly, that resilience is once again being tested to the maximum.

We will hear today about the local impacts from the oil spill, impacts which have a tremendous impact on the livelihoods of the people who live in St. Bernard Parish and Plaquemines Parish, particularly and throughout the Gulf Coast. I think it is both helpful and important to listen to those most affected by the spill to understand their perspectives on this catastrophic event.

And also, Mr. Chairman, with you I offer my condolences to Natalie Roshto and Courtney Kemp who will be speaking with us. They both lost husbands on the Deepwater Horizon. I appreciate you being here this morning. I know it is important that America hears your stories and I look forward to your testimony.

We will hear about the impacts to people who make a living off of Louisiana's fisheries. Since the spill, the state has closed vast sections of Louisiana shrimping grounds and oyster beds bringing immediate hardship to people who rely on this industry.

The federal government, as the chairman said, the federal government has closed large tracts in the Gulf, over 88,000 square miles, about 37 percent of the Gulf's waters closed to fishing. At least almost two thirds open, along with other state controlled waters, but there's legitimate concern that the demand for products from anywhere in the Gulf will plummet as people watch the spill on the news and become concerned about the long-term fishing aspects.

And I say this as a dedicated and aggressive consumer of crustaceans, you can't help but notice what you are seeing on the television screens currently, and it is going to have an impact on the desire of consumers to buy those products. The news images and actual impacts are also hitting the Gulf coast's large tourism industry. And, again, I think we are scheduled to hear more about that this morning.

The oil spill has done much to reveal the delicate balance and the connections between nature and the various industries that rely upon the resources near the Gulf Coast. These industries, fisheries, tourism, and industry, are all significantly intertwined and where one is impacted it directly affects the others. As we gather important information from the witnesses today, we should keep in mind this balance.

Just last week the president and secretary of the interior announced a moratorium on drilling in waters over 500 feet. The Wall Street Journal last Friday reported that even permits for shallow water drilling have been rescinded. While we are still trying to evaluate the economic impacts of these actions, initial evidence suggests thousands of people who have been relying upon activities within the energy industry for their livelihoods will also be affected.

According to a Bloomberg News report, shutting down 33 deep water rigs will cost as many as 6,000—6,000 jobs in the next three weeks alone. And in the New York—New Orleans Times Picayune, it reports that each job in energy exploration supports an additional four jobs providing supplies and services. We cannot lose sight of the role of energy in the economy of the Gulf Coast. Energy helps power the other industries both directly and indirectly through economic growth and income. To hinder this aspect of the economy while other sectors are struggling is not a good way to help the Gulf Coast address this unfolding tragedy.

This subcommittee is in the midst of a close and thorough investigation of BP and the other subcontractors behind what has become a national tragedy. I am confident that at the end of the day we will identify the factors and decisions that led to the catastrophic blowout. We are rapidly developing information that at least suggests this tragedy was entirely avoidable. In time our investigation will inform what practices need to be put in place or enforced to maximize the safe and secure American energy production.

Mr. Chairman, we have to get it right. This is an important hearing to take a close look at the impacts of oil spills, to get an on-the-ground perspective so sorely needed in Washington, and it is a chance to understand what happens when the delicate balance between nature and industry is upset, and to identify policies that will help right that balance; and I pray that righting occurs soon.

I'll yield back the balance of my time.

[The prepared statement of Mr. Burgess follows:]

Opening Statement of the Honorable Michael Burgess
Ranking Member, Subcommittee on Oversight and Investigations
Field Hearing on the
Local Impact of the Deepwater Horizon Oil Spill
June 7, 2010

Thank you for convening this hearing Chairman Stupak. And I would also like to thank the St. Bernard Parish President and Council for generously offering this new venue for the Subcommittee's use.

It is no news to the people in this room that St. Bernard Parish was totally devastated by Katrina. FEMA, according to testimony we later received, declared the Parish 100% destroyed. I visited Chalmette after the storm to monitor the recovery of your health system. Despite 100% flooding of homes and businesses, the people of Chalmette, this parish, and this region demonstrated extraordinary resilience, as I personally witnessed. Sadly, this resilience is being put to the test yet again.

We will hear today about local impacts from the oil spill, impacts which have tremendous impact on the livelihoods of people in St. Bernard Parish and Plaquemines [plak uh mins] Parish particularly, and throughout the Gulf Coast. I think it is both helpful and important to listen to those

most affected by the spill, to understand their perspectives on this catastrophic event.

Let me offer my condolences to Natalie Roshto and Courtney Kemp, who will be speaking to us. They both lost their husbands on the Deepwater Horizon. I really appreciate you all being here this morning, Ms. Roshto, Ms. Kemp.

We will hear about the impacts to people who make a living off Louisiana's fisheries. Since the spill, the state has closed vast sections of Louisiana's shrimping grounds and oyster beds, bringing immediate hardship to people who rely on this industry.

The federal government has also closed large tracts of the Gulf within its jurisdiction. According to the latest information, some 88,502 square miles, about 37 percent of the Gulf's federal waters, are closed to fishing. While this leaves 63 percent open, along with other open state-controlled waters, there is legitimate concern that demand for products from anywhere in the Gulf will plummet as people watch the spill on the news and become concerned about long-term fisheries impacts.

The news images and actual impacts are also hitting the Gulf Coast's large tourism industry, which we will also hear about this morning.

The oil spill has done much to reveal the delicate balance and connections between nature and the various industries that rely upon the Gulf Coast's natural resources. These industries – the fisheries, tourism, and energy industry – are all somewhat intertwined and relied upon, where impacts in one directly affect others.

As we gather important information from the witnesses today, we should keep in mind this delicate balance. Just last week the President and Secretary of the Interior announced a moratorium on drilling in waters over 500 feet. The Wall Street Journal this past Friday reported that even permits for shallow water drilling have been rescinded.

While we are still trying to evaluate the economic impacts of these actions, initial evidence suggests that thousands of people who had been relying on this activity for their livelihoods will be affected. According to a Bloomberg news report, shutting down 33 deepwater rigs will cost as many

Picayune reports that each job in energy exploration supports an estimated four additional jobs providing supplies and services.

We cannot lose sight of the role of energy in the economy of the Gulf Coast. Energy helps power the other industries both directly and indirectly through economic growth and income. To hinder this aspect of the economy while other sectors are struggling is not a good way to help the Gulf Coast address this unfolding tragedy.

This subcommittee is in the midst of a close and thorough investigation of BP and the other subcontractors behind this mess. I am confident that, at the end of the day, we will identify the factors and decisions that led to the blow out. We are rapidly developing information that at least suggests that this tragedy was entirely avoidable. In time, our investigation will inform what practices need to be put in place or enforced to maximize safe and secure American energy production.

We've got to get it right, Mr. Chairman. This is an important hearing to take a close look at the impacts of oil spills, to get an on-the-ground

perspective so sorely needed in Washington. And it is a chance to understand what happens when the delicate balance between nature and industry is upset – and to identify policies that will help right that balance again, and soon.

Thank you, Mr. Chairman, I yield back.

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Mr. STUPAK. Thank you, Mr. Burgess. Next we'll go to hear from members of the subcommittee for three minutes. I'm sorry. Vice-chair of the committee, Mr. Braley, from the wonderful State of Iowa. Mr. Braley from Iowa.

OPENING STATEMENT OF HON. BRUCE L. BRALEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF IOWA

Mr. BRALEY. Thank you, Mr. Chairman. I want to also thank the St. Bernard's parish council for hosting us today and to our first panel of witnesses, Mrs. Roshto and Mrs. Kemp, I want to thank you for having the courage to come share your stories with us today. It's never easy and there's nothing we can do today to replace the pain of your loss, but the one thing we can do is never forget what your husbands went through and what those other men on the rig went through and to get to the bottom of why that happened and make sure that it never happens again so that no other family has to go through what you have gone through; so thank you for coming today.

I think that one of our witnesses on the second panel, Mr. Chairman, Clarence Duplessis, summarized the concerns of most of us on the committee in his opening statement when he said, "There are really more questions than answers for what happened out on that Deepwater Horizon rig." That came out during our first hearing, and one of the things that concerns many of us is the story keeps shifting.

We were originally told that there was a release at the wellhead of around a thousand barrels per day; then when BP's CEO appeared and testified in front of our subcommittee hearing, that number was up to 5,000 barrels per day; and just last week we were told that BP was excited because they were capturing 10,000 barrels per day, which was estimated to be the one quarter to one half of the release from the wellhead.

The environmental and economic devastation to this area and the entire Gulf Coast region cannot even be comprehended at this stage.

Our job as the Oversight and Investigations Subcommittee is to get answers to those questions, to find out why this happened, to find out how it happened, to find out who is responsible and what they must do to be held accountable.

One of the things we know is that the economic devastation is going to be severe and long lasting, and the witnesses we are going to hear from today will help us put a human face on that tragedy. But there are also disturbing parts to this story that we need answers to; and one of the things that we have done is ask for specific information from BP, Halliburton, Transocean, and others involved on that drilling rig. And one of the things that is disturbing is when we ask for specific information, as I did following our May 12th hearing, and getting back a response only after a second follow-up request was sent that was incomplete and ignored the request that we made at the time of the initial hearing.

Mr. Chairman, it's obvious to me that we are going to have to continue to pursue answers to the questions. We need to have additional hearings as necessary until the people of Louisiana, Mis-

sissippi, Alabama, Florida, and indeed the entire United States, know what happened and what we are doing about it.

And I'll yield back the balance of my time.

Mr. STUPAK. Thank you, Mr. Braley. Mrs. Christensen for an opening statement for three minutes, please. Mrs. Christensen from the Virgin Islands.

OPENING STATEMENT OF HON. DONNA M. CHRISTENSEN, A REPRESENTATIVE IN CONGRESS FROM THE VIRGIN ISLANDS

Mrs. CHRISTENSEN. Thank you. Thank you, Mr. Chairman, and good morning.

I feel sort of like deja vu all over again. In September of 2005, my staff and I came to hear firsthand the health impacts, but most importantly the health needs of the people of New Orleans in the wake of Hurricane Katrina. It was the first of many visits. And now with this region barely back on its feet from that tragedy, we are here for another one, which is the words of many residents even that we will talk of more for many, many reasons.

So thank you, Chairman Stupak and Ranking Member Burgess, for having this oversight hearing, not in Washington, but right here where its impact is being seen and felt.

First of all, my condolences to the families of the 11 workers who were lost. And thank you to Mrs. Kemp and Mrs. Roshto for joining us this morning, for being willing to testify, for your courage and that of the other families who you represent, and for the important positions that you are taking on the future of our offshore drilling in spite of your loss as well as on the Death of the High Seas Compensation Act, which is an insult to the dedication of the oil workers and the families who sacrifice when they leave home for weeks at a time.

We wish a speedy and full recovery to those who were injured and to those whose lives and livelihood have been disrupted and damaged for what remains an uncertain future.

We know what lies ahead will not be easy, but we commit to working with President Obama and to do everything we can to bring your communities and your lives back to as close to normal as possible as soon as possible.

In every briefing and hearing of this subcommittee and those of my other committee of natural resources, I've asked BP, the Coast Guard, and others for assurance that everything that needed to be done was being done to prevent both short- and long-term health impacts, including providing and using protective gear. It seems that the assurances which we received were empty. Without the insistence of residents, the decisions of courts, and the vigilance and advocacy of groups like LEAN and LMRK and Subra, it appears that nothing would have been done despite what we know from past experiences. This is very troubling; and I look forward to hearing from our witnesses on what they feel we as a committee in the Congress need to do at this point.

I remain reluctant on the issue of new drilling, but I am clear that strengthened regulation and enforcement that markedly improved safety measures for the offshore drilling that is now permitted, that increased accountability of the companies involved in

the process, and that the fullest possible recovery for all that has been damaged must be a part of our responsibility going forward.

I thank you, Mr. Chairman. That concludes my statement, and I yield back my time.

Mr. STUPAK. Thank you. And as members know, our subcommittee just don't do a hearing or two. This is our second hearing. We will be doing another one within the next two weeks with the head of BP, Tony Hayward, up in Washington, and later this month we have a fourth hearing set.

So, as you know, like Hurricane Katrina, our committee came down—I led that group—our committee came down to deal with the health aspect after Hurricane Katrina, so our committee will stay with this issue. And it should be noted we have, if I count right, nine members here. Rather unheard of to have nine members to come down for a field hearing. Each hearing we have had on these tragic circumstances, all members have shown up, so I want to thank the members for taking the extra time for being down here and take time out of their schedules and, of course, Mr. Melancon and Mr. Scalise also who are valuable members of our committee.

Next we will hear from Mr. Markey from Massachusetts. Mr. Markey is chair of the Energy and Environment Subcommittee of the Energy and Commerce Committee. Mr. Markey is also the chairman of the Select Committee on Climate Change.

Mr. Markey, opening statement, three minutes.

OPENING STATEMENT OF HON. EDWARD J. MARKEY, A REPRESENTATIVE IN CONGRESS FROM THE COMMONWEALTH OF MASSACHUSETTS

Mr. MARKEY. Thank you, Mr. Chairman, very much. Our hearts go out to those whose loved ones were lost in this explosion. We thank you for being here today. It takes a lot of courage. Mrs. Roshto and Mrs. Kemp, we thank you for being here. It's important that you are here and we all extend our sympathies to you and to your families.

We begin to appreciate how vital our role in the oceans play in our economy as soon as we saw the impact from that explosion; and we've become increasingly frustrated as each rosy assurance provided by BP failed to be true and every attempt to stop the oils flow failed to work.

Every day as this oil encroaches on the wetlands, estuaries, and beaches, the entire nation shares in the anxiety and anger felt by the people living in the Gulf region. It is clear by BP's actions that while they spent billions of dollars to develop technologies that would allow it to drill ultra deep into the ocean, that investment was not matched with the development of ultra safe technologies that could prevent, contain, and cleanup the consequences of these types of drilling operations. It has also become clear that just as no one has capped BP's profits, the great damage it has caused, and as a result we must make sure that BP must repay everything that they have caused in terms of damage and that should not be capped as well. BP must be held accountable.

Oil has made its way onto the beaches of four coastal states from Louisiana to Florida. As of yesterday, approximately 33 percent of

the fisheries in the Gulf of Mexico had been closed depriving people of their livelihoods. I've seen firsthand with the other members the stain of BP's oil on the cane in the marsh land and heard of the birds, the fish, and the dolphins that have already been killed by oil.

We have also heard reports that there may be plumes of subsurface oil posing an insidious threat to deep sea coral and other marine life, oil that will not make its presence known by the clear signs of tar balls or oiled birds but which could, nevertheless, affect generations of aquatic life too.

Remarkably last week, BP's chief executive, Tony Hayward, claimed that BP didn't have enough resources in its toolkit to handle the Gulf oil disaster. That is why this week I will introduce the Oil SOS Bill that will require companies to fund research and development for upgraded safety and cleanup tools, so that in the future companies like BP will never again be relying on 30-year old technologies to deal with 21st century problems. That is unfair to the families who must suffer the consequences of the lack of preparation by BP.

Thank you, Mr. Chairman.

Mr. STUPAK. Thank you, Mr. Markey. Ms. DeGette from Colorado, opening statement, please.

OPENING STATEMENT OF HON. DIANA DEGETTE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

Ms. DEGETTE. Thank you very much, Mr. Chairman. In late August of 2005 a perfect storm, Hurricane Katrina, formed over the Gulf devastating homes and taking a terrible toll on human life and the economy. This spring, five years later, the residents of this area, being resilient and caring and working hard, had just started to turn their economy around and rebuild their lives when another perfect storm hit, this one being entirely man-made.

And the Deepwater Horizon explosion and oil spill is a national tragedy and we are all terribly concerned about it, but the local effects are felt far more acutely. The human impact in terms of loss of life and injuries and the economic impact to the local fishing and tourism industries and the environmental impact along the Gulf Coast are all terrible and, frankly, the effects will last indefinitely longer than we know. Accidents on this scale raise many questions about what went wrong; and in this case, as usual, there's no single answer on who to blame.

We have had, as the Chairman said, several hearings in this committee and also in the natural resources committee on which several of us sit where we have probed the causes of the accident, but what we have been able to tell to date is that it really was a perfect storm. We had a blowout preventer testing and a certification problem, we had faulty cementing, we had a lack of a chain of command. We had many, many problems that are going to take a long time to sort out; but, as the Chairman said, this committee is nothing if not stubborn and diligent and we are going to get to the bottom of it because, if we don't, this could happen again and we can't let this happen again.

In terms of human life, in terms of loss of ecosystem, in terms of loss of economy and jobs, we can't—we might have another environmental perfect storm. Mother nature's unpredictable, but we can't be causing these impacts ourselves. We have to make sure that systems are in place so that when the important drilling that occurs out here is done it's done in an environmentally safe way and in a way that will save human lives.

Natalie and Courtney, I want to echo what my colleagues have said. This is a terrible loss to you and to your families, and we are here to sympathize with your losses; but much more than that, we want to do what you want to do. We want to make sure that we work with you so that this never happens to any other families.

And, Mr. Chairman, I yield back.

Mr. STUPAK. Thank you. Ms. Schakowsky, opening statement. Ms. Schakowsky is from Illinois.

OPENING STATEMENT OF HON. JANICE D. SCHAKOWSKY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

Ms. SCHAKOWSKY. Thank you, Mr. Chairman and Mr. Burgess, for holding this very important hearing here in Louisiana; and I'm really happy that we can be here to offer support and solidarity to our colleagues, Congressmen Melancon and Scalise.

And over the last six weeks, we have been reminded once again of the tremendous cost of our nation's reliance on oil to meet our energy needs. The oil spill in the Gulf Coast is not only a human tragedy leading to the loss of 11 lives, but an unprecedented environmental disaster and yet another economic catastrophe for this region.

For what it's worth, we are here in part to express our sympathy and support not only to the families of those workers who perished but also to everyone who lives or works in the Gulf region; but I know you want more than sympathy, you want to see action.

And to Mrs. Roshto and Mrs. Kemp, I want to express my gratitude and admiration for the courage that you have for being here today and turning your personal tragedy into suggestions of what we can do better to avoid this in the—in the future.

The Deepwater Horizon spill is a devastating reminder that the United States must implement a comprehensive energy strategy that weans our nation off of oil and spurs development of cleaner renewable sources like wind and solar power, but as long as we drill, we must enforce, vigorously enforce, current law. We also have to quickly determine holes in that regulatory and enforcement framework. For example, Canada requires a relief well at the very same time any deep water well is drilled.

I also believe it's imperative that we raise or completely eliminate the cap on damages imposed on oil and gas companies that cause—that cause environmental catastrophes. It's unconscionable that current law allows companies like BP to make billions of dollars in profits and then when an accident occurs the law protects—well, we'll see—but may protect them from paying for the damages they caused.

But the point of today's hearing is to learn about the impact of the oil spill at the Deepwater Horizon drilling rig site on the Gulf

region. And we are hearing from, of course, these two widows today, representatives of some industries that are being hit the hardest; and I want to thank each and every one of you for being with us today. I know how difficult the last six weeks have been, or I can try and know that, but I want you to know that we truly appreciate hearing your perspective of this unprecedented disaster and we will be working to make sure that we address the problems and assure that it never happens again.

Thank you, Mr. Chairman.

Mr. STUPAK. Thank you. Let's hear from our two native sons here, Charlie Melancon, a member of—valuable member of our committee. Opening statement, please, sir.

OPENING STATEMENT OF HON. CHARLIE MELANCON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. MELANCON. Thank you, Mr. Chairman. First, Mrs. Roshto and Mrs. Kemp, on behalf of Peachy and I, our condolences to you and thank you for having the courage to be here today.

Mr. Chairman, thank you, Ranking Member Burgess, thank you for taking the time and interest in my state, our people, our environment, our livelihood, for coming to this field hearing and working to ensure that a tragedy like this doesn't happen again.

The news coverage is constantly reminding us that we are facing the largest environmental disaster in our nation's history. It's hard not to draw comparisons to a similarly grim milestone five years ago when this district and our state bore the brunt of the largest natural man-made—natural disaster in history as well.

I mention this association because it's easy to become distracted by the torrent of bad news that streams all day long, but we are here today to help make sure the effects of this tragedy on real people's lives aren't forgotten and aren't repeated. And I might add a footnote: Louisiana is still open for business and, even more importantly, the communities right now along the coast need for the citizens of the state and the neighboring states to come and enjoy Louisiana.

And we need to make certain that this investigation into what went wrong is thoroughly carried out. We must examine all solutions that may guard against a disaster like this ever happening again.

We are fortunate to have witnesses today who will share their frustrating and heartbreaking stories with us. These stories are not easy to share, so I sincerely appreciate the willingness of the witnesses to come before this group and to share their personal accounts. Hopefully, this hearing and others like it will reveal the pattern of mis-steps and negligence that led to this continually growing catastrophe.

Because the responders work as fast as possible to cap this well and protect our marshes, it is important to identify what must change to keep another disaster like this from striking our fragile coast. In addition, we must make sure that the safety of the workers in America and on these rigs is protected.

These rigs in the Gulf represent a tremendous segment of the economy in south Louisiana; and the sooner we ascertain the

vulnerabilities the sooner we can fix those problems and have our men and women working again in a safe environment.

I'd also like to thank the expert witness panel for participating today. I'm afraid that when the cameras and the national attention leaves, we in Louisiana will only be—just be commencing with our recovery. The toxic pollution in the Gulf waters could knock out our fisheries and industries along that area and our way of life for years to come, if not for decades. We need your expertise to help recognize the actions we can take to mitigate these scenarios and to make our resources productive again as soon as possible.

Again, Mr. Chairman, ranking member, thank you for holding this hearing. With that, I yield back.

Mr. STUPAK. Thank you, Mr. Melancon. Next we will hear from another valuable member of our committee, Mr. Scalise.

Opening statement, please, sir.

OPENING STATEMENT OF HON. STEVE SCALISE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF LOUISIANA

Mr. SCALISE. Thank you, Mr. Chairman, for holding this hearing and bringing the committee to Louisiana to hear about the Deepwater Horizon spill and how it's affected the people of the Gulf Coast.

I extend my deepest condolences as well, as other members have already expressed to Mrs. Roshto and Mrs. Kemp for appearing here today to share your stories with us because my thoughts and prayers are with you and all 11 families who are going through what is a real human tragedy. We see so much, the stories of the oil coming up and we are fighting that side of it, but you are fighting every day a different side of it and I don't think we have heard enough of your side of the story as well, so I appreciate both of you being here with us as well.

It's nearly five years after Hurricane Katrina and we are fighting yet another major disaster here in south Louisiana. In fact, the room we are sitting in right now was completely under water after Katrina. You've seen the resiliency of the people of St. Bernard Parish, who I appreciate their hospitality, and you can see their strength and how they've come back from this, but it's not been easy. And we know that the next months or more ahead are not going to be easy for us as well, but we need to get answers.

Just like when a plane crashes, you don't stop flying. You find out why that plane crashed and you move forward. We need answers that we still haven't gotten to find out why this disaster happened.

We have already heard some reports. There has been a 30-day study. We need to get the results of that study so that we can learn more as well, but we've also got to make sure that we continue to hold BP accountable because they testified before our full committee under oath that they would pay all damages. And I intend and I know my other colleagues intend to hold them to that.

But in the meantime, our top priority has got to be stopping this flow of oil that's coming out and protecting our valuable marshes from being inundated by the oil. If the blowout preventer that failed to work properly was supposed to be the rig's last line of de-

fense against this type of disaster, then the federal agencies that regulate these rigs were supposed to be our first line of defense and they failed us as well. We still need to get those answers from the federal regulating agencies and the work and the tests that they've performed prior to the explosion to find out what went wrong.

There are a lot of other rigs out there in the Gulf in even deeper waters than the Horizon that haven't had these kinds of problems, so we should also see what they are doing that was not being done on this rig and the mistakes that were made by BP and Transocean and the other parties responsible.

But we also need to establish a real chain of command. We still don't have a structure that allows for accountability. Every time we try to get answers—when our local leaders who are battling this every day have problems with the recovery, we just see more finger pointing. That's got to stop. We have got to have a real chain of command, and BP should not be the gatekeeper for our local responders who are trying to protect our valuable marshland.

We also need to address this drilling ban. Not only do you now have a human disaster and an environmental disaster, but the ban on drilling threatens to pose an economic disaster on our state. That is not a proper response to what happened.

I'm calling on the president to reconsider his decision to go meet with all of us who deal with the industry who have seen the successes of the industry and understand how drilling can be done in a safe and environmentally friendly way. You don't hold an entire industry accountable for the failures of one. We have got to find out what went wrong and make sure it doesn't happen again, but you don't ship 30,000 jobs and billions more dollars to the middle eastern countries who don't like us as a response.

Thank you, Mr. Chairman. I look forward to the hearing and I yield back.

Mr. STUPAK. Thank you, Mr. Scalise. That concludes the opening statement by members. Let's have our first panel of witnesses.

On our first panel, we have Mrs. Natalie Roshto whose husband Shane was killed during the explosion of the Deepwater Horizon oil rig. Shane and Natalie were married for four and a half years and have a three-year-old daughter together.

Mrs. Courtney Kemp whose husband Wyatt was killed during the explosion. Wyatt and Courtney were high school sweethearts. They were married five and a half years and have a three-year-old and a four-month-old daughter. Thank you both for being here.

It is the policy of this subcommittee to take all testimonies under oath. Please be advised that you have the right under the rules of the House to be advised by counsel during your testimony. Do you wish to be represented by counsel, Mrs. Roshto?

Mrs. ROSHTO. I've been represented.

Mr. STUPAK. Move that mic forward, please.

Mrs. ROSHTO. I have counsel.

Mr. STUPAK. OK. Would you just for the record identify your counsel's name?

Mrs. ROSHTO. Ronnie Penton and Scott Bickford.

Mr. STUPAK. OK. If during testimony, if you want to consult with them, just take a moment and do so. If they testify, they would have to be sworn in.

Mrs. ROSHTO. OK.

