



***DEEP IMPACT:***

**ONGOING VULNERABILITY IN OIL SPILLS  
FROM THE DEADLY DISPERSANT COREXIT**

**A GOVERNMENT ACCOUNTABILITY PROJECT  
WHISTLEBLOWER INVESTIGATION**



GOVERNMENT  
**ACCOUNTABILITY**  
PROJECT

DEMOCRACY PROTECTION INITIATIVE

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BY:

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## ***“The government helped BP poison us.***

**Military C-130 planes from the Coast Guard and Air Force Reserve basically crop-dusted the workers with what BP admitted were 180,000,000 gallons of the dispersant. They would spray 232 gallons per minute, 100 feet above the water, in my case directly above me.”**

**John Scott Maas, boat captain and former Vessels of Opportunity worker.**



## **ACKNOWLEDGEMENTS**

This investigation and report are Government Accountability Project’s fourth deep dive into the aftermath of the Deepwater Horizon Oil Spill in 2010 and BP’s unprecedented use of toxic chemical dispersants. This report expands on our previous reports<sup>ii</sup> that focus largely on the horrific health effects of toxic chemical dispersants. The project also builds upon the pioneering efforts and stamina of environmental organizations such as the Louisiana Environmental Action Network and The ALERT Project, as well as investigative journalists such as Rocky Kistner, Dahr Jamail, and Mark Hertsgaard. University of the District of Columbia’s School of Law Whistleblower Clinic students deserve special praise, because their investigative work over a year taking statements is a foundation for this report. They include Amina Chaudhry, Victor M. Goldhush, Tia Williams, Neena Qureshi, Lauren Smith, Andrew Martell, and Jayla Tolson.

But it is the whistleblowers—who bravely told their stories to the students, Government Accountability Project Legal Director Tom Devine and Government Accountability Project environmental investigator Lesley Pacey—who deserve our deepest gratitude. Special gratitude goes to Dr. Riki Ott for her work to educate and impact public policy regarding chemical dispersants. Ott has spent more than 30 years fighting to protect public health during oil spill responses, first during the Exxon Valdez oil tanker disaster and later during the Deepwater Horizon oil rig spill. The expert on oil spills and the dangers of toxic chemical dispersants, Ott wrote the science and policy section of our report to help explain the new EPA rules for oil spill response and where we go from here. The witness statements we obtained were transformed into a report by Lesley Pacey, Tom Devine and the Government Accountability Project Communications team of Andrew Harman, Mary Allain, and Sydney Johnson. Special thanks go to our colleagues at Government Accountability Project for their support in terms of resources, effort, and solidarity. The Downs Law Group also deserves special praise for providing several witness referrals for this report.

This report is in honor and in memory of all the victims of the BP spill and their families. We hope that their stories, along with recent EPA rules changes, will prevent another Deepwater Horizon disaster where toxic chemical dispersants were used to the detriment of the people, the wildlife, and the environment.

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# Forward

**By Kindra Arnesen, Louisiana mom, activist, fisherwoman, and EPA lawsuit plaintiff recounts how the BP disaster harmed the health and the fisheries in her coastal community and beyond.**

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At the time of writing this, it has been thirteen years and six months since the Deepwater Horizon exploded in the Gulf of Mexico.

So much has happened since the beginning of the BP disaster. I remember asking a BP representative if they would be here for the long term. His reply was that they (BP) would be here long term but that when the federal government said their (BP) obligation to the fisheries was fulfilled they (BP) would continue to operate here and that they had other assets in the Gulf. Now in 2023, I can say BP is still operating in the Gulf and our community and our fisheries have had BP for the long term - just not in the way we thought. The height of the disaster was challenging. But the months and years that followed proved much more challenging.

A few months after the spill, then President Obama stated all the oil was gone and we began witnessing a record number of dead marine mammals and sea turtles washing onto the shores of the Gulf Coast. As fishers, we were all alarmed. I remember having discussions about how the dispersed oil was impacting our marine life and what that would look like in the months and years to come. As time marched on, I watched seafood landing numbers drop in one species after another. We found roe in fish that had not matured in the time frame that it should have, species displacement, and the surface bait offshore all but disappeared. I knew this would all trigger red flags at the management level and that would bring regulation changes. I also knew any fish stock that displayed strain would be deemed over-fished or experiencing overfishing and we the fishers would get the blame.

Ultimately, the agencies responsible for fisheries management's number one job is supposed to be the protection of the resource. So, year after year our businesses have been impacted by management measures that reduce our catch for some species and changed the amberjack fishery from a direct fishery to a by-catch fishery. The National Marine Fisheries Service should have taken a stand following the spill. But instead, it was business as usual, and the post oil spill environmental impact studies continued while the damage to the resource played out.

The financial impact on our businesses has brought some small family fishing business owners to complete shutdown. Ten years ago, Louisiana had double the shrimp permits that we now have in 2023. I believe our fisheries would have withstood the impact of the spill a lot better if the mass use of chemical dispersants had not taken place. I also believe fisheries management should have stopped all fishing until the resource began to recover. There are a lot of lessons that were learned from the BP 2010 disaster. The question is: will we permit the company responsible to make the decisions the next time a blowout occurs?

The gift that keeps on giving. Most Americans do not know what happened to our people that lived in our area during the BP disaster. Around six months or so following the spill, the first fisherman's wife came to me and said her husband had been diagnosed with cancer and the doctor gave him only a few months to live. The doctor was right, the husband passed away a few months later. In the first few years following the spill I attended funerals on a regular basis until I finally realized the emotional toll was too much to carry. So instead of attending I sent food or funds. I decided I would only attend the services of those I was close to. This decision wasn't one I made lightly. See, where I come from, we are a small community. We know just about everyone and when one hurts, we all try to help how we can. The best place for me was at the fundraisers to help with treatment, travel, and burial expenses. See, that is how we help each other over the long term. While BP has continued to operate in the Gulf of Mexico, we struggle to pay for (funeral) services needed due to the impact of the disaster BP caused our people. I've lost count of how many have been diagnosed with cancer since the 2010 disaster and I've lost count of how many have died. Although BP seems to have recovered from their negligence, our community can never get back what that disaster took away.

Since the spill and like most disasters, a lot of groups have received large sums of money to study us to death. This includes universities, NGOs, and government agencies. The BP disaster showed me that if a corporation spends enough money around, many will look away so long as they get a cut. No one that had any real power raised any fuss to send help to assist with the human health impacts. No one ever really stepped up to send any help in real time.

While many celebrated the work, they were part of, counter tops of stores throughout our community's house donation jars to fill the financial gaps for cancer patients' expenses while people who will never experience the true cost of this disaster moved on with their daily lives. Now a cancer diagnosis isn't a surprise. I've had a full hysterectomy, two biopsies, and am currently waiting to

have enough funds for more medical tests. So far, I've been lucky. My mom was diagnosed with cancer in December of 2013. For the next eight months, our lives revolved around procedures and treatment. The drive was a three hour round trip with each visit. We almost lost her after her last chemo treatment. She was hospitalized and the team of doctors saved her life. Since her treatment ended in August of 2014 there have been many visits including biopsies to make sure other areas of concern were not cancer. The side effects of the treatment took a toll on my mom. She is a shell of the woman she was. I feel fortunate to still have her while so many others lost their loved ones. But at the same time, I'm sad for her because her life is so limited now.

I worry that my daughter will have to see me go through the same thing one day. A doctor's visit brings anxiety now because I'm so worried about what may happen to my own health and I've managed to keep a lot of my concerns to myself, even the biopsies were kept private so as not to worry my family. The spill had a profound impact on my husband's health. David was sick for a long time. At night I would reach over and place my hand on his chest to make sure he was still breathing. Nights always seemed worse for him than the daytime. He still gets sick - just not as often. At times I thought I would be raising our kids alone. The thought of them not growing up with this wonderful man in their lives still brings me to tears today. I prayed for him to see them both graduate and he did and now I pray for him to see them both begin their next chapter as they spread their wings. At one point I realized all I can do is appreciate every moment I have with my family, hope, and pray for good health and deal with what comes as it comes.

Lastly something else changed with the BP disaster - me. I changed. When all this started in 2010, I really believed that those in power would do all they could to protect the people and the Gulf during and after the spill. I was completely wrong in that belief. In fact, I found more protections for the corporation than us or the Gulf. I look back on those early days and months and remember how naive I was. I've learned a lot since then and I put what I learned to use on a daily basis.

Now I am known as Captain Kindra Arnesen. I am the Vice President of The Women's Southern Fisheries Alliance, and I am in my fifth year as the commercial fisheries representative on the Plaquemines Parish Coastal Management Advisory Committee. Over the years, I've sat on federal panels to provide input in fisheries management and I attend loads of meetings covering coastal restoration among many other topics. Most importantly what I learned is: in order to be considered we must be present and participate where we want to effect change. I've also learned that although unfortunate sometimes, change



may only be possible when a lawsuit is filed. That is why after many years of begging elected officials to do the right thing I joined in a lawsuit against the EPA. to change the rules in respect to the use of chemical dispersants on oil spills. Living in the sacrifice zone of southeast Louisiana has its challenges for everyone. Those challenges brought change to who I thought I would be at this stage of my life. I never wanted to do anything except raise my family in peace while harvesting wild caught seafood to feed my country. Now I am different. I will never be the person I wanted to be; BP changed that.

# Introduction

**By Tom Devine, Legal Director at Government Accountability Project.**

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Nearly 14 years ago, the Deepwater Horizon spill of oil owned by British Petroleum (BP) was a catastrophe that released 1.8 million gallons of oil into the Gulf of Mexico off the Louisiana coast. A so-called dispersant called Corexit made it appear that the oil disappeared. It was a public relations triumph for BP. However, the toxic dispersants created a still unfolding health crisis for cleanup workers and coastal residents as the dispersants merely fused with oil to form a more poisonous compound. Additionally, Corexit sank the oil to the seafloor, creating an underwater Death Valley.

Federal military planes did BP's dirty work, spraying some 1.8 million gallons of Corexit like it was DDT, directly contaminating workers as well as residents from oil mists and night sprays. BP and the federal government reassured everyone time and again that the dispersants were "as safe as Dawn dishwasher soap."<sup>i</sup> For cleanup workers and coastal residents, this big lie concealed a nightmare from which they still can't awaken. Nevertheless, BP has spent an unlimited budget in a false advertising campaign to cover up the public health threat, aided by state and local governments that did not want to disrupt tourism, and endorsed by numerous scientists who were paid handsomely by the oil giant.

That is why Government Accountability Project previously published three investigative reports<sup>ii</sup> with 37 affidavits to make a "people's record" of the truth about the most gut-wrenching public health tragedy in our nearly 50 years of working with whistleblowers. This new investigative report includes statements from 23 citizen whistleblowers detailing lifelong symptoms such as miscarriages, ongoing immobility due to exhaustion, brain fog, struggled breathing, birth defects, decades-plus continuous migraines, and accumulating deaths from cancer.

The investigation also has focused on BP's coverup playbook. Gagged workers were fired if they asked questions or spoke out. Testing took place in locations where it was irrelevant to present false clean bills of health. Media were barred from supposedly safe areas and harassed aggressively.

Perhaps most frightening, the Corexit is still there. BP continued to secretly do commerce in dispersants by mixing in token amounts of new material to justify a

new name. Massive Corexit tar balls were buried under the sand instead of removed and resurfaced after storms on beaches where children play. The EPA allowed BP to dump over 300 million tons of Corexit-laden oil spill waste into municipal landfills across the Gulf Coast, threatening aquifers.

Victims also have not been able to receive justice. Courts dominated by industry loyalists on the bench have thrown out nearly all lawsuits on grounds similar to tobacco litigation – the necessity for previously healthy people to prove it was oil and dispersants, and not some other cause, that destroyed their bodies. Only one plaintiff, John Maas, has succeeded after moving his case to Tennessee.

The truth revealed in previous Government Accountability Project reports provided a record that helped leading national environmental groups such as Dr. Riki Ott's ALERT Project to win a lawsuit and force EPA to issue meaningful regulations that will more effectively control dispersants. But the new rules are compromised by a two-year grace period and uncertain enforceability due to reliance on state and local governments.<sup>iii. iv.</sup> With expanded oil drilling and new spills, our country cannot wait another two years hoping for the best. Fortunately, the new rules do permit immediate citizen action to delist chemicals due to false and misleading statements. That is why we are testing the power of the truth under this new rule. In conjunction with this report, ALERT and Government Accountability Project are filing an action for the immediate delisting of Corexit. It is time for the lies – and the use of toxic chemical dispersants -- to end.

# Executive Summary

**By Lesley Pacey, Environmental Investigator at Government Accountability Project.**

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DEEP IMPACT presents a People's Record of why EPA and other authorities cannot wait two more years to start shielding cleanup workers and the public from toxic chemical dispersants, and why it is going to take more than EPA to do the job right. Government Accountability Project cast a wide net and interviewed nearly two dozen whistleblowers including fishermen, cleanup workers, residents, medical personnel, journalists, activists, filmmakers, as well as BP contractors and EPA whistleblowers. Expanding upon on a body of testimony from previous Government Accountability Project reports, each witness in this new report provided a detailed account through 23 affidavits that empirically call the bluff on official BP and federal government narratives that repeatedly downplayed dispersant dangers and denied human health impacts. Most significant, these affidavits prove repeatedly that the devastating impact on their exposed bodies does not go away. These citizens are exposing the truth about a government-approved poison that has devastated their health and too often killed their loved ones.

Our investigation also features a Policy and Science Report, written by our partner Dr. Riki Ott with The ALERT Project. This report, "An Opportunity to Make it Right," analyzes key revisions in EPA's rules to determine whether the updates fulfill EPA's legal duties under the Clean Water Act and the Oil Pollution Act of 1990. The findings show a persistent and critical gap in legally mandated preparedness of local and state governments for oil spills that must be addressed. This report also examines federal agency actions to protect workers' health that conflict with recent court rulings. The ball now is in Congress' court to provide credible protections for emergency responders and the exposed public during oil and chemical disasters.

## Supporting Records and Reports

### *BP Roots*

DEEP IMPACT begins with BP Roots, statements from three eyewitnesses on BP's history of environmental crimes and its culture of retaliation against those who sound the alarm on safety breakdowns. BP time and again has escaped genuine accountability for its crimes, according to Scott West,<sup>vi</sup> retired EPA Criminal Investigation Division supervisor. West claims the Department of Justice (DOJ)

protected BP by interfering with and shutting down West's investigation into BP's 2006 North Slope pipeline rupture in Alaska. At the time, the oil giant held a large majority of the U.S. military oil and gas contracts. West said that, under President George Bush, DOJ canceled his investigation after the oil giant's backroom protests.

Another whistleblower, Martin Anderson, who worked for BP contractor Acuren in Alaska, spoke up about BP's failed pipeline safety program for legally required corrective actions. BP retaliated against Anderson and blacklisted him from working on Alaska's North Slope<sup>vi</sup> after he refused to retract his audit of BP's inadequate pipeline safety program. Anderson's statement is supported by former industry insider Paul Flaherty, who was hired by BP to confidentially funnel North Slope worker safety complaints to BP management and who unsuccessfully pleaded their concerns to BP's top leadership. "From my view of the research, the Deepwater Horizon disaster was totally avoidable had BP prioritized safety and its workers over its bottom line," Anderson said. "The same thing happened in Texas City and on the North Slope. The people who raised safety concerns were met with resistance, and basically it was known at Prudhoe Bay: If you raised safety concerns you had a bullseye on your head. It was the same culture at the Deepwater Horizon. For BP, it was safety first unless it affected your budget."

The EPA knew. It was on the brink of debarring BP in the months leading up to the Deepwater Horizon disaster, according to EPA documents obtained through the Freedom of Information Act (FOIA). For 12 years, former EPA senior debarment attorney Jeanne Pascal wrestled with whether BP's pattern of misconduct should disqualify it from receiving billions of dollars in government contracts and other benefits, ProPublica<sup>vii</sup> reported. Federal law empowers government officials to "debar"—ban from government business—companies that commit fraud or repeatedly break the law. BP was charged with four federal crimes—more than any other oil company in her experience—and they demonstrated what she saw as a pattern of disregard for regulations and for the EPA. By late 2009, she was warning the government and BP executives that the company's approach to safety and environmental issues made another disaster likely.

Oil giants in general have historically demonstrated an overall disregard for worker health and safety during oil spills—a fact evident as far back as 1989 during the *Exxon Valdez* oil spill.

## *Exxon Valdez Déjà Vu*

This section spotlights the tragedy of Garry Stubblefield, one of a handful of Exxon Valdez workers to win his case against Exxon. His widow Melissa recounts an unending nightmare of ailments caused by exposure to oil, chemical dispersants and diesel fuel – symptoms that were identical to health conditions that impacted Deepwater Horizon workers. For the first time since the Exxon Valdez spill, Melissa Stubblefield broke her silence about her beloved husband’s downfall that began the day he went to work as an Exxon contractor.

“I do not want his suffering to be all for naught,” said Mrs. Stubblefield. “He suffered for 30 years and unfortunately didn’t live long enough to see the other side of the 30 years, and maybe this is the way we do that... Had Exxon created a path of safety for this type of situation, then the Deepwater Horizon workers would not be having the issues they have today. Because Exxon failed, everyone failed. It is a domino effect. Had they done their job in the beginning, Exxon could have created a path for future incidences... Because of their neglect, there are thousands of people out there who are sick and who will die due to their neglect.”

## *Sole Survivor (To Date)*

Like Garry Stubblefield, boat captain John Maas also was sickened acutely and chronically by oil and chemical dispersants. Maas, whose story is detailed in the section Sole Survivor, also is like Garry Stubblefield in that he is the only plaintiff in the Deepwater Horizon disaster multi-district litigation to win his chronic health claim against BP. In most jurisdictions, plaintiffs must quantify a dose of exposure. Maas, a former Vessels of Opportunity worker, transferred his case to his home state of Tennessee and won. Meanwhile, Maas still suffers from a litany of debilitating health conditions, and he must sleep with a respirator for the rest of his life.

## **Sacrifice Zone: A People’s Report**

### *Corexit and Toxic Oil Mist: Immediate Health Impacts*

This first section focuses on the massive release of 1.8 million gallons of Corexit<sup>viii</sup> from government airplanes spraying the dispersant like DDT, to oil mist that drifted miles inland into surrounding communities. It also details the immediate health impacts of this chemical poisoning that left some workers and their loved ones near death. Workers were denied personal protective gear and threatened with termination if they brought their own.

## *BP Playbook*

In the following section of our report, witnesses said BP and government agencies were working off a playbook that denied and dismissed the dangers of toxic dispersants in an effort to limit its own liability at the expense of human health, marine animals, and the environment. State and local government officials played along to minimize disruption of tourism dollars. Witnesses describe fraudulent air monitoring by BP contractors; lies that Corexit had little or no toxicity; covering up threats to beachgoer and public health; covering up of the existence of dangerous oil mist; spraying dispersants after dark and after government deadlines to stop; gagging and threatening to fire workers; and BP goons harassing journalists and filmmakers.

In 2023 alone, The Guardian wrote two reports providing evidence that appears to show BP attempted to manufacture doubt about scientific evidence that showed people were harmed by the oil spill. The articles point to documents obtained through discovery that show BP marshalled studies into peer review from inception to publication and hired “independent” scientists to further their narrative.

## *The Pollution Gift that Keeps Contaminating*

The health effects are ongoing, and so is the contamination. The dispersants sunk the oil, making it impossible to remediate but allowing BP to declare that most of the oil was gone. Not true, say our whistleblowers who contend the dispersed oil still threatens public health as much of it remains offshore in the form of submerged tar mats – some as massive as school buses. Those tar mats surface onshore during storms and hurricanes in the form of weathered tar balls and pellets that line the sandy shoreline where children play. Witnesses told us that BP refused to remove much of the oil that washed up on the beaches or sank to the sea floor in 2010. Further, the EPA allowed BP to dump another 313 million tons<sup>ix</sup> of Corexit-laden EPA waste into nine municipal landfills along the Gulf Coast, causing a potential ticking time bomb of toxic chemicals that threaten to leach into the groundwater.

## *Justice Denied*

To date, only one plaintiff has prevailed against BP. John Maas, a former Vessels of Opportunity boat captain, won because he moved his chronic health case to Tennessee. But Maas is the exception to the rule.

It is estimated that millions of people suffered toxic exposure during the spill and subsequent response. However, only 5,118 victims were allowed to have their cases heard in court. BP's scorched earth success reflects unrealistic legal requirements forcing plaintiffs to quantify a dose of exposure to a certain chemical, as well as the lack of environmental and worker biomonitoring data needed to prove health harm. As a result, BP has so far been successful in its scorched earth objective of squashing plaintiff claims. Today, roughly 200 plaintiffs remain.

BP did not collect evidence that lawyers say could have demonstrated whether workers were exposed to toxins, despite federal agencies encouraging the company to take urine, blood, or skin swab samples of cleanup workers to detect whether toxins had entered their bloodstream. Instead, the oil giant depended on public relations benefits from belated, irrelevant air monitoring to support media claims that workers were safe.

In a chain of internal emails among BP's occupational hygiene team from July 31, 2010, the company said it was continuing its air monitoring efforts to protect its image and its bottom line, according to *The Guardian*. "Although we are documenting zero exposures in most monitoring efforts<sup>x</sup>, the monitoring itself adds value in the eyes of public perception, and zeros add value in defending potential litigation," wrote John Fink, a BP industrial hygienist, in the documents obtained through discovery by The Downs Law Group, a Miami, Florida plaintiff's firm suing BP for chronic health effects suffered by their clients.<sup>xi</sup>

## *Chronic Health Aftermath*

Those exposed to dispersants describe horrendous immediate health symptoms that began with exposure and linger today nearly 14 years later. For many, the impact has been lifelong. For others, it has been life-ending.

Multiple witnesses in this section describe immediate horrific health effects – seizures, chemical pneumonia, never-ending migraine headaches, rashes, vomiting, brain fog, swelling, hospitalization and near immobility due to complete loss of energy. Some were first responders and cleanup workers. Others were family members of responders who were exposed to oil and dispersants secondhand through cleaning oiled boats or washing oily clothes with garments from the rest of the household.



For many, the pain has never gone away. Whistleblowers reported miscarriages, birth defects, suicide itch, lesions, and chronic lung capacity loss requiring lifelong respirators to sleep. Leukemia and malignant tumors increasingly have appeared over time as cancer is becoming more common. Several coastal counties today are experiencing elevated childhood cancer rates, according to statistics collected by the National Cancer Institute. One whistleblower's life was saved only after doctors treated him with the same protocols for Agent Orange dioxin victims. Others were not so lucky. There have been numerous deaths of previously healthy workers and residents exposed to Corexit.

On balance, the public health impacts identified in this investigation continue to confirm a sobering conclusion: Corexit has caused the most gut-wrenching, sustained public health tragedy of any issue Government Accountability Project has investigated in nearly 46 years.

## **DEEP IMPACT – The Policy and Science Report: New EPA Rules**

*The ALERT Project provides a detailed analysis of the  
New Rules/Next Steps*

EPA's revised oil spill rules offer the first glimmer of hope that deadly Corexit dispersants could be banned through a delisting process. Sparked by a lawsuit filed by Dr. Ott with the ALERT Project and a coalition of tribal and public health activists and environmental groups, the revised rules went into effect on December 11, 2023. Significantly, they require all chemical and biological products under EPA's National Contingency Plan to undergo retesting and pass stringent listing criteria. The rules stress the importance of—and authorize—state and local involvement on decisions about what products can be used safely in specific areas under their jurisdiction.

However, the existing toxic dispersants that precipitated this rulemaking remain conditionally listed until December 12, 2025, during a 2-year relisting period. To avoid a repeat of the BP Deepwater Horizon response where large-scale use of toxic dispersants was later linked with long-term harm to people and wildlife, ALERT and Government Accountability Project recommend that local, state, and regional planners immediately adopt our proposed conditional use guidelines to retest and reassess old products. Since EPA's new rules allow products to be delisted for false, misleading, and outdated information, we will pursue action to delist Corexit dispersants immediately. Guidelines include health monitoring for workers and the public, based on existing regulatory law and accepted science, as presented in this report.

# Supporting Records and Reports

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## BP Roots

### *Statement of Scott West*

**Special Agent-in-Charge, retired US Environmental Protection Agency**

**Criminal Investigation Division Originally published October 31, 2008 by PEER**

My name is Scott West. I have 21 plus years' experience as a federal criminal investigator. Almost a full 19 of those years were with the US EPA Criminal Investigation Division. For over 13 of those years, I was a supervisor in the Criminal Investigation Division and for the past 10 ½ years I served as a senior manager with the Criminal Investigation Division. I have personally investigated a number of significant criminal environmental cases and supervised an untold number more.

Never in my experience have I had a significant environmental criminal case shut down by the political arm of the Department of Justice, nor have I had a case declined by the Department of Justice before I had been fully able to investigate the case. This is unprecedented in my experience. The case against BP Alaska involved a major oil company with strong political connections. We had several investigative avenues available to us that in my judgment as a veteran senior manager with the EPA Criminal Investigation Division would likely have led us to find criminal culpability on the part of a number of senior BP officials and to felonious behavior by this major corporation.

If after fully investigating this matter, we found that BP was only culpable for negligent behavior which caused the largest oil spill on the North Slope, then I would have been fine with that conclusion, but in August of 2007, there was a significant amount of evidence in our possession that were not able to review. There were many bright and experienced individuals sitting around the table at the US Attorney's Office that day we were pressed with the question "If we had to go to trial today, what could we prove." My answer at that time was just like everyone else's and that was a misdemeanor against the corporation is what we could prove that day.

Now, no one person at that table has as much environmental criminal investigative experience as I do and in my judgment our investigation was far from complete. In my judgment and experience as a senior federal

environmental criminal investigator and manager, there was far too much work to be done to rush to settlement at that time. I vehemently asked for more time to complete the investigation and was denied. I was told this decision was made by a recent presidential appointee at the Department of Justice. Because this company has strong political connections and because the unprecedented decision to shut down the investigation before it was complete was made by a recent political appointee, I as an experienced criminal investigator and senior manager at the EPA could come to no other judgment than that something "sinister" did indeed occur in the summer of 2007.

Furthermore, after this decision was made, I was shocked to witness the Department of Justice during settlement negotiations with defense counsel open with the lowest dollar amount in the government's range of \$20 to \$35million. Never in my experience have I witnessed such a "negotiation." Nor in my experience have I witnessed the Department of Justice blatantly reject legitimate alternative fines calculations provided by the EPA. I was told that one of the reasons the Department of Justice decided on a fine range of \$20to \$35 million was because the criminal case against BP in Texas, where 15 persons were killed because of similar corporate misconduct, was being settled for \$50 million.

While it is important to note and remember that BP has a long history of environmental criminal conduct, the real issue remains how the US Department of Justice failed the public. My initial complaint in late 2008, was how DOJ prematurely shut down viable criminal cases against BP and some of its senior managers. Then in 2010, with the disaster of Deepwater Horizon, I watched EPA and DOJ fail to initiate a proper criminal investigation into BP, a serial environmental criminal. I was not quiet about it. Finally, a criminal investigation was announced, but at best it was too little too late. At worst, it was a hugely expensive smoke and mirrors ploy to appear like a criminal investigation. I publicly suggested it was a fraud. As is said, the proof is in the pudding. Ultimately, there was no pudding at all. No one went to jail. The so-called criminal investigation into Deepwater Horizon was either indeed a phony from the git-go or it is an example of extreme incompetence. Either way, the DOJ and perhaps even EPA failed.

The number one thing that should have been done in a proper investigation would have definitely been to get those oilrig workers in front of a grand jury as soon as possible. The main reason is you want their stories told and, in the record, while they are fresh and before they are contaminated or changed. Some of those changes can be innocent or could occur because someone simply cannot recall. But the more time you wait, it also opens the door to changes in those

stories that can come about for more nefarious reasons as in the intentional changing of stories and recollections due to threats or other coercion. For example, someone might say to a worker, "I thought you wanted to continue working in the oil industry." If I had been leading that investigation the first thing I would have done is lockdown the oil rig workers' testimonies.

I do not know if these individuals were ever brought before a grand jury, but I do know that they were certainly not subpoenaed in a timely manner. After the oil spill, I was in contact with an attorney representing many of these workers. He told me that none of his clients had been subpoenaed.

The Bush II administration prematurely shut down my criminal investigation into the 2006, North Slope spill and two other serious criminal investigations into BP in a rush to settlement. However, the Obama administration did not even conduct a legitimate criminal investigation into BP over Deepwater Horizon.

How can it be that for the biggest environmental disaster in U.S. history which was caused by a serial environmental criminal through clearly criminal conduct, very few individuals were charged and no one was convicted? BP was rushing to meet a drilling schedule and corners were cut. That is why the rig exploded, those men were killed, and all that oil gushed into the Gulf. Why was the DOJ unable to successfully prosecute that? If, at the end of the day, DOJ had managed to prosecute members of BP's Board of Directors and/or very senior managers in the U.S. and U.K., that would have been a proper response.

Most, if not all, of the persons making decisions in DOJ and EPA about investigating and prosecuting BP and senior management in 2007 through 2016, are no longer in those positions. What benefit is there to rehash all of this now? That is an easy answer in two parts. The first is that if we do not learn from past mistakes, we are doomed to repeat them. Secondly, even today with so many questions unanswered about the environmental and human health impacts from BP's actions in the Gulf, we have to be aware that BP was protected by the US Government, either intentionally or through gross negligence. What we need to know is still in the shadows because of that protection.

I have read the foregoing page statement, and declare, that it is true, accurate and complete to the best of my knowledge and belief.

## *Statement of Martin Anderson*

### **Government Accountability Project Whistleblower blacklisted by BP/oil companies in Alaska after speaking up about BP pipeline safety issues**

My name is Martin Anderson. My address is P.O. Box 1388, Sterling, AK. 99672. My date of birth is 1-13-1964.

I have worked in the field of quality, inspection and testing for more than 33 years with more than 25 applicable certifications. I also have a degree in welding and Non-destructive testing from the University of Alaska.

I am a competent adult and possess firsthand personal knowledge of the matters addressed in the affidavit below. I have recited all material aspects of the information imparted to the best of my knowledge, information, and belief. I am providing this statement voluntarily without any threats, inducements, or coercion to Lesley Pacey of The Government Accountability Project. I reserve the right to correct and/or amend any clerical errors or omissions at a later date. My statement is submitted under oath, for use as evidence by any recipient and competent for all purposes.

My life was fairly uneventful until I was hired by Acuren on the North Slope of Alaska in July 2006. I was hired as an NDE, (nondestructive examination testing) supervisor, to oversee inspections of BP pipelines and facility piping, tanks, and vessels on the North Slope of Alaska. I had worked as an inspection manager before and Acuren hired me on the North Slope after the 2006 BP Exploration Alaska (BPXA) first spill in April of 2006.

That oil spill created a lot of attention and there were several state and federal agencies/regulators at the work site. When I started as the NDT supervisor for Acuren on the North Slope contract, I had about 15 years of experience on the North Slope working with Arco, Conoco, and BP. I was a person who was well respected on the North Slope for both my character and technical competency.

#### **Pipeline Problems Found Right Away**

When I began supervising the pipeline inspections, I noticed immediately many inspectors and technicians lacked knowledge and experience, and there was a huge absence of required qualifications among the inspectors. I began to ask questions of Acuren management, and they did not seem to understand the questions I was asking.

Many of the people Acuren hired lacked the required amount of training and field experience needed to perform inspections and testing of the pipelines and other assets for corrosion. I asked my managers George Bryant and Kevin Deutsch what was going on and it was like staring into the abyss. They ignored my questions and acted as if they did not know what I was talking about.

Twelve days after I hired on - my second week on the job - it got pretty crazy. BP Chief Executive Lord John Browne flew up to Alaska. Agencies installed locks on our computers and they put a box by our desks to preserve our discarded paperwork. We could not throw any documents away. Various agencies would come by and read the documents before they could be discarded. I think Paul Flaherty, BP's external affairs mediator, hired to convey worker safety complaints to middle and upper BP management, really pushed for a program of quality assurance. At the time I hired on there was no program of quality assurance for Acuren and BPXA as far as oversight of BP contractors.

BP was supposed to perform an annual quality assurance audit of its pipelines per the contract. But in the five years before the 2006 spill, only one audit was done in 2002. When I asked for the documents, I was told there was no audit because there was a fire. However, someone transmitted a 2002 audit document to me that was not supposed to exist. This 2002 audit of Acuren by BP was not positive and outlined many issues that still remained at the time of the 2006 spills.

One day in 2006 while supervising Acuren's BP pipeline inspections, one of the inspectors told me that inspectors stripping the insulation were grinding away at some odd-looking coating (mastic) on the pipes. One of my inspectors, Mr. Prince, had been up on the slope since the late 1970s and he was in the last years of his career. He is one of the guys that put the black mastic on originally and the work was so old that there was no Material Safety Data Sheet. But Mr. Prince told me, "I am pretty sure it is asbestos." He had to wear Hazmat gear, a Tyvek suit, and a respirator to put that stuff on. So most likely, the black mastic had asbestos in it. I then communicated to my inspection staff, "We are not going out there until mastic is tested for the presence of asbestos" I issued a stop work until the material could be tested.

Immediately, I was threatened by BP and Acuren management, that if I did not get the 150 plus pipeline inspectors back on the job right away, I would be held responsible.

I told them, "You see that poster on the wall? It says, 'Right to Know.' We have the right to know what we are working with!" But George Bryant, Acuren's executive in charge of the program, and John Phillips, the BP manager overseeing Bryant, basically put my head on the chopping block. Phillips said, "Are you going to send them out or not? If not, you are going to suffer the consequences." He said this in front of the whole crew. I said, "So be it. Basically, it is my job to keep these people safe." Finally, Phillips and Bryant backed down. It was shortly after that, a couple of days later, that OSHA showed up on the job. They reviewed my notes and determined from their testing that the material was in fact asbestos. For doing the right thing, I was treated wrong.

At this time, Paul Flaherty and Billie Garde, an attorney with the BP ombudsman's office, were interviewing people and they asked me questions and I was honest with them. I think I caught Paul off guard because many people were lying to him. I told him I was going to do the right thing. I was not going to jeopardize my career, my reputation or the lives of friends and family that worked on the project.

### **"Uncomplimentary" Audit**

In January 2007, I accepted the position as Quality Assurance Manager and Radiation Safety Officer of the pipeline inspection program. The offer to have me do this was forced by the BP Office of the Ombudsman and by another federal agency. When my boss at Acuren, George Bryant, offered me the job I said, "Are you sure you want me to take this job? Once I get into the job, I am going to do this job. I will be doing audits and if there are findings, they will need to be corrected." Mr. Bryant stated that he did want me to take the position.

In the first three months, I found 42 findings that were not in accordance with codes, standards, or regulations.

When I performed my first audit, it was unfavorable and reflected poorly on Acuren and BP. I think Acuren realized I was not going to play ball and dismiss or hide deficiencies. Acuren did its own internal audit. I was told by Acuren Management to stop any further audits and never completed another audit while employed with Acuren. Acuren management then tasked Tom Payne, the corporate quality assurance manager for Acuren to do an audit of my work. He found everything I found plus a few other things. I provided Mr. Payne's audit report to Paul because he was associated with the ombudsmen's office. He had the report, and he was in a meeting with Acuren and the BP managers. He told them about the report, and he said they just went silent.

I released my first audit finding in April 2007. It was not complimentary. It not only exposed Acuren management but it exposed BP management in Prudhoe Bay and Anchorage who were supposed to do what I was doing including Danny Keck. Part of the contract stated that BP was supposed to be performing an annual audit, but this was not happening. All I am telling you is factual. Acuren was providing BP managers with trucks as compensation and fishing trips to make sure they got the contract for pipeline inspections. I personally did not see it, but I was told this was happening by a reliable source.

Then here I come just trying to do my job but basically stepping all over Acuren and BP management because I am exposing the problems. When I delivered my 7-page report, George Bryant said, "You know, Marty, if you learn to play well with others, you will have a place at the table." So I turned in my report. They asked if I would change it. I said, "Nope. It is all accurate. It is true."

### **Retaliation for Advocating Safety**

Once I gave the report to Paul Flaherty behind the scenes, I was called up on my time off and George Bryant said, "Paul Flaherty got the information. There had been a breach." I did not sign an NDA. And by the way, we had been instructed by all our management that we were to speak with the ombudsman's office. But it was basically just words. They would say it, and behind the scenes they did not want us talking to the ombudsmen's office.

By May or June 2007, it was not good. I realized that they were trying to shut me down. We would work two weeks on and two weeks off. I came back to work one day and the door to my office was locked. I had to ask permission to get into my own office. I was instructed to lock it when I left. They told me they were tightening up security. But no one else had this stipulation of needing permission to access their own office.

They retaliated against me in other ways. They took away my truck, so when I did field audits, I had to get someone to drive me. And when I would go out to a site, there were no workers to inspect. Acuren would tell me that those people that had to be reassigned at the last minute. This happened six to eight times in a 6-week period. Normally, there would be 300 people on these job sites; say we were doing ultrasonics that day, by the time I would get there, no one would be there. They made my work difficult in other ways. All the management and supervisors had first lunch, but I was moved to the last lunch with the field BP and Acuren workers. There would really be no one there when I got there, and if there were people there, I really did not know anyone.



Also, I always had a single status room while working on a job. Suddenly, they switched me from a single room to a double status room. I no longer had a private room and had to share sleeping quarters with a roommate. It was anything they could do to make my life rougher on the job after I turned in my report in April 2007. After five months of continued harassment from April to August 2007, I finally gave them what they wanted. I finally resigned. I gave them an 8-week notice so they could replace me. At one point, I was just like, "I don't need this." I was hired to do a job and I did it. I exposed people who did not do their jobs, so I started working for Acuren in July 2006 and left in August 2007.

### **Blackballed in Alaska**

After I left Acuren, I interviewed at former Alaska Governor Sarah Palin 's Office of Pipeline Integrity and Safety. I was going to be working for the state as BP's regulator. I received a job offer and we agreed on the salary. I decided not to take the position since they were requiring me to relocate to Anchorage. I requested a per diem., but due to budget constraints, they could not give me a per diem. At this same time, Acuren also threw all this money at me to come back, but I did not. The story was that BP heard about me applying for the job at the state pipeline office.

While working for Acuren, I found a lot of evidence and documents that were withheld from the ombudsmen's office. I flew out to DC and met with Judge Sporkin of the ombudsman's office. He said, "You passed the sniff test. We had three different auditing consultant companies that do quality audits check your work out and verified your work." He asked me, "What is your goal here?" I said, "My goal is to make sure all these issues have been fixed, because I think they are a safety issue and a danger to the people and the environment."