Mr. STUPAK. Mrs. Kemp, are you represented by counsel?

Mrs. KEMP. I am not formally represented, but I do have Mr. Barry Rhodes here with me today to give legal advice and guidance.

Mr. STUPAK. Very good. And, again, any time during your testimony or questions if you would like to consult with him before you answer, please do so, OK.

Mrs. KEMP. OK.

Mr. STUPAK. So I'm asking you to please rise and raise your right hand to take the oath.

[Witnesses sworn.]

Mr. STUPAK. Let the record reflect the witnesses replied in the affirmative. You are now under oath. We will now hear your opening statement from our—from each of you.

Mrs. Roshto, do you want to begin, please?

Mrs. ROSHTO. Yes.

Mr. STUPAK. I'm going to ask you to pull that mic up closer to you so we can all hear.

STATEMENTS OF NATALIE ROSHTO, WIFE OF SHANE ROSHTO; AND COURTNEY KEMP, WIFE OF WAYNE KEMP

STATEMENT OF NATALIE ROSHTO

Mrs. ROSHTO. Good morning. Before I begin, I would first like to thank each and every one of you again for allowing me to speak today on behalf of my husband, Shane Roshto, who was tragically killed in the Deepwater Horizon explosion, myself and our wonderful son, Blaine.

In the early hours of April 21st when I received the news of the explosion and a fire, I never thought I would be sitting here. I never thought I would go home to a bright eyed three-year old and have to face the fact that his dad and my husband would never come home to us.

Every three weeks when Blaine and I would give Shane our last love sending him off for three weeks, I would always fear the helicopter ride, but never did this tragedy ever come to mind. But through God's grace, family, and friends, we are making it through. After all the safety school meetings, fire drills, and safety regulations, I knew he was safe.

When the events of the Deepwater Horizon explosion started to unfold, I asked myself will I ever personally recover. What if he's out there and they just didn't look long enough? As the days passed, Shane's absence became a reality.

My husband took great pride in his job. He loved his work and all his Deepwater Horizon family; but most important, he knew offshore provided the life he wanted for our son. He loved us unselfishly and provided a lifestyle that allowed me to attend college and to be at home with our son. During Shane's off weeks, he spent every day with Blaine passing on his love for the outdoors, hunting and fishing and doing for others.

A little background on how Shane and I began. We met at 15 years old. We were high school sweethearts. At 18 years old, I found out I was pregnant. Shane came to me the day I found out

I was pregnant and he said, "I'm going to be here for you and Blaine, and the only way I'm going to do it is to go offshore." And he did. That's what he did for me and Blaine. As the days passed, I asked why. What happened? The life Blaine and I knew was over. My wonderful love story had come to an end. Though he is a mirror image of his daddy, Blaine has now the void that will never be filled.

When I—the day I found out, when I got that phone call at 6:00 April 21st and I heard what had happened, I knew he was safe. I just knew he was coming home. As I went—I went to Fourchon because the only thing I knew was to get closer to the water, just to get to the water. I knew that's where he would be. As the hours passed and I received a phone call that he was on the missing list and they were searching for him, I was devastated. I never thought it would be on this level ever.

As I sit here today, though, I come with a new perspective, a perspective that I hope can make a difference, one that will ensure safety to every man in the oil field.

And I do fully support offshore drilling and always will because I know, like my husband Shane, many men and women depend on this means—this as a means to provide for their family and also to provide for our country with a commodity that is necessary to everyday life.

I would like to leave here today knowing that because of my husband's tragic death, we can begin to focus on making safety the most important priority, not to focus on making more safety regulations but on ways to effectively implement the ones that we already have. This tragedy will not be in vain because as of right now my husband's death is in vain, but it will not be in vain if it serves to make the lives of every man and woman working in the oil field the top priority and cause these powerful oil companies to know that they will be held accountable for their actions.

My intense interest in Shane's work led us through many conversations detailing work carried out on the Deepwater Horizon and the many safety practices that were in place. It is my hope that these 11 men who suffered a tragic death will serve as a motive to enforce safety above all else.

In the weeks that Shane was home, the last time he left to go offshore we had many detailed conversations of the wrong that was going on out there, all the mud they were losing, the high pressure situations they were in. I pray every day when I awake and have bedtime prayers with Blaine that I can sit him down one day and be able to tell him that his daddy was a hero, a hero to all oil field men and women because his death changed the heart and soul of those who place their business agendas over the importance of life.

In closing I would like to—well, what I would like to accomplish today before I say that, is the removal of Death on the High Seas Act. It is beyond me that any man that is injured out there has more right than a man that was killed providing for his country and his family.

In closing I would like to ask that the next time you see a picture of the Deepwater Horizon in flames or hear about the oil spill, you think about this: The flow of oil eventually will be stopped, slowly the environment will recover, the Gulf, I pray, will continue to pro-

vide us with oil and gas and many other things that we all enjoy, but the lives of the 11 men, their survivors, and heroes of the Deepwater Horizon will forever be changed.

We can only hope that the legacy of this tragedy will be much more than a devastating oil spill, but an unfortunate tragedy that prompted changes creating a safer environment for those who love their work in the oil fields of the Gulf of Mexico.

[The statement of Mrs. Roshto follows:]

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June 9, 2010

VIA Email

The Honorable Bart Stupak
Chairman Subcommittee
on Oversight and Investigation
The Honorable Michael C. Burgess
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

ATTENTION : David Leviss
Kevin Kohl

Re: Testimony of Natalie Roshto provided to the Committee on June 7, 2010.
Supplemental Memorandum on Legal Issues
Rig Design Defect
Our File No. 10903-01

Dear Congressmen:

Pursuant to the request of the Committee please find attached a brief synopsis of the issues arising under the Death on the High Seas Act (DOHA) and the Limitation of Liability Act. The former needs to be amended to bring some consistency to maritime remedies, particularly in the case of maritime related deaths, and the latter should be repealed because it is an antiquated statute that is now being used by foreign corporations against American citizens.

In addition to these proposed changes in the law, we also ask the Committee to look into a very specific allegation that has arisen in the course of this investigation, and that is the design of the DEEPWATER HORIZON. We also represent Michael Williams, the rig's chief electronics officer who was present during the incident and escaped DEEPWATER HORIZON with his life. Based

June 9, 2010
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upon his information and that developed during the Coast Guard/ MMS investigation, we believe that there has been sufficient evidence to show that one of the primary reasons 11 men died aboard this vessel was due to a hazardous ventilation design that directed stagnant methane gas into the equipment room where many of the missing men were located. The vent for this room was on the drill floor adjacent to the area where gas is frequently present due to drilling operations. The night of April 20, 2010,was a calm evening without significant wind to dissipate the large kick of gas coming out of the well. The air intakes next to the drill floor allowed the methane to be sucked into the rig's diesel engines via the room where many of the dead men were working. As a result they were killed, the other 115 people on the rig escaped with their lives.

This matter has been touched upon at the United States Coast Guard and MMS hearings; however, we believe it would behoove this Committee to investigate the matter in much more depth by deposing the American Bureau of Shipping (ABS), the design approval agency, the rig designers, engineers and representatives of the Coast Guard charged with inspecting the rig. We have already discussed this issue with certain members of your staff; however, we are available for further discussions as to what paths to direct that portion of an investigation.

Once again, I want to thank all of the members of the Committee, and their receptive staffs, for all of the courtesies shown to our client and me. There has been a bi-partisan effort to support these aggrieved families in their time of need and a genuine effort to ascertain what occurred and try to prevent it from happening to some other American family.

Thank you again,

Respectfully yours,

MARTZELL & BICKFORD

Scott R. Bickford

SRB/jh

cc: Natalie Roshto
Congressman Melancon
Congressman Scalise

SUBMISSION OF LEGAL POSITION
On behalf of NATALIE ROSHTO
in connection with her congressional testimony
provided on June 7, 2010, Chalmette, Louisiana

Submitted by:
Scott R. Bickford, Esq.
Attorney for Natalie Roshto
Martzell & Bickford
338 Lafayette St.
New Orleans, LA 70130
June 9, 2010

Pursuant to the request of the Subcommittee on Oversight and Investigation, counsel for Natalie Roshto submits this legal memo highlighting the problems with the Death on the High Seas Act and the Limitation of Liability Act and suggests to the Subcommittee certain changes that, if effected, would greatly simplify and make more fair remedies to families of injured and killed offshore workers.

Presently, when a tragic marine death occurs, the location where one dies can, and in great part does, determine what remedies are available to them. The maritime location, whether 1 mile from shore or 35 miles from shore, should not determine the remedies available to their families. Congress should impose a uniform method of maritime remedies.

Maritime law is a hodgepodge of federal statutory and common law, but in the wake of the explosion and sinking of the DEEPWATER HORIZON, and the deaths of 11 of her crew, it is clear that Congress needs to take a broader, comprehensive look at available maritime remedies to ensure that there are fair remedies for victims who were injured as a result of explosion and resulting oil spill. Principally, there are two statutes, which, if one were amended and the other repealed, would go a long way to establishing a balanced, understandable and common sense solution to compensate victims.

Death on the High Seas Act (DOHSA)

Under the Death on the High Seas Act (DOHSA), families who have lost a loved one on the "high seas", such as those who perished on the Deepwater Horizon, are prohibited from recovering non-pecuniary damages—the type of damages that are awarded for the untimely death of a spouse or a parent, or the pain and suffering experienced by the deceased when burning or drowning. Congress already fixed the problem for family members who lose a loved one on the high seas as a result of a plane crash. (See Pub. Law 106-181). The eleven brave men who died on the Deepwater Horizon should get the same protection under the law.

Congress can fix the issue **not by repealing** DOHSA, but rather by making common sense amendments that will be fair to workers who admittedly are employed in one of the most hazardous industries in this country.

To make the law fair, Congress should amend DOHSA to provide fair and equal remedies to victims of maritime disasters on the high seas:

- Provide for the recovery of non-pecuniary losses for the death of a loved one.
- Expand the definition of non-pecuniary loss to include the victim's pre-death pain and suffering, such as burning or drowning.
- Clarify that the DOHSA statute applies evenhandedly to deaths on the "high seas" (12 miles off the coast), regardless of whether the death is caused by an explosion on a vessel or a commercial airliner crashing into the sea. This would allow the high seas to be defined in a uniform manner.
- Assuring that families of whose member has died on the high seas is accorded the same rights to assert punitive damages that are available to injured maritime workers

Limitation of Liability Act (LOLA)

Even the most conservative courts in the country have labeled this statute as antiquated. It is an 1851 federal law whose purpose was to promote commerce. It is now being used as a foil by foreign corporations to prevent US Citizens from being fairly compensated. The business protections afforded by the statute are outdated and only serve to punish US Citizens rather than promote commerce.

The law actually has its roots in an English statue of 1734, before the corporate structure was used to limit liability of shareholders. The statute protected investors who were willing to risk capital on the then extremely risk laden business of shipping cargo by sea. The present statute still allows a vessel owner, such as Transocean, to limit its liability with respect to claims for cargo, collision, personal injury or death for acts done without the privity and knowledge of the owner. The limitation of their liability is to the value of the vessel (THE DEEPWATER HORIZON) at the end of the voyage. The DEEPWATER HORIZON is at the bottom of the Gulf of Mexico and its value at this stage is minimal. Hence the statute was in place to protect the owners (read shareholders) against unlimited liability due to acts done at sea beyond their control or knowledge. Shareholders are now protected by corporate structures and insurance.

So in the present tragedy, under the Limitation of Liability Act (LOLA), Transocean, owned by a foreign corporation, has move to have its liability limited to the post-accident value of the vessel, the Deepwater Horizon, thus the value of the Deepwater Horizon as it

sits on the bottom of the ocean—essentially a $26.7 million cap. Transocean has already availed itself of LOLA by filing a LOLA proceeding in federal court in Texas. Proceedings elsewhere, including Louisiana, are now suspended pending a determination by the Texas court that the LOLA limitation applies. This law is just another procedural obstacle that Transocean is using to deflect accountability for this disaster.

The LOLA has exceeded its reasonable shelf life and should be repealed:

- The original purpose of the Act–to promote American shipping interests–no longer exists. The American shipping industry simply cannot and does not compete with foreign carriers. A majority of shipping companies incorporate in third world countries and use foreign-flagged vessels in order to avoid paying U.S. taxes and following U.S. health and safety regulations.

- Congress could not have envisioned in 1851 that movable oil rigs would qualify as "vessels" under LOLA. When Congress passed this law they never intended for LOLA to shield liability in this type of disaster.

- When the LOLA was enacted in 1851, owner communications were limited to documents transshipped on other vessels. LOLA was intended to protect those owners because they could not timely communicate with those running their ship. Today's communication technology allows ship owners to manage their vessels, even when they are not physically present on their ships. Owners today have direct communication by radio, computers, and phone, and a ship can be positioned and monitored constantly using satellite systems. Continued use of the LOLA simply deters owners and managers from properly monitoring and managing their ships.

- There are better, more sophisticated alternatives for protecting shipowners than LOLA . Today, shipowners have a wide variety of legal tools they can choose from that better protect their financial interests. For example, insurance, contract, charter, mortgage, the separate incorporation of vessels and even bankruptcy are alternative methods that can offer better financial protection than LOLA.

- The LOLA would even limit the ability of BP to seek reimbursement from Transocean for Transocean's own negligence in the Deepwater Horizon explosion and resulting spill. Transocean should have to accept responsibility for its share of the harm under the Oil Pollution Act. This antiquated law should not provide Transocean with a tool to dodge accountability.

Should the Committee or its staff have any further questions to this end, we would be pleased to provide additional information

Mr. STUPAK. Thank you. Mrs. Kemp, your opening statement, please.

STATEMENT OF COURTNEY KEMP

Mrs. KEMP. Good morning. My name is Courtney Kemp and I'm from——

Mr. STUPAK. May I ask you to pull that up a little bit, if you can, or scooch up a little bit more to the table or slide that over.

Mrs. KEMP. Good morning. My name is Courtney Kemp and I am from Jonesville, Louisiana. My husband is Roy Wyatt Kemp, one of the 11 men killed on the Deepwater Horizon oil rig that exploded on April 20, 2010. On behalf of my husband and my family, I would like to thank you for the opportunity to speak regarding the oil issues in the oil and gas industry.

My husband and I have two precious daughters, Kaylee, three, and Maddison, four months. Our girls will only know what a wonderful father they had by the stories we tell them. While I understand companies must make a profit, I do not believe it should be at the expense of risking lives or destroying families. I am asking you to please consider harsh punishment on companies who chose to ignore safety standards before other families are destroyed.

I am not here today to suggest that Congress implement more safety regulations, but rather to encourage you to hold companies accountable for safety regulations already in place and merely neglected. If proper safety procedures had been taken on the Deepwater Horizon, it is my firm belief that this tragic accident would have been prevented and my husband and the others would be alive today.

It is no secret that the oil field has effected the environment. One can see the devastation that is happening to the coastline and the magnitude of its effects on the seafood industry in general. However, our state has overcome many adversities in the past, including numerous weather related issues such as hurricanes and droughts. We as Americans are a strong people and will recover from this tragedy as well.

America is a rich nation regarding natural resources, but in my opinion we have become too dependent upon foreign imports, this including oil. While we realize we are suffering from economic impacts resulting from the leaking oil, it will be even more devastating if you allow drilling in the Gulf to cease. If drilling ceases, not only would offshore employees lose their jobs, but the trickle down effect would be devastating not only to the coastal states but eventually the entire country. You must not allow this to happen. Drilling in the Gulf must continue.

I would also like to speak with the members of Congress about one of the many acts of Congress that may have a negative effect on my family's future. The Death on the High Seas Act is an antiquated act of Congress passed in 1920 which spells out the losses that the family of a person who suffers wrongful death on the high seas may recover.

DOHSA is a comprehensive act that limits allowable damages for deaths occurring on the high seas. This act does not permit the applications of state wrongful death remedies. It does not look to general maritime law to—to supplement the act's limitations. In es-

sence the act limits the liability of wrongdoers in this matter, such as BP, Transocean, and many others.

My family can never and will never be adequately compensated for our loss. What I am seeking is an accountability from the wrongdoers who caused this terrible tragedy. I ask that the members of Congress use this catastrophe as a basis to revisit and amend this outdated act from 1920. Revise DOHSA with 21st century standards and realities in mind.

Please use this opportunity to make corporate America more responsible and accountable. Require corporate wrongdoers to fully, fairly, and adequately compensate the victims of senseless accidents. Thank you.

Mr. STUPAK. Thank you. Thank you both for your testimony. Let me ask a question or two, if I may. We will start with questions from members.

Our investigation has uncovered several flaws in the design and operations of this well, including equipment malfunctions. From our investigation, we have learned that BP and Transocean were not prepared for a catastrophic loss of well control on the Deepwater Horizon like the one that occurred on April 20th.

We have learned of the following problems, among many, but some of the more obvious ones are mechanical problems were uncovered as early as March of 2010; the blowout preventer, which is the fail safe tool designed to prevent a catastrophic loss of control, was not maintained properly and it was not fully tested. It appears BP made well design choices that may have compromised safety.

According to BP's preliminary investigation, there were several signs of possible loss of well control in the 24 hours before the explosion, yet steps were not taken to safeguard the employees. It also appears BP made several cementing design choices that went against the best practices for the industry.

This weekend we see adds from BP like this one we have here (indicating). And I point that out because it says "we will get it done. We will make this right". It reminds me of the marshes we were in last night. Once the oil gets in those marshes, you really can't get them out. Mother nature has to do that; but more importantly, it can't make your loss right. And the part that disturbs me, the ad never mentions your loss, that of the 11 people who died and those who were injured.

So let me ask you this, Natalie and Courtney: What would ask these companies, BP and Transocean? What would you ask them if you had the opportunity? Hopefully, you can do it through us. Mrs. Roshto.

Mrs. ROSHTO. If I had the opportunity to ask BP one question, it would be—I know that my husband can't come back. There's nothing I can do or say to make him come back, but why? What went wrong? Why weren't you out there trying to do something in the weeks before when they were having problems?

Mr. STUPAK. Mrs. Kemp.

Mrs. KEMP. I would also ask why but in a different sense. Why is it that money is more important than someone's life? Why?

And I'm extremely upset that BP has never mentioned the 11 or the ones that are injured or the men that are struggling mentally that survived that tragic night.

Mr. STUPAK. In this hearing you mentioned the Death on the High Seas Act. I'm sure every member here knows of it and we will look at it and, as the Congress of the United States, I'm sure all Congress will.

What other hopes do you have this hearing will accomplish? What else would you like to see come from these hearings? You mentioned safety, you mentioned the High Seas Act. Anything else you would like to see, Mrs. Kemp?

Mrs. Roshto? I'm afraid to ask your counsel because I'm sure they have a list of them for us, but——

Mrs. ROSHTO. My hope from this hearing is to not stop offshore drilling. That's—that has—when I saw that and heard that, that hit deep because my husband took great pride in his job. And many men, many men depend on offshore drilling. That is our way of life. I mean I—that—that would not do these men any justice one bit.

Mrs. KEMP. I totally agree with Natalie's statement in that our husbands will—being a Christian, we will one day again see our husbands, but it is important now that Congress and the government in itself takes—takes pride in knowing that there are men out there that work every day to put fuel in your vehicles, to heat our homes, and that is something that is merely neglected.

And I hope today that people realize how important offshore drilling is and how important it is not only to the coastal states where so many people work—because we do live in very rural areas and offshore work is a way for families to make a living and to be able to provide for children, and I hope that you work very hard and diligently to make sure that drilling continues in the Gulf.

Mr. STUPAK. Well, I can't speak for all the members, but from where I sit, drilling will continue. Right now after this tragic accident, I think we need to pause here. Let's see what went wrong. Let's make sure it doesn't happen again. Whether it's a shallow well or a deep water well, let's make sure we get it right. We can't have more hearings like this with young folks like you coming talking about your tragic loss and the environment being devastated in the Gulf, so I think we ought to slow it down for a minute here. Let's see what's going on. Let's get proper rules, regulations, safety concerns addressed. And I think there will always be drilling in the outer continental shelf or wherever in this country. We've just got to do it better, safer.

With that, I want my questions—we are going to go—This will be the order of questions so all will know:

Mr. Burgess will go, Mr. Braley, Mr. Markey, Ms. DeGette, Ms. Schakowsky, Mrs. Christensen, Mr. Melancon, and Mr. Scalise.

Mr. Burgess, five minutes, please.

Mr. BURGESS. Thank you, Mr. Chairman. And, again, I want to thank our witnesses for being here today. I want to thank you for bringing to our attention Chapter 21, paragraph 761 of the Death on the High Seas Act. You know, it's interesting we have been talking about changing the law where BP's liability is capped at $75 million to $10 billion, but—but that actually wouldn't help what you are talking about on the Death on the High Seas Act where

no—no liability occurs beyond three miles out from the shore. And clearly, as we—as we adjust for the 21st century the liability of the companies, this is something that on an individual basis has to be tackled also. So just to let you know, your testimony here this morning has been very helpful. Let me—let me ask you a question: What—now, did your husbands work for BP or Transocean or Halliburton.

Mrs. ROSHTO. Transocean.

Mrs. KEMP. Transocean.

Mr. BURGESS. And since the accident, what have you heard from the company itself? Have they come to you and—and offered any type of assistance with—with pulling your lives back together.

Mrs. ROSHTO. Actually, I sat across my kitchen table with the CEO and president of Transocean. He personally paid a visit to me, and I also had a lady from the company that has kept in close contact with me about anything to do with anything out there.

Mr. BURGESS. So are they giving you financial assistance at this point?

Mrs. ROSHTO. Yes. I—we are still receiving his paycheck until otherwise.

Mr. BURGESS. I see. Same with you, Mrs. Kemp?

Mrs. KEMP. Yes, sir. Again, the CEO of the company came to the House to express his personal condolences. Like Natalie, I also have a representative from Transocean who we keep in close contact and she and I speak regularly on a daily basis. And yes, we are still receiving their paychecks just as if they were out there working.

Mr. BURGESS. I see. So—so the ability to keep body and soul together right now while things are being sorted out, you have a cash flow that is—is available to you?

Mrs. ROSHTO. Yes, sir.

Mrs. KEMP. Yes.

Mr. BURGESS. And the reason I ask is because, you know, just preceding the—the Deepwater Horizon tragedy, there was another tragedy that occurred on land on April 5th in West Virginia.

And, Mr. Chairman, I'll submit this for the record, but a newspaper article on the Upper Big Branch mine, each miner's spouse or beneficiary will collect life insurance benefits that are five times the miner's annual pay. A surviving spouse will be entitled to 20 years of health benefits dependant children will continue health benefits until the age 19 or age 24, child care benefits for children up to the age of 12.

This company obviously got out in front of this issue. I'm glad to here that Transocean did. I actually don't know if any of BP's employees were—were killed in the accident and I'd be interested to know if they have been as forthcoming; but clearly, this is not—in my opinion, this is preventative medicine. This is taking care of a family that needs help who suffered a devastating loss.

I'm glad to hear that Transocean has—has stepped up. I hope that it is every bit as reasonable as what the—the owners of the Upper Big Branch mine did because they clearly recognized they were facing a dreadful public relations problem, as is Transocean, as is BP, and honestly as is Halliburton.

Did your husbands talk to you at all—both of you referenced the fact that when you saw your husbands they talked about things that were not right on the rig. I presume you've talked to the Coast Guard about this, but is there anything you can share with us about the stories your husbands were telling you during those last visits about concerns they had about safety on the rig?

Mrs. ROSHTO. The last time Shane was home, the three weeks he was home, we had some pretty detailed conversations about some of the issues out there concerning the well.

Mr. BURGESS. Let me stop you for just a second. Is that normal coast side conversation that you and Shane would have had——

Mrs. ROSHTO. We had——

Mr. BURGESS [continuing]. Or was he overly concerned about safety?

Mrs. ROSHTO. No, no. We always talked about his work. I had an intense interest in his work because I did not work. Because I couldn't see it with my own two eyes, I had a lot of questions. And I mean the four and a half years he was out there, we talked 90 percent about his work and—because he was moving up and he was really interested in his job. But we had some previous conversations on some issues that they had out there.

Main reason he had an issue was because he was working in the mud room, a lot of mud loss undoubtedly. I actually spoke with him at 1:30 the morning of the accident and he expressed some concern about some issues they were having, and I talked to him at 10:30 a.m. The morning of the accident and at that time he didn't really express any concern; but our 1:30 a.m. Conversation he had some concerns about some well issues that they were having, the mud loss.

Mr. BURGESS. Mrs. Kemp, just a little time I have left. Can you respond to that?

Mrs. KEMP. Yes. My husband also stated that they had been losing mud. They had had problems with well control before and actually lost the well, lost a lot of tools and everything, several millions of dollars worth of equipment that had been lost. They were also receiving a lot of kicks from the well, a lot of gas pressure, and—and that had been going on throughout the duration of this well. Mr. Chairman?

Mr. STUPAK. Thank you. Mr. Braley for questions, please.

Mr. BRALEY. Thank you. And Mrs. Roshto and Mrs. Kemp, I want to thank you for bringing us this problem with the Jones Act, otherwise known as the Death on the High Seas Act, because a lot of people don't appreciate what's going on out on those drilling platforms. They don't know that they are flagged vessels and that the Deepwater Horizon rig was flagged as a vessel in the Marshall Islands. Were you aware of that?

Mrs. KEMP. No, I wasn't.

Mr. BRALEY. And that because they are a flagged vessel, they are subject to the Jones Act limitations which are very restrictive. They don't provide any compensation for quality of life damages, for the loss, the emotional loss, that the two of you have for losing your husband, for the emotional loss that your children have, for the fact that your husband won't be there for their high school gradua-

tions or their weddings or those wonderful times that families get to celebrate.

If this had happened on land under the laws of Louisiana and in almost every other state, your claims would have been significantly greater and different; because those quality of life damages are recognized but they are not under the federal law known as the Jones Act, and that's the concern both of you were expressing. Is that what you were sharing with the committee?