He called me Thanksgiving 2009 and offered me a job. However, I told him I cannot sign an NDA (nondisclosure agreement), because I will feel like I sold out with the people that I worked with. Then the ombudsmen's office offered me a settlement for what I went through. And I told them I don't want a settlement. I want those 42 items fixed. In some ways it was personal. My son was working for Acuren on the North Slope. Several of my friends I have known for 30 years and several of their children worked up there, too.

Billie Garde said, "What if we retained you as a consultant to make sure all of these 42 issues are resolved?" I agreed. But I told her I did not want to make more than I was making on the North Slope. They agreed to my terms and I got a three-year contract with the ombudsmen's office. The idea was if I had a 3-year contract and I was earning what I was earning on the North Slope, that would

allow me time to start my own business because Billie Garde was pretty sure I would face retaliation - and she was right.

In August 2007, after I left Acuren, everyone lost my number. Nobody wanted to be associated with me. People who did know me, some of them had told me things like, "We were just at Chevron's office, and they said you would never work in the Alaskan oilfield again." From 2008 to 2011, I only got work because of Paul Flaherty and some of my former students out of state or overseas. I began to work in other industries such as railroad, aviation and marine.

In 2010, Mistras asked me to come to the North Slope to be a radiographic film interpreter on the BP contract. I flew in from a job I was working on in Scotland for Paul and by the time I got there, they had reneged. I was told that John Phillips/Hal Kruschke at BP told them not to hire me. I was surprised with BP conduct since the President, John Mingee, previously sent me a letter assuring me this conduct would not take place and that I was allowed to work for BP or any contractor on BP projects.

Prior to Acuren, I was very well known and very sought after. There are not too many people who came from where I came from, I mean I started out as a welder welding pipelines. I was not only a welding inspector but a coating inspector. I was a certified welding inspector and could run the gamut of all the aspects of pipeline work. I worked for many years in the 1990s and Marathon would not use anyone other than me for quality assurance to ensure their pipelines were being done correctly. I also worked for Unocal, Chevron, Shell, Exxon, BP, Conoco Phillips, Texaco, and ARCO. I was the head of all auditing from 1998 to 2000 for ARCO/Conoco Phillips. I had a great reputation. That is why what happened to me is so disturbing.

I was pretty much banned from working in all of Alaska. The first company that hired me back was Conoco Phillips and I went to work at their Alaska platform in the Cook Inlet. The vice president told me, "We figured that anyone that was willing to stand up to BP, we would be happy to have them out here."

Conoco is made up of people who want to do things right. I also have worked with Marathon again and provided Level III services from 2019 to 2023. Marathon and ConocoPhillips have been good to me.

The blackballing still affects me to this day.

## **New Battle**

Today, all these years later, I am fighting another injustice resulting from a false police report filed by a hostile competitor who has ties to Acuren and BP. This competitor filed the false report to the Soldotna Police Department on April 26, 2021, alleging theft of intellectual property. An investigation was completed where the officer falsified evidence, excluded exculpatory evidence and perjured himself. Though there was a malicious causation of a search warrant (3) the district attorney declined to file any charges. I have now filed a 1983 federal civil suit against the officer and the city for the violation of my constitutional rights, 1st, 4th and 14th.

The hostile competitor said that while I was working as an employee (was never an employee of their company), I took a company owned computer to a local computer repair shop and had the company information transferred to my personal computer before returning the company computer wiped clean, depriving them of data. None of these complaints are true. The SPD officer omitted pertinent and exculpatory information and entered false information in acquiring the search warrant for my computer. Additionally, the police report was made just days after I filed OSHA and IC3 FBI complaints against the hostile competitor. The complaint came about because I discovered the hostile competitor had hacked into my personal email and LinkedIn Accounts. The OSHA complaint detailed multiple OSHA safety violations against hostile competitor. I informed the SPD officer of the OSHA and IC3 complaints the day after he searched my place of business and the complaint was retaliatory, but he ignored this information and failed to put it in his report to the local DA.

The hostile competitor hacked into my computer, tried to steal my clients, and even wrote fraudulent letters to my clients in an attempt to steal my clients. When that failed, they filed a state civil suit against me, and I filed a federal suit against them. Next, the hostile competitor filed a false felony complaint against me with the Soldotna Police Department, alleging theft. I explained to the officer at the Soldotna Police Department that the hostile competitor had a motive to cause me harm: the federal criminal complaint for computer fraud and federal OSHA safety complaints. But the Soldotna police officer proceeded to obtain the search warrant, anyway, omitting the information I provided him and by misrepresenting what the owner of the computer repair store told him.

The case was eventually closed after the civil suits were dropped. However, I have spent thousands in legal fees to defend myself from these false claims that I stole client lists and other information.

The false complaint was filed in retaliation for the OSHA and IC3 complaints. Hostile competitor already knew I filed the OSHA complaint and the FBI complaint. They figured this was a way to get even. But it also was another form of retaliation for my whistleblowing on the North Slope of Alaska. Hostile Competitor, is a former Acuren employee and worked on the same BP North Slope contract I did. He also stated several times he was a good friend of Acuren Management David Bajula.

After they filed the false police report, hostile competitor made a false ethics complaint to ASNT (American Society of Nondestructive Testing). They made the report to ASNT President Danny Keck and Dave Bajula, who is on the ethics Committee at ASNT. Keck was the former BP assistant corrosion manager on the North Slope in 2006/2007 working under BP's corrosion inspection program manager at that time, Richard Woollam. Woollam pled the fifth to Congress in 2006 when asked about pipeline corrosion leading up to the Prudhoe Bay spill. Keck was the manager of mechanical integrity for all of BP. He was the guy that was supposed to be doing all the annual audits from 2002 to 2006 that weren't being done. Keck also stated in an email that I was not competent to perform audits after my first audit was submitted.

I believe they laid in the grass, for a long time and waited for a chance to get even. All of the recent retaliation efforts were a way to punish me and bleed me out. That investigation closed two days after Paul Flaherty emailed the ASNT pointing to falsehood in the Soldotna Police Report. Paut wrote to the ASNT attorney and executive director inquiring why Keck and Bajula had not recused themselves and alerting them to hostile competitors' false complaints with the SPD and civil suit they filed and was dismissed.

From 2016 to 2020 I was the head of ethics for ASNT so they knew exactly where to hurt me . It has been very distressing and has caused me to lose faith in our justice system. When you are growing up, you are told if you do the right thing, you will be rewarded. Twice now, I did the right thing and suffered miserably for it - financially, emotionally and physically.

From my review of the research, the Deepwater Horizon disaster was totally avoidable had BP prioritized safety and its workers over its bottom line. The same thing there happened in Texas City and on the North Slope. The people who raised safety concerns were met with resistance and basically it was known at Prudhoe Bay if you raised safety concerns you had a bullseye on your head. It was the same culture at the Deepwater Horizon. For BP, it was safety first unless it affected your budget.

## *Statement of Paul Flaherty*

### **Statement Support of Martin Anderson's Statement to Government Accountability Project, July 17, 2003**

I first met Marty Anderson in the summer of 2006 during my continued investigation of the BPXA corrosion management program. This investigation began in 2002 as I investigated employee concerns with the option for the individual(s) to remain anonymous. This role was defined and developed with the support of senior BP management in both the UK and Alaska/(the US) to assist with the recognized management/worker issues and ensure the field workers knowledge and experience were included appropriately in management decisions. This was one of the corrective action items to address issues documented in the 2001 ORT report which was presented to the US Congress and is a public document. As part of these changes BP assigned a new President of BPXA, Steve Marshall. Steve inherited a very difficult situation and with his team strongly supported inclusion and supporting the workforce in a direct and straightforward manner. In the fall of 2006, after the Congressional hearing, the replacement of Steve Marshall with Doug Suttles created an environment at the top level of BPXA that allowed and supported the active and disgusting retaliation against Marty Anderson and others.

In 2003, based on numerous field workers (union, non-union & contractors) input significant problems with BPXA's corrosion management program were identified. I communicated these issues to the then leader of the CMP, Richard Woollam, and Steve Marshall. Richard did not accept this communication well and I strongly disagreed with him to put it mildly. This prompted Steve and his team to seek the internal review documented in the 2004 Baxter Report that in BP speak confirmed my conclusions. Marty Anderson arrived on the scene as an Acuren manager after the 2006 pipeline spill on the North Slope and Richard Woollam's pleading the 5th amendment in the Congressional Hearings. Woollam was replaced as the Corrosion Manager in late 2005 just before the spill. However, he stayed in an adjacent position in Anchorage and the Acuren team, he and his staff recruited and directed, remained largely the same at the higher levels.

The prior paragraph defines the conditions which preceded Marty's arrival into his position with Acuren. After the March spill and investigations underway by the Government and BP's law firm, there was an attempt by the CMP management team to make things look as solid as possible and essentially cover up the problematic issues as being fixed. Due to various issues brought to me, including the ongoing QA/QC issues, I continued to spend a lot of time on the

Slope with the workers with increased focus on the support and integrity of the management team given the protective mentality that existed. I interviewed the senior BP and Acuren managers in the field at Prudhoe Bay. Hence, I also met Marty Anderson and interrogated/interviewed him with an attorney present to question him on the behavior of management and his workers.

BP and Acuren's management above Marty I had already interviewed. My focus on QA/QC and existing problems in the program and their presented implemented improvements were clearly dishonest unsubstantiated statements. I caught the Acuren Management in lies and contradictions to just about every item in their QA/QC and in-field worker conditions. So, when I interviewed Marty I was pleasantly surprised that he was short, but direct and honest in every response to mine and the attorney's questions. That was our first meeting with Marty and I/we did kept our interview with Marty brief given we knew his Acuren management team was retaliatory and did not want to expose him to their suspicions. We knew as the improvement steps were further implemented we could check with someone who would be honest. That is Marty – highly competent, highest level of integrity and he cared about those that worked for him. He was and is dedicated to the use of reliable NDT data to ensure safe and productive operations in Prudhoe Bay.

If Steve Marshall had remained BPXA President, the ending of this story would have been different. Short story, as things progressed, I utilized factual information provided to me anonymously, from my subsequent private discussions with him and others (but mostly Marty), to hold BP/Acuren to claims of improvements etc. They started looking for an inside source and I discussed this with Marty that sooner or later they would figure it out. Marty said he only wanted the issues to be corrected – he did not need any credit, but he'd like to be part of the corrections to ensure they were properly implemented. I told him coming forward with the new person, Doug Suttles, I think is very risky, based on my initial conversations and interactions with Suttles. Marty went forward with this process against my recommendations.

He was first outwardly embraced by Suttle's management team to gain access to as much of his knowledge as possible in a large kickoff meeting. At the end of that meeting, I told Marty my fears were confirmed by the BP management team's attitude. He said he did not see what I did and started down the road with them in an open manner. Shortly, within a month or two, the Acuren team with Suttle's support behind the scene tried to discredit Marty with all sorts of retaliation as he describes. In an open meeting with Acuren's top manager and technical person, Mike Creech, under my intense cross-examination,

acknowledged his report on Marty's work validated all of Marty's identified technical problems/concerns and that his summary statement – in which he attacked Marty personally, professionally and technically – he included as a summary statement in his report at the demand of the CEO/Owner of Acuren, Peter Skinnell.

Long story of retaliation by BP/Acuren against Marty (and some others) with renewed BPXA acceptance was a significant element of me informing BP's top management - through the President of BP North America, Bob Malone, that I refused to work any longer with BPXA – based on the toleration and encouragement of retaliation against honest whistleblowers by BPXA President Doug Suttles. Knowing that with the new CEO, Tony Haywood, this news would not be well received coming from me, I also proactively ended my contract with BPXA as part of my communication to Bob Malone. I also strongly demanded that he be removed from Alaska and recommended that Doug Suttles be kept from a position of authority over employees before he gets someone killed.

Bob Malone was supportive of me in this situation, Mr. Suttles was removed at the end of 2008, but moved by the CEO to be head of the GOM. At Mr. Malone's request I worked with Judge Sporkin to support him thereafter, but subsequently restricted that interaction to only with the Judge in August of 2010, no longer with the OoO.

Nevertheless, the mistreatment of Marty did continue and some of this behavior was from lower levels of BP management that resented Marty for identifying the problems that they had tolerated under prior management and eventually supported. Marty dealt with all this blacklisting and retaliation as the true professional he is and simply worked with many clients, including my firm TAQA Global. In all of the situations Marty worked with and for me with TAQA Global – from Morocco to North Sea of the UK, the Netherlands and the oil and gas mid-stream and upstream into the Power generation facilities – he provided exemplary service and was exceptionally well-received. This work included his critical QA/QC work which resulted in some delays to startup for largest natural gas injection field and pressure facilities in Europe. This gas injection field in 2012 was the first and largest safety system to provide energy to Europe should Russia stop their pipeline supply of natural gas into western Europe. His input was key in uncovering some unsafe high pressure systems which had already been accepted for installation, but had major flaws in several key welds that had been missed.

With all these successes despite the retaliation, the site of his work for about 7 years excluded his home state of Alaska. This brought additional stress to his family and on him, but he kept strong and made the most of his opportunities. Thus, one would have thought as the work returned in Alaska he had finally put all this behind him. Amazingly, as he notes, that was not the case and similarly ill-willed people targeted Marty again.

This behavior is what continues today and particularly in the recent issues where others such as James Hall and Russell Pack (former Acuren employee colleague of Mr. Bajula/Keck as described in Marty's statement) of Trident felt emboldened that they could steal Marty's business in Alaska once he was "isolated" from SSI. Similarly, when they were shocked by the respect Marty's clients had for his work and those clients just followed Marty to his new roles, they felt they could use their contacts high in ASNT - from the old BP retaliations against Marty - to taint or remove his NDT credentials with similarly false accusations as they used with Soldotna Police Department etc.

In all of these situations, the one critical element that all the retaliators neglected to recognize is that Marty is a person with a very strong character, tremendously consistent work ethic and mind discipline, highly ethical/uncommon level of integrity, and yet tries to find the best in just about everyone. The last quality I still find hard to understand, but maybe it is what made him so resilient! Bottom line, Marty's statement to Government Accountability Project I completely support and agree is 100% accurate.

*Further exhibits are available upon request.*





*Garry Stubblefield before the Exxon Valdez spill. His widow said it was her favorite photo of her “handsome cowboy.”  
Courtesy of Melissa Stubblefield.*

## **Exxon Valdez Deja Vu**

Melissa Stubblefield has a story to tell, and it’s one that she has been unable to share since her husband Garry Stubblefield made history as one of the only Exxon Valdez oil spill workers to win his case against Exxon three decades ago.

It is a piece of history that effectively has been buried, and it is eerily familiar to the stories of countless Deepwater Horizon response workers whose health and lives have been wrecked by exposure to oil and chemical dispersants with similar health impacts.

The Stubblefields had won the largest settlement of any Exxon Valdez worker. But no amount of money could repair the damage that Exxon and its contractors NORCON and VECO did to his life.

The terms of the settlement stipulated a gag order that was finally lifted in 2023. Even so, Garry Stubblefield rarely wanted to talk to the media about what happened to his body and mind – and he asked his wife to respect that silence.

“It was extremely painful for him,” his widow said.

Due to the terms of Garry Stubblefield and Melissa Stubblefield v. Exxon Shipping Co., Exxon Corporation, VECO Inc. and NORCON Inc., the lawsuit documents and medical records concerning the workers have been sealed since 1993 under a gag order that lasted 30 years. Additionally, the oil spill workers’ medical and spill industrial hygiene were sealed, as was Garry’s Stubblefield’s deposition, which Melissa Stubblefield provided to Government Accountability Project for this report.

The terms of the settlement stipulated a gag order that was finally lifted in 2023. Even so, Garry Stubblefield rarely wanted to talk to the media about what happened to his body and mind – and he asked his wife to respect that silence.

“It was extremely painful for him,” his widow said.

Due to the terms of Garry Stubblefield and Melissa Stubblefield v. Exxon Shipping Co., Exxon Corporation, VECO Inc. and NORCON Inc., the lawsuit documents and medical records concerning the workers have been sealed since 1993 under a gag order that lasted 30 years. Additionally, the oil spill workers’ medical and spill industrial hygiene were sealed, as was Garry’s Stubblefield’s deposition, which Melissa Stubblefield provided to Government Accountability Project for this report.

“I would love nothing more than to meet with all of you and talk with all of you because for the past 30 years I haven’t really been able to talk to anybody about it,” Mrs. Stubblefield wrote in an email to Government Accountability Project. “I wanted to write the stories, and the media, they were hounding me and wanting stories about Garry. But he was the one that just didn’t want to talk about it. It was extremely painful for him.”

On rare occasion that Garry Stubblefield agreed to an interview with CBS, he was crushed by the lack of airtime that was focused on his health. “There are only two incidents that I recall where he did a video with Katie Couric, I believe, and it was covered by Dan Rather,” Mrs. Stubblefield said. “But of course, that was 99% about the animals and the environment and 1% on human life.”<sup>xiii</sup>

BP used the same tactic after the Deepwater Horizon disaster. The oil giant tried to steer funding for grants toward ecology restoration and away from human health. The tactic worked, and less than 3 percent of BP funded research after the spill was awarded to public health studies.<sup>xiv</sup>



*Melissa and Garry Stubblefield at their wedding on May 27, 1989. He was called out to work on the Exxon Valdez oil spill two days later. Courtesy of Melissa Stubblefield.*

Additionally, during the Deepwater Horizon disaster, Corexit dispersants had been declared to be as safe as Dawn dishwashing liquid,<sup>1</sup> and oil spill workers were denied PPE.

After being exposed for two months to diesel fumes, aerosolized oil, and dispersants on a barge on the Prince William Sound, Stubblefield suffered debilitating headaches, bouts of nausea, chronic nose bleeds, coughing and gasping for air, among other symptoms. Like workers during the BP spill, after Exxon Valdez the oil company did not provide the proper personal protective equipment (PPE). He wore Carhartt work pants, a t-shirt and cotton gloves, Gary Stubblefield said in his deposition January 13, 1992. There were no respirators aboard the barge on which Exxon supervised for as much as 80 percent of the time.

Like the BP cleanup workers, acute symptoms morphed into more lasting debilitating symptoms, and Stubblefield's life quickly spiraled into an unending nightmare. Stubblefield lived with full blown respiratory, neurological, cardiac, and other chronic conditions that doctors tried to treat, Mrs. Stubblefield said.

"The first doctor told me that my lungs looked like coal miner's lungs," Gary Stubblefield said in the deposition. "I told him I was working out of Valdez on the oil spill. Don't think I told any of the medics while working for NORCON that I had been exposed to diesel fumes. I don't think it came up. They said I had the same thing everybody had out there."

And like BP cleanup workers, Stubblefield was unable to find a doctor who could or would not effectively diagnose and treat the myriad of chemically induced illnesses that plagued him until his death, his widow told Government Accountability Project. Frustrated and searching for answers, Stubblefield bounced from doctor to doctor, often landing with physicians who exposed him to excruciating diagnostic tests and experimental treatments. They prescribed dozens of medicines to help him survive while destroying whatever quality of life he had left.

"They just Guinea pigged him to death," Mrs. Stubblefield said. "They had no idea what they were looking for and what they were dealing with. They were giving him this drug or that drug - and thirty years later, still nothing worked."

Mrs. Stubblefield said that her husband repeatedly asked his employer during the oil spill to stop the diesel fumes from filling his control room on the barge.

“It was really the neglect of VECO and Exxon that they didn’t do what Garry asked them to do, which was change the direction of the pipe,” she said. “He asked them two to three times a week. He was getting headaches back then, but it never dawned on him the damage that it was doing to his lungs, his heart, and his memory. He had to walk around with a sticky note pad to remember things. He had toxic brain poisoning, and encephalopathy. That is what made it so hard. He could not understand anything - and he was a smart man. Every conversation was an hour longer than normal because he could not get it. He had toxic brain poisoning.”