Mrs. ROSHTO. Yes.

Mrs. KEMP. Yes.

Mr. BRALEY. Now, one of the things that we do know is that Transocean was involved in reaching out to families after this disaster occurred. And, Mrs. Roshto, you talked about being contacted, I think you said, 6:00 o'clock in the morning by phone call?

Mrs. ROSHTO. Actually, my mother woke me up. She had gotten a phone call from a friend of a friend that was on another rig. I actually did not hear from Transocean until 11:22 that afternoon to ask if it was a good contact number, and then I again talked to them about 2:20 and they did not confirm that he was on the missing list until around 4:00 when I was already in Fourchon.

Mr. BRALEY. Can you just tell us the extent of your contact with a representative from Transocean as you went through that difficult first period?

Mrs. ROSHTO. You talking about the first day?

Mr. BRALEY. Yes.

Mrs. ROSHTO. The first day I spoke with them periodically every—pretty much every hour, but it was this—after 11:00 is when I spoke with them pretty much every hour, but it was never any new information.

Like I said, I didn't actually find out he was on the missing list until around 4:00. My mom actually is the one that woke me up and told me. I had heard that there was some in different hospitals that had already—I actually contacted different hospitals that I had heard some were at.

We made it down to Port Fourchon. We stayed down there and then that's when we found out the boat was supposed to be coming in, went to where the seaport where the boat was supposed to be coming in, and that's about the time that I found out he was on the missing list.

Mr. BRALEY. And when you talk about the boat coming in, are you referring to——

Mrs. ROSHTO. The crew boat that was carrying the men, the survivors.

Mr. BRALEY. Bringing the survivors back to shore?

Mrs. ROSHTO. Uh-huh.

Mr. BRALEY. What were you told, if anything, about the circumstances that had led to this disaster?

Mrs. ROSHTO. At that point at the seaport, I really didn't know much. I knew what I had watched at the 3:00 o'clock news conference on the TV. That was the extent. At 3:00 o'clock when I watched the news conference, that was the most news, the most information I had heard then. The only thing I knew up to that point was that there had been an explosion.

Mr. BRALEY. When was the first time you had contact with anyone from Transocean that gave you some sense of explanation of what had happened to your husband?

Mrs. ROSHTO. Never. Never.

Mr. BRALEY. And to this day you've never received an explanation?

Mrs. ROSHTO. No.

Mrs. KEMP. No.

Mr. BRALEY. And, Mrs. Kemp, I see you also responding. Tell us what your experience was like in dealing with Transocean.

Mrs. KEMP. I received a call at approximately 4:30 on April 21st. The lady told me that there had been an explosion on the Deepwater Horizon and an emergency evacuation was taking place and the Coast Guard was on the scene. I immediately jumped to my feet and said, "Where's my husband?" And she said, "At this time, we don't know." And I said, "Can you tell me anything about him, anything about the crew?" "No, ma'am. We don't have any information." I said, "OK." I took her name, her phone number, and I said that I would be contacting you.

I then about 6:00 o'clock that morning I called—Wyatt rode back and forth with Wyman Wheeler, and I called his home and Becky was already en route to New Orleans, his wife, to—he was one of the ones injured. And I asked, I said, "Where is Wyatt? You know, what's going on?" And she said, "Wyman doesn't know where anybody is. I don't have a clue. When I get down there, I'll try to find out something for you and get back with you."

They, Transocean, set up a hotline. I started calling the hotline every hour on the hour; and when I did around 2:00 o'clock, someone answered the hotline and told me that everyone had been accounted for and no fatalities were reported.

Mr. BRALEY. That was 2:00 o'clock the first day?

Mrs. KEMP. 2:00 o'clock the first day, April 21st. At approximately 2:30, my sheriff in our parish came to the House. He is a personal friend of ours. He came to the House and he told me, he said, "Courtney, let's go in this room and I—I need you to call this lady." And so I did so, and that's when she informed me that Wyatt was one of the 11 missing. And to this day, we have never received any kind of explanation as to what happened. There's a lot of speculation, a lot of things you hear, but we have never gotten an explanation from Transocean, BP, anybody.

Mr. BRALEY. Thank you.

Mr. STUPAK. Thank you, Mr. Braley. And, Mr. Markey, questions, please.

Mr. MARKEY. Thank you, Mr. Chairman, very much. And thank you for your testimony. It's very important for us to hear how our laws and how they are implemented impacts ordinary families. So the first thing I would like to tell you is that your testimony is going to help to make it possible for us to repeal the Death on the High Seas Act so that we never again have a situation like this.

We have thousands of thousands of people who are out on these rigs on the ocean and there never was any intention for you and people like you not to be able to recover for your families, so that has to be changed and your testimony is going to very profoundly help us to be able to accomplish that role.

Now, you talked a little bit about the concerns which your husband had about mud control, about well control. Was he concerned about the shortcuts that BP was making in safety out on the rig, Mrs. Roshto?

Mrs. ROSHTO. Shane never made any reference to BP as far as safety. The last time Shane was home, we actually—he actually went to a safety school that Transocean put on, and he highly spoke of Transocean and their safety.

Now, there were statements made that there was times he felt that there was agendas put over safety, you know, business agendas to get the work done. The last—when I spoke with him the weeks before—the first week he was out there before the accident, there was talk about high pressure and how they were pushing on to get finished and, you know, they were over budgeting, they were over their time in the hole, and yet there was concerns but never anything pointed towards BP or Transocean.

Mr. MARKEY. What would you say to BP about the impact that compromises safety they have upon families when something goes tragically wrong?

Mrs. ROSHTO. Let's just remember that it's—it's all going to be OK in the end. You are going to get that oil out of that hole regardless of how long it takes. But there were 11 men that suffered, 11 families that suffered, and let's not place the importance of oil over the importance of a life.

Mr. MARKEY. Thank you, Mrs. Roshto. What would you say to BP about the compromise of safety in pursuant of oil?

Mrs. KEMP. Again, like Natalie, I—I don't see how—you know, people say money is the root of all evil and in this case it really was. BP, it's—it's plain to see that, of course, BP was in a hurry because they were over schedule and, of course, trying to hurry up and get off of that well and move onto the next one, so in a—in a way it's just the fact that life is way too precious and no amount of money will ever be sufficient of bringing your—your spouse back or your father back or anything like that. And, frankly, it's not that important as far as you are talking about a life.

Mr. MARKEY. Well, one way that we can hurt BP is to make sure that—BP stands for bills paid—that the money for families, the money to clean up the Gulf comes out of their pocket and that we repeal the Death on the High Seas Act and we change the laws in order to make sure that the companies are more accountable when they harm not only lives but the livelihoods of people——

Mrs. KEMP. I really——

Mr. MARKEY [continuing]. That are dependent upon these companies.

Mrs. KEMP. I'm sorry.

Mr. MARKEY. No, please.

Mrs. KEMP. I really believe that BP will never understand the pain that we feel. And the only way that big companies like that will feel the pain is when it comes out of their pocket because that's basically how we have felt is all they are worried about. And until they are hurt bad enough, they will never understand what we have gone through. And even if they are hurt bad enough, they still will never understand the pain we feel.

Mr. MARKEY. Well, we are going to make sure that they feel the pain and the two of you will always be remembered as we go back to Washington.

Mrs. ROSHTO. And if you can do that, this will serve justice to all other men. If you can do that, this will make all the pain—I can speak for Courtney too—and all the suffering's worth every bit of this just to see something change out there.

Mr. MARKEY. Thank you. Thank you for being here.

Mr. STUPAK. Ms. DeGette, questions, please.

Ms. DEGETTE. Thank you, Mr. Chairman. Mrs. Roshto, you talked in your testimony today and also in your written testimony about the safety schools, meetings, fire drills, and safety regulations that your husband, Shane, went through. Did you feel like he was really thoroughly trained about emergency procedures on the rig, what would happen?

Mrs. ROSHTO. Yes and no. Every Sunday, especially the last Sunday before he would come home on Wednesday, he would always say, "Last safety—I mean last fire drill, baby. I got to go." They practiced, practiced, practiced, practiced evacuation drills and that kind of stuff. But throughout all this, I've learned that and also knew that at 10:00 o'clock every Sunday it was at the same time every Sunday, same place. If there can be something different done as far as maybe under different conditions or different ways of going about it each time, you can practice, practice and you can do it; but when it really comes down to it like it did the night of April 20th, it all goes out a wash. And in an incident like that, if there could be something done different to make them in different situations.

Ms. DEGETTE. So they were training to do one thing but maybe not respond to a situation like this?

Mrs. ROSHTO. Right. Correct.

Ms. DEGETTE. Mrs. Kemp, what about your husband, Wyatt?

Mrs. KEMP. Yes. Yes and no. They were—they were trained.

They were—they were made to do things and—and go through different trainings and all of that, and all of that was great. And then Wyatt would say, "You know, some helped, some didn't." But—but at—at this catastrophe, the magnitude of this accident, it—from what—when we talked to some of the crew members and everything, all of their safety plans, all of their, you know, fire safety drills, all that went out the window. They were not—they were not expecting something of this magnitude to happen.

Ms. DEGETTE. Right.

Mrs. KEMP. You are talking about a blast that—that threw the—the axes off the window, broke them in half. There was things there that they couldn't do anything to help the other people and because they were not expecting a blast like this.

Ms. DEGETTE. Right. One of things that we—so—so the answer—and—and Mrs. Roshto said this in her testimony: It's not more training, it's better training and more focused training.

Mrs. ROSHTO. Right.

Mrs. KEMP. Right.

Ms. DEGETTE. One of the things we have seen in the news accounts is a criticism that there wasn't any real chain of command, that there was this pressure both of you talked about. There was

this pressure to get things done. And a lot of people had concerns: The mud concerns, the gas build up, the hurry up. And we have seen that from you and other people, but what they are saying is that no one was really sure exactly who they could go to and talk to about those concerns and get those concerns addressed.

Did your husbands talk to you about that, Mrs. Roshto, about a lack of a place—of a sort of a system in place to address that?

Mrs. ROSHTO. Shane was fully aware of the chain of command and who—if he had a problem, who to go to. Now, from the testimonies and different things I've heard from that night, there was a mix up or, you know, who should have been in command, who should have made what call. I think that should be addressed because it is a dynamically positioned rig and you do have a line up and you do have a captain. There needs to be a fine definition of who is in charge, who makes what call in what situation.

Ms. DEGETTE. Mrs. Kemp, do you have any thoughts on that?

Mrs. KEMP. I agree with Natalie's statement in that, you know, my husband knew who to go to personally, but in something this horrific it, like I said, all went out the window.

Ms. DEGETTE. Do you know if your husband felt like he could go to people and talk about this gas build up that you mentioned and how that was addressed, or was it just sort of a fact that he was reporting?

Mrs. KEMP. It was more of a fact that he was reporting. I know—I feel certain that he and Wyman talked about it, Wyman Wheeler, because they were travel partners. Wyman is also a toolpusher. So as—as far as the chain of command goes, he is above Wyatt, so I'm sure that they spoke about it and everything, but to what extent, I'm not sure.

Ms. DEGETTE. You know, this is one of the things we are hearing about.

Mrs. KEMP. Yes.

Ms. DEGETTE. Everybody knew about these problems, but nobody—but there was a chain of command but nobody felt nobody could—could stop it or slow it down or—you know what I'm saying? They knew there were problems, but they were just sort of going to go along and do their job.

Mrs. ROSHTO. I know about smaller issues the men could report and not feel that there was any way of losing their job because in 2008—no. Yes. 2008 my husband received an award for spotting a dropped object, but that was within Transocean. That was not within BP. So I think within the company, Transocean, and the men on his rig, Shane always felt like if there was an issue that he could express it to his Transocean fellow co-workers. But never once did he ever make a statement to—to me about feeling comfortable about speaking with BP or, you know, if he did see a concern with Transocean, would they ever follow up with BP.

Ms. DEGETTE. Thank you, Mr. Chairman. Can Mrs. Kemp answer real quickly?

Mr. STUPAK. Yes.

Mrs. KEMP. Also, with my husband, you know, BP company men are—they are the ones that call the shots. It's their well. But as far as with the rig and everything with Transocean, my husband was willing and able and—and could go speak to a Transocean

member. But as far as with BP, it was not like that because they called the shots.

Ms. DEGETTE. Thank you.

Mr. STUPAK. Thank you. Ms. Schakowsky for questions, please.

Ms. SCHAKOWSKY. Thank you so much. Let me follow up on that. There was talk about pressure because it was—the project was being rushed to be finished. Did that pressure come from BP to Transocean or was that just internally Transocean? In other words, did the Transocean employees feel like they were being pressured by BP to complete the job? Do you have any sense of that?

Mrs. KEMP. Not really sense of it, but I believe, you know, that that was the extent. BP was, you know, in a crunch and they were behind on the well and everything and they had fallen behind schedule, so I think—I know speaking for Wyatt that he was pressured in trying to hurry up and get things done.

Ms. SCHAKOWSKY. And that pressure would have come from his—from his bosses, but he felt that it was really BP that pressured Transocean to get it done? I'm trying to understand who might have short circuited a little bit and what the cause of that would have been in terms of safety.

Mrs. ROSHTO. I think it was a trickle effect.

Ms. SCHAKOWSKY. I can't hear you.

Mrs. ROSHTO. I think it was a trickle effect.

Ms. SCHAKOWSKY. I see.

Mrs. ROSHTO. I mean it came from the well holders and then—I mean Transocean knew that they were their well holders and that was their contract. That's how they paid their men on that rig. I think it was a trickle effect.

Ms. SCHAKOWSKY. Was any of the slow down—it was a difficult well, I think both of you have mentioned, but was any of the slow down particularly identified as things that would effect safety?

Mrs. ROSHTO. They were losing tools in the hole and had to go back and drill a side drill because they had lost the hole. I mean this is—we're talking about the same hole that inside they were—they abandoned for the same issues but yet they put the Deepwater Horizon rig over this hole and were still having problems in the first two weeks that they got over this hole. They lost the well and had to drill a relief well beside it.

Ms. SCHAKOWSKY. All right. Has Transocean ever made any statements to you or assurances about financial compensation that your families would be all right? You said that they are right now paying salaries, but do they ever—ever really talk to you about the future?

Mrs. KEMP. They have come to me and made a settlement offer, but it's not enough.

Ms. SCHAKOWSKY. OK.

Mrs. ROSHTO. We spoke, but nothing of a serious nature.

Ms. SCHAKOWSKY. And what about BP, what kind of contact have you had with British Petroleum since the incident, letters, phone calls, visits?

Mrs. ROSHTO. Two BP men attended Shane's services and they—they never extended a hand, a hug, never extended a "we're sorry," their condolences. The only words that came out of their mouth was where they were to be seated and I never saw them after that.

Ms. SCHAKOWSKY. They said—they asked you that? They came right up to you and asked that?

Mrs. ROSHTO. That—I met them. We were greeting at the door at Shane's services, and I never saw them after that and I have not spoke with one.

Ms. SCHAKOWSKY. And what about you, Mrs. Kemp?

Mrs. KEMP. Two BP—two BP men came to Wyatt's services and one extended his hand. I shook it. He told me that he was sorry for my loss. He asked if he could hug me. He did. The other gentleman extended his hand, told me who he was, and they sent two plants to the services; and that is the extent of my conversation or any dealings with BP.

Ms. SCHAKOWSKY. Did they identify themselves as to—I'm not looking for names but as to how high up they were in the company in any way?

Mrs. ROSHTO. No, ma'am.

Mrs. KEMP. No, ma'am.

Ms. SCHAKOWSKY. Was there ever any indication from either of your husbands that there was a tension with—between Transocean and BP, that different instructions somehow were—were coming down, that there was any feeling that BP wasn't doing what it should do; was there ever any of that?

Mrs. KEMP. My husband never spoke of stuff like that.

Mrs. ROSHTO. No.

Ms. SCHAKOWSKY. So aside from your—both of your feelings that we should repeal the—what's it called?

Mrs. ROSHTO. Death on the High Seas Act.

Mrs. KEMP. Death on the High Seas Act.

Ms. SCHAKOWSKY. You feel like—it sounds like you don't think there needs to be new legislation but rather enforcement; is—is that right? Is there anything else that you would think we ought to do in order to prevent this in the future?

Mrs. KEMP. I think that there are plenty of safety regulations in place. It's just the mere fact of them being enforced and not being neglected and having some accountability for when they are neglected.

Mrs. ROSHTO. I—I fully agree with Courtney. I think that there should somehow be a way to make these companies have to be looked at by maybe a third party to come in and investigate, maybe say this safety rule's good. You have this back up plan, but let's revise this back up plan. Because if they are regulating theirselves, how do we know if they are doing it the right way or the wrong way. Undoubtedly, it was the wrong way in this situation.

Ms. SCHAKOWSKY. Thank you very much.

Mr. STUPAK. Thank you. Ms. Christensen for questions, please.

Mrs. CHRISTENSEN. Thank you. I know many questions have been asked but, again, thank you for being here. Mrs. Kemp, I understand that your husband, Wyatt, worked with Transocean for four years prior to the explosion. And we know that he was a hard working individual and he had recently been promoted to assistant driller. Did he work on the Deepwater Horizon for all of those four years.

Mrs. KEMP. Yes, ma'am. Actually, he worked a little more than four years. It was approximately four and a half, five years and he had only worked on the Deepwater Horizon.

Mrs. CHRISTENSEN. OK. Because my question is going to be then, and how would he have compared that to other sites? So I guess——

Mrs. KEMP. He had worked on a land rig but not in the Gulf.

Mrs. CHRISTENSEN. OK. And, Mrs. Roshto, your husband also was a very hard worker, was training to work at the subsea level. He had worked also for four years——

Mrs. ROSHTO. Yes, ma'am.

Mrs. CHRISTENSEN [continuing]. With Transocean? Did—both of you had testified that your husbands spoke to you about the difficulties, the mud leaking, and the loss of equipment, and so forth. Did Shane work on any other projects that he would be able to have compared?

Mrs. ROSHTO. No, he didn't. But the day he got hired, he got the phone call from Transocean and he called the guy that actually got him hired. The guy told him—he also worked for Transocean. He said, "If there is any rig that you want to be on, it's the Deepwater Horizon." He said that is by far the safest rig in the Gulf.

Mrs. CHRISTENSEN. Well, did any of them—I'm trying to get a sense of—the purpose of my question was to try to get a sense of the difficulties that were being experienced in this operation was different from others.

In their maybe discussions with other workers in this deep water operation, did you ever get a sense that the difficulties that they were experiencing were different or greater than might have happened, might have been experienced by their co-workers who worked on other rigs?

Mrs. KEMP. Wyatt would always—Wyatt just told me that, you know, it was—it was typical to—to get some kicks from a well and to have some problems, but it was their job to deal with the problems, fix them, and go on with it. This well was different in the fact that they were having so many problems and so many things were happening and it was just kind of out of hand.

Mrs. CHRISTENSEN. And that was your sense also, Mrs. Roshto.

Mrs. ROSHTO. The numerous kickbacks that they were having and the loss of the well is what really concerned Shane, and the loss of the mud because he had never worked in it before. That was his three main concerns, you know, that we talked about a lot.

Mrs. CHRISTENSEN. OK. Well, although a lot of information is being uncovered, there is still a lot that we don't know; but I think you can walk away from this hearing with assurance that this subcommittee, as it does in every instance, will not let up until all the questions are answered and we know what happened and who's responsible.

Again, thank you for being here and honoring the lives of your husbands with your testimony. I yield back.

Mr. STUPAK. Thank you. Mr. Melancon, questions, please.

Mr. MELANCON. Thank you, Mr. Chairman. On a bright note, I've spent many a hunting season in Liberty, Mississippi, about six miles north of McComb Highway when I was in college and several years after. So if Shane was a hunter and fisherman, and if Wyatt

was too, I understand. And Jonesville is a good hunting area and fishing area, so I—they are probably guys I would have had a lot to talk about with.

The Death on the High Seas thing bothers me tremendously. And just so you will know, I will support and work to try and make sure that we repeal and reform that section of law. It's egregious that there is no recourse other than, I think, the only obligation that the company has is to reimburse you for the funeral. I think that's it. I may be wrong. So that's—that's very disheartening. It's—in these days and times, even back in those days and times, it probably shouldn't have been.

Did Transocean advise either of you how long they intended to continue giving you your husband's checks and are they going to continue health benefits or——

Mrs. ROSHTO. I know until the life insurance is issued, we will receive his paycheck; but now as far as health insurance, no, we have not spoke on that matter.

Mrs. KEMP. We have touched on the health insurance part, and it is my understanding until a settlement is reached we will be compensated with health insurance. And up to a year after the settlement, we can receive health insurance but we have to pay for it at the company rate; and then after that year we are on our own.

Mr. MELANCON. Now, the life insurance, is that a company benefit or is this life insurance that your husbands and you-all purchased.

Mrs. ROSHTO. It's a company benefit.

Mrs. KEMP. It's a company benefit.

Mr. MELANCON. Is it adequate to maintain your family for—I mean we don't know how long that might be—the rest of your life?

Mrs. ROSHTO. I would say so because last year when the Deepwater Horizon started taking water and they had a problem or whatever, Shane came home and said that he realized that he was working in a very dangerous atmosphere and it just really opened his eyes up. And we actually purchased some——

Mr. MELANCON. Purchased some.

Mrs. ROSHTO. Not purchased, but through the company we took out some extra insurance plans because he said he wanted——

Mr. MELANCON. But you still had to pay for those yourself.

Mrs. ROSHTO. No. They came out of his check and things like that, but it was at the company's expense. But now, regularly, if you just take what the company offers and don't take an extra plan, I wouldn't say that it's compensatable. Would you?

Mrs. KEMP. No. And we just—we took what—the company plan.

Mr. MELANCON. There has been—I have heard, don't know if it's fact or not and I don't know if either of your husbands had a conversation, but as I understand it, Schlumberger was on the rig prior to the explosion and about 11 hours out said they were getting off the rig. Did either of your husbands have a conversation with you about that or——

Mrs. KEMP. My husband did not, but I am aware of Schlumberger being out there.

Mr. MELANCON. And saying that they felt it was an unsafe condition and——

Mrs. KEMP. Yes, sir. My father is close friends with someone who works for Schlumberger and he told my dad.

Mr. MELANCON. I mean would you think that your husbands—of course, they can say to the Transocean people if they are getting off, then maybe there's a problem and we ought to be——

Mrs. ROSHTO. Yes. Let's—let's follow in behind.

Mr. MELANCON. Yes. I mean they should have been putting them on the same crew boat or the same helicopter if, in fact, that was, and maybe leave a skeleton crew to try and cement in the hole or whatever the procedure would be there. Did—did either one of them—did—when you talked did you-all talk to them that afternoon in that period of time that they may have said something about Schlumberger pulling off?

Mrs. KEMP. My husband never talked to me about Schlumberger. I work in a dangerous job as well and he didn't want—I don't think he wanted to bother me about——

Mr. MELANCON. Didn't want you worried.

Mrs. KEMP. Sorry?

Mr. MELANCON. He didn't want you worried.

Mrs. KEMP. Right.

Mr. MELANCON. And what do you do.

Mrs. KEMP. I'm an investigator for child protection.

Mr. MELANCON. OK. Sheriff's office or DA's office.

Mrs. KEMP. No, sir, with the Department of Social Services.

Mr. MELANCON. OK. Yes you can get in some hairy situations. The—one of the things that I want to say to the committee, this lady's from Mississippi. This lady's from north Louisiana. I think if we look at the residencies of the people on the rig, we've probably got Mississippi, Arkansas, Alabama, Tennessee, you name it.

Mrs. ROSHTO. They are everywhere.

Mr. MELANCON. They are from everywhere. So this is one rig and all of them lack that that touch families from throughout the south as best I can tell.

I support drilling. I'm just hoping that we can find something between shutting down and drill baby drill to give us the balance to maintain the community to provide the good jobs; but at the same time, we need to make sure this never happens to anyone again and safety should be our first priority. And the committee, I thank the chairman and the ranking member. That's where I will work to try and make sure that when you go to work the expectation is that you will be coming back from work.

Mrs. ROSHTO. Right.

Mr. MELANCON. So thank you all for coming.

Mrs. ROSHTO. Thank you.

Mrs. KEMP. Thank you.

Mr. STUPAK. Thank you, Mr. Melancon. Mr. Scalise for questions, please. Five minutes.

Mr. SCALISE. Thank you, Mr. Chairman. You both talked about the safety regulations and, you know, I guess whether there should be more regulations or just follow the existing. And I think both Mrs. Roshto and Mrs. Kemp both said that maybe it's more of a case that the existing safety regulations weren't followed more than—more than we need more.

Can you both touch on were there things that you saw and conversations you had with your husbands about safety regulations that weren't followed or how the regulations weren't being properly administered by the federal regulator? What things did you see to make you feel that way?

Mrs. KEMP. I didn't speak to my husband about safety regulations particularly on this well, but I didn't learn about all of the shortcuts and everything that was taking place until after the explosion.

Mr. SCALISE. In conversations with some of the other families?

Mrs. KEMP. Correct. With conversations with some of the other crew members and just things that have come out in the media and everything.

Mr. SCALISE. Mrs. Roshto.

Mrs. ROSHTO. Looking back on Shane and I's past conversations the weeks leading up to the accident when he was on the rig, I never thought about it when we were talking about it. I never thought about the—I guess really the problems that they were having and what—how it could end up. But when I found out and as I had conversations with the crew members and I thought about what he said, it really made me realize that there was a problem and he saw it. He knew that there was a problem.

Now, as far as safety on this particular rig, he never specifically pinpointed a safety issue that they had, but he did make reference to safety, you know, that was in practice. He was always very prideful about Transocean and how they practiced safety, but never—it was always Transocean practiced safety, never BP practiced safety.

But he always was very prideful in Transocean practicing safety; but at the same time, though, there were downfalls to their safety, different ways they went about doing safety things and tank cards and permits they had to get. There were issues with that, not necessarily just on this well, but on his time on the Deepwater Horizon.

Mr. SCALISE. We have heard some stories, mostly secondhand accounts, that there may have been some—some pretty strong disagreements between some of the Transocean people on the rig and BP, especially about the displacement of the mud when they brought in water and during the sealing period and maybe there was a disagreement in which procedure to use.

We had a hearing with Transocean and BP, and—and they said there wasn't a disagreement, but we are hearing that there were employees—and I don't know if you-all have heard that, but there was some pretty strong disagreements over the process that was used to displace the mud with water. I don't know if you've heard anything about that.

Mrs. KEMP. I've heard that from some of the crew members who—one in particular that walked in and they were—BP and Transocean were going back and forth on what was supposed to take place that day and—and about the displacement of the mud with sea water, and I—I think it was a—kind of a heated conversation.

Mrs. ROSHTO. That's the same thing I heard.

Mr. SCALISE. Did you-all ever hear—did your husbands ever share stories of the MMS, who is the federal regulator, coming onto the rig and doing inspections? Was it all—did they just kind of cede that responsibility to the companies to do their own inspections or do you know?

Mrs. ROSHTO. I've learned more about MMS in the past weeks than I ever knew about them.

Mr. SCALISE. Because there's some talk of—one of the answers is splitting them up. And it seems like if you have got an agency of over 1,700 people, whether it's one agency or three, if one agency wasn't doing its job, having three agencies not doing its job doesn't seem to accomplish anything. But I don't know if you-all had heard anything about that because that's something else that we'll be looking at.

And I think from some of the things you said earlier it sounds more like a case of just doing your job right as opposed to not doing the proper inspections. I think whether you're for big government or small government, I think we should all be able to expect competent government, and I don't know if we got that here.

And so that's something else we've got to look into on our side to make sure that for other families, as you talk about, that they don't have to worry about things like that in the future.

One last thing, you both talked about what the industry means to your lives and, you know, what it meant to your families and, you know, how much your husbands, the pride that they had. I know it's being talked about. We're going to deal with it in terms of policy possibly of this—this potential shutdown, a ban, that in essence, would run all of these rigs off for maybe three to five years or more because if you lose that infrastructure. Can you-all share just what the industry means in terms of what it meant to your families and your husbands working?

Mrs. ROSHTO. What it meant to my family was being able to put a roof over my child's head. I attended college. I had every intention of—I was actually supposed to graduate May the 13th. I had taken an incomplete because of the incident. I had—Shane had every full intention of putting me through school to get my masters. And what it—what it meant to us was a way to provide for our child, a way to provide a life-style that most 21 and 22 year old people cannot provide for their child; because everyone knows sitting in this room that offshore you make more money than you do on land. It's just a fact of it.

But at the same time, though, it meant being able to come home and spend three weeks every day with his family. Most people don't get but the weekends, whereas our husbands received three weeks of—with us ever single day doing what we wanted.

Mr. SCALISE. Mrs. Kemp.

Mrs. KEMP. Back in—in my town and my part of Louisiana, you—you can walk down the street and you can ask somebody what do you do for a living. 75 percent to 80 percent of them will say they work offshore or they know somebody that works offshore or they know somebody that works for Transocean.

The oil field industry is—is a very, very large industry in our state and with the coastal states, especially in my hometown. And like Natalie said, it's—it's one that my husband could go out there,

make good money, and be at home with me and the girls, and—and give us his—his devoted time.

Now, you know, Mr. Melancon talked about hunting and I had to share that with my husband because he enjoyed his fair share of hunting, but—but that was definitely—definitely one thing that he enjoyed was the time at home with his family, that he didn't have to worry about the rig or he didn't have to worry about work, and one thing that—that we all really enjoyed.

Mr. SCALISE. Thank you, Mr. Chairman, and thank both of you. As a father of a three year old and a one year old, I can't imagine, you know, what it's like, but I can just say I appreciate the strength that both of you are exhibiting. If there's anything my office can do to help you along the way, but thank you so much for your testimony.

Mr. STUPAK. We'd like to thank you again for your testimony. Let me just ask you for your counsel. You both indicated you had counsel. We know Transocean's asked for a $17 million cap.

We would like your counsel just to explain to us how the Jones Acts, whether that would be part of it and affect it because you certainly raise the awareness of the committee on that issue. And I think we would like a full explanation as we move forward to try to amend that act, at least to try to assist here.

So if your attorneys would, your counsel would give us some insight on that, especially with that cap sitting out there, we would like to know more about it and we would use it to supplement the records since there's been many questions from members on that particular act.

OK. Thank you. We will dismiss you and thank you again for your courage, for your testimony, and feel free to stay if you would like for the rest of the hearing. Thank you both.

Mrs. ROSHTO. Thank you.

Mr. STUPAK. I'd now like to call up our second panel of witnesses. On our second panel we have Ms. Wilma Subra, who is a chemist that provides technical assistance to the Louisiana Environmental Action Network. She has extensive knowledge on the human health and environmental effects associated with the spill; Mr. Ronnie Duplessis, who is an oyster and shrimp fisherman from Davant, Louisiana. Ronnie's shrimping grounds and oyster beds have been closed putting him out of work; Mr. Kelby Linn, who is president of ACP Real Estate, a beach front property sale and rental agency on Dauphin Island, Alabama; and Dr. Moby Solangi, who is founder, president, and executive director of the Institute for Marine Mammal Studies in Gulfport, Mississippi. Dr. Solangi has studied and written on the effects of Louisiana crude oil on fisheries.

As with the last panel, it is the policy of this subcommittee to take all testimony under oath. Please be advised that you have the right under the rules of the House to be advised by counsel during your testimony. Do any of you wish to be represented by counsel? Everybody's shaking their heads no, so great. And let me ask you to please rise, raise your right hand, and take the oath.

[Witnesses sworn.]

Mr. STUPAK. Let the record reflect the witnesses have replied in the affirmative. They are now under oath. We will now hear an opening statement from our witnesses. We ask you to keep it to

five minutes. You may submit a longer statement for our record or to supplement our record at a later time.

Mr. Linn, if you don't mind, we'll start with you, if that's all right.

STATEMENTS OF KELBY LINN, OWNER, ACP REAL ESTATE, INC., VICE PRESIDENT, DAUPHIN ISLAND CHAMBER OF COMMERCE; CLARENCE DUPLESSIS, OYSTERMAN; MOBY SOLANGI, PH.D., PRESIDENT AND EXECUTIVE DIRECTOR, INSTITUTE OF MAMMAL SERVICES; AND WILMA SUBRA, PRESIDENT, SUBRA COMPANY

STATEMENT OF KELBY LINN

Mr. LINN. That's fine.

Mr. STUPAK. I'm going to ask you to pull that mic over and speak into the mic and we will be ready to go. Begin, sir. Thank you.

Mr. LINN. I want to first thank the—the ladies for their testimony. We are here to talk about in my case, you know, the impact on businesses, environment, but nothing can equal the impact that—that they have, so our condolences.

My name is Kelby Linn. I'm vice-president of the chamber of commerce. I'm also an owner of a real estate and property management company on Dauphin Island, Alabama. We are a small island that depends totally on tourism, charter fishing, that type of thing. It's sand beaches. The environment is probably our biggest draw.

Once the news hit the press, we got ourselves into a situation where about seven days later all of our cancellations, our reservations started occurring. We have a hundred and ten vacation rental properties that we manage for other owners on the island. We are one of the larger employers on the island; and as our business goes, so goes so many of the others such as your T-shirt shops, your—your restaurants, the small things.

There is not a traffic light on the island, for example. There's five or six independent restaurants. We don't have a franchise, so it's all pretty much family geared and our tourism is pretty much family based.

We have come into this season with the best year that we have experienced since, I think, a lot of you folks were here from Hurricane Ivan and Hurricane Katrina, so I won't go into the hurricane history that everybody around here knows all too well. But we—we were coming in—literally year-to-date this year we were 33 percent over last year.

Most of us were coming in with the first year in the black that we had seen since 2005.

That being stated, within the four weeks or five weeks, we lost over 175 reservations and dropped from almost an 80 percent future occupancy rate down to approximately a 30 percent future occupancy rate.

The businesses that—that we have around us, it has all been in preparation. The government has responded pretty strongly. Governor Riley in the last two or three weeks has really stepped up and has started helping us a lot. BP's part of this whole thing is—the preparation on Dauphin Island has actually been pretty strong.

We have a lot of preventative measures that have been put in place; we have protective sand barriers that were built; we had the National Guard come in and put containment systems along the water's edge on the north side of the island; we have several berms or actually booms that have been put in all the way around. There's been more preparation in actual need of the work in the beginning.

Now, last week, week and a half is when we first had our first tar balls hit and now we are into tar patties and now we are into the connections of those, which is making a bigger and bigger spill.

We have not seen the devastation in the marshes that they are seeing here. We are primarily more of a sand beach. We do have our estuaries. We do have our—our oystering and things that are around us, but it has not impacted quite yet here or there like it is here. It's coming. We all know it. We now know it's at Pensacola Beach. We know the sheen is within a mile of offshore.

There has been significant odor at times depending on the wind. The quality of life has, not only for those that live on the island such as myself, but for anyone who would want to come visit, has definitely deteriorated substantially. There's no end to this, and I guess the next step I have to come to is what is BP doing for us to help us get through this.

The claims process has been cumbersome. There are been—there have been tremendous amounts of $5,000 checks that have been just given out to the individuals, fishermen, the oystermen, all deserving. When it comes to the small business side to anyone who has more of a P&L impact or a business approach to things, we have seen nothing in terms of any claim response so far.

In our case, we ended up finally deciding to go with a local attorney to help us through that because I'm still trying to keep the business together and must focus on it. I hated to do that, but I feel that the claims process is not helping us in any way whatsoever and it's going to take that type of clout.

The suggestions that I have I—I would hope would come out some more in the questions and answers rather than go into—into here in terms of helping us. We do feel a little bit like the ant fighting the elephant at this point in time with the individual businesses on Dauphin Island. Thank you.

[The statement of Mr. Linn follows:]

ACP Real Estate, Inc.

Robin Linn, Qualifying Broker / Owner
Toni Knox, Associate Broker
Kelby Linn, Owner / Broker- Holiday Isle
Jamie Barron, Realtor
Rose Raica, Realtor
Marion Laney, Realtor
Charles Gaba, Associate Broker
Stephanie Willis, Realtor
Amy Vice, Vacation Specialist
Bridges, The Office Cat and Greeter

June 3, 2010

Congress of the United States
House of Representatives
Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515-6115

RE: Written statement for testimony before Energy and Commerce Committee's Subcommittee on Oversight and Investigations on Monday, June 7, 2010.

To whom it may Concern:

My name is Kelby Linn. My wife and I own ACP Real Estate, Inc. which is a real estate sales and property management company offering 100 + vacation rental properties on Dauphin Island, Alabama. I am a board member of the Dauphin Island Chamber of Commerce, Vice President of the Dauphin Island Industrial Development Authority, and am serving on other town committees that are working on long term beach restoration programs. I have been asked to describe the impact of the BP Oil Spill on our business, on other businesses on the island, and how it has changed our and others' personal quality of life.

Dauphin Island is a small Tourist destination located 7 miles out in the Gulf of Mexico on the western side of Mobile Bay. We have approximately 1400 full time residents and our tourists would have grown our population to around 4000 to 5000 people during our prime summer season. Our tourism is driven by the love of our pristine white sand beaches, by the fishing we offer, and our environmental qualities including being one of the best birding spots in the US. We have our own water aquifer that supplies the Island as well as a maritime forest all being a part of an Audubon Reserve. All these valuable and irreplaceable assets are in extreme jeopardy due to this massive catastrophe.

Along with other businesses on the Island, ACP has suffered economically for the past 5 years primarily due to the unusual frequency of hurricanes that impacted us and our neighbors. Ivan in 2004, Katrina in 2005, and the others such as Arlene, Cindy, Dennis, Rita, and indirectly Ike and Gustav all visited us in one form or another. We were also considerably impacted over the last two years by the national economic meltdown and the resulting real estate crash. We have fought hard to survive and for the first time in five or six years, most businesses here came into 2010 with an increase in future business projected. We were well on our way to experiencing one the best years financially due to recovering economy, the upbeat tourist projections and early reservations that started coming in for the summer months.

Since the collapse of the oil rig in mid April, the news media started its coverage of the oil spill and its projected impact on the Gulf Coast. By the 1st of May, we started receiving cancellations for primarily all of the summer months. In just four weeks, we received approximately 150 such cancellations reflecting a loss of $265,000 in gross revenues. While we were busy taking the negative calls, we also noticed a complete drop off of incoming reservations. With few exceptions, the majority of any new reservations have been taken at discount rates requested by the many contractors hired by BP that chose to use Dauphin Island for staging purposes for some of their management teams. We are glad to have this smaller source of income to help us through.

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Unfortunately, our large repeat rental base which we have worked hard to develop over the past nine years is being completely eroded due to both the spill and the negative press we receive daily. The island's future as a vacation rental destination has been severely impacted for years to come. Our businesses obviously will follow that same catastrophic economic path.

So, what is being done at this stage to help us? First and foremost, I applaud the Federal Government for its outstanding prompt preparatory response. Having experienced slower federal responses in the past to Hurricanes Ivan and Katrina, I can truly say we had help arriving on the island almost immediately once the situation was accurately defined. Alabama State agencies were not that responsive in the past, nor have they been as responsive now.

A BP Claims office has been established here on Dauphin Island. So far they are only handling small claims and passing larger Small Business claims on to Hammond, Lousiana for consideration. While small advance payments of $5000.00 are being made quickly to individuals such as oystermen, the process for small businesses appears to be much slower. ACP has chosen to hire an attorney to work on financial recovery from BP for us so that we can focus on keeping the business in operation. Our monthly overhead averages around $60,000 per month. This includes payroll for five employees and typical operational expenses such as rent, utilities, equipment rentals, advertising, telephone expenses, and internet presence. We are also indirectly responsible for providing work to another 20 or so contract laborers here on the island who do cleaning, small jobs and maintenance, plumbing, and electrical repairs on the rental units for the owners of the properties. 73% to 75% of our gross annual revenues are received during the three summer months, Memorial Day to Labor Day. We come into this season at our lowest cash flow point, which is obviously now. To lose any income during this key prime season will seriously hamper our ability to stay in business until this catastrophe can be contained and turned around and we can start the rebuilding process again.

In not having a lot of faith that BP will succeed in providing a timely payment process for small businesses, ACP has also applied for yet another SBA Loan in hopes to be able to obtain operating capital in a timely fashion. So far the SBA has been quick to respond and has immediately deferred current existing loan payments for twelve months. We are hoping the application process will move quickly so we can continue to fight for our survival while we wait for true financial reimbursement for economic damages from BP.

And last, what has happened to our personal quality of life? Our primary residence is on Dauphin Island. All of our employees live here as well. While we are grateful to see the quick response from the government and BP contractors, their presence here on the Island has been quite a disruption. National Guard convoys coming to and from the Island, staging areas with hundreds of workers in waiting for the actual arrival of the oil, all contribute to a feeling of being under siege. Most of us who fish and have small boats are taking them out of the water for fear of damage; swimming is now discouraged by the Alabama Dept. of Public Health. All that made this Island a small paradise to live on and work on, is virtually gone for now and with no end to this disaster in sight.

Do not let us down in your oversight of BP. Do not allow BP's gross negligence to stop ACP and others in our efforts to be successful small businesses employing local people and providing stability to the community. BP must be held responsible morally and financially to bring us back the quality of life and the economic well-being we have been striving to maintain.

Thank you,

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Mr. STUPAK. Thank you. Mr. Duplessis, you may want to pull that up there a little bit, please.

STATEMENT OF CLARENCE DUPLESSIS, OYSTERMAN

Mr. DUPLESSIS. Yes. First, I want to also express my condolences to the two very, very strong young ladies that spoke earlier. Thank you, Mr. Chairman, and members of the committee on energy and commerce for allowing me to tell how this tragic loss spill has effected me and my family. The worst part of this tragedy for me has been the unknown.

A brief note about myself. My name is Clarence Duplessis. I was born in a small fishing community named Davant just north of Point a La Hache, Louisiana in 1945. My family settled in Plaquemines Parish six generations before me. After high school, I joined the United States Marine Corp and served a tour of duty in Vietnam.

While in the military, I met my beautiful wife, Bonnie, who was in the Navy. After the military, I worked here in Chalmette for Kaiser Aluminum. I was laid off in 1989 after the plant was shut down. After that, I went to full-time commercial fishing.

In 2005, my wife and I lost everything we owned to Hurricane Katrina, then just a few weeks ago we were faced with the Deepwater Horizon oil spill. This one was the worst of all these stressful and economic tragedies.

Now, before the critics lower their heads and say no way, I'll explain. During my tour in Vietnam, I was faced with an enemy that wanted to kill me. This was a problem with a solution: Kill them first, survive for 13 months, and the problem was solved.

When Kaiser Aluminum shut down, I had a young family to feed, clothe, and educate. This also was a problem with a solution. I had experience with fishing, oysters, and also shrimping. I had saltwater in my veins from birth. I went fishing and my children paid their college tuition by working as deckhands on boats, and I might mention they loved every minute of it.

In 2005 Hurricane Katrina hit us with a crippling blow, a major problem. Even then, though the entire region was wiped out and the insurance companies packed their bags and left us, there was still a solution. And just in case there is anyone here who has not yet noticed, the people of south Louisiana and the fishing communities of south Louisiana are some—some of the hardest working, most defiant, yet kindest people on God's earth. After the storm, we faced a difficult task of rebuilding, but that was the solution.

Now, five years later we are facing the Deepwater Horizon oil spill. This is the worst of our problems because there are no answers, no solutions, only questions. As we watch our livelihoods and even an entire culture being washed away by crude oil and chemicals that no one knows the long term effects of, we ask will we have the mortgage payment next month? Will we be able to go to bed tonight instead of falling asleep in front of the TV hoping for some good news? What if they don't stop the leak? How long will this last? Will I be able to go oystering next year or ever again? How long will it take the fisheries to recovery? Will BP come around with the much needed monies they promised? Will BP do the right thing or will they also pack their bags and leave us

like the insurance companies did? What can I do to survive? What if we get a tropical storm or hurricane in the Gulf? How can I get a loan when the SBA still holds the mortgages on all my property from Katrina? I have a thousand questions and no answers. I hope now you can understand why this is the worst tragedy of my lifetime.

I thank you for your time and may God bless you all.

[The statement of Mr. Duplessis follows:]

Statement of Clarence R. Duplessis

Commercial Fisherman

Davant, Louisiana

United States House of Representatives Committee on Energy and Commerce

Subcommittee on Oversight and Investigations

June 7, 2010

Thank you Mr. Chairman and members of the Committee on Energy and Commerce for allowing me to tell you how this tragic oil spill has affected me and my family. The worst part of this tragedy for me is the unknown.

A brief note about myself. I was born in a small fishing community named Davant, just north of Pointe-a-la-Hache, La, in 1945. My family settled in Plaquemines Parish six generations before me. After high school I joined the United States Marine Corps and served a tour of duty in Vietnam. While in the military I met my wife who was in the Navy. After the military I worked here in Chalmette for Kaiser Aluminum. I was laid off in 1989 after the plant was closed. After that I went in to full time commercial fishing.

In 2005 my wife and I lost everything we owned in Hurricane Katrina. Then, just a few weeks ago we were faced with the Deep Water Horizon oil spill. This one was the worst of all these stressful and economic tragedies.

Now, before the critics hang their heads and whisper, "NO WAY." I will explain. During my tour in Vietnam I was faced with an enemy that wanted to kill me. This was a problem with a solution. Kill them first, survive for 13 months and the problem was solved.

When Kaiser Aluminum shut down I had a young family to feed, clothe, and educate. This also was a problem with a solution. I was still young and had experience with shrimping and oystering. I had salt water in my veins at birth. I went fishing and my children paid their college tuition by working as deckhands.

In 2005 Hurricane Katrina hit us with a crippling blow. WOW! A major problem! Even then, though the entire region was wiped out and the insurance companies packed their bags and left us; there was a still a solution. And just in case there is anyone who has not yet noticed, the fishing communities and people of South Louisiana are some of the hardest working, defiant yet kindest people on God's earth. After the storm we faced the difficult task of rebuilding, but that *was* the solution.

Now, five years later we are facing the Deep Water Horizon oil spill. This is the worst of our problems because we have no answers, no solutions, only questions.

As we watch our livelihood and even an entire culture being washed away by crude oil and chemicals that no one knows the long term effects of we ask; will we have the mortgage payment next month? Will we be able to go to bed tonight instead of falling asleep in front of the TV hoping for some good news? What if they don't stop the leak? How long will this last? Will I be able to go oystering next year or ever again? How long will it take the fisheries to recover? Will BP ever come around with the much needed money they promised. Will BP do what is right or will they pack their bags and leave us like the insurance companies did? What can I do to survive? What if we get a tropical storm or hurricane in the Gulf? How can I get a loan when the SBA still holds the mortgage on my property from Katrina? I have a thousand questions and no answers.

Now, I hope you can understand why this problem is the worst of my life!

I thank you for your time. May God Bless You all.

Mr. STUPAK. Thank you. Dr. Solangi, your testimony, please, sir.

STATEMENT OF MOBY SOLANGI

Mr. SOLANGI. I thank the committee to invite me to testify. And, again, my condolences to the young ladies, Mrs. Roshto and Mrs. Kemp. This is certainly a tremendous tragedy.

My name is Moby Solangi. I received my Ph.D. in Marine Biology in 1980 from the University of Southern Mississippi, and little did I know that the subject of my research which was the effect of south Louisiana crude oil on benthic and pelagic fishes would come in handy.

Research focused on the pathological changes of organs of these fishes exposed to both whole crude oil and its water-soluble fractions and the potential recovery once these toxicants were removed. For the past 30 years I worked with marine mammals, specifically dolphins and sea turtles in the region.

The waters of the Mississippi, Chandeleur, Breton Sounds and the adjacent waters of the northern Gulf of Mexico are home to one of the largest dolphin populations in the United States. The Sounds are also inhabited by several other endangered, threatened, and protected wildlife species.

Dolphins are an important part of the ecosystem, and being on top of the food chain, are a good biological indicator of the health of the environment they inhabit.

They are constantly impacted by a variety of both natural and anthropogenic factors. In the aftermath of the Horizon oil spill, it is now even more necessary and important to study the potential changes that may occur in both the dolphins and their habitat as a result of the oil spill.

The Institute for Marine Mammal Studies was established in 1984 as a non-profit 501(c)(3) organization dedicated to education, conservation, research on marine mammals and their environment in the wild and in captivity. It serves as a liaison between public and private entities interested in marine mammal science. The subjects of research have covered a broad range of scientific disciplines including population dynamics, underwater acoustics, health, genetics, microbiology, endocrinology, behavior, biomagnetism and ecology. The institute has conducted studies in cooperation with scientists from the University of Southern Mississippi, Mississippi State, Jackson State, Oklahoma State, Portland State, University of Miami, University of California Berkeley, National Marine Fisheries Service, Naval Oceans Systems Center, Louisiana State, and the Naval Research Laboratory.

The institute is the only organization in the Gulf Coast states of Mississippi and Alabama with the capability and expertise to care for sick and injured marine mammals while simultaneously conducting programs in education, conservation, and research of marine mammals. The institute has been a participant in the National Stranding Network for over 25 years, and as a National Marine Fisheries designee, has been involved in the care and rehabilitation of sick and injured marine mammals in Mississippi, Louisiana, and Alabama. In fact, the institute has developed a full service marine mammal research and rehabilitation center in Gulfport, Mississippi.

It is really fortunate that in this case that we have a facility that can at least help in the rescue and recovery and rehabilitation of some of our endangered and threatened species. So far we have handled the largest number of sea turtles, which is over a hundred. Only a few of them have been involved in oil—oil spill related activities.

The majority we have had no evidence of any oil damage. We have had close to eight or nine dolphins in our area, and so far none of them have been involved in any oil spill activity.

The Horizon oil spill is one of the largest in U.S. history. The Mississippi Sound and adjacent waters are a very unique habitat consisting of bays, bayous, estuaries, marshes, and barrier islands. The northern Gulf is shallow, has a mud and clay bottom, and the tidal exchange is low as compared to other areas. The region is also very rich in fishery resources and produces a substantial amount of seafood. If the oil well is not capped quickly, the effects of the oil spill on the habitat and its wildlife could be catastrophic; and the time for recovery would be dependent on the amount of oil spilled in the environment and the time of exposure.

Crude oil is a very complex chemical compound and it's degradation is extremely complex as well. Many crude oil components can enter the food chain and affect the productivity of the ecosystem. The potential effect of the oil spill including the large amount of dispersants used will not only effect the ecosystem but could also effect the livelihoods of commercial and recreational fishermen and tourism. This in turn could be a domino effect, have a domino effect on the regional and national economies.

Oil exploration, like many other activities, has its benefits and risks. We believe that prudent development and use of our resources require adequate safeguards as well as safety net to protect the environment and those that make a living from it. Thank you.

[The statement of Mr. Solangi follows:]

Testimony of Dr. Moby Solangi
Before the
House Energy and Commerce Committee
June 7, 2010

My name is Moby Solangi. I received my Ph.D. in marine biology in 1980 from the University of Southern Mississippi. The subject of my research was the effects of south Louisiana crude oil on benthic and pelagic fishes, which focused on the pathological changes in vital organs of these fishes exposed to both whole crude oil and its water-soluble fractions, and the potential recovery once the toxicant was removed. For the past 30 years I have worked with marine mammals, specifically dolphins, and sea turtles in the region.

The waters of the Mississippi, Chandeleur, and Breton Sounds and the adjacent waters of the north central Gulf of Mexico (**nGOM**) are home to one of the largest dolphin populations in the United States. The Sounds are also inhabited by several other endangered, threatened, and protected wildlife species. Dolphins are an important part of the ecosystem, and, being on the top of the food chain, are good biological indicators of the health of the environment they inhabit. They are constantly impacted by a variety of both natural and anthropogenic factors. In the aftermath of the Horizon oil spill, it is now even more necessary and important to study the potential changes that may occur in both the dolphins and their habitat as a result of the oil spill.