His was a distressing and painful existence – the kind that reduced a man from a rugged outdoorsman to someone who relied on dozens of medications to get through each day. It was an existence that robbed him of his health, his relationships, his memory and eventually, his life. Stubblefield, a decorated U.S. Army veteran and firearms specialist, died by suicide with the use of his own firearm in 2019.

Before the oil spill in 1989, there wasn’t anything he couldn’t do, Melissa Stubblefield said. He served in the U.S. Army from 1968 to 1971 and was a member of U.S. Army Special Forces. After serving in Vietnam with the 173rd Airborne division, he saw combat, was shot in the arm and leg, and received two purple hearts and a bronze medal of honor for his bravery. Before the spill, he was a cowboy who rode horses, a nature photographer and a hunter and fisherman who loved the Alaskan landscape and slayed its beasts on horseback.

The grizzly bears, moose, caribou, and deer that he killed were his prized possessions. He took them to a taxidermist and filled his home with the animals to relive the adventures. But after working on the Prince William Sound inhaling diesel fumes, chemical dispersants, and oil, he did not have the energy or ability to hunt. He was disabled due to the chemical damage done to his heart, lungs, and brain. He could barely breathe or remember the words that were just spoken to him. He tried to compensate by posting sticky notes all over his home.

Garry Stubblefield’s story, told in part by marine toxicologist Dr. Riki Ott in her 2005 book *Sound Truth and Corporate Myth*<sup>xv</sup>, is a cautionary tale to warn Deepwater Horizon oil spill workers and all oil spill responders.

But it was a story that Exxon wanted to suppress, Melissa Stubblefield said.

Had people truly understood the dangers of oil and dispersants that aerosolized, maybe Deepwater Horizon workers would have thought twice about working on

the oil spill at all, the widow said.

“My thought is had Exxon created a path of safety for this type of situation, then you guys would not be having the issues you have today based on the Gulf spill,” she said. “Because Exxon failed, everyone failed. It is a domino effect. Had they done their job in the beginning, Exxon could have created a path for future incidences. Had they had proper safety guidelines, provided the PPE, they could have written the book on how you do it (right). But because of their neglect, there are thousands of people out there who are sick and who will die due to their neglect.”

Mrs. Stubblefield is telling her husband’s story in the hopes of some healing. But she also hopes that sharing her family tragedy will give purpose to her husband’s life and death and prevent others from suffering similar fates.

“I do not want his suffering to be all for naught,” she said. “He suffered for 30 years and unfortunately didn’t live long enough to see the other side of the 30 years - and maybe this is the way we do that.”

### *Affidavit of Melissa Stubblefield*

My name is Melissa Stubblefield. In recent years, I changed my name to Lisa Cooper. I am the widow of Garry Stubblefield.

I am a competent adult and possess firsthand personal knowledge of the matters addressed in the affidavit below. I have recited all material aspects of the information imparted to the best of my knowledge, information, and belief.

I am providing this statement voluntarily without any threats, inducements, or coercion to Lesley Pacey, an environmental investigator for The Government Accountability Project. I reserve the right to correct and/or amend any clerical errors or omissions at a later date. My statement is submitted under oath, for use as evidence by any recipient and competent for all purposes permitted by the Federal Rules of Evidence (F.R.E. Rule 601), and Federal Rules of Civil Procedure.

#### **Before the Exxon Valdez Disaster**

I met Garry in 1985. He was doing construction work and I was working on the North Slope. He was working on Prudhoe Bay but you just never knew where he was going to go next for work. He was one of the best at his job.

Gary had done over two years in the Army from 1969 to 1972. He taught the South Vietnamese how to use weapons and defend themselves. He got shot in the arm

and leg in Vietnam. He did not talk to me a lot about the war days. Veterans usually don't; they have PTSD. In Vietnam, he learned to sleep standing with one eye open. I learned that when I woke him it was in my best interest to keep a little distance so I would poke him with a broomstick.

Garry was from Arkansas where he was raised with a brother and two sisters. When he was 2, his mother was killed in a car accident. He was born Garry Wang Thomas, but when his mother died, the neighbor adopted all three children, and that is when he became Garry Stubblefield. He came to Alaska to hunt and fish and he just started working construction. He had learned about construction in previous years and he loved it. He was like a kid with Tonka Toys. For whatever reason it fit him so well. He was tough and muscly, and he was good at it.



*Happier times for Melissa and Garry Stubblefield.  
Courtesy of Melissa Stubblefield*

He was a funny man, a jokester. And he was chivalrous. He was an 1880s cowboy. He believed you treat a lady like a lady and a scoundrel with a rope.

Because he was a cowboy, he also knew how to rope. After I met Garry, we got started in the roping rodeo. I was more of a showman than him. Our friends, Max and Debbie, wanted to learn how to rope. I was doing breakaway roping at the time and learning team roping. We were active in the Northern Lights Rodeo Association in Anchorage, Alaska. We were doing it more for fun. But then everything happened, and it was over.

From the day we met we were together and we never separated. We were together for four years. And then in 1989, my parents were moving out of Alaska, and Garry and I decided to buy their house in Eagle River and get married. Before mom and dad left, we had a surprise wedding and invited all of our friends for barbecue and invited a pastor, little did they know, to seal the deal. That was May 27, 1989. Two days later, he got called out to the Exxon Valdez spill. He left and my parents left, and I was all alone. The beginning of our marriage was him going to Valdez. And the rest is history.

## **Widow Worked for Oil Company**

I was born in Utah and mom remarried when I was 9 and we moved to Juneau, Alaska. We lived at the end of 40 miles of road, and the only way out was by plane.

I had the great fortune while in Alaska of working for ARCO, Atlantic Richfield, one of the largest oil companies in the world. We owned 50 percent of the Prudhoe Bay Field.

In 1976, I went to work for the Army Corps for five years. Then in 1980, I worked for ARCO in the billing department and then in Prudhoe Bay for 10 years with ARCO and on the slope for five years. While at Prudhoe Bay, I educated people on the oil industry and how it was not so bad. I educated them on all the things we were doing to keep people and animals safe. Working for ARCO in constituency development, when the oil spill happens, we would get bomb threats and phone calls from people saying, "We hate you and get out of Alaska" even though it was not ARCO. It was Exxon. I knew how to talk with them when the anger was flowing. They would say things like, "I am going to come down there and blow up your building and kill all you people."

I am by no means condoning the oil companies that don't do things right, but the oil industry is what made Alaska what it is today. When I was working there, they were bringing people up from Arkansas. Oil field workers were making \$40 to \$50 at 106 hours a week with time and a half for anything over 40 hours. The oil company would pay a 40 percent down payment on a house for the workers. That being said, I still don't condone anything we saw during the oil spill: the eagles and the seals and the whales and the human life that was harmed. Exxon covered up the human life more than anything.

## **The Poisoning**

Garry was in the union. When he got the call to work on the Exxon Valdez spill, they said, "Do you want this job? It is a good job, with good pay and fairly close to home."

He worked on a barge on Prince William Sound running a crane to control and move the (oil) booms on the water. Nearby, the workers were spraying oil off of the rocks on shore and the only PPE they had was like a rain suit. It did not protect them from the aerosolized oil and dispersants.

Garry and his co-workers lived on the barges and they had rooms where they went to sleep because they were working 16-hour days, seven days a week. You think of the hours he was sitting in that little cab, inhaling diesel fumes.



*Photo shot by Garry Stubblefield during the Exxon Valdez oil spill. Courtesy of Melissa Stubblefield.*

Dr. Dudley, the first doctor who saw him asked him if he worked in the coal mines. They did not really provide PPE. They could wear a mask if they wanted. There was not a requirement, and they were not warned of the dangers. Sometimes, if they got really oiled up, they would just take their shirts off and would be bear skinned.

There were no warnings about the oil or dispersants. You can't tell me that a company like Exxon would not know that it is dangerous to breathe in the oil. When I was working on Prudhoe Bay, they had great big pads to suck up the oil and everyone had PPE. It makes me so mad. And it was not just Garry. When you see all these men not wearing PPE, I just think, "How dare they?" From that moment forward, they were killing people. These people were never going to have the life they deserve to have.

So, two days after he went out, we never really had a real married life. Our life was good before the oil spill. We had about five good years. But right after we got married, disaster struck.

The diesel exhaust on the barge came up and made a 45-degree turn and was blowing directly into the cab where Garry worked. He asked the manager multiple times if someone could do something. He wanted them to fix and reangle the exhaust pipe. He asked the supervisor four or five times, and the answer was always, "Not right now. Later."



While on the barge, they did not have a physician there. It was a medic of some kind. They never had a doctor on site. Garry was always having headaches and he was nauseated. He thought the diesel fumes were making him nauseated. He worked for NORCO, and then for whatever reason he ended up with VECO. He was complaining constantly about the headaches and he was nauseated and sick all the time.

The diesel fumes probably caused the majority of it, but he also was exposed to that oil and dispersant overspray. Everyone that worked there was going to be sick from the oil spray itself. Most of the people that worked on the Exxon oil spill cleanup are no longer with us. They either died from sickness or commit suicide.

From early on, Garry complained...so I think they were tired of his bullshit and they fired him.

People told him too that the air was safe. It was my understanding that Exxon actually had some of the records that showed the actual numbers of the toxic levels, and then they would say, "Everything is fine."

A pack of liars - that is what they are, and it makes me sick. Those oil companies - they know the truth. They don't want to spend the money and if they do spend the money and put out protective gear, then people will not go to work because it looks too dangerous.

There was no training for anybody. Basically, they told Garry, "You have to run the crane, and this is how it works." There was no safety training and no training to tell you how to do your job. You just watched the first person do it and follow suit. That is where these oil companies really fail: on safety and on-the-job training. These people were flying by the seat of their pants and blowing oil all over the place.

It's a wonder that they got it cleaned up. The one person that caused the entire thing, Hazelwood, Exxon even tried to cover up all of that as well. He got hired back on with Exxon. I am not sure if they ever really fired him."

During the lawsuit, Exxon tried to find anything they could to blame Garry's illnesses on him – so they did not have to take responsibility... It was really the neglect of VECO and Exxon that they didn't do what Garry asked them to do, which was change the direction of the pipe. He asked them two to three times a week.

He was getting headaches back then, but it never dawned on him the damage that it was doing to his lungs, his heart, and his memory. He had to walk around with a sticky note pad to remember things. He had toxic brain poisoning, and encephalopathy. That is what made it so hard. He could not understand anything - and he was a smart man. Every conversation was an hour longer than normal because he could not get it. He had toxic brain poisoning.”

**The Downfall**

The multiple medications doctors had Garry on made him violent and he was afraid he was going to hurt me. He would tell me over 30 years, “I will never forgive myself for what I did to you.” When he told me I had to leave, I told him, “I will not be going anywhere. I married you for better or worse.” But he made it to where I could not live with him.

One ventilator medication in particular, Vanceril, changed him. It was one he had to give himself intravenously and that is when he decided he wasn’t going to have anyone taking care of him. That is why he eventually took his own life.

Basically, what he said is, “I am not going to drag you down with me - so you need to leave.” I just quit my job that I absolutely loved. I had a great job, great friends, and a great life. At the time, I didn’t understand it. But as time went on, I started to understand.”

Debbie O'Toole  
573-8805 11/15  
279-9515-7 FAX  
GARRY STUBBLEFIELD

OK  
B = Bad  
G = Good  
X = not found

List of Prescriptions

DATE	MEDICATION	DR.	PHARMACY
OK 90-04-10	20 Prednisone 20 mg wrl	Wilder	CAFFS ER
X 90-04-16	25 SD-Syringe 3cc 25gl	Dudley	CAFFS ER
X 90-06-18	20 Sandostatin .5mg/cc	Dudley	CAFFS ER
X 90-06-20	5 Relifact Trh	Dudley	HealthTek S
OK 90-06-25	14 Intal Inhaler "200"	Dudley	CAFFS ER
X 90-06-25	32 Vanceril Inh	Dudley	CAFFS ER
X 90-07-23	2 Calcimar 200 IU/ML	Dudley	HealthTek S
X 90-07-23	20 Sandostatin .05mg/ml	Dudley	HealthTek S
X 90-07-25	100 Anafranil Cap 25mg	Dudley	CAFFS ER
X 90-09-04	40 Sandostatin .05 mg/cc	Dudley	CAFFS ER
X 90-10-13	40 Sandostatin .05 mg/cc	Dudley	CAFFS ER
H 90-10-13	100 Zovirax 200 mg cap	Dudley	CAFFS ER
OK 90-11-20	7 Aerobid w/WHPC Inh	Dudley	CAFFS ER
X 90-11-20	20 Sandostatin .05 mg	Dudley	CAFFS ER
X 90-11-21	10 Trexan 50 mg tab	Dudley	CAFFS ER
H 90-12-13	100 Zovirax 200 mg Cap	Dudley	CAFFS ER
OK 90-12-13	32 Vanceril Inh 16g	Dudley	CAFFS ER
H 91-01-16	200 Zovirax 200mg Cap	Dudley	CAFFS ER
X 91-01-16	20 Sandostatin .05mg/cc 20cc	Dudley	CAFFS ER
X 91-05-13	20 Sandostatin .05mg/cc 20cc	Dudley	CAFFS ER
OK 91-05-13	32 Vanceril Inh 16g	Dudley	CAFFS ER
OK 91-08-06	Vitamins		CAFFS ER
OK 91-08-06	Rx		CAFFS ER
OK 91-08-06	30 Vicodin 5mg tab	Goldman	CAFFS ER
X 91-10-08	50 Prelu-2 Tr 105mg cap	Dudley	CAFFS ER
X 91-12-13	100 Sinequan 10mg cap	Dudley	CAFFS ER
X 91-12-13	100 Xylocaine 2% Viscous 10cc	Dudley	CAFFS ER
X 91-12-13	8 Diapin Nasal Spr	Dudley	CAFFS ER
X 91-12-16	20 Relifact Nasal 10t Spry	Dudley	CAFFS ER
X 92-01-06	50 Prelu-2 Tr 105mg cap	Dudley	CAFFS ER
X 92-01-06	100 Sinequan 10mg cap	Dudley	CAFFS ER
H 92-01-06	200 Zovirax 200 mg cap	Dudley	CAFFS ER
X 92-03-05	8 Diapin Nasal Spr	Dudley	CAFFS ER
X 92-03-09	20 Physician cpd		CAFFS ER
BG 92-03-11	90 Tussionex ext-rel liq	Cusick	CAFFS ER
H 92-03-11	20 Doxycycline 100 mg tab	Cusick	CAFFS ER
BG 92-03-20	Entex cap	Cusick	CAFFS ER
OK 92-03-20	240 Tussal-organidin /cod elx	Gardner	CAFFS ER
H 92-03-20	28 Biaxin 500 mg tab	Gardner	CAFFS ER
H 92-04-02	100 Sinequan 25mg cap	Dudley	CAFFS ER
OK 92-04-02	50 Proscin 2mg tab	Dudley	CAFFS ER
OK 92-04-23	21 Medrol Dosepak 4mg tab 21's	Dudley	CAFFS ER
H 92-04-23	20 Biaxin 500 mg tab	Gardner	CAFFS ER
BG 92-04-23	120 Tussionex ext-rel liq	Gardner	CAFFS ER
X 92-05-19	20 Relifact Nasal 10t spry	Dudley	CAFFS ER
X 92-05-19	8 Diapin Nasal Spr	Dudley	CAFFS ER
X 92-05-26	50 Proscin 2mg tab	Dudley	CAFFS ER
OK 92-08-04	50 Proscin 2mg tab	Dudley	CAFFS ER
X 92-08-05	8 Diapin Nasal Spr	Dudley	CAFFS ER

One of three pages of Stubblefield's medications.  
Curtesy of Melissa Stubblefield.

In the following 30 years, we lived as good a life as we could live together. I had to deal with things the best I could and I had to move on. I always knew I would be there for him and I was. He would call me at night and we would talk for three hours. I remember one time that he got upset and ripped the kitchen cabinets off the wall. He had neurological damage – and coupled with the medications he was on – he could not handle stress.

He would say, “Lissa, I owe you a big apology.” I would say, “What are you talking about?” He said, “You know those arguments where I call you a liar? They just diagnosed me with chemically induced brain damage. It has affected my memory and everything you told me was probably true. I love you so much, I did not mean to call you a liar.”

Garry was treated for severe asthma for nine months and they started sending him to Seattle. That is when they started putting him on weird drugs and then all this stuff started happening in 1990. He would say, “I don’t even remember my wife.” We went to the marriage counseling. VECO, I believe, paid for us to go to marriage counseling. But I thought to myself, “How am I supposed to deal with him when he had no control over his anger?”

He had no control over his body at that point. He had lost about 85 percent of his lung capacity. He had lost many of his cognitive skills. The landlord said there are yellow stickies all over the house. If we were going to have a conversation, he would get a pad of yellow stickies and I would hear him get up, gasping for air, and he would start again, “Now what was that you told me?”

I left Alaska in July of 1991 or 1992. He told me I had to leave. Our relationship never really suffered as long as I was not living with him as he could not take his anger out on me.

When Garry said I had to leave, I gave two weeks’ notice at my job. My co-workers were saying, “What are you talking about? Where are you going?” I did not know. It was all in my rearview mirror. I quit my job at Arco and packed up and left overnight. Everyone thought I deserted him.

When I had to leave our home, I was shocked. I drove 3,300 miles and did not know where I was going. I ended up in Ogden, Utah, where my parents lived. Basically, we stayed together apart. He put me in his will.

He took so many medications, but he could not live without them. The medications were making him bleed from his rectum. A lot of times, he was

embarrassed by that or the fact that he could not breathe. He liked to laugh, but you could see the veins in his neck pop out and he would gasp and gasp if he started laughing or anything.

His memory only worsened over the years. He lived for a time with his sister in Prescott, Arizona and when he left to return to Alaska, I made him a map from Prescott Arizona to Soldotna Alaska, marking down each turn on the route he must take corner by corner.

After I moved to Utah, I took a year off. My next job was the horseback riding director at the Trefoil Ranch Girl Scout Camp in the summers in Provo Canyon. I also had the opportunity to work for Boeing for 10 years in Salt Lake City where I was an office administrator and team and staff builder. I worked at a test facility on the defense side of Boeing in Utah. I have worked with people that built the international space station.

I have been very blessed in my career. I worked for the Army Corps for five years and then I went to work for the livestock industry for 10 years.

Even though we lived separate lives, we still did a lot of stuff together and people did not realize that. After Garry's death, I found a copy of our marriage license in Garry's deposition. He still had photos of us all over his house. I don't think he lived in the present. In one bedroom, I found a photo album opened to a page with pictures of our first date.

### **Guinea Pig**

When Garry started getting sick all the time, doctors would tell him to take this and that medicine and they said, "It is the Valdez Crud. You will be fine." That was always the thing they said, "You will be fine." He was out there two months and they treated him for nine months for severe asthma and no one knew what was wrong with him.

It is something that the medical industry does not understand. One doctor said, "You have toxic asthma. Did you work in the coal mines? Your lungs are a mess." That is when they started Guinea pigging him. Then they started giving him IV medications and that is when he started to change. They would put him on a treadmill and make him breathe things that would make him start coughing. Every single doctor that he went to said you have toxic lung and brain damage. He could not do anything. It started affecting his memory and cognitive skills. Garry never worked another day in his life. They just Guinea pigged him to death.