The Institute for Marine Mammal Studies ("IMMS") was established in 1984 as a non-profit 501 (c) (3) organization dedicated to education, conservation, and research on marine mammals and their environment in the wild and in captivity. It serves as a liaison between public and private entities interested in marine mammal science. Subjects of research have covered a broad range of scientific disciplines including population dynamics, underwater acoustics, health, genetics, microbiology, endocrinology, behavior, biomagnetism and ecology. The Institute has conducted studies in cooperation with scientists from the University of Southern Mississippi, Mississippi State University, Jackson State University, Oklahoma State University, Portland State University, University of Miami, University of California, Berkeley, National Marine Fisheries Service, Naval Ocean Systems Center, Louisiana State University, and the Naval Research Laboratory.

IMMS is the only organization in the Gulf Coast states of Mississippi and Alabama with the capability and expertise to care for sick and injured marine mammals while simultaneously conducting programs in education, conservation, and research of marine mammals. IMMS has been a participant of the National Stranding Network for over 25 years, and, as a National Marine Fisheries Service (NMFS) designee, has been involved in the care and rehabilitation of sick and injured marine animals in the Mississippi, Louisiana, Alabama sub-region. In fact, the Institute has developed a full service marine mammal research and rehabilitation center in Gulfport, Mississippi.

The Horizon oil spill is one of the largest in US History. The Mississippi Sound and adjacent waters are a very unique habitat consisting of bays, bayous, estuaries, marshes, and barrier islands. The **nGOM** is shallow, has a mud and clay bottom, and the tidal exchange is low as

compared to other areas. The region is also very rich in fishery resources, and produces a substantial amount of seafood. If the oil well is not capped quickly, the effects of the oil spill on the habitat and its wildlife could be catastrophic, and the time for recovery would be dependant on the amount of oil spilled in the environment and time of exposure.

Crude oil is a very complex chemical compound, and its degradation is extremely complex as well. Many crude oil components can enter the food chain and affect the productivity of the ecosystem. The potential effects of the oil spill, including the large amount of dispersants used, will not only affect the ecosystem, but could also affect the livelihoods of commercial and recreational fishermen, and tourism. This in turn could have a domino effect on the regional and national economy.

Oil exploration, like many other activities, has its benefits and risks. We believe that prudent development and use of our resources require adequate safeguards, as well as a safety net to protect the environment and those that make a living from it.

Mr. STUPAK. Thank you. Ms. Subra, your testimony.

STATEMENT OF WILMA SUBRA, PRESIDENT, SUBRA COMPANY

Ms. SUBRA. Thank you for the opportunity of presenting to this subcommittee. My name is Wilma Subra, and I'm providing testimony on behalf of Subra Company, Louisiana Environmental Action Network and the Lower Mississippi Riverkeeper.

There are two human populations that are experiencing the most exposure due to the BP crude oil spill. One, community members along the coastal areas of Louisiana, Mississippi, Alabama, and the upper Florida coast; and two, fishermen and workers employed to install booms and clean up the crude oil spill.

BP's ongoing crude oil spill has resulted in the formation of crude oil aerosols in the air. The aerosols have moved onshore way ahead of the crude oil slick and continue to move onshore along with the crude oil slick.

These crude oil slick aerosols have caused and/or continuing to cause community members to experience odors along the coast of Louisiana, Mississippi, Alabama, and the upper Florida coast.

In Louisiana and the other states, the crude oil aerosol has resulted in health impacts, including headaches, nausea, respiratory impacts, irritation to eyes, nose, throat, and lungs, and asthma attacks. These health impacts have been experienced by people living along the Louisiana coastal areas in St. Bernard, where we are here today, Plaquemines, Jefferson, Lafourche, and Terrebonne Parishes, as well as the metropolitan area of New Orleans.

New Orleans is at mile marker 100. That means it is 100 miles south of the mouth of the Mississippi and it is—people in New Orleans are also having these severe health impacts.

These symptoms have also been experienced by workers and fisherman in the general area of the crude oil slick and the marshes and the estuaries where the oil has come ashore. The EPA Web site clearly says some of these chemicals may cause short-lived effects like headaches, eye, nose and throat irritations and nausea.

In order to offset the loss of livelihood, BP was encouraged to hire the local fishermen who have first-hand knowledge of the wetlands, marshes, and water bodies. These fishermen were hired to install the booms and to start cleaning up the spilled oil and the absorbent pads.

On May the 4th, 2010, Louisiana Environmental Action Network and Louisiana Riverkeeper received and began distributing protective gear to the fishers to utilize during their cleanup activities. These protective gear consisted of face respirators with organic cartridges, goggles, gloves and sleeve protectors. LEAN and LMRK continue to distribute these equipment to the fishing community and to individuals who have gone into the polluted area.

Workers hired by BP began reporting health symptoms such as, severe headaches, nausea, difficulty breathing, and dizziness. However, the workers were very reluctant to speak out because they were scared they would lose the job and this was the only source of income they had. The wives, however, were speaking out because they were very concerned about their husbands. And then all of a sudden, the wives got really quiet because they were scared their husbands were going to lose the jobs if they testified.

LDEQ and L–Department of Health and Hospitals has stated that oil cleanup workers should avoid skin contact and oral cavity or nasal passage exposure to the oil spill products by using appropriate clothing, respiratory protection, gloves, and boots.

On May 7th we went to U.S. District Court on behalf of the fishermen because they were challenging BP, who didn't want to provide them proper training and proper equipment; and a consent decree was signed by BP that they would be responsible for appropriate training as well as proper protective equipment, yet BP continued to fail to provide adequate protective gear to the fishermen.

Subra Company, LEAN and LMRK have provided information to the EPA on the lack of compliance by BP with the terms of the consent decree as well as OSHA not being there to protect the workers as they dealt with the oil.

On May 16th OSHA finally issued a detailed directive of the kinds of training that were required for each different kind of task as well as having required BP to provide the appropriate gear. Still BP failed to provide respirators to the workers exposed to the crude oil and the workers experienced health impacts over and over and over again. However, when the—some of the fishers brought their respirators on the boats with them, BP told them to put the respirator away or leave the job, you are fired.

Shrimpers that have been employed to do the booms are actually pulling in the booms with the oil on it from their shrimp boats with bare hands and no protective gear. As stated earlier, on May 26th and 28th, there were workers that were injured and brought to the hospital and they complained of headache, nausea, dizziness, and chest pains, then OSHA finally began to inform BP of their deficiencies as far as their worker safety programs.

Let me just say that even after OSHA did this, the issue now becomes heat stress. One of the issues OSHA was pointing out to BP was they didn't have adequate protection of the workers from heat stress. So now the word on the street is you cannot use a respirator because it increases your risk of heat stress. However, if we are in a situation where the workers are being exposed to heat as well as the toxic organic chemicals from the spill, they should be protected against both insults, not using heat stress to allow them to continue to inhale the toxic chemicals. Thank you.

[The statement of Ms. Subra follows:]

Subra Company
P. O. Box 9813
New Iberia, LA 70562
[redacted]

Testimony of Wilma Subra
Subra Company
Louisiana Environmental Action Network
Lower Mississippi Riverkeeper

Before the
Subcommittee on Oversight and Investigations
of the House Energy and Commerce Committee

on
Local Impact of the Deepwater Horizon Oil Spill

Human Health and Environmental Impacts Associated with the Deepwater Horizon Crude Oil Spill Disaster

June 7, 2010

St. Bernard Council Chambers, Chalmette, Louisiana

My name is Wilma Subra and I am testifying on behalf of Subra Company, Louisiana Environmental Action Network (LEAN) and the Lower Mississippi Riverkeeper (LMRK). Thank you for the opportunity to testify on the issues of human health and environmental impacts associated with the Deepwater Horizon Crude Oil Spill

I have been involved with oil and gas drilling and production issues and the associated environmental and human health impacts for more than 30 years and serve as a technical advisor to community groups on the issues. I have served on the EPA Common Sense Initiative, Petroleum Refining Sector Subcommittee, the National Commission on Superfund, the EPA Permit Reform Committee, EPA Toxics Data Reporting Committee of the National Advisory Council for Environmental Policy and Technology, EPA RCRA Remedial Waste Policy Advisory Committee, Vice-Chair of EPA National Advisory Council for Environmental Policy and Technology (NACEPT), Co-Chair of the EPA NACEPT Standing Committee on Industrial Sectors, EPA NACEPT Petroleum Refining Sector Workgroup, EPA National Advisory Committee (NAC) to the U.S. Representative to the Commission for Environmental Cooperation (CEC), EPA National Environmental Justice Advisory Council (NEJAC), Superfund Subcommittee, EPA National Environmental Justice Advisory Council (NEJAC), Co-Chair of the Pollution Prevention Work Group, EPA National Environmental Justice Advisory Council (NEJAC) Cumulative Risk/Impacts Work Group, EPA National Environmental Justice Advisory Council (NEJAC) Gulf Coast Hurricanes Work Group, EPA Class II Injection Well Advisory Committee, board member of the State Review of Oil and Natural Gas Environmental Regulations Board (STRONGER), board member of EARTHWORKS, founding member of the Oil and Gas Accountability Project, advisor to the Texas Oil and Gas Accountability Project, and member of the STRONGER workgroup that developed Hydraulic Fracturing Guidelines.

Human Health and Environmental Impacts Associated with the Deepwater Horizon Crude Oil Spill Disaster

On April 20, 2010, the BP Deepwater Horizon drilling rig exploded and burned in the Gulf of Mexico, 50 miles off the Louisiana coast. The explosion resulted in the deaths of 11

workers on the drilling rig. On April 22, 2010, Earth Day, the Deepwater Horizon drilling rig sank into the Gulf of Mexico. The rig separated from the riser pipe that had connected the rig to the well head (5,000 feet below the surface) on the Gulf of Mexico floor. Crude oil and natural gas flowed from the riser pipe into the Gulf of Mexico and created the largest spill in US history.
The crude oil spill resulted in and continues to result in severe environmental damage to the Gulf of Mexico and the coastal wetlands and estuaries along the coastal areas of Louisiana The crude oil spill has also resulted in human health impacts to residents in the coastal communities and to workers toiling to contain and clean up the oil in the Gulf of Mexico and the coastal wetlands and estuaries.

Louisiana has 7,721 miles of tidal shorelines, The coastal areas of Louisiana are the most abundant and vulnerable to negative impacts from the crude oil spill. The fragile wetlands, estuaries and near shore waters of Louisiana serve as spawning and nursery grounds for Louisiana seafood that provides or did provide a large portion of the seafood consumed in the United States. These wetlands and estuaries in eight of the nine coastal parishes, St. Bernard, Plaquemines, Jefferson, Lafourche, Terrebonne, St. Mary, Iberia, and Vermilion parishes, have received floating crude oil, dispersed crude oil plus dispersants and tar balls from the BP Deepwater Horizon Drilling Disaster. The wetlands and estuaries in these parishes have been severely impacted and continue to be impacted as the crude oil continues to come on shore.

Fishing grounds from the mouth of the Mississippi River to Pensacola, Florida were shut down on April 30, 2010. The fishing grounds west of the mouth of the MIssissippi River to Grand Isle were shut down in early May. As the crude oil plume moved to the west, additional fishing ground were closed. The livelihood of

the fishing community was instantly removed. The environmental impacts of the crude oil spill will negatively impact the wetlands, marshes and estuaries for decades into the future.

Crude Oil Aerosols and Associated Health Impacts

BP's crude oil spill and ongoing failure to control the source of the spill have resulted in the formation of crude oil aerosols in the air which have moved on shore ahead of the crude oil slick and continues to move on shore. These crude oil aerosols have caused community members along the coast of Louisiana, Mississippi, Alabama and Florida to experience odors. In Louisiana, the crude oil aerosols have resulted in health impacts including headaches, nausea, respiratory impacts, irritation to eyes, nose, throat and lungs and asthma attacks and have been experienced by people living along the coastal areas in St. Bernard, Plaquemines, Jefferson, Lafourche and Terrebonne parishes as well as in the New Orleans metropolitan area. These symptoms have also been experienced by workers and fishermen in the general area of the crude oil slick and areas where tar balls have washed onshore.

The Environmental Protection Agency (EPA) web site state "some of these chemicals may cause short-lived effects like headache, eye, nose and throat irritation, or nausea."

Local Fishermen Hired To Contain and Cleanup the Crude Oil Spill and Resulting Health Impacts

In order to offset the loss of livelihood, BP was encouraged to hire local fishermen, who have first hand knowledge of the wetlands, marshes and water bodies, to install booms and absorbent pads to protect the coastal areas and estuaries and to participate in the crude oil cleanup activities. As part of the

agreement for employment, the fishermen were required to sign an agreement that seriously compromised their existing and future rights and potential legal claims. After a court appearance in U. S. District Court on May 2, 2010, Judge Berrigan indicated the language in the agreement was over broad and Legal Counsel for BP agreed to enter into a stipulated judgment holding that the offensive provisions were without effect.

On May 4, 2010, Louisiana Environmental Action Network (LEAN) and Lower Mississippi Riverkeeper (LMRK) received and began distributing protective gear to the fishermen to utilize during cleanup activities. The protective gear consisted of half face respirators with organic cartridges, goggles, gloves and sleeve protectors. LEAN and LMRK have continued to provide protective gear to fishermen and individuals going into the polluted areas.

Workers hired by BP began reporting health symptoms such as severe headaches, nausea, difficulty breathing, and dizziness. However, the workers including the fishermen were reluctant to report their health symptoms for fear they would lose their jobs. The wives of the fishermen spoke out over concern for the health of their husbands. Soon the wives stopped speaking out for fear their husbands would loose their jobs.

The Louisiana Department of Environmental Quality (LDEQ) and Louisiana Department of Health and Hospital (LDHH) stated that oil cleanup workers "should avoid skin contact, and oral cavity or nasal passage exposure to oil spill products [by] using appropriate clothing, respiratory protection, gloves and boots."

On May 7, 2010, returning to U.S. District Court, the fishermen challenged BPs attempt to put the responsibility for compliance with technical safety laws related to hazardous substances on the

fishermen. Judge Engelhardt ordered a consent agreement wherein BP agreed to take responsibility to ensure workers were properly trained in Haz-mat protocol and provided all necessary equipment at BP's expense.

BP continued to fail to provide adequate protective gear to the fishermen. Subra Company, LEAN, and LMRK provided information to the EPA on the lack of compliance by BP with the terms of the consent agreement in not providing proper training and protective gear to the employed fishermen, and the lack of the Occupational Safety and Health Administration (OSHA) enforcement of worker safety regulations in conjunction with the response efforts.

On May 16, 2010, OSHA issued a detailed directive on the training required for specific task responders and stated that OSHA has officials monitoring the training and observing cleanup efforts to insure that the cleanup workers are provided protective equipment and comprehensive instruction.

Still BP failed to provide respirators to the workers exposed to the crude oil and the workers experienced health impacts. The workers were afraid to speak up due to the potential to lose their jobs. Those fishermen who attempted to wear respirators while working were threatened to be fired by BP due to the workers using respirators.

Shrimpers employed to use their shrimp boats as oil skimmers have not been provided with the appropriate protective gear. The oily skimmers and pads are being pulled into the shrimp boats, by the boat crews, with bare hands and no protective gear.

On May 26, 2010, a number of worker became ill on the job and were transported to the hospital. The workers reported

headaches, nausea, dizziness and chest pains. On Friday, Nay 28 two additional workers became ill with severe headaches and chest pains and were also transported to the hospital.

The protection, safety and health of the fishermen and other workers performing the deployment of booms, collecting the crude oil residue and cleaning up the environment are of great concern to Subra Company, LEAN and LMRK.

Decisions Have Resulted in Detrimental Impacts to Human Health and the Environment

Decision have been made that have and will continue to result in detrimental impacts to human health and the environment as a trade off for attempts to reduce the quantity of crude oil from reaching the shores, estuaries and wetlands of the northern Gulf of Mexico.

The actions to reduce the quantity of crude oil slick from reaching the shores, estuaries and wetlands of the northern Gulf of Mexico have included burning of the floating heavy portions of the crude oil slick, application of dispersants to the floating crude oil slick and subsurface application of dispersants to the crude oil near the point it flows into gulf waters near the well head, 5,000 feet below the surface of the Gulf of Mexico. These actions have resulted in negative impacts to human health by polluting the air, by burning of the heavy portions of the crude oil slick, and by aerial and ship board application of dispersants. The actions have had detrimental impacts to the water column, sediment, biota and wetland areas by dispersing the crude oil into the water column, sediments and wetland areas. The dispersing of the crude oil also has resulted in a much larger area of impact in the Gulf of Mexico than has been covered by the surface crude oil spill.

The failure to control the source of the crude oil spill has resulted in the shutting down and evacuation of five production platforms in the Gulf of Mexico due to the presence of the crude oil slick in the area of the platforms. Other well locations have been warned to be prepared to shut-in their production and evacuate. One rig had to be shut-in due to workers on the rig becoming ill from the air emissions from the crude oil slick.

Surface and Subsurface Application of Dispersants

BP is using the dispersants Corexit 9527 and Corexit 9500 to disperse the surface crude oil as well as the crude oil as it exits the well head, 5,000 feet below the surface of the Gulf of Mexico. These dispersants were preapproved for surface application for oil spills on water. The dispersants were not preapproved for sub-surface applications. Corexit 9527 contains propylene glycol and 2-Butoxyethanol (2-BE). Corexit 9500 contains propylene glycol. The other components in the dispersants are proprietary. Propylene glycol and 2-BE are toxic and bioaccumulate up the food chain.

Initially BP used Corexit 9527 to disperse the crude oil on the surface of the Gulf waters through the use of air planes. When the supply ran out, BP switched to the slightly less toxic Corexit 9500. Additional supplies of Corexit 9527 were secured and are currently being used on an ongoing basis. The application of the dispersant to the crude oil on the waters surface is being applied by air planes and boats.

Because the dispersants were not preapproved for sub-sea application, the Environmental Protection Agency required that the use of the dispersant sub-sea be suspended until test could be performed. The first two testing efforts were flawed. The third test was performed May 10th and 11th. As a result of the

testing, the EPA and NOAA approved the use of the dispersant for subsurface application on Friday, May 14, 2010. The use of the dispersant for sub-sea application must follow requirements established in the EPA's Dispersant Monitoring and Assessment Directive. The Dispersant Monitoring and Assessment Directive should have included requirements to monitor sediments, establishment of requirements for a monitoring grid system and frequency of monitoring, establishment of action levels which require discontinuation of application of the dispersant when the action levels are exceeded, and analysis of the dispersants in the water column and the air.

The dispersants being used by BP suspends the crude oil from the surface water into the entire water column and the sediment of the Gulf of Mexico. The dispersed crude oil and dispersants distribute throughout the water column, contaminate the water and sediment and damages and destroys aquatic species. The dispersed oil will be washed on shore and contaminate the wetlands and estuaries, will be distributed in the Gulf waters and sediments and serve as a source of contamination that will bioaccumulate up the food chain for a long period of time. In addition, the dispersed crude oil and dispersants will add additional stresses to the Dead Zone off the Louisiana coast.

The Louisiana Department of Health and Hospitals, Department of Environmental Quality and Department of Wildlife and Fisher expressed their concerns to BP about the potential dispersant impacts on Louisiana's wildlife and fisheries, environment and public health. The agencies are concerned about the impacts of the use of the dispersants and requested BP's commitment that the dispersants being used will not cause irreparable, short-term or long-term harm to our wetlands, coast, environment, marine life wildlife or people.

NOAA has issued predicted maps of the location of the oil slick plume along the coastal areas of the northern Gulf of Mexico on a daily basis. Subra Company, LEAN and LMRK have consistently requested that the federal agencies prepare and issue maps of the dispersed oil plume in order to prepare for the consequences of the movement of the dispersed crude oil and dispersants.

Work of Subra Company, LEAN and LMRK

Each decision being made in response to the Deepwater Horizon Oil Spill event has some positive and some very negative impacts to human health, the environment and the ecosystems along the coastal areas of the Northern Gulf of Mexico. These decision are being made for the most part by the federal agencies that make up the Incident Command and with limited input from the populations most impacted by these decisions.

Subra Company, LEAN and LMRK have worked extensively with the communities being impacted by this catastrophic disaster to monitor the ongoing activities and detrimental impacts, provide information, education, and methods of addressing the situations, engage the communities in the response efforts and decision making processes and provide protective gear to community members and workers being exposed to the environmental impacts of the disaster.

Health Survey Instrument

In order to capture and document the human heath impacts resulting from the various aspects of the Deepwater Horizon crude oil and natural gas spill, Subra Company developed a human health survey instrument and through LEAN, provided the instrument to community members in the impacted areas and areas to be impacted. The results of the human health impacts

documented in the surveys will be used to assess the severity and magnitude of the human health impacts associated with the Deepwater Horizon disaster.

Request

Subra Company, LEAN and LMRK need the assistance of the Subcommittee on Oversight and Investigations of the Energy and Commerce Committee and the federal governmental agencies in order to protect the health of coastal community members and the fishermen from the destructive impacts associated with the crude oil disaster and desperately need the existing laws and regulations to be enforced.

Subra Company, LEAN and LMRK would like to thank the Subcommittee on Oversight and Investigations for the opportunity to provide information on the human health and environmental impacts associated with the Deepwater Horizon crude oil spill disaster.

Mr. STUPAK. Thank you. And thank you all for your testimony. We will begin with questions, if we may. I'll begin on Dr. Solangi.

In your testimony, I'm looking at the second page, you indicate that if the oil well is not capped quickly, the effects of the oil spill on the habitat, on its wildlife, could be catastrophic and the time for recovery would be dependent upon the amount of the oil spill in the environment and the time of exposure. But my question is: You know, how do you cap the well, stop the flow of oil, but then you have to have some cleanup and it's still going to be around for a time before the water waste purges itself of this oil, correct?

Mr. SOLANGI. That's correct. One of my—part of my research was—in the '80s was, of course, you expose animals to oil for different concentrations and the question was how soon can they recover. And so it was really dependent upon the time of exposure, for how long did you expose both the pelagic and benthic organisms and how long it took for them to recover. And we did find amazingly that nature has a way to recover, but the speed of recovery depends upon how much they are exposed to and how long they are exposed to it; and that's what I was referring to.

Mr. STUPAK. Well, I showed this ad earlier by—by British Petroleum, and I bring it out because yesterday we were down south of Venice there where the mouth of the Gulf Coast and in the marshes there we saw some oil. There's really no way you can get in there and clean that up, is there?

Mr. SOLANGI. It is very difficult and it's going to take a natural process. One of the biggest problems with this particular disaster is that it's very difficult to mitigate these issues. You know, we are all very familiar with hurricanes and earthquakes. We can build roads, but it's—you know, it's going to take time for nature to fix itself.

Mr. STUPAK. In the area we were yesterday, Pass a Loutro—am I saying that right—Pass a Loutré or Pass a Loutré, they said 90 percent of that area is affected; and the only way you can really flush this out, clean this out is really through the Louisiana or Mississippi River flushing itself naturally, right?

Mr. SOLANGI. That's—that's correct. That's one part of it. Of course, there will be natural degradation; there will be bacteria; there will be other processes that will take care of eliminating the oil, but it will take time depending upon how much oil there is. Small amounts for small periods of time, nature has its way of taking care of it.

We do have natural seepages of oil in different places and nature takes—but this has been the most concentrated amount of oil that is coming through; and if it continues to come through, you are going to see a prolonged exposure and a prolonged effect.

Mr. STUPAK. So the initial effects of the oil on animals or—or any of our aquatic life really depends on the time of exposure; and I'm sure each species must depend on what amount initially affects it. It just depends on each species, right?

Mr. SOLANGI. Yes, Congressman, that's an excellent question. The lady to my left had mentioned about inhalation, and probably it's a hundred miles away. Many of these animals breathe right on the surface or close to where the oil spill is, so you do get respiratory problems, marine mammals specifically.

And just like you and I, they breathe the air and they give birth, they give milk to their young ones and they eat the fish that is contaminated, so it's really compounded considerably when these animals are very close to the surface or to the spill. And so I think it's going to be a very significant issue in mitigating the after effects.

Mr. STUPAK. Mr. Duplessis, did you indicate—did you receive the $5,000 check from BP initially for your loss of revenue?

Mr. DUPLESSIS. Yes, I did.

Mr. STUPAK. Nothing since then.

Mr. DUPLESSIS. No. I met just yesterday with an adjuster and he said that I would be getting another $5,000 check.

Mr. STUPAK. I was reading that shrimpers can go out, maybe earn 5 and 6,000 a day if they have a good day, right?

Mr. DUPLESSIS. That's—that's right.

Mr. STUPAK. OK. So like Mister—so like Mr. Cooper, Acy Cooper, was going to testify today, but he was asked to go out and do some cleanup.

Mr. DUPLESSIS. Right.

Mr. STUPAK. So he's been, what, head of the Louisiana Shrimp Association, so this was his opportunity, so unfortunately he couldn't be here today. He took the opportunity to work.

I also read like it's almost like a lottery, like—or I don't want to say a lottery, but you might work for a few days on the cleanup, but it's a month later before you are called again. So you get the $5,000 check for working for a few days or I guess like an initial payment? I guess I'm trying to figure it out.

Mr. DUPLESSIS. The $5,000 checks that they have been giving out to the commercial fishermen is supposed to be to—in mitigation for lost wages, for lost income. Now——

Mr. STUPAK. But that's only a day's work.

Mr. DUPLESSIS. Right.

Mr. STUPAK. For shrimpers.

Mr. DUPLESSIS. Yes. Well, don't—I mean we—shrimpers make—we might make $5,000 per day, but then we have these long down periods that we don't.

Mr. STUPAK. Sure.

Mr. DUPLESSIS. We don't have income at all. But, for example, the first time I met with the adjuster, my wife and I sat there and he asked the question, "Well, how much are you losing this month and how much do you expect us to—to pay you?"