They had no idea what they were looking for and what they were dealing with. They were giving him this drug or that drug - and thirty years later, still nothing worked.

You should ask Garry's attorney (Dennis) Mestas what happened to the neurologist that Garry saw in Seattle... He disappeared. We don't know what happened to him. Garry was seeing a doctor in Anchorage, they were treating him for severe bronchitis for like nine months and then the doctor in Anchorage said, "I don't know what I am doing. You have to go to this specialist in Seattle. (Doctor's name) was so ridiculous. Nobody knew what was going on and that was clear up to the day Garry pulled his own trigger. No one knew what to do with his heart. I wish we had someone who would say, "I am going to find the answers."

### **Gag Orders and Media Blackout**

After Garry died, I found a letter I wrote to him where I was begging him to blow the whistle on Exxon. But once the case was settled, we had to go hush. A lady reporter from the LA times wanted to write Garry's story. I still stay in touch with her. She found me through my son. But Garry refused to speak with her and she called again at the 10-year mark and he still wouldn't talk to her. I don't know how he agreed to do the interview with Dan Rather - but he did, and CBS evening news with Katie Couric.<sup>xiii</sup> It was in later years, after the Deepwater Horizon, and media wanted to use Garry's story to prove that PPE was an important requirement for people cleaning up the Gulf.

Of course, it was 99% about the animals and the environment and 1% on human life. I'm sure you are already familiar with those types of statistics. They really expanded on the animals. They spent about 25 minutes on animals and three minutes on Garry.

His deposition also was blackholed for 30 years. I quit researching because there just was not a whole lot out there. If you Google his case, you get little blurbs.

### **Never Able to Get Relief**

I've gone through some of his old legal paperwork. We had five years to settle the case. I was preparing to go up there and be in court with him on Judgement Day. But his attorney told him if one pro Exxon person is on that Jury, you will lose. So, it was better to settle and so we settled.

You know what is really sad? He had gone to so many heart doctors, and none of them could help them, they kept sending him to other doctors. There is some

paperwork here that indicates that he was scheduled for heart surgery. In 2017, he drove to Seattle to see a doctor. That same year he started shutting everyone out of his life.

I think he found out that he was going to have to go into a VA hospital, and he wasn't going to have it... No one could help him with his lungs. No one could help him with his brain or his memory and no one could help him with his heart. Your brain and your heart cannot function without oxygen so when he allegedly lost 85 percent of his lung capacity, it damaged his brain, his memory, and his heart.

On September 13, 2019, Garry shot himself. Garry was a weapons specialist, a Green Beret in Vietnam. It was such a shock that he took his own life, and that is how he did it. Our whole life was about hunting and guns, for him to have taken his life. He planned it. He knew he could not get anyone to help him.

Thirty years later, none of the medical treatments worked. That is what makes me angry the most. He never stood a chance to live the life he deserved to live whether it was with me or without me.

### **“Because Exxon Failed, Everyone Failed”**

My thought is: Had Exxon created a path of safety for this type of situation, then you guys would not be having the issues you have today based on the Gulf spill. Because Exxon failed, everyone failed. It is a domino effect. Had they done their job in the beginning, Exxon could have created a path for future incidences. Had they had proper safety guidelines, provided the PPE, they could have written the book on how you do it [right]. But because of their neglect, there are thousands of people out there who are sick and who will die due to their neglect.

I am talking to you now because I do not want his suffering to be all for naught. He suffered for 30 years and unfortunately didn't live long enough to see the other side of the 30 years - and maybe this is the way we do that.

I am doing this for Garry and all the people out there that have been damaged by these oil companies and their neglect. People are suffering because the almighty dollar is more important than human life. Garry could never do it for himself. I don't want his suffrage to be in vain... He was suffering from someone else's neglect. He should not have had to live through that kind of neglect.

I have carried Garry's stuff around for 30 years and recently I started trying to sell some of it. I sold his 8-foot grizzly bear, a Caribou, a deer, a wolf, a 4-foot-wide moose, and a full set of walrus tusks. Before Garry got sick, we hunted every year

and ate Yukon Moose. We would climb the side of a mountain, watch for animals, and wait. After Garry got sick, Dennis (Mestas) said Exxon will be watching you so he did not hunt. But Garry no longer had the stamina to hunt like he used to. I sold the animals because after he passed, I was trying to move on. But I still have not moved on.

I have read the foregoing page statement, and declare, that it is true, accurate and complete to the best of my knowledge and belief.

(Melissa Stubblefield, Affiant)

*Exhibits available upon request*

# Sole Survivor

## *Affidavit of John Scott Maas*

My name is John Scott Maas. I am submitting this affidavit freely and voluntarily without any threats, inducements or coercion to Tom Devine, who has identified himself to me as the legal director of the Government Accountability Project. I am giving this statement to make a record of the truth about cleanup practices after the 2010 Deepwater Horizon oil spill. Those practices by the British Petroleum Corporation, which the U.S. government enabled, created nightmarish, unending health tragedies for some 48,000 clean-up workers, those living in surrounding Gulf communities and the environment. The primary cause was use of the deadly dispersant Corexit. Corexit was a public relations triumph because it falsely made it look like the oil disappeared. But it didn't. Rather the so-called dispersant fused with the oil to create a new, far more toxic compound that sank to the sea floor, creating an underwater Death Valley. Even worse, the price was grotesque human tragedy. I am making this record to demonstrate why the use of Corexit must be banned to prevent that tragedy from happening again.

### **Background**

I am presently a resident of Sparta, White County, Tennessee. I have resided at my Sparta, Tennessee address since October 2014. Previously I had lived in Mississippi.

I have had the benefit of specialized training courses in the following areas: I attended Master Captain's School in Diamondhead, Mississippi in 2007. The scope of those approximate 130-hour courses included the following, broadly described subject matter: I received a 100-ton Master Captain's license, a 200-ton Towing and Salvage license, and an Operator of Uninspected Motor Vessels license. The scope of the materials covered in the training included the proper handling of large maritime vessels in any and all navigable waterways of the world. It included all technical aspects of vehicle maintenance and operation; maritime laws; complex navigational chart reading and interpretation; a broadly ranging safety segment, including toxic substances periodically encountered within the scope of maritime work; and significantly, a 40- hour HAZWOPER<sup>xvi</sup> course that focused upon both the avoidance of toxic exposure and proper safety measures for chemical exposure response for both maritime workers and environmental effects.



In addition to that training, my experience and expertise as a Maritime Boat Captain has included my pursuit of courses leading to the following federally issued certifications:<sup>xvii</sup> FEMA M-100; FEMA M-200; and FEMA-700, the scope of which includes, as subject matter, FEMA incident commands and extended training pertaining to FEMA response to emergencies of a wide nature, including toxic oil or chemical spills. In those courses (M-700), I elected to specialize in the proper techniques (including personnel safety) in rescuing animals from exposure to intense oil spills or other chemical pollutants. That was a particular interest of mine and was a focus of my work as a Boat Captain in the Gulf of Mexico. I should note, in furtherance of my description of my extensive training, that even prior to my becoming formally involved in B:P's "Vessel of Opportunity (VOO)" program, I had volunteered on many occasions to participate in various cleanup episodes due to oil spillage, large and small, throughout the Gulf of Mexico, with that experience and training extending over a period of more than twenty years.

My involvement in the BP oil cleanup (through my participation as a "Vessel of Opportunity" and the eventual VOO Program) commenced immediately after the spill in May 2010 through approximately July 2010 (effectively, slightly less than two months). During that timeframe, my workdays lasted from 6:00 AM to 6:00 PM seven days per week for the entire period. During that time, I did not participate in any other work activities for any other contractor, nor did I pursue any other employment opportunities. I was exclusively devoted, 12 hours per day, seven days per week, to the intense, daily activities necessitated by the emergency conditions in the Gulf. I was one of about 11,000 vessels in the Gulf who worked diligently to minimize the dangerous, toxic effects of the constantly gushing oil [uncontrolled for 87 days], as the site pumped billions of gallons of oil into the Gulf.

On a practical, descriptive level, that work involved maintaining the "booms," which are floating "fences" intended to keep the oil from broadly disbursing, as it floats atop the water, until the oil can be destabilized and broken down by various highly volatile chemical dispersants that were desperately used in an attempt to deal with the uncontrolled, raging flow of oil. Effectively, it was admitted by BP that their desperation was an experimental effort, utilizing materials that they had not fully evaluated, and which had not been initially approved by the EPA, with the government blinking and allowing their use after BP's protests they had nothing else available.

My work also included cleaning the badly fouled, environmentally protected marshes in and around the area. Those marshes were saturated and devastated, and the cleanup was devastatingly difficult for everyone involved. Finally, we focused greatly on the area that I referenced above, which is of particular interest to me: wildlife rescue, cleanup, and rehabilitation.

### **BP Practices During the Cleanup**

Every day during the cleanup BP reassured us that Corexit is as safe as Dawn Dishwasher soap.<sup>1</sup> They knew better. The Manufacturer's Safety Data Sheet repeatedly requires Personal Protective Equipment (PPE) such as gloves, and eye and face protection. Exposed skin surfaces and clothes must be washed immediately. That is because as early as May 2010 the Centers for Disease Control knew and warned that Corexit could lead to chemical pneumonia if it gets into the lungs; central nervous system depression, as well as injury to red blood cells, kidneys and liver.

BP totally disregarded these warnings and safety standards. Instead, they removed all the safety labels from Corexit barrels, as well as all safety warnings from the incident command centers. They replaced responsible practices with the following reality for those in the VOO program. To illustrate –

- Daily we were told that we'd be safe without PPE, and if we tried to use it we would be fired immediately. Worley and Parsons Group, the contractor whom we worked for directly, forbade the use of the safety equipment I had purchased due to what BP described as "photogenic negative opportunity" -- in other words, because the use of respirators and PPE suggested toxicity to the press and the public, which BP and their public relations team intended to minimize. Instead, we were instructed to wear clothes such as shorts and flip flops on the boats.
- Although it was supposed to occur daily, there was no decontamination of workers or anything else. We routinely had to drive home in our contaminated clothing with our contaminated boats in tow.
- Hazardous materials training was shrunk from the legally required 40 hours to 8, even though many of the employees had language difficulties and no previous training or experience.
- There were only three air quality monitors for the 100-mile coastline, and the results were not shared with VOO captains.
- There was no support for health-related issues. We did not have a place to report conditions and get help, and workers were fired immediately if they raised concerns at morning meetings.

- We were threatened with immediate termination if we took pictures or spoke with the media.

I personally experienced the culture of retaliation. In July a fire broke out on a barge used to transport equipment. I got the crew removed and the fire extinguished in five minutes. However, I was fired 48 hours later, because I refused to falsify records about what had happened.

### **Exposure to Corexit**

Because of these practices, I and all the other cleanup workers were heavily exposed to Corexit. The government helped BP to poison us. Military C-130 planes from the Coast Guard and Air Force Reserve basically crop dusted the workers with what BP has admitted were some 1,800,000 gallons of the dispersant. They would spray 232 gallons per minute, 100 feet above the water, in my case directly above me.

The winds carried it into coastal communities. Obviously, it became aerosolized and was readily inhaled by all workers in the vicinity of the spillage site, including my deckhands and me. There also were deliberate, "controlled" fires, with the toxic smoke from the oil and the related chemical dispersants blowing on shore to the residential shore occupants about 50 miles from the spillage site.

My work was focused on an area approximately three miles from the shore, something of a "last opportunity for protection" for the increasingly contaminated shoreline. On a daily basis [12 hours per day], I worked in my boat, Super Skiff One, which is approximately 17 feet long and 5 feet wide, with space gunnels or sides less than one foot from the water line. Accordingly, it is obviously not a large vessel. It is highly susceptible to water entry in rough waters. It is difficult to control in rough waters. It is impossible for a sustained period of operation in the water to keep ocean water and any "dispersed oil" and chemicals from entering the boat. I am not exaggerating in stating that one of my typical deckhands and I would be literally covered with the "disbursed oil," which had flowed from the spillage site. BP has nonsensically insisted that oil clean-up workers were not regularly exposed to both the vapor and skin contact with Corexit. That assertion is incomprehensible.

Perhaps the most blanket exposure was the shoreline. As a lifelong mariner, I can affirm the common-sense observation that the ocean winds blow inland, and substances and objects left to float in the Gulf wash ashore. Corexit-saturated crude oil is no exception. It was plainly observable that the millions of barrels of oil missed mixed with dispersant gushed uncontrolled and were washed ashore.

More would be washed up from the sea floor after violent storms. That shore clean-up was my job for BP. It is not an exaggeration, (as I personally observed) that there was not a single square foot of beach area immediately North of the spill site, ranging from Horn Island (to the west) to the beach areas of Dauphin, Alabama that were not fully and totally saturated in the two to the three weeks immediately after the spill. That blanket contamination continued for approximately one year after the spill occurred. As a charter boat captain, my crew and I were hired for one purpose, and no other: to come into direct contact with floating crude oil [(all of which was treated by Corexit, by BP's own admission)] in the Barrier Island and beach areas that broadly ranged from Gulf Port, Mississippi to Grand Bay, Alabama. I reiterate what may sound like an extreme exaggeration, but it is not: there was no portion of the beach areas described above where any person could walk two or three steps without coming into contact with the Corexit-saturated crude oil.

The public health threat persists. Corexit oil is still on the shores of islands throughout the Gulf coast and remains an ongoing threat to visitors and recreation. At most about 10% has been recovered. The oil has hardened into tar balls that are in the form of charcoal briquettes, some as large as cars.

BP had no reason to hire my boat and crew, and to assign us to the beach areas and ocean surface [three miles from the shore], except for one purpose: we were hired for the continuous and daily responsibility of "direct contact" with Corexit-saturated crude oil. I, my crew members, and every comparably assigned clean-up crew experienced a "level and duration" of massive, continuous exposure to Corexit. We breathed Corexit fumes, and experienced Corexit saturation of our clothing and skin, quite literally 12 hours per day, 7 days per week, for about two (2) months. I am aware of no comparably assigned work crew who would dispute that indisputable fact.

### **Seeking Accountability for my Medical Nightmare**

Prior to my involvement in the cleanup activities following the BP oil spill, I can assert, unequivocally and unconditionally, that I was in very good health. I worked literally every day in a job that required vigorous and strenuous physical activity, with no disabilities or limitations on my physical condition or my health that in any way impeded my ability to pursue a job that I loved, and at which I excelled, as a boat owner and captain in the beautiful Gulf of Mexico. It had been my intention to continue in that work that I greatly valued well past the retirement age of 65, if my health circumstances had permitted. In the five-year period immediately preceding my involvement in the BP oil spill cleanup, I had no obvious (disabling) physical issues. I had no record of tardiness or work

absence. I utilized no primary care physician (family doctor) for any issues in that five-year period, to the best of my memory. Any medical involvement in my life during that five-year period preceding the BP cleanup would have been for matters such as flu shots or possibly for allergies or a cold. Frankly, I do not recall ever needing those medical services.

My physical condition changed in a dramatic manner immediately after the spill. Of course, the most dramatic and noticeable effects occurred while I was on the water [as described below], coming into direct contact with the chemical oil disbursements utilized by BP. But it must be noted that I [like many other shoreline dwellers in the immediate proximity to the spill site] began to notice burning eyes, shortness of breath, and other odd symptoms contemporaneous with the first usage of the experimental chemicals in the hours following the event. Having been involved in other oil spills, I have never experienced the type of immediate, acute symptoms that began with my initial work, and continued throughout the approximate six-week period that required exposure to both the aerosolized particles and the water that saturated my shoes and clothing twelve hours per day, seven days per week.

Please note on this subject that the boat that I had chartered and used for the project was so irrevocably contaminated by the toxic chemical that after three failed decontamination efforts and a thorough analysis by experts retained by BP, the boat was salvaged as improper for future use of any type due to its toxic pollution. I asserted my rights, and BP had to reimburse me the full \$42,000 I had paid to purchase it. Accordingly, it has been difficult for me to comprehend how BP can take the position that the boat was essentially totaled by permanent contamination from these highly toxic substances, but human beings working within the boat for an extended time were not affected, despite the well-documented medical and chemical publications that confirm the long-range risks and dangers associated with even minimal human contact with the chemicals.

Accordingly, my life changed in May 2010, as I immediately began experiencing the physical effects of the toxic chemicals referenced above. Initially I tried to minimize them, as [I believe] most workers did. We saw it as a moral and patriotic duty to the country, and to our neighbors on the coastline, to endure whatever symptoms we had begun to experience. I would compare our frantic driven, emotionally charged attitude toward the cleanup as something very similar to the 9/11 first responders. We were single mindedly focused on accomplishing the job and depended upon BP to tell us the truth about the substances that they were using in their own desperate attempt to minimize what had become a

public relations and financial disaster for the company. We had no idea that BP was lying to us and quite literally "experimenting" with highly toxic chemicals that a scientific study concluded was 52 times more toxic when mixed with crude oil. We had no idea BP knew [as they have now admitted] that Corexit carried long-term, harmful physical effects for even minimal exposure, much less the daily, skin-saturating exposure that absorbed highly dangerous chemicals into our body tissue and bloodstream.

Denial was impossible, however, when symptoms gradually, persistently became worse over time. I will describe the progression as follows: My deckhands and I immediately began to feel skin and eye irritation that I would describe as a burning sensation. We attempted to rinse away the constant exposure to the extent possible. We did not wear the same clothing day-to-day and attempted to wash away from our clothes and skin the odor and residue of the chemical dispersants that lingered on the boat and in our clothing. My acceptance of the reassurances that Corexit was safe as BP has now admitted, proved to be life-changing, as it has left me physically debilitated and unable to do a job [now at age 57] that I absolutely intended to continue into my 70's and would have done, based upon my good physical condition and my prior health.

Beginning with the May 2010 exposure and moving through my July termination from my position, I experienced the following acute symptoms, on a regular basis, for the first time in my life: I continued to suffer from tremendous eye burning and irritation that would not relent even though I was no longer directly exposed to the fumes. My vision changed, and after three months I suddenly required reading glasses, which I had never worn prior to the oil spill.

I began suffering from continuous respiratory problems manifested by ceaseless coughing, something that I had never experienced at any time previously in my life. I began experiencing an odd shortness of breath and related fatigue, which I had not experienced prior to the spill and which has worsened with time. My lack of energy and my inability to engage in any type of strenuous activity [at work or at home] changed my lifestyle 100%. I was forced to give up my beloved work as a maritime captain. The BP job was my last job, having been regularly and fully employed for my entire adult life up to that event at age 47.

Over the next few years, I could not understand why I was gradually and progressively experiencing worsened shortness of breath and episodic bouts of uncontrolled, intense coughing. As noted above, I have not had any similar problems in my life prior to my exposure from the BP spill. I have never been a smoker and have no family history of any respiratory illness of which I am aware.

As my symptoms kept progressing, I became increasingly concerned. In about 2014, I saw Dr. Chad Griffen, a primary care physician located in Sparta, Tennessee. I explained to Dr. Griffen my entire medical history, emphasizing that I was entirely clear of any type of respiratory issues until the BP spill and that my progressing respiratory problems had lingered intermittently, but persistently, since that time. I also reported to him that I was experiencing severe, prolonged headaches. Dr. Griffen saw me on three or four occasions before referring me to Dr. David Henson, a pulmonologist in Cookeville, Putnam County, Tennessee. In approximately 2015, Dr. Henson sent me for medical testing at St. Thomas Hospital in Cookeville, Tennessee. Based upon those test results, I was diagnosed with chemically induced asthma, as well as reactive airways disease. Following my diagnosis, Dr. Henson attempted to conservatively treat my then worsening] condition with an inhaler for my asthma and nightly oxygen.

I also have consulted with Nurse Practitioner Jeanine Thompson at TLC Medical Clinic in Sparta, Tennessee. In approximately 2017, NP Thompson reviewed my history and concurred in the recommendations for a pulmonologist. She did not attempt to actively treat what was a clearly observable pulmonary injury. She did prescribe nebulizers intended to provide symptomatic relief, but with the understanding that it could not cure or significantly improve the gradually-manifested residual chemical damage.

I received only minimal benefit from the inhaler and nebulizer treatments and eventually sought treatment with a Vanderbilt pulmonologist, Dr. Charles Wray, who has particular expertise in dealing with chemically induced respiratory damage. I began seeing Dr. Wray in 2016. My evaluation and treatment through Dr. Wray's office has consisted of various medications [in an attempt to find one that will be most effective for my particular condition], as well as at-home sleep studies due to my inability to breathe at night. As my condition had worsened, I began experiencing nightly panic attacks due to my inability to breathe as I was trying to sleep. As a result, I was referred to the Crossville Counseling Center in Crossville, Tennessee, where they diagnosed me with PTSD related to the acute progression of my pulmonary symptoms, inability to breathe [particularly at night], and growing inability to cope with my disability. The PTSD is further exacerbated, because the recurring, severe headaches have not stopped.

My breathing has stabilized at an unacceptable level. Medical tests indicate I only have 35-45% lung capacity. I require oxygen every night to be able to sleep. I am continuing to be treated and evaluated by Dr. Wray. As far as my foreseeable prognosis and treatment plan is concerned, I do not believe that my respiratory function is going to improve based upon Dr. Wray 's comments. He has

attempted various medications and has been checking for others after they failed. I am not getting that any medication is going to greatly improve my situation, as it has become clear over the past 3-4 years that my lung function continues to deteriorate due to the chemically induced respiratory damage.

The damage is hardly limited to my lungs. For example, I get chronic pain in my kidneys for months. It feels like a pulled muscle.

I am hardly alone in my misery. My deck hands and I all suffered rashes and growths on any skin surfaces where we had been exposed to Corexit, because there was no PPE and we were working in shorts. I had painful white warts, some as big as erasers. They've broken out some 20 times and continue to come back.

Too many of my co-workers and friends have died. The most painful for me was my life partner with whom I had lived for 11 years, Lisa Birdwell. Lisa also worked on our boat, trying to clean it as well as possible. During our relationship she had never been ill before the BP spill. Three months into the job, on July 15, she became ill and took off work for the first time ever. She died 22 days later, infested with cancer in her brain, lungs, intestinal track and uterus.

This statement is not about the legal battle I filed against BP for damages, but for the credibility of my statement it is significant that I successfully asserted my rights. I am extremely frustrated with the legal profession and lawyers who behaved like used car salesmen, pressured me to engage in unethical behavior, or engaged in fraud against the courts as BP lawyers did when in a filing they added contradictory text to my own statement. My protests convinced the judge to remove them from the case. I had to represent myself pro se for a period, and from that context managed to get my case moved to the Middle District of Tennessee and a fair judge. I found dedicated, outstanding attorneys to represent me from the family law firm headed by William Burger.

BP aggressively contested virtually everything I have summarized above. BP hired doctors who never saw me to say that I had not been significantly harmed. The medical experts called by Mr. Burger, who worked with me extensively, made their asserted conclusions look embarrassing. BP's lawyers wisely decided to settle on favorable terms to me, rather than allow a judge and jury to assess our comparative credibility.



## **The Science on Public Health**

My own reality is consistent with emerging science. I will share just a few examples. A 2017 NIH press release<sup>xviii</sup> confirmed that Corexit causes respiratory and eye problems. Highly respected Dr. Michael Robichaux, who treated numerous victims, has testified that exposure led to disruption of the menstrual cycle, impotence, wide blood sugar variations and disruption of adrenal glands. A 2016 study published in the *Gene* journal magazine found a connection between Corexit and genetic defects, inflammatory response, reduced immune capacity, asthma and cystic fibrosis. A 2018 study cited by my experts in the lawsuit confirmed my own experience of persistent, worsening symptoms, such as –

- significant impact on blood related weaknesses that can lead to HIV, sickle cell disease and complications from chemotherapy and transfusions;
- inflamed nasal passages that began after seven years; and
- Reactive Airways Dysfunction Syndrome, or chemical asthma, also frequently beginning after seven years.

## **Impact on the Environment**

The human tragedy paralleled massive environmental damage that for all practical purposes massacred sea life in the Gulf. As early as August 2010, scientists testified that hundreds of turtles had been killed, and other species such as sperm whales and blackfish tuna were threatened. A 2021 report by the Commerce Department's National Oceanic and Atmospheric Administration (NOAA)<sup>xix</sup> disclosed that marine deaths included – from 4-8.3 billion oysters, juvenile turtles, 105,400 sea birds, and further casualties such as a 51% drop of dolphins in Louisiana's Barataria Bay.

## **Government Collusion**

In Britain where Corexit is manufactured, the government has banned its use but permitted its export. It has caused tragedies in the U.S., because the Environmental Protection Agency (EPA) approved its use, and our military agencies such as the Coast Guard supplied the aircraft to poison the coast and all who were trying to control the spill.

This wasn't the case initially, as EPA had rejected Corexit's use after the spill. It acted based on the record of health and environmental hazards when Corexit had been used for the Exxon Valdez spill. EPA also had approved safer alternatives to Corexit. But it blinked and teamed up with BP to disperse some 1.8 million gallons when BP said there were not alternate supplies available. This is not credible, since there had been 21 years since Exxon Valdez to build up stockpiles of safer dispersants.

In 2015 the EPA proposed a regulation for Corexit<sup>xx</sup> and other dispersants, and in 2022 a court ordered EPA<sup>xxi</sup> to publish them after seven years delay. But those regulations are milquetoast rules that will not end<sup>i</sup> or even control the use of Corexit. They merely require more research, adjustment of standards, advance warnings of dispersant use, and other background improvements. BP and any other oil company will still be free to use Corexit the next time there is a spill.

The government's continued shielding of oil company threats to public health and the environment is inexcusable, and there is no question it knows better. The 2021 NOAA report concluded that handling of the spill was an "economic, political, scientific and legal nightmare." How can our government allow this to happen again? We have had more than 13 years since Deepwater Horizon to accumulate stockpiles of safer alternatives. It is time for our government to start protecting the public, instead of the oil industry.

I have read the above fifteen (15) page affidavit, and it is true, accurate and complete to the best of my knowledge and belief.

John Scott Maas

*Further affidavits and exhibits are available upon request.*



*Machines used by John Maas to breathe at night.  
Courtesy of John Scott Maas.*

# Sacrifice Zone: A People's Report

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## Corexit and Toxic Oil Mist: Immediate Health Impacts

Filmmaker Jerry Cope, who became deathly ill during his coverage of the oil spill in 2010, summed up what our witnesses said about being exposed to Corexit dispersants during the Deepwater Horizon disaster in the Gulf of Mexico in 2010. "If you were down there, things were not okay," Cope said.

This sentiment is echoed by multiple witnesses all of whom were told by BP that dispersants were safe. Witnesses including residents, oil response workers, journalists and filmmakers all describe coming into contact with dispersant-laden oil. Many were sprayed directly with Corexit, inhaled aerosolized dispersed oil droplets or felt the sting of dispersants on their skin.

### Carpet Bombed with Corexit

"The government helped BP to poison us," said John Scott Maas, boat captain. "Military C-130 planes from the Coast Guard and Air Force Reserve basically crop dusted the workers with what BP has admitted were some 1,800,000 gallons of the dispersant They would spray 232 gallons per minute, 100 feet above the water, in my case directly above me."

Witnesses describe experiencing continuous, daily exposure to Corexit- treated crude oil.

"The "level and duration" (I will certainly swear) was definitely "massive and continuous," said Jeffrey Lane Herring, Jr., Vessels of Opportunity worker. "There was only one reason that caused us to daily be in that location, on the Gulf shoreline near the spill. We were hired and paid for the sole purpose of intended, planned, daily "massive and continuous" direct contact with the Corexit-treated oil."

### Immediate Reaction

Immediately, those who were exposed suffered headaches, rashes, vomiting, unrelenting cough, chemical pneumonia, respiratory distress, flu-like symptoms, brain fog, seizures, swelling and symptoms severe enough to require hospitalizations.

Often, witnesses ended up with lasting health impacts, some of which morphed into malignancies. Witnesses said secondary exposures to oil and dispersants were just as dangerous. Jamie Brown, the wife of Joseph Brown, a Vessels of Opportunity response worker said she and her husband went from healthy before the oil spill to near death after exposure to chemical dispersants. After dispersed oil filled his boots, Joseph Brown's health deteriorated to critical condition and doctors at the Veteran's Hospital out of desperation treated him with the same protocols as soldiers exposed to Agent Orange. That treatment began to work. But Jamie Brown soon found herself on the brink of death after contact with her husband's work clothes and sweat.



*Rashes experienced by resident in Alabama after being sprayed with dispersants.  
Courtesy of*

“When I washed my husband’s work clothes, I got these big blisters on my hands,” Mrs. Brown said. “I kept going to the doctor and they kept telling me ‘Contact dermatitis,’ but I hadn’t changed anything that I came into contact with. To this day, if I touch Joseph’s sweat, blisters will break out on my hand. His pillows are orange from whatever chemicals are in his sweat and we have to continuously put new pillow protectors on. My face kept swelling to a point where my eyes would shut so we had to get different pillows entirely...”

In recent years, both husband and wife were diagnosed with rare tumors. Mrs. Brown had a malignant tumor removed.

## Toxic Oil Mist

Witnesses we interviewed described being drenched in dispersed oil and exposed to Corexit by inhaling the dispersed oil that was carried inland and traveled atmospherically.

“The winds carried it into coastal communities. Obviously, it became aerosolized and was readily inhaled by all workers in the vicinity of the spillage site, including my deckhands and me,” said boat captain, John Scott Maas.

Multiple witnesses testified to toxic oil mist blanketing the beaches, the sea oats, the cleanup equipment and the response workers’ clothes, skin, and glasses.

“The sea oats and beach equipment were literally dripping with a substance that resembled suntan oil... The oily substance got all over our skin and clothing. The brown fluid soaked into my white button-down shirt, and I could feel the slick substance all over my arms and face,” said Les Stinson, safety supervisor for a BP contractor.

In recent years, researchers found<sup>xxii.</sup> that the dispersants used to clean up oil spills have the unintended effect of transforming crude oil into a toxic mist able to travel for miles and penetrate deep into human lungs. But toxic oil mist was dismissed as “annual brown sea spray.”

Evidence of the phenomenon was memorialized in BP call logs by residents, news articles<sup>xxiii.</sup> and Occupational Safety and Health Administration (OSHA) reports.<sup>xxii.</sup>

“Whenever oil mist is present, workers should be given respirators, according to the Occupational Safety Health Administration (OSHA) website. Cleanup workers as a general rule were not provided PPE, much less respirators, according to witnesses.”

Whenever oil mist is present, workers should be given respirators, according to the Occupational Safety Health Administration (OSHA)<sup>xxiv.</sup> website. Cleanup workers as a general rule were not provided personal protective equipment (PPE), much less respirators, according to witnesses.

“I grew up diving and surfing in the waters off Baldwin County beaches and was not satisfied with the explanation I was given,” This was never heard of before. I was skeptical as I had spent my entire life on these exact beaches and wasn’t aware of any such thing as annual brown sea spray.” Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team, said of the oil mist explanation.

## **Deadly Dispersants**

Those who were exposed suffered chronic, often debilitating illnesses – and yet many did not survive their exposure. Lisa Nelson, a salon owner who was sprayed with dispersants at night and who worked at a salon on the beach in Alabama, was healthy before the oil spill, said Cope. After being sprayed with dispersants, she suffered from extreme respiratory stress, skin rashes and inflammation that left her barely recognizable. She died a year and a half after exposure.

“Too many of my co-workers and friends have died,” said Maas. “The most painful for me was my life partner with whom I had lived for 11 years, Lisa Birdwell. Lisa also worked on our boat, trying to clean it as well as possible. During our relationship she had never been ill before the BP spill. Three months into the job, on July 15, she became ill and took off work for the first time ever. She died 22 days later, infested with cancer in her brain, lungs, intestinal track and uterus.”

Many others are fighting cancers or have succumbed in recent years to illnesses they attribute to their exposure to oil and Corexit..

“After reading the story last month in The Guardian about all the cleanup workers and residents who were diagnosed with cancer, I feel like I got away with my life and I am thankful for that, have had to deal with birth defects, miscarriage and skin conditions that affect me to this day, but I was able to leave the area. I have used and had access to many healing modalities. The people in the Gulf region had chronic long-term exposure and they don’t have access to these options. I feel I escaped with my life.” said Rebecca Harrell Tickell, director of The Big Fix documentary.

## Other Notable Quotes:

### Carpet Bombed with Corexit:

- *“We were instructed by the officials at the BP Incident Command Center at Point Cadet that we should move away from the GPS coordinates that Captain Maas called in, so that we would not be under the targeted airplane-dispersed spray of Corexit... Captain Maas followed those instructions and left the area... Instead of being safe from the spray, the aircraft, for some unknown reason, travelled directly over us, releasing the Corexit spray. We all felt intense burning in our eyes, nose and lungs. I became extremely sick, and began to vomit...” – Jeffrey Lane Herring, Jr, Vessels of Opportunity worker*
- *“BP had no reason to hire my boat and crew, and to assign us to the beach areas and ocean surface three miles from the shore, except for one purpose: we were hired for the continuous and daily responsibility of ‘direct contact’ with Corexit-saturated crude oil. I, my crew members, and every comparably assigned clean-up crew experienced a ‘level and duration’ of massive, continuous exposure to Corexit. We breathed Corexit fumes, and experienced Corexit saturation of our clothing and skin, quite literally 12 hours per day, 7 days per week, for about two months. I am aware of no comparably assigned work crew who would dispute that indisputable fact.” – John Scott Maas, boat captain*
- *“I can absolutely affirm that Captain Maas and our entire crew undoubtedly experienced continuous, daily exposure to Corexit treated crude oil for more than six weeks. Any suggestion by BP that all of the assigned workers experienced anything other than massive and continuous inhalation of fumes and skin exposure, is an almost laughable suggestion, as we were all told how and why Corexit was being used.” – Jeffrey Lane Herring, Jr., Vessels of Opportunity worker*
- *“It is impossible for a sustained period of operation in the water to keep ocean water and any ‘disbursed oil’ and chemicals from entering the boat. I am not exaggerating in stating that one of my typical deck hands and I would be literally covered with the ‘disbursed oil,’ which had flowed from the spillage site. BP has nonsensically insisted that oil clean-up workers were not regularly exposed to both the vapor and skin contact with Corexit. That assertion is incomprehensible.” – John Scott Maas, boat captain*

- *“Frank and Hamid chartered their own boat, which was captained by Kris Hebert. Together they executed and supervised the plan on the water and provided support to the crews. They worked approximately sixteen hours a day to protect the estuary. Every time he came back home from a day’s work, his skin would be orange... At the time, the kids and I made fun of him, not thinking much about it... Everyone thought it was going to take years to clean up, but suddenly, one day in August, it just all disappeared... Later, we discovered that the reason the oil disappeared was because BP deployed airplanes to spray Corexit on it.” – Sheree Kerner, widow of Frank Stewart*
- *“Perhaps the most blanket exposure was the shoreline. As a lifelong mariner, I can affirm the common-sense observation that the ocean winds blow inland, and substances and objects left to float in the Gulf wash ashore. Corexit-saturated crude oil is no exception. It was plainly observable that the millions of barrels of oil mixed (sic) with dispersant gushed uncontrolled and were washed ashore. More would be washed up from the sea floor after violent storms. That shore clean-up was my job for BP. It is not an exaggeration, (as I personally observed) that there was not a single square foot of beach area immediately North of the spill site, ranging from Horn Island (to the west) to the beach areas of Dauphin, Alabama that were not fully and totally saturated in the two to the three weeks immediately after the spill. That blanket contamination continued for approximately one year after the spill occurred.” - John Scott Maas, boat captain*
- *“One day, there was the Venice Marina that was closest to the downtown part of Venice and we were having lunch on this deck of the marina. The umbrellas were up because it was hot. Then we hear this roar of a giant plane coming towards us. It was a military type of plane, a dispersant spraying plane. We really could not see it spraying, but as soon as it passed us... It was about 500 to 1,000 feet above us and went right over us and headed southwest toward the coast. Soon after it passed, people started feeling this stinging, burning sensation on their skin. It burned and was uncomfortable for a few minutes. I am pretty certain we were inadvertently sprayed with Corexit dispersants. I think the plane was leaking... I got sprayed on my face and on my arms. It was not terribly painful but it was annoying. At least 10 to 15 people at the marina were all remarking about it. The invisible mist felt like stinging nettles on my skin. I started having a really bad skin rash and outbreak on my face and it was something I never had before. People that saw me were like, ‘Wow dude what happened to you?’” – William “Rocky” Kistner, journalist*



- *“As a charter boat captain, my crew and I were hired for one purpose, and no other: to come into direct contact with floating crude oil (all of which was treated by Corexit, by BP’s own admission) in the Barrier Island and beach areas that broadly ranged from Gulf Port, Mississippi to Grand Bay, Alabama. I reiterate what may sound like an extreme exaggeration, but it is not: there was no portion of the beach areas described above where any person could walk two or three steps without coming into contact with the Corexit-saturated crude oil.” – John Scott Maas, boat captain*
- *“Corexit carried on the wind, too. It sunk into our skins, sinuses. It had this awful, indescribable smell. Just noxious. It was so strong you knew it was there. No doubt about it. U.S. airplanes would drop dispersant at coordinates and whatever they sprayed fell directly back on me and other responders. We were inhaling it on the wind out of the southwest.” – Capt. Frank Howell, Vessels of Opportunity worker*
- *“We saw large airplanes dumping stuff but we did not know what it was. We just knew it burned when it came into contact with your skin. You can’t see it as it falls, but you can feel it. It is like a mist and you can feel it irritate your skin. I only felt it two major times. It was in the morning both times and it had to stay on your skin all day long because we had no way to wash it off. You could see the crude in the water. The oil looked like a sick jellyfish, kind of like a gold color. The oil was long and stringy. You could see the rainbow sheen running across the water. You could definitely tell what was going on. That oil would be on the surface and then all that gold stuff was there and you could see it under the surface. It made all of us on the boat feel ill. We all had sinus headaches. Every one of us that were working there had that headache behind your eyeballs. We all talked about that. Eye burning was a regular occurrence. I was tearing up and having issues with my eyes. Mostly under my arms, I would break out in a rash. Wherever it would get on your shirt it would soak through because you were sweaty and wet and that stuff would get on your shirt and you could not get rid of it. It was like a soapy sponge. That’s why I always wore long pants. Vince Lovett was my other deck hand. It bothered Vince and another deckhand, Wilson, so bad that they had to change clothes some days. We all had stinging skin. I don’t remember as much as some people but I do remember that sometimes when you were running through that stuff it got so strong. It was like if you breathe acetone, it kind of takes your breath away from you. I was inhaling that stuff on a regular basis. A lot of us had stomach issues. A lot of us had diarrhea. My nose bled regularly. Before working on the spill, I did not have any health*