Mr. STUPAK. Right.

Mr. DUPLESSIS. Well, my wife went through the paper and she said, "Well, last May we made $27,000." And he says, "Well, we are going to give you a check for $5,000 now and you give us your proof of income and next month we'll—we'll finalize these adjustments."

Well, I just met again with them yesterday and another $5,000 check is what we are going to get, what they promised to me anyway.

Mr. STUPAK. So you are still $17,000 short for one month.

Mr. DUPLESSIS. For one month, yes.

Mr. STUPAK. Well, let me ask you this: BP puts out things, these daily statements on what they are doing; and they said more than 2,600 vessels are now involved in response effort including skim-

mers, tugs, barges, and recovery vehicles? So that would be some of the shrimpers and other people working in the Gulf going out there. There's not 2,600 vehicles out there today. There's been—that's like the cumulative amount over the last seven weeks, 49 days, since this spill's been going on, right?

Mr. DUPLESSIS. Well, my name's been on the list from day one.

Mr. STUPAK. OK.

Mr. DUPLESSIS. And I have yet to get a call from BP to go to work.

Mr. STUPAK. So your boat's never been out there.

Mr. DUPLESSIS. My boat's never been out there.

Mr. STUPAK. So you might be out on—you might be one of those 2,600 vessels that they speak of, but your boat's never seen the water.

Mr. DUPLESSIS. That's a possibility. I don't know.

Mr. STUPAK. OK. My time is expired. Thank you. Mr. Burgess for questions.

Mr. BURGESS. Thank you, Mr.—no, let's stay with you for just a moment. Now, the $5,000—and, again, as a student of the consumable crustacean, I thank you for what you do and your contribution to the country's economy, and it is important that we get you up and running.

The $5,000 payment that you get, is that like a—how is that being treated, as business interruption insurance?

Are you taxed on that? Is that to go—just to pay your overhead that you are not able to pay but not anything for—for your income? What—what is that—what does that $5,000 represent?

Mr. DUPLESSIS. BP's explanation is this is payment in lieu of final settlement.

Mr. BURGESS. OK. So it's a—it's a temper rising measure on their part.

Mr. DUPLESSIS. That's their explanation to me.

Mr. BURGESS. And I would never tell the IRS, but how are you and your accountant handling that; is that taxable income to you.

Mr. DUPLESSIS. Oh, I would imagine it is. Yes, I would say it is?

Mr. BURGESS. It's not treated as business interruption insurance, which obviously would be an insurance payment that would come to your business that would then not be taxed. At least that's my understanding, but I'm not an accountant, so don't take that to the bank.

Mr. DUPLESSIS. Yes. I would have to talk to my accountant about that.

Mr. BURGESS. Mr. Linn, you are from Alabama. Mr. Stupak is not the only one in a newspaper. Wall Street Journal, this morning reading on the plane down here on the way from Texas, talking about the—how emotions are boiling over in Alabama. A BP official met with local leaders on Saturday to discuss cleanup efforts and he was threatened with incarceration. "I've got a solution. We can put you in our jail and you can sit there until you figure it out," Edward Carol, the city councilman in Orange Beach, Florida [sic], told Bob Fryer, a BP senior vice-president. Is that pretty reflective of the—of the feeling back home?

Mr. LINN. It is rapidly escalating in terms of frustration. We—the gentleman here was talking about the boating situation of

2,600 vessels. We were told—we had—we invited BP to speak at a chamber meeting, too, for our local businesses. They told us basically that there they had 1,400 vessels.

They had 400 contracted, they had 400 in waiting, and 50 on the water, which kind of blew us away.

Mr. BURGESS. Yes.

Mr. LINN. Now, we were not in—we were beginning the war with the tar balls and the things. You know, we weren't totally slammed at that point, but that was sort of the attitude.

The money situation is the same—same thing. The 5,000 has been given out just almost as if it's more a marketing ploy than it really is an accounting ploy. They are coming back with second payments to some of the folks, but the vessels of opportunity folks that have signed on that actually have been called and are working have not seen monies as of this morning at 9:00 when I called.

The businesses, when you talk about $5,000, we have a $60,000 a year—a month overhead for my business, so I would get two and a half days out of that. That's why I ended up saying, OK, I've got to do something else. I've got to go—I am now doing an SBA loan, which I had no intentions of having to try to borrow again but this is on and above another one that we had from the hurricanes, of course. It's the only way we are going to keep our business alive is to have cash flow. We do not feel that BP is going to be stepping up to the plate.

Mr. BURGESS. Yes, but an SBA loan with no end in sight to this, I mean how—how are you going to manage that aspect of the cash flow?

Mr. LINN. Our problem right now is survival over the next six months. I feel that between you guys, everybody stepping into the plate up here and then helping us out, I feel that there will have to be some help from BP coming down the road. We have approximately two months left of cash flow.

Mr. BURGESS. Yes. I'm going to interrupt you. I agree with you there. There will have to be some help.

Dr. Subra, let me just ask you a question. You detailed the safety concerns that you have. Where is the EPA in this? I mean this is federal oil. These are federal hydrocarbons produced on federal land. You talked about OSHA, you know. You talked about Louisiana Health and Human Services, but should not the EPA be out there front and center issuing—to heck with what BP says. The EPA should be giving the directive for these people to have protective gear.

We just finished a very contentious 9-11 bill in our committee where the EPA, under a different administration, was excoriated for not having done more to protect the people who were sent to do the cleanup of the 9-11 site, and now Congress is—is left taking care of—taking care of their disabilities for the rest of their natural lives. Why is the EPA not more proactive in this—in this environment, in this emergency?

Ms. SUBRA. We've been—we have been working with the EPA from the very beginning on this, and they have put up monitors on the shore on—on the solid land. There are three in Chalmette from Arabi south, and then there are three in the Venice area and then they also have mobile monitors.

EPA is telling us that BP is responsible for doing the monitoring out in the areas over the slick and in the boats and in the area that the workers are working in. That data supposedly has been given to EPA, but EPA has not made that public. And we have asked for that now for over a week and a half, to receive the BP data so we can see exactly what they are monitoring and if they are monitoring for the right thing and what kind of conditions because we know the fishers are sick.

Mr. BURGESS. Well, it seems like the EPA should assert its authority and cause BP to put protective gear—make the protective gear available to the people who are involved in the cleanup. After all, it was BP's fault that they are out there having to clean the stuff up in the first place. Just my observation, Mr. Chairman. Thank you.

Mr. STUPAK. Thank you. Mr. Braley for questions, please.

Mr. BRALEY. Thank you, Mr. Chairman. I would like to focus on the BP claims process because BP has repeatedly stated to this committee and to the public and the press, we will pay all legitimate claims.

And when I missed the tour of the marshes last night because of a flight delay in Dallas, I got in the car and I drove down to Venice in a monsoon. And as I was driving back last night, I saw a sign on the side of the road that I think captures the attitude of most people in the Gulf Coast toward BP right now, and it said, "Damn BP, God bless America."

And I think that's how these witnesses who have gone through so much in the past 40 days feel about what's happening to them, their way of life, their families, and that's why this hearing is so important. Because when I was down in Venice, I saw a lot of vessels that were sitting in dock. And when I talked to the folks down there, they told me they hadn't been out in days or weeks, even though they were hired by BP.

So one of the things I want to talk to Mr. Duplessis and Mr. Linn about is this BP claims process. We have heard that they created a claims process for fishermen and for small business owners impacted by the spill. And, Mr. Duplessis, you talked a little bit about how that claims process worked; but as I understand it, you are required to present documentation, and if you are a boat captain or a deckhand, you can receive from 5,000—up to $5,000 per check up front. Can you tell us a little bit about how that process actually works; do you know?

Mr. DUPLESSIS. From the start or when they started the program, they sent out a list of things that we would need for proof of income for them to mitigate this. They wanted three years of income tax records; they wanted trip tickets, which are tickets that we use on most of the shrimping and oystering logbooks for the oyster people; and I went in with everything they requested. The guy almost looked like he didn't want it. He just—he took the three years of income tax records because my wife had already made—made copies for them to take. I—I almost had to—I forced him to take it.

Here, you want it, I've got it. And they issued me the following day—gave me a check for $5,000 and said that this was not payment in full.

And I might add when the payment process—when they first started the program, I—I was a week or two into the process before I—I did mine. The attorneys, local attorneys and the state's attorneys read the paperwork that they had the fishermen sign, and they were actually signing paperwork that was releasing BP from liability when they signed this paperwork.

Mr. BRALEY. So they—they were requiring you to sign——

Mr. DUPLESSIS. Yes.

Mr. BRALEY [continuing]. A waiver against future——

Mr. DUPLESSIS. Exactly.

Mr. BRALEY [continuing]. Claims in order to get this upfront payment?

Mr. DUPLESSIS. Exactly.

Mr. BRALEY. And I'll bet you nobody explained that to you when you applied for that first payment?

Mr. DUPLESSIS. Well, by the time I got there, the state's attorney was all over BP and made them do away with this paperwork.

Mr. BRALEY. But it was after some of the——

Mr. DUPLESSIS. Oh, yes.

Mr. BRALEY [continuing]. Had already received payments and signed that paper for them to waive claims?

Mr. DUPLESSIS. Yes. But they also made them take those paper—papers and null and void them.

Mr. BRALEY. Now, you indicated in your opening statement you had a thousand questions and no answers. Is there anything about your experience with the BP claims process you would like the American people to know, Mr. Duplessis?

Mr. DUPLESSIS. It's a cluster. It's a total mess. Just three days ago, there were three adjusters in this building taking claims. Three fishermen would walk out and each one was told different things from each individual adjuster. One fisherman, he's a good friend of mine, told me that the adjuster basically threatened him by telling him that, hey, you have a big—very large top line here on your taxes and your—your bottom line is very small. We want to put you on notice that you are going to get payment on this bottom line, not your gross income.

Mr. BRALEY. Mr. Duplessis, my father enlisted in the Marine Corps when he was 17 and served on Iwo Jima, and I just recently interviewed my cousin who served in the Marine Corps in Vietnam during the Tet Offensive. You are the embodiment of the Marine Corps motto of Semper Fidelis, always faithful, and I'm very grateful you came here and shared your story here with us today.

Mr. DUPLESSIS. Thank you so much. Thank you.

Mr. STUPAK. Those adjusters, are they BP representatives or insurance companies for BP?

Mr. DUPLESSIS. I think they are hired, contracted adjusters.

Mr. STUPAK. OK. Mr. Markey for questions, please.

Mr. MARKEY. Thank you. Tony Hayward, the CEO of BP, said that BP would pay for all legitimate claims of fishermen, of tourism—tourism based industries. You presented your bills, your profits from last May and it was $27,000, but they only gave you a check for $5,000. What did they say to you?

Mr. DUPLESSIS. They said that this was not a final settlement, that there would be—this was only the beginning of the process.

In—in other words, what they are saying is that they—they are just giving this amount of money to us to hold us over until final——

Mr. MARKEY. OK.

Mr. DUPLESSIS [continuing]. Mitigation, but——

Mr. MARKEY. BP made $6 billion in January and February and March of 2010. They say they are going to pay every legitimate claim. You walk in with your tax records proving that last May you made $27,000, so what did BP say to you? They'll wait later or are they just waiting you out? Are they just waiting for the—kind of the storm to pass and they won't have to pay all these claims for all of the fishermen? Because that's what I suspect their real plan is.

Mr. DUPLESSIS. I'm just hoping that it doesn't end up the way I'm thinking it will: When the storm's over, they're going to pack their bags and leave us.

Mr. MARKEY. You know, there's a law right now that does protect them against having to pay——

Mr. DUPLESSIS. I know that.

Mr. MARKEY [continuing]. Any more than $75 million to all of the fishermen of the Gulf, to all of the tourism industry of the Gulf. They are only really responsible for cleaning up the mess out in the ocean. But in terms of the impact on you, there's a limit of $75 million.

Would you support repealing that law so that there is unlimited liability for BP to ensure that all of you are paid, not because BP out of the goodness of their heart determines that they are going to give you a check, but because the law requires that they have unlimited liability? Would you like to see that law repealed?

Mr. DUPLESSIS. 100 percent.

Mr. MARKEY. How about you, Mr. Linn?

Mr. LINN. No doubt about it. If you——

Mr. MARKEY. Repeal that law. How about you, Mr. Solangi?

Mr. SOLANGI. I agree with you.

Mr. MARKEY. How about you, Ms. Subra?

Ms. SUBRA. I agree.

Mr. MARKEY. All right. So we got agreement on that. How about the—how about the Jones Act, do you want to repeal that law, you know, the limitation on damages for families, Mr. Linn?

Mr. LINN. No doubt about that one at all.

Mr. DUPLESSIS. Of course, yes.

Mr. SOLANGI. I agree with you.

Ms. SUBRA. I agree.

Mr. MARKEY. Agree. Now, I think what we are seeing already is business as usual at BP. Giving you $5,000 when you have incontrovertible evidence that last May your family made $27,000 is just the beginning of a long story that we are going to have.

And as Dr. Burgess just said, we just had a big debate nine years later about the health impacts on people who were working on 9-11, people exposed on 9-11, and there's still a debate as to whether or not we should basically take care of those people. We are having a hard time doing that now. And the lesson we learned, Ms. Subra, is that we have to get in at the beginning. We have to give them the protection at the beginning.

Do you think that BP is providing the resources necessary in order to ensure that the equipment is there, the training is there, to protect these people who are being exposed to these chemicals?

Ms. SUBRA. Not adequately, and that's what we have been working on since the very beginning.

Mr. MARKEY. Mr. Solangi, do you think that BP is doing the work to ensure that there is a full understanding of the impact these chemicals are having on the ocean, on all of the unintended consequences of shooting dispersants into the ocean in terms of the impact that it can have upon the livelihoods of the people who live down here in the Gulf?

Mr. SOLANGI. I don't think they were prepared for it and I think not enough is being done yet.

Mr. MARKEY. Yes. BP did not stand for being prepared. We know that for sure. But we don't want to see them nickel and diming each one of these issues either in order to ensure that there is full protection. In terms of tourism, Mr. Linn, what has BP done to ensure that there is some anticipatory help for you in Alabama?

Mr. LINN. They granted—they granted $25 million to the state of Alabama, which is——

Mr. MARKEY. How much did you say?

Mr. LINN. 25 million——

Mr. MARKEY. 25 million.

Mr. LINN [continuing]. To the state of Alabama. Part of this is for preparation, part of it was for advertising, you know, to try to counter all the things that are being said in the press.

Mr. MARKEY. How much does the—how much does the tourism business make in Alabama?

Mr. LINN. I'm not sure of the grand total. I know Orange Beach and Gulf Shores are the big brothers. We are the smaller brother. I think we bring in somewhere in a range of around—as a state it could be in the range of $70 million, but I'm not sure.

Mr. MARKEY. OK. Seven——

Mr. LINN. $70 million, I think, as a state, Alabama, but I'm not sure——

Mr. STUPAK. You are running over.

Mr. MARKEY. Thank you.

Mr. LINN. Does that work?

Mr. STUPAK. Go ahead. Finish your answer.

Mr. LINN. The—the trickle down effect on that is $10 million is going to Baldwin County. Ten million is going to Mobile County, which is on our side. Baldwin has the Orange Beach, Gulf Shores guys. That's being broken down to—approximately seven million of it on our end was going to preparatory use to prepare a second protective sand barrier to try to stop the oil on the beach. They are not doing it in the water because of surf and things like that. It trickles down from there to—a good sizable sum was going back to the fishing community to help there, again, back to the vessels of opportunity. And I think we ended up with the Dauphin Island Chamber of Commerce in conjunction with the town of 125,000.

Mr. MARKEY. My goal is going to make sure they have unlimited liability to protect each and every one of you and your families in this incident.

Mr. STUPAK. Ms. DeGette, questions, please.

Ms. DEGETTE. Thank you, Mr. Chairman. Mr. Linn, I want to follow up on—on something—on—on some of these questions that Mr. Markey was asking because Mr. Duplessis also confers, but then you said in your written testimony while it is grossly inadequate that some of the fishermen and the shrimpers are getting some payments for like $5,000 in a month; but what you said in written testimony is for the small businesses like you, you have overhead of $60,000 a month, that the claims process seems to be much more cumbersome. Have you been getting any payment from BP?

Mr. LINN. None whatsoever.

Ms. DEGETTE. You have got no payment whatsoever from BP?

Mr. LINN. No, ma'am. We started out talking directly to BP. I was transferred from one department to another department because they had not dealt with a small business, according to the adjuster that I had or the—you know, the guy on the other line with BP.

It is now my understanding that while we have on Dauphin Island and Bayou La Batre, our neighboring city, two claims offices, they are not geared at doing anything more than gathering information from the small businesses. Everything is going to Hammond, Louisiana and it's processing four states worth of small business activity.

Ms. DEGETTE. Have you—have you been given any indication when you might start getting some compensation?

Mr. LINN. No, ma'am. I—in my—in my case I did go to an attorney, local attorney, to start helping me with the process because I was getting nowhere.

Ms. DEGETTE. And are you having to pay that attorney to get your compensation?

Mr. LINN. I'm afraid it will be coming up, yes, ma'am.

Ms. DEGETTE. And that bill will be coming in the mail?

Mr. LINN. That is why, again, the SBA became important to me. It's not that I want another loan. It's that I have to keep active.

Ms. DEGETTE. So—so now you're having to take out loans?

Mr. LINN. Yes, ma'am.

Ms. DEGETTE. Mr. Stupak was talking about this. You're now having to take out loans to keep yourself afloat because the claims process is so slow?

Mr. LINN. Exactly. Exactly.

Ms. DEGETTE. And do you think this claims process could be made more easy? I guess let me back up. Mr. Duplessis, I think, has the most organized wife, maybe as organized as my husband is. You can even—you can—is she here?

[Mrs. Duplessis indicating.]

Ms. DEGETTE. Thank you. So—so you can find out from May of last year what your income is. I assume you have similar records.

Mr. LINN. I do. I have good records. In fact, the same information that we are supplying to the SBA is pretty much the same information——

Ms. DEGETTE. Right. And—and so they should be able to determine what kind of compensation you are going to get——

Mr. LINN. Yes.

Ms. DEGETTE [continuing]. If as—if as Mr. Markey says, Mr. Hayward—he—by the way, when he said this, he was under oath just like you are today, that everything would be made clear. So do you expect that's going to happen?

Mr. LINN. My real hope—and this is the only statement on this part I'll make. We as individual small businesses, the fishermen, ourselves, have—have not—we do not have a chance of fighting BP. We will not win that battle. You guys can help us. The SBA can help us. I should not be borrowing money from the SBA. I should be getting a grant from SBA that BP pays and you guys get the money from BP.

Ms. DEGETTE. Well, guess what? We intend to—we intend to help you, so we're——

Mr. LINN. Because we can't do it on our own.

Ms. DEGETTE. As you heard, we are going to stay on this until we do.

Mr. LINN. I really appreciate that.

Ms. DEGETTE. I just have a couple questions, Ms. Subra, about the environmental impacts because you talked in your written and your oral testimony about these dispersants and your great concern for the Gulf Coast residents. The EPA has also expressed concerns about the burning of oil and the use of oil dispersants, and they have asked BP to use less of the toxic dispersants. Do you know what BP's response was?

Ms. SUBRA. Well, EPA used—asked them to use less toxic ones.

Ms. DEGETTE. Yes.

Ms. SUBRA. And they came back basically justifying the existing one, and then EPA asked them to use less. One of the major concerns I have is that most of the constituents of the two dispersants they are using are proprietary so when the workers were ill——

Ms. DEGETTE. You mean the chemicals that are in the dispersant?

Ms. SUBRA. Right. The chemicals that are in the dispersants are proprietary. So when the workers are ill and they go to the hospital, the workers don't know what potential chemicals they are exposed to and so they don't know how to treat them, and it's an issue that we have been working on for a long time, but that kind of information needs to be available to the general public, but if not to the general public, it needs to be available to the medical community——

Ms. DEGETTE. To the first responder?

Ms. SUBRA [continuing]. Immediately so that they know how to handle the cases.

Ms. DEGETTE. Now—now, is there some alternative to these dispersants to start to begin to clean this up?

Ms. SUBRA. Wait. Could you ask that again?

Ms. DEGETTE. Is there some alternative way to clean this up, to minimize the risk than using the dispersants?

Ms. SUBRA. Well, the alternative ways are to have it as a slick and recover it from the slick and disperse it into the water column, which has a huge environmental impact when it's dispersed into the water column. And both the slick and the dispersed chemical—chemical in the water column come onshore. It's just when it's dispersed in the water column it's not as visible as when you see it

coming onshore, as you-all saw when you-all went—went on the tour.

Ms. DEGETTE. Thank you.

Mr. STUPAK. Thank you. Let members know we're going to try and go two rounds here if we have time here. We are trying to wrap up by 2:00, but let's get one round through and, if we can, we'll get a second round on the panel for questioning.

Ms. Schakowsky, questions, please.

Ms. SCHAKOWSKY. Thank you. Ms. Subra, you have told us that BP forced commercial fishermen who signed up to work on the cleanup to sign waivers that severely eliminate—limited any future legal claims, but that was resolved. Was that in court that these waivers were removed from employment agreements or did you just get them to do it? How did that happen?

Ms. SUBRA. We went to court on May 2nd, Sunday afternoon, as a result of the inappropriate waivers they were making the fishers sign and BP signed an agreement that those waivers would no longer apply; and that was limited to the State of Louisiana. So even when he talked about them not knowing, once—once we get a decision in court, it's not enforced.

Five days later we went to court, and the court said BP must train and provide the protective gear. And, again, it's not being enforced, so we have done all the right things.

It's lack of enforcement and lack of engagement with a lot of the agencies.

Ms. SCHAKOWSKY. So, first of all, though the agreement only applied to Louisiana. In the context of this, did BP ever explain their rationale for saying that they wanted to remove any liability for themselves?

Ms. SUBRA. No. They just agreed in court that afternoon and signed an agreement that it wouldn't be appropriate and therefore it wouldn't hold water on any of the agreements that had been signed previous——

Ms. SCHAKOWSKY. In Louisiana?

Ms. SUBRA [continuing]. Or it wouldn't be included in the new agreements.

Ms. SCHAKOWSKY. In Louisiana?

Ms. SUBRA. In—well, the—they did the agreement, and then the states of Mississippi and Alabama stated if it was to apply in those states the case would have to be brought in those case—states.

Ms. SCHAKOWSKY. I see.

Ms. SUBRA. They made that decision.

Ms. SCHAKOWSKY. Now, are you saying that BP still is not providing any kind of appropriate protective gear?

Ms. SUBRA. They are providing Tyvek suits in some cases. In the case of those shrimpers, they weren't providing that. They are not providing the respiratory protection; and that's where you get the inhalation of the toxic chemicals off the spill and any dispersants. And, in fact, if the workers bring a respirator that we have provided them and others have provided them, they tell them they are going to fire them unless they put the respirator away.

And now since OSHA said you need to protect them against heat stress, they are using heat stress as an excuse not to have them where the respirators. And, in fact, you can't deal with heat stress

and just ignore the inhalation stress. You need to address both issues. And yes, it's very hot in Louisiana, it's very humid, but this is a workplace environment and they need to be protected against both situations.

Ms. SCHAKOWSKY. So your organizations have provided, at its expense, these private organizations with equipment that now they are prohibited from using?

Ms. SUBRA. That is what BP is doing. They are prohibiting the workers from using the respirators.

Ms. SCHAKOWSKY. And tell me the role that OSHA has played or the role that you think OSHA should play?

Ms. SUBRA. I think they should be out there enforcing the regulations that they have to have appropriate workplace safety and protection for the workers.

Ms. SCHAKOWSKY. But to the extent that, well, that's their job, but have you seen them and is this work being performed?

Ms. SUBRA. Well, they were a little slow in coming on the scene.

We had to work through EPA to demonstrate that they were really needed, and then they issued a directive on exactly what kind of training and the protective gear and it was required by BP to provide that. And now, we are seeing when they are going out and evaluating they are really taking on BP and focusing a lot on the heat stress, and still the workers are getting sick when they inhale the off gassing from the slick and from the aerosol.

Ms. SCHAKOWSKY. And I assume you have brought that to OSHA's attention as well as to the company. What's the response to that in terms of the respirators?

Ms. SUBRA. The—the issue of the heat stress versus not wearing the respirators just came to light after I had prepared my testimony over the last four days, so we are trying to figure out what kind of response we can get through EPA and to OSHA to BP, so we are working on that right now.

Ms. SCHAKOWSKY. Some of these economically stressed workers who were hired to do this job apparently expressed fear that they would be fired if they complained?

Ms. SUBRA. Right.

Ms. SCHAKOWSKY. Is that accurate?

Ms. SUBRA. Yes. And I'm hearing that from fishers all the way across Louisiana as well as in Mississippi and Alabama.

Ms. SCHAKOWSKY. And—and were they fired because—or how did they get that impression that if they complained they would be fired?

Ms. SUBRA. From working for BP or BP's contractors.

Ms. SCHAKOWSKY. And have people been fired that are complaining?

Ms. SUBRA. The fishers will tell me and tell a lot of the NGO's this; but when it comes down to telling it to someone that will do an affidavit, they are very reluctant because they are desperate for these jobs.

Ms. SCHAKOWSKY. Thank you.

Mr. STUPAK. Thank you. Thanks. Ms. Christensen for questions, please.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, and I would like to thank the witnesses for taking the time to be here with us this morning; and thank you for two rounds.

Ms. Subra, in your testimony you say—and this kind of follows onto what my colleague, Ms. Schakowsky, was asking. You said decisions have been made that have and will continue to result in detrimental impacts to human health and the environment as a trade-off for attempts to reduce the quantity of crude oil from reaching the shores, estuaries, and wetlands to the northern Gulf of Mexico. Both are important.

Why can't we do both? Why can't we protect the health and environment as well as protect the shorelines, the estuaries, and the wetlands? Is it not possible to do both? What is it that you think needs to be in place to make sure that we can do both because both are important? We need to protect the wetlands and the estuaries and we need to protect the health and the environment. This is an advanced country. This is the leader of the free world. Can't we do both?

Ms. SUBRA. First of all, the response that BP has provided as the oil moved closer to shore and came onshore in the wetlands and on the sandy beach areas and dispersed into the water column and came on shore in the water column has not been adequate. It has allowed the slick and the dispersant to come onshore and contaminate the wetlands and all.

But the issue of the workers, the workers should have been protected from the very beginning. It's a bad enough situation we have with the oil coming ashore and contaminating things, but there's no reason why these workers shouldn't be hired and shouldn't be put in the position to be totally protected as they do their jobs for BP.

If BP had a job site on a rig, you would expect them to have total protection and safety for the workers, and yet these people seem to be treated as if they are expendable; and if they try and protect themselves, they are threatened with being fired and losing their job.

Mrs. CHRISTENSEN. So it comes down to the protection issues, the protective gear, the mask, and so forth. That's what it comes down to. That's—that's what we need to focus in on.

Ms. SUBRA. Right. When they are dealing in the area with the crude oil, they need protection to stop the inhalation pathway of exposure.

Mrs. CHRISTENSEN. Yes. And, you know, in all of the areas, as I've said in my opening statement, I've asked about protection, protective gear and have been assured that that was in place; so those assurances obviously didn't mean anything because it wasn't until your organization and other organizations and regulations forced the issue that it began to take—be put in place, so thank you. Thank you for your work that you have been doing.

Mr. Linn and Mr. Duplessis, obviously with this being the largest oil spill in the history of our country, there's lots of media attention. On balance from your perspective, has it been—has the overall impact and balance been positive for your businesses or negative?

What has been the end path on tourism and fisheries?

Is the full story being told by our media or is it just the bad side, and what has the impact of the media been?

Mr. LINN. Start here?

Mrs. CHRISTENSEN. Yes.

Mr. LINN. The impact on us by the media has been pretty much 90 percent negative. It's hard to have a positive impact when the only thing that they can bring to the table is the ultimate contamination of the island, the picture—the awful pictures of the birds, the environmental quality.

We have been fielding so many calls regarding people trying to cancel in our case. And this is—I'm—I really am speaking for pretty much most of the Alabama tourism coast with this. The—the questions they are asking are do we have to go out and look at these dead birds laying on your beach? This is the impact that the press has had.

Our PR guy for the town of Dauphin Island did a quick study and, you know, these numbers are approximate, but they—they looked at the average advertising cost. If we had gone out and bought the—bought the time, it's $7.5 million in negative advertising.

Now, we have a $40,000 a year advertising budget for the Chamber of Commerce, so we have got a battle that's uphill. But that's—our—our impact has—has been terrible as a matter of fact.

Mrs. CHRISTENSEN. Mr. Duplessis.

Mr. DUPLESSIS. Just like Mr. Linn has said, everything that comes on the TV is birds that are being—that are oiled and this is all negative, negative, negative.

Now, our area, our seafood and promotion board, did manage to get some money from BP and they are running some—some pretty good advertisement about our seafood that is still safe, which is—it's hard to convince people that the seafood is safe when you've got oyster areas that are being opened and closed daily and shrimping areas are being closed and not re-opened. It's hard to—to convince people that the seafood is safe and it's negative.

And as far as the media is concerned and the TV and everything, I am up to my neck in advertisements saying if you have been affected by the Deepwater Horizon oil spill. I am up to my neck in it. I am just——

Mrs. CHRISTENSEN. You've had enough. And to you Mr. Duplessis, the Louisiana promotion——

Mr. STUPAK. Time's up.

Mrs. CHRISTENSEN. My time's up.

Mr. STUPAK. Yes.

Mrs. CHRISTENSEN. OK. Didn't hear it.

Mr. STUPAK. I'm running a little tight and we all want a second round. Mr. Melancon, questions, please. Five minutes.

Mr. MELANCON. Thank you, Mr. Chairman. Ms. Subra, let me ask you—and, of course, there's been a lot of issues about dispersants, whether it's helping or hurting long-term, but I guess where I'm going with it is with or without dispersants, what do you see? We shutdown the oil tomorrow, which would be wonderful, but what do you see in the time frame for recovery for the Gulf and for the estuaries should they be impacted.

Ms. SUBRA. I see a very long-term recovery. I think that estimate is better served after we've stopped the flow of oil and we've gotten rid of the slick as well as the dispersed water column oil; and then we will have information about the contamination, both in the marshes, the wetlands, as well as the sea bottom and then we'll be able to figure out an estimate of how long recovery will take.

Mr. MELANCON. That's—that's why I was using if we shut it down tomorrow, which I pray that it would happen, or at least get it closed off. Because it's somewheres in the range of half a million barrels to a million barrels a day is, I think, where the numbers are. That's five—that's 12 to 19,000 or 20,000 barrels a day, so that's—I'm sorry—million gallons a day.

Mr. Duplessis, in light of the fact that this may be a decade long degradation problem to the estuaries to the place where the shrimp start their life cycles, where the speckled trout, the red fish, the snapper, and all that that comes out of the estuaries, what's in your mind? What's in your thoughts? What are you feeling right now is the future for you and the communities like Gulf Shores, Grand Isle, Venice, Point a la Hache?

Mr. DUPLESSIS. Mr. Melancon, just like you, I am a sport fisherman and hunter, and I've—I've been trying not to discuss it, but I have four children and 14 grandchildren. All four of my children hunt. We are big time duck hunters; and as my grandsons grow up, we—we are teaching them. We are taking them out in the marsh hunting, and this part of our culture is—it's really—it's devastating to just think about it. I can't—I won't—it's a possibility that I won't be able to take my grandkids out and hunt with them.

And the other side, the economic side of it, I'm 65 years old now. I'm not young anymore. I can't—I can't change my livelihood, so it's—it's going to be—it's going to be a rough ten years ahead of me.

Mr. MELANCON. It—it's exactly the feeling I have. Mr. Linn, you are on the opposite side in—in one respect, but I remember Dauphin Island when it was like a Grand Isle. Of course, it's probably more condominiums than more of a beach now, but what—what do you feel? I mean we can clean the beaches quicker, but you have got those estuaries right behind the island that are important to the fisheries. That's what brings people to Dauphin Island. How are you feeling about this short-term, long-term?

Mr. LINN. I—I think that's the—the biggest difficulty that we are all having with this. None of us can get our arms around it like you can a hurricane, which, you know, no one wants to hug one, but we can see an end, we can fix things, we can get on with our life. Dauphin Island really hasn't changed that much, sir, at this point. We have a couple of condos, but the—the culture, the—the whole life I—I fear is—it's going to be decades. And that's—that's even an if because the stigma of what is going on here, how long it will be.

We are still being told that our island was cut in half by Katrina, when actually it was part of the uninhabited part. That's five years later. This kind of a stigma of oil on our beaches, the shrimping, the estuaries, the oysterman, the culture, it's—it's gone. And none of us from day-to-day know how we are going to cope through this. We are talking short-term keep your business alive. A year from

now are we going to be able to survive in the same business or is it just pack it up and get off the island, and none of us know.

Mr. MELANCON. Yes. When—when this first started and the SBA came and said we'll do——

Mr. STUPAK. Time's up.

Mr. MELANCON. If I can just finish the thought real quick.

Mr. STUPAK. Real quick.

Mr. MELANCON [continuing]. Started talking about the emergency loans, which they can defer payments for a year which will give you the opportunity, I thought well, oh, great, you know, because that would give the business owners and the fishermen and those people that are impacted an opportunity to see where this thing's going to play out. But if we are talking about a decade or decades, it's not going to play out in our lifetime and it may not play out in my son's lifetime.

Mr. LINN. And I—I will say one thing on SBA. One phone call and my two deferred—my two loans were deferred for 12 months. It was not a hassle. It was we are here to help, so I have to give them that credit.

Mr. MELANCON. Thank you.

Mr. STUPAK. Mr. Scalise for questions, please.

Mr. SCALISE. Thank you, Mr. Chairman. Ms. Subra, when you were talking about the testing that EPA's doing, it's over land and you said BP's doing the testing over water right now for air quality?

Ms. SUBRA. That—that is how it is now. EPA's doing the land, and BP is supposed to be doing it over the water and in the work area where the workers are.

Mr. SCALISE. But we are not getting access to—to those air quality reports over water?

Ms. SUBRA. We have asked for it over the last week and a half.

When we found out that EPA was receiving the data from BP and not putting it up on their Web site, then we asked for it at that time.

Mr. SCALISE. Why—why isn't EPA putting that data on their Web site; have you not gotten an answer on that?

Ms. SUBRA. I haven't gotten an answer.

Mr. SCALISE. Then we will get that answer for you because there is no reason if——

Ms. SUBRA. It would be very helpful to have that data.

Mr. SCALISE [continuing]. EPA is monitoring the air quality and that's—that's what their job is, they're tasked with doing that, why they would send parts of that to BP, I don't know. But if they've got the access to the data, either they should be doing it or they should be getting the data and making it public, but it shouldn't be withheld from the public for sure, so we will—I know my office will work on that and—and if we get the committee to—to dig deeper there, too, to get some real—to get some real transparency from EPA on that air quality.

I want to talk about the chain of command; and maybe, Mr. Duplessis, Mr. Linn, you-all can touch on this. One of the problems we have been having is getting—getting things done when—when our locals who are doing everything they—they know how to try to protect the marsh, to try to protect our way of life, it seems like

we just keep running into road blocks and locals are told to go talk to BP and you can't get answers there sometimes.

What have you-all found from the defensive efforts? I know we fought for weeks to try to get the sand barrier plan. It took us over three weeks to get an answer from the federal government on putting sand barriers in front of the marsh to try to at least protect the marsh.

What are you-all seeing when it comes to protecting beaches, protecting marsh? Are you directed to go talk to BP to get approval? Who's—Who's telling you to go where?

Mr. Linn first, then Mr. Duplessis.

Mr. LINN. Basically what would have normally been a Corps of Engineer type project on our island in terms of beach re-nourishment and things like that was all put aside.

Between BP and—and the federal government, I believe—I know the national guard was highly involved, they came in and within three weeks time we had a protective sand barrier along our—our main road, which is where the water and sewer infrastructure runs in order to try to protect.

Because of the hurricanes, our island has lost a lot of sand on the far west end where all the tourism really is.

Any high tide with a—with a southerly wind can actually cause an over wash on that west end, which brings stuff right into the sewer system, so that was the reason for that protective berm. The——

Mr. SCALISE. And you-all got approved from BP or who——

Mr. LINN. It—it was actually a BP start. It was clean harbors, Doctor—oh, he—he's helping us actually with the town of Dauphin Island in doing a study of the beach.

Mr. SCALISE. I'm glad you-all did because——

Mr. LINN. Yes.

Mr. SCALISE [continuing]. Like I said, it took us over three weeks and we still went round and round.

Mr. LINN. Yes.

Mr. SCALISE. I don't even think they started dredging in the sand yet in our marsh.

Mr. LINN. Yes. We—we had action quickly on Dauphin Island.

We truly did in terms of actual emergency protection devices.

Mr. SCALISE. OK. Mr. Duplessis.

Mr. DUPLESSIS. Well, I'm from Plaquemines Parish, as you know, and Billy Nungesser, bless his heart, they're going to—BP is going to cause his demise.

Mr. SCALISE. I've been in talks with Billy. I tell him to take care of his health, because he's working hard I know.

Mr. DUPLESSIS. Right. With the—the berm or the rebuilding of the Chandeleur and Breton islands, we have been trying to get this done for years, as you know, and trying to get—I really don't know what the problem was with—we had the Corps of Engineers. We needed approval from the Corps of Engineers and they took, what, three weeks, four weeks and finally they got approval of part of it and then——

Mr. SCALISE. They still have only approved one-fourth of the——

Mr. DUPLESSIS. One-fourth of it.

Mr. SCALISE [continuing]. Plan and again I don't think they've even started dredging sand——

Mr. DUPLESSIS. Right. It's——

Mr. SCALISE [continuing]. And we are six weeks into this disaster now.

Mr. DUPLESSIS. I don't know if the problem is—is not knowing the effects, the long-term effects, as they say from studies and stuff; but as far as my side of it, they have been studying this for years. They have been studying it for years, so why should we have to start new studies.

Mr. SCALISE. And I think it's most irritating to us——

Mr. DUPLESSIS. We know that it'll help.

Mr. SCALISE [continuing]. Is when they say we need environmental studies and in the meantime our environment's being destroyed.

Mr. DUPLESSIS. Right, right.

Mr. SCALISE. But I know I'm out of time, but we have got to set a better chain of command; because I know the president keeps saying he's in charge and then every time something's not happening nobody wants to be accountable for it. When you can't get booms, when you can't get berm, when you can't get—and there's still things like this happening every day.

And even though the president says he's in charge, we are not getting the resources we need and nobody wants to say they are in charge when things go wrong. Well, that's when you need leadership. So we need to protect your oyster beds, we need to protect those seafood beds, we need to protect Dauphin Island.

Mr. DUPLESSIS. Well, I understand that. At the same time——

Mr. SCALISE. I don't think enough's being done.

Mr. DUPLESSIS. Yes. And at the same time I can also understand our president's position. If—if—just like with the—with the drilling, if everyone says, well, you know, don't stop the drilling, don't stop the drilling. But if—if he says, go ahead and drill and next week we get another oil spill, the same people that are saying, you know, go ahead and drill, they going to say, hey, you dummy. You shouldn't have done that. We just had an accident.

Mr. SCALISE. Right. We just want to make sure they follow the safety guidelines that are already there and clearly they weren't doing that.

Mr. DUPLESSIS. Right.

Mr. STUPAK. Mr. Scalise, I'm in charge, so I'll take control here.

Mr. SCALISE. I appreciate that. Thank you.

Mr. STUPAK. I'm going to ask the members to respect the time—the five minute time so we can get through another round of questions. Everyone's expressed interest of doing another round, so let's get another round in if we can because we promised we'd finish up here by 2:00 o'clock.

Let me ask this sort of quick throwaway questions, do any of you believe that estimate of oil coming from that blown well as BP says?

Mr. LINN. No.

Mr. DUPLESSIS. No.

Mr. STUPAK. You are all shaking your heads no. OK. Dr. Solangi, let me ask you this. In your statement, your last line, you said, we

believe that prudent development and use of our resources requires adequate safeguards as well as a safety net to protect the environment and those making a living from it.

What are the safety nets you're—you're looking at?

We were down, as I said, way down south yesterday in the marshes outside Venice and you could see oil rigs only six or seven miles from the places where—of concern, endangered species of birds, insects, animals live. We were all alarmed to see how close the rigs to places where people and animals live. We were surprised how many rigs were clear and visible to the coastal land.

Dr. Cowan told the committee staff that platforms—and I don't think you have it for the witnesses, but we have this document here. There's like 3,500 oil and gas platforms in the Gulf very, very close to the shoreline along your 1200 miles of coast here. I, for one, believe in oil, drilling for gas and oil, but I just think there's some environmentally sensitive areas you really shouldn't do it.

It took me a long time but I got the ban on oil and gas drilling in and under the great lakes, which my district comprises three of the five great lakes. I don't think we should be drilling for oil and gas there, so—And—and I was surprised it looked like there was—right in the marsh there was a well being drilled as we were on the fan boats there yesterday; so what are the safeguards we should have here?

Mr. SOLANGI. I think this is an engineering issue, as you have said, that for decades, you know, it's a fact of life. Oil and gas is crucial to this country and its survival and it can be done properly. There are many, many safeguards, engineering issues, that can be done. This is an anomaly. We have had really a lot of questions why it happens. It is something that both nature—I mean a lot of people go to the rigs to do fishing. Rigs can become a part of the ecology of the system where you can see increased productivity, so it's not all negative, but if it's done properly, if it is done safely with all the proper safeguards. And I think it is your job to make sure that accidents like this don't occur. Small issues can be reconciled. I mean that's human.

Mr. STUPAK. It seems like the engineering to drill deeper and drill in more sensitive areas has been developed, but the technology, the engineering, if you will, the science behind the clean up is the same science that we did back in the 19—early 1900's: Burn it off, try to mop it up.

There doesn't seem to be, at least from where I sit—and I'm no expert in this area—there doesn't seem to be the emphasis on what if something goes wrong, how do they contain it? How do we shut it down? It seems like we have developed one side of the equation but not the other.

Mr. SOLANGI. You are absolutely right. I think that is the side of the equation people are having difficulty with as to what do we do now? How do we respond to emergencies like that? And we are lacking in that aspect considerably.

Mr. STUPAK. OK. Ms. Subra, what's the long-term effects of inhalation of oil? You also mentioned hauling in these booms with their hands, oil on their hands. What's the long-term effect?

Ms. SUBRA. Well, first of all, there are two major components of the crude oil: There's volatile organics, which it's contended that

they off gas really quickly, but in a lot of cases it's not off gassing real quickly; but one of the components is benzene, a known human cancer causing agent.

The other mentioned component of the crude is polynuclear aromatic hydrocarbons, and a large number of those components are known and suspected to cause cancer.

So when they start inhaling it, they take it into their body and they are out there working and they will be out there working for an extended period of time, and if they are not protected, they are having acute impacts, which is what I described, and then they can have the long-term impacts.

They can have cancer, but they can also have heart and lung problems that can increase with the increased efficiencies of breathing in it each time into the body, going home at night, coming back out, getting exposed again.

So it's the chronic, the heart, the lung, and the potential of cancer that are for the long-term. And what we don't want is we don't want to create a population that became contaminated because they weren't provided with proper protection.

Mr. STUPAK. You mentioned enforcement, you get a court decree and then they don't enforce it. Who's responsible for enforcement, OSHA, state and federal OSHA?

Ms. SUBRA. OSHA primarily because it is a workplace issue. The agencies at the federal level have the oversight. And the one that are at the command center could do something to require that BP actually provide the protective gear, which the court has said, which the agencies have said, and which OSHA has said; so it's a big enforcement issue as well.

Mr. STUPAK. Supplement your testimony with a request for that air monitor information you want and also the dispersant and I'm sure our committee can get some answers.

Mr. Burgess for questions.

Mr. BURGESS. Thank you, Mr. Chairman. And, Ms. Subra, let me stay with you for a second. You said the EPA is monitoring on land and BP is monitoring on the water; is that correct, the air quality.

Ms. SUBRA. That—that is how it's divvied up at this point, yes.

Mr. BURGESS. And is the—is the land monitoring data being made available real time on the—on the EPA's Web site.

Ms. SUBRA. Could you ask that again, please?

Mr. BURGESS. Well, do you have access to the—to the levels that are—that are being recorded on land.

Ms. SUBRA. That EPA is monitoring for, they put them on their Web site usually with one or two days delay, but they are up there on a regular basis.

Mr. BURGESS. Now, you said the concern about the off gassing and the crude oil aerosolization, the EPA had the official statement wrote down that there were only short-lived effects; is that correct?

Ms. SUBRA. Correct.

Mr. BURGESS. And yet, if the levels of these hydrocarbons and benzene are higher, there could be long-term effects; is that correct?

Ms. SUBRA. Right. The concentrations in the aerosol are being detected in the monitors that they have on land and the monitors

on land are some distance from the marsh. The workers—the workers are exposed to a lot higher concentrations.

Mr. BURGESS. But my understanding from watching some of the news shows, that there are people who are not involved in any of the work at all but just who simply live in the area who have complained of some of the respiratory complaints, some of the dizziness and nausea. Is that happening.

Ms. SUBRA. Could you ask that again please? I'm sorry.

Mr. BURGESS. People who are not involved in the cleanup, people who just live in the area——

Ms. SUBRA. Right.

Mr. BURGESS [continuing]. Are they being effected.

Ms. SUBRA. Right. They are having the effects from the aerosol that's in the air that's being carried onshore when there's a south or southeast wind.

Mr. BURGESS. So whose responsibility is the protection of those individuals? Obviously, OSHA would not be the—the federal agency.

Ms. SUBRA. The federal health agencies.

Mr. BURGESS. OK. And are they—are they fulfilling their—their obligation under the—under the law.

Ms. SUBRA. They—they are starting to send some of their mobile clinics.

Mr. BURGESS. That's a yes or no question, not "they're starting to". Are they fulfilling their obligation.

Ms. SUBRA. Not adequately.

Mr. BURGESS. What are—what are some of the levels of benzene that are being recorded on land by OSHA's monitors.

Ms. SUBRA. I'm sorry. I couldn't quite understand.

Mr. BURGESS. The OSHA monitors that are now up and deployed, what are the levels of benzene that they are—they are recording.

Ms. SUBRA. The amounts of benzene that they are picking up on the land——

Mr. BURGESS. On the land.

Ms. SUBRA [continuing]. In the six monitoring locations do not exceed the ambient standard in Louisiana, but they are very close to the ambient standard. And the ambient standards are established to determine where in the general area it exceeds that standard and what are the sources and work on reducing the sources.

Mr. BURGESS. So is that the 1.4 parts per billion standard.

Ms. SUBRA. Yes.

Mr. BURGESS. And to date with—with the people complaining of the odor from the—from the spill, those—those levels are not being exceeded.

Ms. SUBRA. The benzene level, but the cumulative impacts of all the chemicals, all the volatiles that are being detected, the cumulative impacts are sufficient to cause the health impacts. And we have asked over and over again for an analysis of the semi-volatiles and they have not started that yet.

Mr. BURGESS. The EPA has not.

Ms. SUBRA. EPA, correct.

Mr. BURGESS. On the—would it be surprising to learn that the—the application that was submitted by BP to the Minerals Management Service suggested that they did not have to provide environmental data in a worst case scenario.

I know Mr. Dingell and myself brought that—this up at our very, very first hearing, and the application that BP submitted was woefully inadequate, so shame on them for not—not filling that application out but shame on Minerals Management Service for not taking that application back to them and saying, this is not acceptable. You will have to show us how you are going to mitigate the environmental effects. If you're drilling a well that is capable of producing a hundred thousand barrels of oil today, if this thing gets away from us, you are going to have to show us how you are going to mitigate those effects. But that, unfortunately, was lacking in the application submitted to MMS.

Mr. Linn, let me just ask you a question. I am so concerned about your—and I appreciate that the SBA has been good to work with, but having to run a business myself, I understand when you start borrowing for operational expenses, you can only do that for so long. Are you the—the sole signatory on those SBA loans.

Mr. LINN. My wife and I. It's a corporation.

Mr. BURGESS. Is there—is there a line there where BP can sign on.

Mr. LINN. That's what I'm sure hoping you can find, but they have not offered it yet.

Mr. BURGESS. One thing, if they go away as a consequence of this, then you are going to be left holding those loans; is that correct?

Mr. LINN. Totally, yes.

Mr. BURGESS. You know, that just seems like an unsatisfactory arrangement, one we should try to remedy.

Mr. LINN. It's—it's like being on the second floor of a building on fire though. You have a choice of burning up or jumping and taking a 50 percent chance you will live on the fall. That's why we are getting loans. We—we know BP's not going to hold up at this point in time within a timely fashion.

Mr. BURGESS. Thank you. Thank you, Mr. Chairman.

Mr. STUPAK. Thank you, Dr. Burgess. Mr. Braley for questions, please.

Mr. BRALEY. Dr. Solangi and Ms. Subra, I want to follow up the point that Dr. Burgess was just raising because it seems like this process was upside down and backwards from the beginning in terms of the leasing approval process and the environmental analysis. Because we know that the way the courts have traditionally looked at this type of environmental impact analysis, they are supposed to have a more exacting review of that environmental impact as drilling becomes eminent, and yet the exact opposite happened here; because we know that the multi-sale economic impact statement done in the preliminary stages of the review did examine the possibility of a larger offshore spill for these particular leases and, even though it never just analyzed the impact of those spills, it reached the conclusion that a spill larger than 10,000 barrels had greater than a 99 percent chance of happening during the 40-year lease period under consideration. And yet despite that information

in the permitting process, a conclusion was reached by MMS that an offshore spill larger than 1,000 barrels would not have a significant environmental impact. What do you think of that conclusion, Dr. Solangi?

Mr. SOLANGI. I think it was inadequate. Those are all hypothetical considerations and really, you know, it wasn't about those practices.

Mr. BRALEY. Ms. Subra.

Ms. SUBRA. I think it's almost impossible to have a spill the size that they said and not have any environmental impact, and yet this obviously got accepted and the process moved forward.

Mr. BRALEY. One of the other things we know is that BP had discussed a worst case scenario response in its initial exploration plan for this lease, which is referred to as Mississippi Canyon Block 252, indicating that it considered a potential large scale spill. And their exploration plan said that the worst case scenario would be a blowout at the exploratory stage leading to a spill of a 162,000 gallons or 3,800 barrels per day of crude oil; and their exploration plan indicated that their regional oil spill response plan for a worst case scenario had been approved by MMS, and yet we know that during the hearing we had previously, the CEO of BP testified that they were capable of handling a release of 250,000 barrels per day without having a disastrous impact on the environment.

And yet their initial representations is this spill we've been talking about was releasing somewhere between a thousand and 5,000 barrels per day. So what do you think of BP's representations to MMS during the permitting process in terms of their capability of handling a catastrophe of this magnitude?

Mr. SOLANGI. I think at this time they have not demonstrated that they had the capability of handling a catastrophic oil spill which was a couple hundred thousand barrels. I mean, right now, I believe it's more than 5,000 barrels; and ultimately, you know, we are going to find out that this wasn't very well thought out.

Mr. BRALEY. Ms. Subra.

Ms. SUBRA. It gets back to enforcement or oversight. And if they put this forward as they were able to handle it, they should have had to have a mechanism to demonstrate they could. And obviously, they didn't have the capability because this spill hasn't been contained and has caused environmental damage.

So how much, as you review these applications, do you just accept as face value and how much do you require them to provide sufficient information of how exactly they would handle such a situation.