*problems. When I first started, I was healthy as anyone could be. I was as strong as an ox... The crude oil was not healthy by any means and the dispersant just added fuel to the fire. To this day, I still do not know what the dispersant was and what they were dumping on us. But I know it made a lot of us sick". – Theo Atkinson, Vessels of Opportunity worker*

- *"I noticed on the boat ride back that day that my skin and throat were burning and I had an earache and headaches. We had a face mask on, but I did not protect my skin. It was the combination of dispersant and oil that got on my skin. Whenever I go in the sun, I get a rash. I guess it changed the RNA of my skin and now I have photo sensitivity. The rash broke out exactly at the line of the shirt I was wearing and I had sunblock on. I am used to getting sunburns. I have very pale skin. I know what sunburn looks like on me. This is not a sunburn. And every sunburn I've had has gone away within a week. Over the next 8 days, my symptoms worsened. On August 26th, Josh, my husband, finally decided that we needed to leave the Gulf in case what was causing me to be sick was our proximity to the oil spill. From the first of September until the 10th, I had a very painful rash and scaly, red, "burning" itchy skin on my chest - the exact area that was exposed to the air during the boat trip on the 22nd. I also noticed that my urine was reddish/brownish. I had difficulty breathing." - Rebecca Harrell Tickell, environmental filmmaker*

## **Immediate Action**

- *"My husband was told that Corexit is safe as working with Dawn dishwasher [JSI] soap and they threatened to fire him if he wore any protective equipment...During his time on cleanup he was splashed with water sprayed with Corexit and got the same water in his boots. At first, his legs started to swell up and his legs got so bad that I had to go buy him slippers to put his feet into...Around August 2010, we decided to move up to Jonesboro, Louisiana... With the truck loaded, we headed out on the seven-hour-long drive to Jonesboro but before we left we wrapped Joseph's legs. By the time we got to Jonesboro, the bandages were pasty and stuck to him and his wounds were not open and oozing orange. I took him to the VA because of the way his wounds looked even though he had never been to the VA before. When I brought him in, they thought a dog had chewed him up... From September to November 2010, (my husband) swelled up three times his normal size and looked unrecognizable. He could not breathe because clear jelly-like substances kept getting stuck in his airways and it caused labored breathing while he slept. We convinced him to go back to the VA and they could not believe how much he had swelled up... They could not figure out*

*what was causing his symptoms, but they treated him as if he were infected with Agent Orange and the treatments were working. He had congestive heart failure, paralyzed intestines, chronic kidney disease and they put him on a breathing machine. He was there for two weeks.” - Jamie Brown, wife of Joseph Brown, Vessels of Opportunity worker*

- *“If you were down there, things were not okay. No one could hide that from the residents. You could feel it more than you could smell the chemicals. You could feel it in your lungs. I had rashes and sores on my feet and one of the pads on my toes has never been right since. My eyes were also impacted. Within a day or two after being on the water with Captain Lori DeAngelis, Charles, Pierre LeBlanc and me all had excruciating headaches. I was coughing so bad I could not talk. It set on that fast. It did not take long. I also had burning eyes with blurred vision, and an inability to breathe. I had coughing, congestion, and total respiratory distress, culminating in chemically induced pneumonia. When I got really sick and literally felt like I was dying, I was working with Stuart Smith and his team. I was deathly ill the day I flew home on August 4, 2010. That day, I had gone to New Orleans to do an interview with Democracy Now at a studio there. I did everything I could to protect myself but I still got sick but I did the interview anyway. It was kind of a big deal interview for me. I did my best. But I could not have been sicker. A couple of weeks before the interview, I started chelation therapy with a holistic doctor. Stuart paid for this boat captain and me to see this doctor. The chelation therapy was done with an expensive Swiss drug. I think I might have died without it. It costs thousands of dollars per treatment, maybe \$1,500 per 2-hour IV treatment. Certainly, it was not something most people could afford. As soon as I got out of that atmosphere at the Gulf, I started feeling better. The chelation therapy was necessary, but the bigger part was getting out of dodge. There was no safe haven for anyone along the Gulf at that time. They all involuntarily became part of a science experiment without anyone telling them.” – Jerry Cope, filmmaker*
- *“One of the residents took me to a doctor on Sept 22nd to have my symptoms checked. I visited with Dr. Gregory Funk in Gulf Shores. We filmed my check up with him, and he said that my ailments were due to chemical exposure. He wrote down in his notes that the cause of my illness was "Oil Spill." He said that half of the patients that were coming to see him had burning eyes, throat, and chest. He said I had photosensitivity caused by exposure to oil and Corexit. He said that he even had burning eyes and throat. He advised that I stay away from the beaches... On December 20th, I went to a contact dermatitis specialist that my dermatologist*

recommended, Dr. Vincent Deleo. He said that he ‘would bet his life that the poikiloderma on my neck and chest was caused by exposure to oil and dispersant.’ He said that I have permanent skin damage on my neck and chest and that I can never be exposed to sun on my neck and chest again. From the end of 2010 until this day, I cannot expose the skin on my cheek and neck to the sun without erupting into a painful rash. I have been sick more than 20 times with upper respiratory infections. These frequent illnesses and my inability to be in the sun never happened before filming in the Gulf of Mexico.” - Rebecca Harrell Tickell, environmental filmmaker

- “During the cleanup, a biologist came down and she brought out this giant UV illuminator that basically made the oil and Corexit glow. This guy went out into the water and when he came out, he was glowing. And you would see this oil all over the beach and I wondered, ‘Is that guy okay?’ I mean, I am just concerned. The thing is it was not just him. But the public was still in the water during the cleanup. When they told me ‘No more photos,’ I was still taking photos and one day I saw this kid who was building a sandcastle and for the windows he was using tar balls. I took photos of that and sent out the photos anyway. I said, ‘This is what is happening on this beach near the military base. These children are playing with this stuff.’” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup
- “It was June 8, 2010, and I was in the passenger seat of the Polaris wearing long pants and a short sleeve shirt and my safety gear. Suddenly, every part of me that was exposed just broke out. It was like someone dumped me in a vat of ants. I was left with blisters and bumps that burned and hurt. For the life of me, it never crossed my mind that there was stuff in the air that we were inhaling that could be dangerous. I had tiny blister bumps all over my neck, chest, arms, everywhere that was exposed. I went to the medical tent operated by BP on the beach and sat there for 45 minutes, and they did not give me anything for it. No cream. Nothing. These were EMTs, not nurses, and if you weren’t at death’s door, they would send you back to work - so I went back to work. I realized I might be better protected from whatever I was exposed to if I wore long sleeves like my co-worker Terrance who I was paired with that day. I went out the next day and bought long-sleeve fishing shirts to help protect me.” – Terry Odom, BP contractor safety supervisor
- “On June 30th, after our “Get Off Oil Day” in New Orleans, we walked on the beach in Grand Isle, Louisiana. That is when I was exposed for the first time to oil and Corexit. I happened to be wearing flip flops. On the surface, the beach appeared to be fine. There was a strong smell in the air, but there was no one on the beach to tell us not to be there, nor any signs saying that the

*beach was closed. A few four wheelers went by with cleanup workers that waved at us. There were some girls out there on the beach. They just told everyone that the beach was safe. There were some cleanup workers and a big boom. We never went beyond the boundary of the boom lying on the beach. There were some local residents and children that were in bathing suits that were also on the beach. I reached my hand down through the sand and when I pulled up my hand – there was oil on it and there was foam on the water. We soon realized that underneath a few inches of sand along the entire beach – there was a thick layer of black oil. Within about 10 minutes of being there, I began experiencing a bad headache, a swollen eye and "burning" skin sensation. A few days later, I noticed that the skin on my feet was beginning to peel off. Another woman, Jen Rosenstein, who was with me in Grand Isle on June 30, also had peeling skin on her feet from wearing flip flops on the beach that day. Her eyes were all red and swelling and that was the only day she was down there. She got physically ill and so did I. To this day, the skin on the bottom of my left foot peels off. I get these red itchy bumps and it turns into dry skin that peels off. The doctor called it tar smarting when he diagnosed it in 2010. I was standing in the water when I was there and I do remember peeling oil off of my foot. I was ignoring the headache and burning because we were filming. The smell was really distinct and there was this foam of emulsified dispersed oil in the water."*

*- Rebecca Harrell Tickell, environmental filmmaker*

## **Toxic Oil Mist**

- *"I made a report to OSHA of oil mist, a highly toxic substance formed when oil and chemical dispersants aerosolize with wind and wave action, according to scientific reports. Not only were workers ordered to remain in a dangerous work environment, but BP and federal officials failed to properly warn, investigate, identify, and address the oil mist, leaving me and other response workers vulnerable to immediate and future health harm... One day, around August 2010, when I gave the okay for the crews to come out I noticed first off that the sea oats, the tall grasses you find in coastal sand dunes, were coated in an oil like suntan lotion amber colored coating as was all the equipment on the beach, the tractors, the trailers and the air was quite heavy with whatever this airborne substance was. I called it in immediately to my lead supervisor and I told them to hold the crews. Everything was coated in it. It was extremely heavy, and it was from one end of the beach to the other and it went all the way up to the parking lot... The sea oats and beach equipment were literally dripping with a substance that*

*resembled suntan oil... The oily substance got all over our skin and clothing. The brown fluid soaked into my white button-down shirt, and I could feel the slick substance all over my arms and face. The shoreline cleanup workers had to clean their eyeglasses every three to four minutes to remove the oil. I told the air quality guy from The Center for Toxicology and Environmental Health (CTEH) about the oil mist and he said he was aware of it, and that was it. And he rode out there with our group and asked, 'Hey is everybody okay?' That was the extent of it... For a period of six months or more, different officials came to me and asked me to recount what I witnessed. I always told them the same account. The whole beach from one end to the other was covered in this airborne oil for lack of a better term. The trailers, the equipment, the sea oats. It was a brown foam. It had been extremely rough. We had a storm the morning before, and the Gulf was very agitated and there was a lot of foam, and you could see this brown foam being sprayed up in the air by the onshore winds that were blowing as the waves would break. We did not know where it was coming from. We just knew everything from the condo windows to the equipment to the people, we were all coated in this oil." - Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team*

- *"The winds carried it into coastal communities. Obviously, it became aerosolized and was readily inhaled by all workers in the vicinity of the spillage site, including my deckhands and me. There also were deliberate, "controlled" fires, with the toxic smoke from the oil and the related chemical dispersants blowing onshore to the residential shore occupants about 50 miles from the spillage site." – John Scott Maas, boat captain*
- *"That was the first tangible evidence we had that the oil and dispersant was airborne. We also worked with Ira Leifer, a NASA expert, who decided really quickly that this stuff was airborne. Ira was the chief mission coordinating scientist for the NASA mission to the Gulf. He was the only one on that team that was not a shill. They did all they could to get him off that team. His specialty is how gases move through the water. He knew exactly how the gas and oil was moving through the water column and he also had access to air models and sampling, and he knew exactly how this was moving through the atmosphere." – Jerry Cope, filmmaker*
- *"I have been on the beach every year since then and never witnessed anything like that (oil mist) any other times...The issue of oil mist as well as dangers of oil, chemical dispersants and other chemicals were not talked about by BP or its contractors to any extent... the safety protocol on the BP*

*response was lacking. And now, knowing what real safety is, some safety issues were not addressed in the meetings as they should have been – including the oil mist.” – Les Stinson, safety supervisor*

- *“When I made the report to OSHA (about the oil mist), they waited several days before doing some miniscule quick rubbings of the sea oats. By then it had dried up. It was gone... About six months later, after being interviewed a lot of times about this situation, I was contacted and I was told, being the originator of the report, that they had come to a final conclusion that this was annual brown sea spray. I can’t remember if the person who called was from BP, the USCG or OSHA. I grew up diving and surfing in the waters off Baldwin County beaches and was not satisfied with the explanation I was given. This was never heard of before. I was skeptical as I had spent my entire life on these exact beaches and wasn’t aware of any such thing as annual brown sea spray. I have been on the beach every year since then and never witnessed anything like that any other times...The issue of oil mist as well as dangers of oil, chemical dispersants and other chemicals were not talked about by BP or its contractors to any extent... the safety protocol on the BP response was lacking. And now, knowing what real safety is, some safety issues were not addressed in the meetings as they should have been – including the oil mist. We never discussed the oil mist in the safety meetings. It was just another day going out on the beach. Yesterday was yesterday. Today is today. The safety meetings largely focused on hydration, which is important, but there were many other things going on that were not discussed or addressed.” - Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team*
- *“The first time I realized that the oil and dispersants were aerosolizing into the atmosphere was when we flew with Bonnie Schumaker over the Gulf of Mexico and after we landed there was oil on the wings of the airplane. The wings were just coated with oil – especially on the leading edge. There was enough on the wings that you had to get it off for the airplane to be airworthy. The poor air quality from the oil and dispersants - you could taste it in the air. After being down there two to three weeks, we had trouble breathing. The animals were sick and dying and this was before the rains came down. After it rained, it got way worse. The dispersed oil was on the ground and in swimming pools. This next big proof that the oil had gone atmospheric came after the first big rainstorm came in. We were very curious and looking to see what would come down so we went along the beach row and we saw this iridescent rainbow sheen on the puddles. It was crude oil and dispersant and it was everywhere. Right after that, we noticed all the frogs had died.” – Jerry Cope, filmmaker*

## Dispersants cause life-threatening illness early on

- *"I conducted several hundred interviews. My conclusion after talking to so many exposure victims was that if you were exposed to the dispersant and working on the VOO and had pre-existing cancer, your cancer just exploded. Other people who were healthy prior to the oil spill became deathly ill due to exposure. I did so many interviews with people who worked on the oil spill and community members who were sprayed with dispersants." – Jerry Cope, filmmaker*
- *"I filmed Steven Aguinaga several times. His family lived right on the water in Mississippi and then he went on vacation with friends in Fort Walton Beach, Florida and they went swimming in the Gulf. It was a bloody nightmare. One of his best friends went home and died in short order. Steven's health deteriorated after swimming in oil and Corexit. Steven's doctor told him he had 'a new illness we've never seen before.' He was told there was 'a rare bacteria' found in his body, 'similar to the microbes that eat oil.'" - Jerry Cope, filmmaker*
- *"After picking up Joseph at the hospital two weeks later, I suffered flu like symptoms and passed out at home. A doctor did a CT scan) He came back with other doctors who said to me that I was in critical condition and my lungs were filled to capacity with blood clots. I was told that I shouldn't be able to be there talking to them because I expired at home and revived by myself... they found blood clots in both of my legs and placed me in the ICU for three days. I stayed in the hospital for two weeks because they said I had a pulmonary embolism and they were scared to release me because if I caught pneumonia I wouldn't survive." - Jamie Brown, wife of Joseph Brown, Vessels of Opportunity worker*
- *"I've reported extensively on the BP oil spill and have interviewed many oil spill workers and Gulf residents who say they were sprayed directly by chemical dispersants used in the cleanup. Although the chemical industry claimed there was a lack of health studies at the time, subsequent research has shown dispersants make oil many times more toxic and are linked to a variety of human health complaints, including respiratory, neurological, and painful skin infections resulting from their exposure. EPA has ignored its responsibility to follow up with more safety measures that properly protect workers and the environment from these chemicals. EPA owes it to oil cleanup workers like Louisiana's TJ Johnson, who told me he was constantly being sprayed with dispersants that gave him headaches and skin*



*infections. Two of his cousins later died of throat and stomach cancer, which he blames on the oil and dispersant mix. 'That's just the way it was out there,' he told me. 'We were getting sprayed all the time.'* – William “Rocky” Kistner, journalist

- *“I found Lisa Nelson at a public forum... She was sick in the bathroom and in distress. I interviewed her in the bathroom. She was the worst case I saw, and eventually so many others had similar symptoms. Her salon was right on the water in Orange Beach... she was breathing dispersant every day and it was like a bomb went off in her body. We had her see doctors. But not many people had experience with chemical illness in the area. They weren't equipped to deal with it. There is not much you can do once you are exposed, and if you continue to be exposed, it just gets worse. Many of the people who were exposed did not have access to medical care and they were absolutely forbidden to wear PPE. If you got sick, you went to one of the two BP doctors. They said you were okay and then you would be fired. They were paid generously. Lisa Nelson was a resident – not a cleanup worker. But she passed a year and a half later. She went progressively and rapidly downhill. She did not survive very long. Prior to the spill, this was a woman who was healthy. She was running a salon. She had no health issues. She was fine and dandy and this downfall due to dispersants happened in short order.”* - Jerry Cope, filmmaker

## Chronic Health Aftermath

Nearly 14 years after the Deepwater Horizon disaster, witnesses describe a litany of unrelenting chronic and deadly medical issues.

Acute symptoms of headaches, rashes, skin lesions, burning eyes, vision loss, fatigue, brain fog, itch, skin lesions and growths, uncontrolled intense cough, seizures, difficulty breathing and flu like symptoms have morphed into a medical nightmare of chronic more debilitating versions of the acute symptoms. Today, victims are suffering from suicide itch, multiple chemical sensitivities, dermal outbreaks, chronic respiratory conditions, neurological issues such as neuropathy, short term memory loss and Alzheimer's, kidney pain and failure, infertility, birth defects, ocular and sinus conditions, tumors and various cancers. Many have died.

Like so many others we interviewed, Captain Frank Howell, a Vessels of Opportunity worker, suffered from immediate and horrific health issues.

"I was exhausted. That exhaustion turned into the worst flu I'd ever had in my life. I spent two weeks in bed, unable to move or drive. I would pass out and wake up in a puddle of my own blood. My left eye had matted together. Later, doctors told me it was because my eye was hemorrhaging. Blood oozed. I was losing a pound of weight a day. Between late November 2010 and March 23, 2011, I had lost over 40 pounds. No one really knew what was going on..." - Captain Frank Howell

In recent years, some health issues have improved, while others worsened, Howell told Government Accountability Project,

"I have tinnitus in both ears. I always have a cough. I have u-veal effusion in both eyes. It is extremely rare... The confusion is the scariest part. I had trouble stringing together simple words, just had this terrible delay in thought process. And I continued on that way for about three years after the spill. I would get in my truck to go somewhere, and I would have to pull over and stop. I would just ask myself, 'Where am I?'"

Another Vessels of Opportunity worker, Theo Atkinson, suffers from a series of chronic health conditions. “I suffer from chronic rashes, neuropathy or nerve breakdowns, atrial fibrillation or irregular heartbeat, and high blood pressure. The neuropathy bothers me every day and causes my feet to hurt and tingle.”

But it has been even more painful for Atkinson to watch his wife Ashley’s health deteriorate since the oil spill. Mrs. Atkinson scrubbed the oil and dispersants off her husband’s boat every evening after he would return from removing oily boom from the Gulf of Mexico. Now at age 57, Mrs. Atkinson has been diagnosed with early onset Alzheimer’s, a condition that does not run in her family. She also suffers from chronic headaches that began during the oil spill and never stopped. Doctors recently also diagnosed her with a rare pituitary gland tumor, which could render her blind if it has to be removed, her husband said.

“...when this started, Ashley was in her early 50s....she was getting lost while driving in the car. She did not know where she was. Today, she can’t do much. She does a little housework, but she can’t stay focused long enough to do much... I still would love to know what I was sprayed with... I completely blame our health issues on the oil spill and the chemical dispersants.” --- Theo Atkinson.

Sheree Kerner, widow of Frank Stewart, a Vessels of Opportunity worker, said her husband was deep in oil and dispersants every day while working aboard a boat during the spill. Then, eight years later, he was diagnosed with a form of leukemia linked to benzene. The diagnosis was the first time either of them connected his illness to oil and dispersants. “My first emotion was outrage followed by the thought that if they knew it, then why didn’t we know it?,” Mrs. Kerner said. “I said to Frank, ‘I think BP caused your AML!’ ... Frank did not attribute his illness to working on the BP spill until that moment, just ten days before he passed away.”