Mr. BRALEY. Well, one of the things that's hard for me to understand, given the magnitude of this spill and the region it's affecting, is how a company like BP can get an exemption at the later stages of the leasing process that prevents them from having to do an environmental impact study, considering all of these different scenarios based upon where that well is located. Because if you look at the regulations and then notice that MMS issued on May 1st of 2008, if you are in Florida, and Florida can be an affected state, you have to do the more detailed analysis.

And, Dr. Burgess, I'm also shocked to see that if you are in Texas, and Texas is a potentially affected state, then during the

initial exploration plan, you have to go into more detailed analysis of the impact of such a spill, and yet we know that in the central Gulf region where this well is located they are not subject to those same requirements under MMS's own regulations.

So I think we need to have MMS look closely at this issue because I don't care where you are in the Gulf. I don't care how big the economic impact from the oil and gas industry, we have to protect the livelihoods of the people like we have here today. And I yield back.

Mr. STUPAK. Thank you, Mr. Braley. Mr. Markey, questions, please.

Mr. MARKEY. Thank you, Mr. Chairman. Ms. Subra, you mentioned that BP wasn't publishing BP's air quality data, which my staff asked EPA why not. EPA told us that it can only post its own quality control data, but on May 20th EPA and the Department of Home Land Security ordered BP to publish that data on its own and they have complied, and it is on BP's Web site if you want access to it. Have you had an opportunity to look at that?

Ms. SUBRA. No, I haven't and I will. Thank you.

Mr. MARKEY. Yes, ma'am. So I'm told that's the case that——

Ms. SUBRA. But it would also be great if EPA would also publish——

Mr. MARKEY. I agree. I—I think that the more information we can put out there, the better. But the good news is that it's on BP's Web site. After today's hearing, we will make sure that it is vital that everyone has access to it, but it is out there.

Dr. Solangi, what do you think could be the long-term consequences to the health of marine life as a result of exposure to these dispersants?

Mr. SOLANGI. I think it can be devastating. The area that they are looking at is very unique. It's unlike Valdez or the Prince William Sound. These are bays, bayous, estuaries, muddy bottom, very—the flushing, you know, the tidal fluctuation is very minimum, one to two feet per day versus 10 to 12 in other areas.

I'm sure you—you are going to hear about mud masks, you know, when you go to a beauty parlor or somebody—mud actually retains oil, and most of your mud from here on to the mouth of the river has mud and clay, and it's going to retain quite a bit of these toxicants in that mud.

Mr. MARKEY. What is—what is your concern, Dr. Solangi, that this combination of oil and chemicals that is creating a toxic stew out in the Gulf of Mexico could have on the food chain that human beings are exposed to? Are you concerned about the health impacts on human beings?

Mr. SOLANGI. Absolutely, sir. I think this will go through the food chain, smaller organisms eating larger organisms, and through bioaccumulation, through biomagnification, you will see some of these contaminates go through the system. However, nature has its way of trying to get rid of them, and as I've pointed out in my testimony, that the amount of exposure and the time of exposure will determine how nature will fix itself. Eventually it will take time to fix it. We have had, during the war in Iraq, 500,000 gallons was spilled in the Arabian Gulf and it has taken time to recover.

But, again, there are serious consequences from the area, especially the wetlands and the bays and the bayous that are the area where critical habitat for young fish and shrimp and others to develop.

Mr. MARKEY. So—so we could have health impacts that come from human beings eating seafood in the future——

Mr. SOLANGI. Yes.

Mr. MARKEY [continuing]. That have unfortunately been exposed to this toxic stew of chemicals and oil?

Mr. SOLANGI. That's correct.

Mr. MARKEY. And we have human beings right now who are being exposed to chemicals and oil that could have long-term negative impacts on the health of Americans.

I just think that there should be no expense spared to ensure that we put in the preventative health care guarantees that we are not going to allow for this to affect the people down here in the Gulf especially, but ultimately all across the country. Because this food chain starts here, but it goes right up the Mississippi and right up the Atlantic coast as well. Many of the fish that spawn here wind up being caught by fishermen up in George's bank off of New England. Dr. Solangi.

Mr. SOLANGI. Yes, sir. You could—you could take over my job.

You have very eloquently summarized my testimony.

Mr. MARKEY. Well, again, I'm only reflecting your testimony, what you say in your testimony.

Mr. SOLANGI. Yes, sir. It's very appropriate and you eloquently summarized what I was wanting to say.

Mr. MARKEY. It is—it is powerful what we are hearing here today. This is——

Mr. SOLANGI. And one of the things we do is by monitoring the dolphins, being on top of the food chain, like we are on top of the food chain in the terrestrial environment, the smaller fish eat larger fish and eventually the dolphins become the good canary in the mind. And by monitoring them, we can monitor the environment. What ultimately happens to the dolphins will happen to us.

Mr. MARKEY. You have—all of you have laid out a blistering, scalding indictment of what BP has left as a legacy for the Gulf for the generation to come. We—we very much empathize with all of your problems, and we are going to try to do our best to make sure that BP and the federal government are there for you as long as we have to.

Thank you, Mr. Chairman.

Mr. STUPAK. Ms. DeGette, questions, please.

Ms. DEGETTE. Thank you very much. Dr. Solangi, I want to follow up please on—on the questions about dolphins because you said that so far you have seen eight to nine dolphins that have—treated that have not had oil damage. I—I assume you expect to see some oil damage as it works its way up that food chain?

Mr. SOLANGI. Absolutely. This time of the year, this is the birthing grounds for the dolphins. We have approximately 3 to 5,000 dolphins that inhabit the area from Breton, Chandeleur, and Mississippi Sound. They come to shallow waters to give birth, so we have double jeopardy. We have a whole bunch of baby dolphins and baby turtles all out there, and these are very inquisitive animals.

They go into these lakes. The first thing they do is they inhale, they have respiratory problems, then they have skin problems and they contaminate the fish.

Ms. DEGETTE. How long would you expect to see before you start seeing those effects?

Mr. SOLANGI. I would say in the next couple of weeks we will start seeing many of these mammals coming to shore.

Ms. DEGETTE. We heard last night from the Fish and Wildlife Service from the state that there were about a hundred dolphins that they had seen, only one confirmed died from oil damage, but they are also expecting to see more, so we should expect to see these—these impacts occur. And—and do you have any projection about how—how large the impact will be on these dolphins?

Mr. SOLANGI. I think it could be a very serious consequence. As I mentioned, we have about 3 to 5,000 estimated in this area; and with the large number of young babies having being born, it could be very serious.

Ms. DEGETTE. Ms. Subra, I had a question based largely on the fact that I'm from Colorado where heat stress is not a big worker issue. And my question is: You talked about how people are being—workers are taking—being told to take off their respirators and not use them because of the—of the heat stress.

Is there some kind of a—a way that people can't—that we can treat both of those issues at once, that they can both use the respirators so that they don't suffer, so that they don't inhale these contaminates, and at the same time that they can be relieved from this heat stress?

Ms. SUBRA. OK. First of all, they are not giving them the respirator in the first place, but they are using the heat stress as a reason not to give it to them.

Ms. DEGETTE. Not to give it to them.

Ms. SUBRA. Yes. Right.

Ms. DEGETTE. But is there a way they both have to use the respirator and also treat them for stress?

Ms. SUBRA. Sure.

Ms. DEGETTE. And how would that work?

Ms. SUBRA. One of the ways you avoid the heat stress is you provide sufficient shade and enough cool liquids to keep you hydrated.

Ms. DEGETTE. OK.

Ms. SUBRA. And then if you are hydrated and you are not being impacted by the heat, then you can use the respirator and work——

Ms. DEGETTE. Right.

Ms. SUBRA [continuing]. And not have it stress your body that much more.

Ms. DEGETTE. But that would seem like to me—seem like to me that the breathing was really related to the coolness and the shade part?

Ms. SUBRA. Right. And it's difficult to breathe through a respirator, but you have to remember that the majority of the people, even though we have heard testimony differently, are fishers from this local area or that's what we had gotten an agreement on.

Ms. DEGETTE. Right.

Ms. SUBRA. And those fishers are used to working on the water——

Ms. DEGETTE. In heat.

Ms. SUBRA [continuing]. For long periods of time in the heat and the sun.

So if they provide them with what they need and don't depend on the fishers to bring out sufficient food, drinks, and a mechanism of shade, then they can work with the respirators and not stress their bodies——

Ms. DEGETTE. Right.

Ms. SUBRA [continuing]. And protect their bodies.

Ms. DEGETTE. I'd like to hear Mr. Duplessis' opinion on this because he's been fishing in these waters.

Mr. DUPLESSIS. I think BP's thing with the respirators is more of a public relations thing, if for the camera, see these people with respirators. They going to say, hey, this is dangerous. Even though they know it's dangerous, I think it's a PR thing more—more than anything else, that plus the good respirators are expensive. That could be part of the problem also.

Ms. DEGETTE. So—but what—what Ms. Subra is saying is that, if people are inhaling these chemicals, that could be a very bad health damage. And what she's saying is, if you gave people the respirators, don't make them buy them themselves but BP pays for them, they put them on and they have sufficient shade and they have sufficient hydration, they could both have the respirator to protect their health but also not get the heat stress. Would you agree with that?

Mr. DUPLESSIS. Exactly. The people down here are used to the heat and—and the humidity. I think it would be less stressful on the body with the heat rather than the fumes.

Ms. DEGETTE. Yes, right.

Mr. DUPLESSIS. And less harmful, no doubt less harmful.

Ms. DEGETTE. Thank you, Mr. Chairman, and thank all of you for coming and sharing your wisdom with us. There's—there's no substitute for going out in the field and hearing exactly what's happening. We really, really appreciate it. We have learned a lot today.

Mr. STUPAK. Thank you, Ms. DeGette. Ms. Schakowsky for questions, please.

Ms. SCHAKOWSKY. Yes. I want to echo my colleague's statement of gratitude. Coming here really does equip us, I think, with a different perspective when we go back on what really, not only is happening, but what needs to be done, so thank you very, very much.

I would—used to spend a week every summer with my family at the Navarre Beach, which is right next to the national lakeshore near Pensacola on that—in that amazing white sand, sugar white sand beach; and I saw a piece on television last night where one of the local officials had called on BP because there was some—there were these oil globs that they wanted BP to get to work on and it took a long time to get any response. And at the end, they—hours later, they—in any case, the response was inadequate from BP. It sounded to me like they were going to get some local, either volunteers or government, so I have a couple of questions.

One, what has been the experience in terms of the timing of the response for help from the—the requests for help from BP? And,

secondly, what has been the state and local response and is there decent coordination going on.

One of the things that we thought when we came down for the hearing on Katrina was that the bureaucratic stacks of various levels of government really postponed the kind of responses that should have happened. So first, Mr. Linn, if you would tell us your experience?

Mr. LINN. Dauphin Island itself, which as I said, we are the little brother of the Alabama coast line, we actually had an adept amount of preparation and almost an overkill at the time. They were using us as a staging ground. It became pretty much the command center, shall we say, for clean harbors, O'Brien Interstate. All of the major cleanup contractors had been hired by BP.

Also in Mobile was a—was a strong strategic point, so we—we had a lot of people wandering around, hundreds of people wandering around on the beach in HAZMAT suits when there was absolutely nothing there, which also had its own issues.

You may have seen the child in the swimming water—in the swimming suit playing on the beach with the HAZMAT people behind them walking around. That made national news and helped us a lot.

Besides that, our initial preparation was we did have people on the ground when it came time. They are working in the range of 20 to 30 minutes, an hour we were told, again, because of the heat stress issues that are going on out there.

Orange Beach and Gulf Shores seem to be much less prepared, and I don't know if that was from government response, local effort. I really don't know about what happened there. It is my understanding, though, that they were going after quick training to try to pull unemployed folks in the area to get them out there and start helping.

I think part of the problem is they did not think it was going to get to them.

Dauphin Island is always sort of on the west side of the bay. We sort of catch all the grief and all the stuff. Mobile Bay comes out and washes to the—to the west. I think everybody is surprised at the enormity of this thing and that it's now at Navarre, that's it's now at Pensacola, and that Apalachicola is right down the road.

Ms. SCHAKOWSKY. So, again, one of the things you want people to know is that Dauphin Island has talk come on down for the summer; is that what you want people to say——

Mr. LINN. Yes.

Ms. SCHAKOWSKY [continuing]. To hear that, you know——

Mr. LINN. We would have liked to have seen that, but now even that's a hard thing to explain. Even on our own Web site, the first thing on our home page is a 0 to 5 impact. We had to do it. I mean we're an upfront company. You tell people to come down, but when we have odors in the air, we have tar balls on the beach, changing environment every day, National Guard on one end of the island, three command centers on the island, it's—it's not—and sand—sand protection, sand barriers, which we are so glad they are there, but you got to climb over to see a beach let alone get to it. We are not a vacation heaven right now.

Ms. SCHAKOWSKY. Got it. Any other comments about the role of local, state, and federal government and how that coordination is going, any other comments on that?

Mr. DUPLESSIS. Well, down in Plaquemines Parish, which is more or less the epicenter, in the beginning was mass chaos. We had people and news media and BP and everyone was crowding down to Venice, Louisiana. That's where most of the boats were leaving out, Venice. That was the closest land point from—from the—the actual rig site. And it was—it was pretty bad at first, but now it's—it's kind of calming down.

But it seems in this area it's been a parish by parish operation. Each parish is doing things a little differently from the next parish. It's not like during the hurricane evacuations when all—everybody is—you know, it's been planned and we evacuate and things run smoothly with the contraflow and everything all the way up to Mississippi. Everybody is pulling together. But this thing here—and nobody—no one with plans. It was a surprise. We were ambushed, but now it's—it's—the local government's kind of getting it together.

Ms. SCHAKOWSKY. Thank you.

Mr. STUPAK. Mrs. Christensen for five minutes.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman.

Dr. Solangi, you said that the dolphins can be the canary in the mine or in this case the sea, I guess, when you were talking about the food chain, the impact of the ingestion of oil toxins in the food chain. What is—what do we know about the impact on dolphins living ingesting oil toxins, at least, or other sea life that has ingested oil toxins? What has been the impact on the dolphins?

Mr. SOLANGI. OK. We have been studying dolphins for the last 20 or 30 years. We are part of the stranding network. Any animal that dies, we get to bring him and do necropsies and pathologies. And I have in the room Dr. Chevis who's our veterinarian, does an outstanding job with us since 1993; and we have been able to develop some sort of a background profile and by studying the environment and the animals, we have really positioned to understand what is going to happen to this particular—in this environment in response to this particular episode. So we not only see what the ingestion is going to do, but what the other environmental factors. We swim in it. The animals swim in this. We eat the food, they eat the food, so it is—it is a good model.

And that is one of the things that I think we are capable of doing, that we'll be using one particular model to give us a big broad understanding of what may be happening. When you see a large number of animals showing up on the beaches, we can be assured that we would be next.

Mrs. CHRISTENSEN. Thank you, Dr. Solangi. Mr. Linn and Mr. Duplessis, I'm concerned about workers that—I'm assuming you have employees. Have you had to layoff employees during this period? And if not you, what about other people in your industries and what is happening with those workers that might have been laid off? Are they being employed by BP or are they just still looking for work.

Mr. LINN. From a—of course, the individual, the oysterman, the fisherman, that group, a lot of them are under contract or have at

least been able get some sort of income started up. The retail businesses, the real estate businesses, property management companies, most are taking—I know of some layoffs that have already taken place. In our particular case, actually, we added a person to handle the overflow in the deterioration that was going on.

Back to the small business loan, I hate to bring it up, but that's another reason is our primary interest is to keep the employees that we have. It's been a family effort, not as family goes, but they have worked for us for years, so we are their only hope on that island. There's no other jobs. You can't go to work for Wal-Mart.

We have 20 to 25 contractors that work the base, that fix houses, that do all of these things. Without having companies such as ours, and this is across the board, I don't know where people are going to turn. They are an independent bunch. That's why they are there. So I really don't know what they are going to do.

I hope—I hope that somehow with your help in this whole situation, we will be able to turn the tide and survive, and I think they all feel the same way.

Mr. DUPLESSIS. Our company is a small family company also. And most of the workers that we employ are deckhands that work seasonal. And when I don't work, they don't work, so they are not employed either.

Mrs. CHRISTENSEN. Thank you. I think I'll yield back my time.

Just let me, again, join my colleagues in thanking all four of you and the previous panel for coming out and testifying and sharing this information with us. Thanks.

Mr. STUPAK. Before I recognize the gentleman from Louisiana, I would point out that when you gave me that lighted pendant for St. Bernard's Parish, I didn't know I'd be yielding five minutes to you sitting here; so I would yield to Mr. Melancon for five minutes.

Mr. MELANCON. Thank you, Mr. Braley. Let me—let me try and put some things in perspective for the committee.

Stafford Act applied to a natural disaster—disaster declaration by the president. Basically, when that disaster's declaration is put forth on a natural disaster, all agencies, everything the government has can be applied.

Under NORA, the event of national impact, it is a totally different response because we have not the vessels, not the equipment, not the technology. The only thing we can basically put is the boots on the ground and try and help get the boom that's coming down and other things to make the Coast Guard, of course, be more forceful rather than just being—get along, go along, which it appeared the perception was early on.

Wilma, it took me two weeks to get a mobile health clinic to Venice. There is—West Jeff has put a facility on Grand Isle, but BP would rather put people that get ill or whatever in an emergency unit and send them up to Lady of the Sea, which is about 30, 40 miles away. The closest hospital to Venice is about 80 miles away, which is Ochsner across the interstate from Belle Chasse. So the frustrations of the expectation of what the government should or shouldn't or could or couldn't have done is kind of out there and it's blurred, and so there's frustrations all around.

One last point: After Katrina in an effort—because Stafford Act was not adequate and we are finding out that the National Oil

Spill Response is not adequate and we need to reform and amend and take care—Because this isn't a spill, this is a leak. And Katrina, Stafford Act didn't take care of all our problems and we found reforms we had to do there because it lacked adequacy.

So with those two things, regardless, I am finding in our first hearing that an agency of the federal government waived the law so that a permit could be issued to drill, and I couldn't get a federal agency to waive a rule after Katrina to help the people in this region. Waiving a law, I don't think—I think that's basically breaking a law, so we need to look as deep as—as possible to find out what's going on with that.

What little time I have left, let me offer to—and since you are one of my constituents, Mr. Duplessis—the four of you, if you've got anything that you have not been asked or you wish that you would like to express, please?

Mr. Duplessis, first, if you have got anything or if anybody else has anything they would like to just add?

Mr. DUPLESSIS. Just one little comment. The gentleman here was talking about the dolphins. My wife is heartbroken because one of her favorite things to do was when we were shrimping to hand feed the dolphins. When we would shut down at the end of the day or go on anchor, she would hand feed the dolphins. I couldn't get her to work for two hours. That's all. And it's going to be sad if we lose these dolphins.

Mr. MELANCON. Mr. Linn?

Mr. LINN. I think we have really—I think you have asked some very astute questions, and I hope that we have kind of given you a feeling for one of the frustrations that really the dire straights we—we truly are in at this point in time.

Mr. MELANCON. Dr. Solangi.

Mr. SOLANGI. I think the reason why people are here is the way of life. If that changes, it could be a very significant impact, not only on this region, but for the entire country. There's a huge impact. It's just not a Mississippi, Louisiana, Alabama issue. And I think nobody should look at it prudently that we should go into emotional decisions, but let's make some good decisions, rationale decisions so that everything is balanced. I think that's what gets lost in, you know, panic situations where you lose rationale. And so there's a lot of things that we need to think about and fix and make sure that this never happens again.

Ms. SUBRA. In that same vein, I think we have to be very aware as we go through it because each day there's a new issue, a new rule that comes forward and accumulate that information as well as what happens when the flow stops and how long it takes. After that, learn from those and put together some mechanism.

I wanted to respond to her issue of them not responding quickly. When the slick hit St. Mary, Iberia, and Vermillion, BP said that they could not respond and start doing any cleanup until they had samples taken and analyzed to be sure it was proven to be their crude oil. And if that's the same thing that's happening as the slick is moving in Mississippi and Alabama and Florida, that's something—it's clearly coming from the rig site and moving across the Gulf. There's no question whose it is. And that you lose very valu-

able time in addressing the problem immediately versus waiting three, five or seven days for the lab to get the results back.

Mr. STUPAK. Thank you, Mr. Melancon.

During Katrina, Mr. Melancon kept our committees deep in the fire, as I mentioned when we came down here. But we're going to have more of these hearings for the regulators to waive the rule. We will have those hearings probably later this month; and if we are not doing the formal hearings as Charlie insisted we did on Katrina, we would invite the parties up and we would put them in the room and tell them the results of these differences and cut through the red tape.

So I just want you to know your delegation, especially, Mr. Melancon—because we saw him on Katrina—is always there representing and fighting for your interest.

With that, Mr. Scalise, questions, please. Five minutes.

Mr. SCALISE. Thank you, again, Mr. Chairman.

I know one of the many things that we are dealing with and fighting with is trying to maintain the integrity of—of what Louisiana seafood means, and obviously for so long we had built that up. It's a—it's a prized commodity. It's—Our chefs are world famous in many ways because of the things that they have done and taught the world how to do with Louisiana seafood. I don't think there's anything better than the taste of a fresh Louisiana oyster.

With that, Mr. Duplessis, there's a lot of people that have misunderstandings. You know, there is tremendous testing done. And anybody who can buy Louisiana seafood today, they are getting good quality seafood. The problem is how limited is that commodity and how much is available, how much will be available in the future.

Can you tell me, first, how many seafood beds are—are still open today because they're in areas where there's no oil versus how many are closed because of the threat of the oil right now?

Mr. DUPLESSIS. Today, I can't tell you. Yesterday, we had—I think out of 14 areas, there was like six areas open for the oysters. I can't be certain of that.

But the shrimping, there's a small area left on the—on the West Bank that's still open and the East Bank is—I'd say 80 percent of the East Bank is open presently, but they are talking about starting to close it.

Mr. SCALISE. You are talking about the East Bank of the Mississippi River——

Mr. DUPLESSIS. Right, right. I'm sorry.

Mr. SCALISE [continuing]. For my colleagues that don't know.

Mr. DUPLESSIS. The East Bank of the Mississippi River. That's from the Mississippi state line to Mississippi—I mean to the Mississippi River. I'm sorry.

But what's happening with the shrimping, because all the other areas are closed, it's caused a concentration of boats in one area and the shrimp can't handle that being pounded round the clock so hard. And what's happening is the shrimp are leaving. When normally they would stay, they are leaving, so it's a problem. It's—we don't have the area to work. We have a lot more people that are working the small areas that are left.

And the oysters, right now the oyster industry is faced with a lot of regulations that just started this year with us with the refrigeration requirements and all this other stuff, and this is also a problem for the oyster fisheries because the oystermen have to move to different areas in order to work and it puts them further away from home base and it's creating a problem with—with the guys that have refrigeration and don't have refrigeration.

Mr. SCALISE. Yes. And I know, you know, a lot's still being done to try to—to mitigate the disaster. Early off everybody was talking about what they are going to do after the oil hit, and so many of our people were saying hold on a second, we want to be proactive. We want to stop the oil before it hits the marsh because, once it gets into the marsh, it's going to be a whole different challenge, a much tougher challenge to clean it out than if you just keep it out in the first place.

And that's why we, of course, the top priority is still to get this—this well plugged but also to—to put a barrier in front of the marsh so that the oyster stays away from the marsh and the seafood beds and then hopefully stops any of the real long-term damage from being done to areas that haven't already experienced it, so that's something that we have to continue to push.

One of the things I wanted to ask about. We hear all of these ideas and there's—I'm sure Charlie and I, at least, and the others on the committee, we get more ideas from people; and some, you know, maybe somebody didn't get enough sleep and some sound like they are brilliant ideas and you wonder why they are not getting tried. And you see the hay that's put in the water and it absorbs the oil, you've heard of the super tankers in Saudi Arabi, you've got—Kevin Costner came here with a machine that—that transfers—displaces the oil from the water.

You don't see any of these being tried. There's more than enough good ideas that they should all be being tried throughout the Gulf right now; and if 10 of them work and 20 of them don't, you—you do more of the 10 that work and you keep doing more. But it just frustrates all of us to see that nothing is being tried from all of these brilliant ideas that you've heard. Have you—have you seen any of these put into action from all the things that you have seen and heard?

Mr. DUPLESSIS. No, I have not. And I don't know why BP—it would—it would seem that it would be in BP's best interest to try some of these ideas because it would help them to get this thing cleaned up. And I really don't know.

We were talking about Kevin Costner. The last I heard about that is he was going to come in this area and demonstrate it, and I haven't heard anything from them.

Mr. SCALISE. And I saw the demonstration. It looked like it worked. We have got to try some of these things. That's why we need a real chain of command instead of everybody's in charge and nobody's in charge and nothing's getting done.

Thank you. I yield back.

Mr. STUPAK. Thanks, Steve. Thanks for your help coming down too. Well, that concludes all questions. I want to thank our witnesses for coming today and thank you for your testimony.

I want to thank St. Bernard Parish for being a gracious host. Their staff has been great to work with in lending us this building today.

And also, the area of Chalmette, we appreciate the—the opportunity to be here with you. Our committee is continuing a thoughtful investigation of this incident. We are looking at all the major factors and all the major entities that play a role or should have prevented this disaster from happening. This subcommittee will continue to investigate and hold hearings until we get the answers that we are looking for, and at times we will order members of those responsible parties into Washington. We will try to get them to work out some of these problems that are confronting the local residents that's why it's so important for us to be down here to learn firsthand, so we thank you for being here.

We plan on three more hearings yet this month just in this incident alone, so we just don't do one hearing and forget about it and leave. We are going to stay with you through this whole process.

We would ask some of the witnesses to supplement your testimony. We would like you to do that, if you could, within ten days. And members will also have ten days to submit questions that we can address to the appropriate witnesses. Again, thank you all for being here. That concludes our hearing. The meeting of the subcommittee is adjourned.

[Whereupon, the subcommittee was adjourned.]

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