Confirming their fears, some witnesses found evidence of oil spill exposure in their blood. “I believe I am the first person to do the Metamatrix blood tests that eventually other people along the Gulf did. My results were very high for multiple VOCs. It was scary high. Any nasty toxic chemical related to the oil, I had it in my system in my lungs. My test results showed hexane, hexane metabolites and octane in my blood,” said Jerry Cope, a filmmaker who became deathly ill when covering the oil spill response.

Witnesses report being unable to get a proper diagnosis and treatment for their health symptoms largely because Gulf Coast doctors did not recognize chemical illness, witnesses told Government Accountability Project. “To this day, we are both chronically ill and cannot work as a result of Corexit and doctors don’t know how to diagnose us most of the time,” said Jamie Brown, wife of Joseph Brown, a Vessels of Opportunity worker.

Dr. Gregory Funk, a retired general practice physician in Gulf Shores, Al., is an outlier. He was not afraid to make the connection:

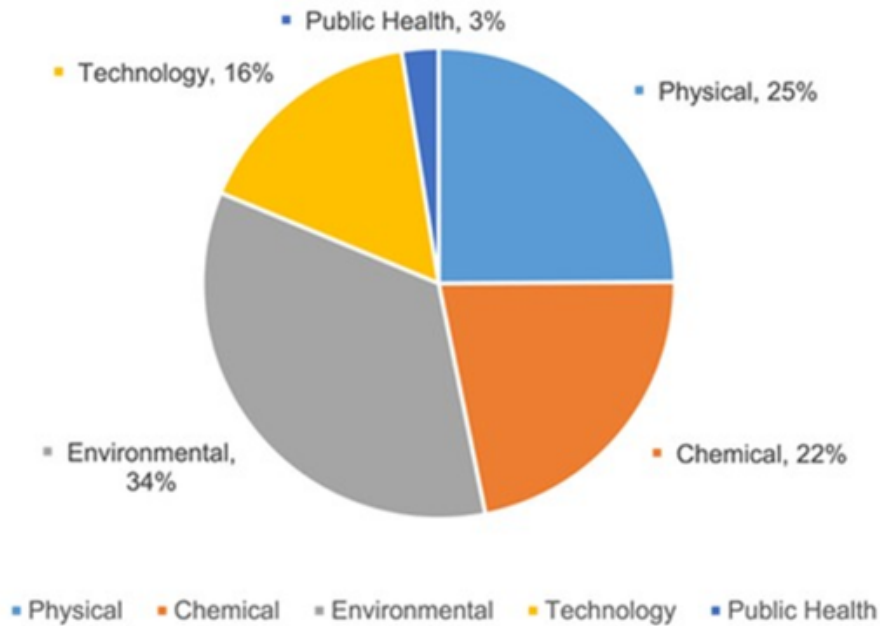
“During the oil spill and the time of the oil spill cleanup response, I noticed an increase in respiratory and dermal issues among my patients who were exposed to oil and chemical dispersants sprayed in the waterways near their homes. I also noticed some of my patients developed neurological issues and brain tumors that I attribute to oil and dispersants. I personally experienced my own respiratory issues during the oil spill response. I also witnessed oil mist in the atmosphere in the form of a haze that I saw frequently at or near the beaches... During the spill, I saw respiratory issues all the time...I also have had a number of people who have had terrible dermal conditions: rashes, boils, a sort of dermatitis, etc. But you could never make a good diagnosis. They would get these sores and they could never get it cleared up. If you didn’t know better, you would think these people were crazy because it drove some of them crazy. Some of these people would become irrational. It would itch so much and they would feel like things were crawling on them. And you could not get rid of it.”

Jamie Brown said she and her husband will be living with the health impacts of Corexit until they die. “No one has reached out to us to tell us what we need to do to get back to our normal lives,” she said. “I am 61. I have 15 grandchildren and we want to live without the stress of constant medical scares. Human lives are being ruined and it’s time something is done to help us and plenty of other people we have met who had their lives destroyed from working on the spill.”

Yet from the time the disaster began, public health has been the taboo topic that BP refused to acknowledge, a fact uncovered as early as 2011 from a Greenpeace Freedom of Information Act (FOIA) release.<sup>xvi</sup> The FOIA response included internal email discussions among BP officials who suggested steering BP-funded Gulf of Mexico Research Initiative (GoMRI) studies toward ecology restoration and away from human health. Public Health was one of five study criteria eligible to receive

the \$500 million in GoMRI funding. But the board's panel of "independent" scientists, half of which were appointed by BP, devoted fewer than 3 percent of its total grants to public health, according to a 2019 study.<sup>xxvi</sup>

Total GoMRI Publications by Theme as of September 13, 2019



Total number of GoMRI-funded publications within each research theme denoted by theme and percent of the total number of publications.

Courtesy of GeoHealth.

## Other Notable Quotes:

- *“My physical condition changed in a dramatic manner immediately after the spill... I began to notice burning eyes, shortness of breath, and other odd symptoms contemporaneous with the first usage of the experimental chemicals in the hours following the event.” – John Scott Maas, boat captain*
- *“I never encountered a single crew worker during the cleanup process, or in the months thereafter, who did not experience both immediate and long-term symptoms from their exposure to Corexit-treated floating crude oil.” – Jerry Lane Herring, Jr., Vessels of Opportunity worker*
- *“My deck hands and I immediately began to feel skin and eye irritation that I would describe as a burning sensation. We attempted to rinse away the constant exposure to the extent possible. We did not wear the same clothing day-to-day and attempted to wash away from our clothes and skin the odor and residue of the chemical disbursement that lingered on the boat and in our clothing. My acceptance of the reassurances that Corexit was safe (as BP has now admitted) proved to be life-changing, as it has left me physically debilitated and unable to do a job (now at age 57) that I absolutely intended to continue into my 70's and would have done, based upon my good physical condition and my prior health.” – John Scott Maas, boat captain*
- *“I was never warned of the health risks that came with my job. During the training, they told us we would probably not come into contact with chemicals. If I knew then what I know now, I would not have taken the job. Since the spill, I have been diagnosed with multiple medical conditions, including pulmonary, kidney issues, and heavy metal exposure. I did not have any of these conditions before working on the beaches and at decontamination stations in Florida. Health risks were downplayed during the training. Contract workers were not trained to recognize symptoms of oil-chemical exposures. Most, including me, were not even screened for pre-existing illnesses. But I trusted them and I needed the work. I had been laid off by Solutia in Cantonment, Florida in November 2008 when my division of the chemical company was sold. I worked there for 15 years. It was a very difficult time, and no one was hiring.” - Terry Odom, BP contractor safety supervisor*

- “My health took a turn for the worst in October 2010. By then, I had been working the spill almost six months. I had all those nagging symptoms – the cough, the irritation – but it all boiled down to October. My sleep worsened. My coughing and headaches worsened. The people I was working with were getting worse, too. Hell, a captain I worked with had died of respiratory arrest. I knew I had to get out of there. So, I left in October... I was exhausted. That exhaustion turned into the worst flu I’d ever had in my life. I spent two weeks in bed, unable to move or drive. I would pass out and wake up in a puddle of my own blood. My left eye had matted together. Later, doctors told me it was because my eye was hemorrhaging. Blood oozed. I was losing a pound of weight a day. Between late November 2010 and March 23, 2011, I had lost over 40 pounds. No one really knew what was going on... Nothing really helped. It kept getting worse. I bounced from doctor to doctor until I was finally referred to a neurologist. He saved my life. He specialized in toxicology. Some of the symptoms seemed in line with symptoms he’d seen of benzene poisoning... I underwent multiple treatments, including probiotics and IV treatments four times a week. I spent two years that way. It took a year for me to finally start feeling better again... Long term symptoms? I have tinnitus in both ears. I always have a cough. I have uveal effusion in both eyes. It is extremely rare... The confusion is the scariest part. I had trouble stringing together simple words, just had this terrible delay in thought process. And I continued on that way for about three years after the spill. I would get in my truck to go somewhere, and I would have to pull over and stop. I would just ask myself, ‘Where am I?’” – Captain Frank Howell, Vessels of Opportunity worker*
- “I am hardly alone in my misery. My deck hands and I all suffered rashes and growths on any skin surfaces where we had been exposed to Corexit, because there was no PPE and we were working in shorts. I had painful white warts, some as big as erasers. They’ve broken out some 20 times and continue to come back.” – John Scott Maas, boat captain*
- “The doctor then did an angiogram (in 2020) and found a large tumor. They at first thought it was connected to my heart but they found out it was attached to part of my lung so they had to remove part of my lung. I am going back to the doctor to see if I have any other nodules and Joseph has been continuing to go to the VA where they did a full body scan and found four nodules. Doctors have found several forms of skin cancer on both of us and several precancerous spots on Joseph from where he was splashed with the water containing Corexit. It angers me how you have two normal people who aren’t sick go down within a week of each other (during the cleanup).*

*Before the spill, my husband and I never got seriously sick, but after the spill we both got chronically ill. To this day, we are both chronically ill and cannot work as a result of Corexit and doctors don't know how to diagnose us most of the time. No one has reached out to us to tell us what we need to do to get back to our normal lives. I am 61. I have 15 grandchildren and we want to live without the stress of constant medical scares. Human lives are being ruined and it's time something is done to help us and plenty of other people we have met who had their lives destroyed from working on the spill.” – Jamie Brown, wife of Joseph Brown, Vessels of Opportunity worker*

- *“During the oil spill and the time of the oil spill cleanup response, I noticed an increase in respiratory and dermal issues among my patients who were exposed to oil and chemical dispersants sprayed in the waterways near their homes. I also noticed some of my patients developed neurological issues and brain tumors that I attribute to oil and dispersants. I personally experienced my own respiratory issues during the oil spill response. I also witnessed oil mist in the atmosphere in the form of a haze that I saw frequently at or near the beaches... During the spill, I saw respiratory issues all the time...I also have had a number of people who have had terrible dermal conditions: rashes, boils, a sort of dermatitis, etc. But you could never make a good diagnosis. They would get these sores and they could never get it cleared up. If you didn't know better, you would think these people were crazy because it drove some of them crazy. Some of these people would become irrational. It would itch so much and they would feel like things were crawling on them. And you could not get rid of it.” – Dr. Gregory Funk, retired Gulf Shores general practice physician*
- *“In the first weeks after the spill began, people were suffering immediate effects of exposure to oil and dispersants. Anyone going anywhere near these areas that there was oil, people were immediately talking about headaches, nosebleeds, diarrhea, feeling sick and lethargic, cough and big respiratory issues. Immediately, I was hearing these stories, and they never stopped... I saw tons of rashes and I saw plenty of people showing me rashes on their legs, necks, all over their bodies. I know lots of people whose lives were changed for the worse due to health ailments and cancers caused by the oil spill. Maybe two and a half years after the spill, already there were massive amounts of cancer among these fishing folks who were part of the Vessels of Opportunity (VOO) program, and among community members who simply lived on the coast. It made me sick, too. I remember going over to Gulfport, (Miss.) and literally if the wind blew in off the water, I got dizzy and got headaches - and this was three years after the spill. But unlike the folks that lived there, I could get away from it.” – Dahr Jamail, investigative journalist*



- *“My testimony evidences my experience as a VOO worker and how my wife, Ashley, was also exposed to oil and dispersants while cleaning my boat each day after I returned home from working offshore during the BP response. Today, both my wife and I suffer from chronic health issues that negatively impact both of our lives. Ashley has been diagnosed with a pituitary gland tumor, full blown Alzheimer’s at age 57 and chronic headaches. I suffer from chronic rashes, neuropathy or nerve breakdowns, atrial fibrillation or irregular heartbeat, and high blood pressure. The neuropathy bothers me every day and causes my feet to hurt and tingle. I am convinced that exposure to oil and chemical dispersants caused both of us to suffer these health issues. We did not get home until dark and every night, Ashley would get in the boat and scrub it down from front to back using rags and towels. She did not wear shoes or gloves. She scrubbed with her hands and brushes. I remember her knuckles. She had to quit wearing her jewelry for a while because it bothered her knuckles. They were raw and sore, and she would have reactions to her rings and jewelry. We also washed the oily rags and my oiled clothes with her clothes and the kids’ clothes. We just did not know anything was wrong. We just did not know anything different. Immediately, Ashley experienced headaches. She did not have headaches before. But since then, until now she has them every day. She started out forgetful about three or four years ago. She has memory loss. She has full blown Alzheimer’s. That’s what the doctor told us. Her grandmother had dementia at 70 plus. Ashley is 57 now. But when this started, Ashley was in her early 50s. She was getting lost while driving in the car. She did not know where she was. Today, she can’t do much. She does a little housework but she can’t stay focused long enough to do much. She is going to be applying for disability. Recently, they found a mass in her pituitary gland. They watch it. It is the gland behind your eyeballs. It is in a growing state. It is not the cause of the memory loss. This part of her pituitary, there is a good chance she could lose her vision if they have to address it. But right now, we need to worry more about her memory loss. I still would love to know what I was sprayed with. We were a long way from where they were spraying, and they were out in the morning. I completely blame our health issues on the oil spill and the chemical dispersants. I just don’t think we would be this unhealthy if we weren’t exposed. We are not drinkers or smokers and none of these issues are in our family history. I don’t think any of us are going to live a full life. It is kind of scary. We are broken because we have to fight and live every day with all of this.” – Theo Atkinson, Vessels of Opportunity worker*

- “I am 59 years old and at 57 I had double cataract surgery. I am now back seeing doctors for floating particles in my eye. I have Blue Cross Blue Shield but that does not fix my eyes. I am supposed to go back in a couple of weeks and they will decide if this thing that is floating in my eye affected the gel in my eyes. If it did, they would have to remove some of the gel in my eye. I had not one but two different types of cataracts. My eyes were damaged somewhere. I think the dispersants got in my eyes. They gave us these cheap safety glasses. But it was summer. It was bright and they expected you to wear clear safety glasses. I asked for better glasses but I did not get any. On top of my eye issues, I have been dealing with neuropathy in both feet. Every day they hurt all the time. The pads behind your toes hurt 24-7 and they are tight. Before the spill, I never had any kind of issues. I also ended up with A fib (atrial fibrillation). I’ve been fighting it ever since. I also have high blood pressure and I am on medicine for gout because one of the medicines I take causes gout. A lot of deckhands have major health issues now like kidney issues... Every time you turn around you hear about someone that should not be sick, but they are sick. We are not old but this is not caused by old age. This is not normal.” – Theo Atkinson, Vessels of Opportunity worker*
- “I have a friend who worked offshore with Corexit got so sick he had to be reassigned. One of my co-workers passed away after working on the spill and I know of a girl who was sixteen who was surfing in the water and her organs were shutting down. After that, I said no more swimming for my children. The oil was everywhere.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*
- “On November 17th, 2011, in a phone call with Toxicologist Patricia Williams, she informed me that upon reviewing my file, that I “should not have children.” That she thought I had a high likelihood of miscarriage or worse based on my ongoing symptoms and exposure to oil and Corexit. I visited Dr. Cynthia Watson on May 16th, 2012, and after doing a urinalysis she said that I still have blood in my urine, a sign of stress to my kidneys likely caused from toxins from exposure during the BP spill that my body is still coping with. I continued to have blood in my urine until 2013. I told her that my husband and I would like to start a family, and she said that I needed to wait. I have gone to great lengths to heal my body. But I still had a miscarriage in 2017. I still had a birth defect with our daughter Athena, who was born in 2013. My daughter had a single umbilical artery. I was told I have a one in three chance of having a miscarriage or having a severely malformed child. It was beyond anxiety producing. Athena had respiratory issues when she was young and she has multiple chemical sensitivity that continues to this day.*

*Both Josh and I and our 6-year-old son Jediah also have been diagnosed with multiple chemical sensitivity. Ever since my exposure to the oil spill, I am like a barometer for chemicals. It is tricky because we live in an agricultural community and we live around chemicals, and we are making our community stop using these chemicals or we will have to move. I am concerned for my long-term health. I am upset that I cannot go in the sun for the rest of my life. I have these bumps in my throat since the oil spill and it scares me. I keep thinking, 'Oh God, I will get cancer and BP did this to me, and my children will be motherless.' I go to the doctor a lot." - Rebecca Harrell Tickell, environmental filmmaker*

- *"I believe I am the first person to do the Metamatrix blood tests that eventually other people along the Gulf did. My results were very high for multiple VOCs. It was scary high. Any nasty toxic chemical related to the oil, I had it in my system in my lungs. My test results showed hexane, hexane metabolites and octane in my blood. Kathy Burns, a chemical poisoning specialist in Boston, talked me into getting the Metamatrix test. At that time, I was talking to two or three doctors and she was the only one who said that dispersants were nasty, life-threatening chemicals that cause the worst kinds of cancers. Early on, the chemical illness was widespread and horrible. You would not wish it on your worst enemy. I had a cough, fatigue, and lack of energy. I felt like I was in a fog. Once I got to Colorado, I started feeling a lot better. What I was suffering from was a kind of chemically induced pneumonia. I had a fever and I could not breathe. It was getting harder to breathe every day and I was losing my energy. All I wanted to do was to stay in bed. I did not want to do anything. My wife was going crazy worrying about me." – Jerry Cope, filmmaker*
- *"Too many of my co-workers and friends have died. The most painful for me was my life partner with whom I had lived for 11 years, Lisa Birdwell. Lisa also worked on our boat, trying to clean it as well as possible. During our relationship she had never been ill before the BP spill. Three months into the job, on July 15, she became ill and took off work for the first time ever. She died 22 days later, infested with cancer in her brain, lungs, intestinal tract and uterus." – John Scott Maas, boat captain*

# BP Playbook: False Advertising to Suppress Safety/Camouflage Government Compliance

*Maintaining public confidence through denial that sacrificed cleanup workers.*

The mantra that became the official statement of BP and its contractors misled the masses but trickled down from the top. When asked about Corexit during an interview on July 1, 2010, with PBS News Hour, Bob Dudley, the chief executive of BP during the Deepwater Horizon response, calmly asserted, "It is not far off of the toxicity levels of dish soap. And the toxicity tests show that."<sup>i</sup>

This casual denial of the dangers of Corexit was reinforced in slick BP-funded television ads beckoning people to the beaches<sup>xxvii</sup> and encouraging them to enjoy<sup>xxviii</sup> Gulf seafood. President Barack Obama instilled confidence in BP's assertions when he brought his family to Florida just four months after the well ruptured and declared<sup>xxix</sup> that Gulf Coast beaches were clean, safe, and open for business. After the oil spill, BP doled out more than \$236 million<sup>xxx</sup> in tourism grants to coastal communities, paving the way for tourism campaigns and music festivals headlining Jimmy Buffett and others.

Meanwhile, BP was executing other chapters in its playbook, according to witnesses who spoke with Government Accountability Project. This playbook included covering up the extent of the spill, hiding the dangers of oil and toxic dispersants, retaliating against those who challenged the official BP narrative,<sup>xxxi</sup> spraying dispersants at night and beyond EPA deadlines, refusing to clean up oil and tar mats, and taking steps to alter and under-report environmental data, and influence science.

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----- Original Message -----
Subject: [occ-env-med-l] Chemical Exposure Data for Gulf Cleanup
Workers Dangerously Deficient
From: Eileen Senn <eileensenn@gmail.com>
Date: Thu, July 15, 2010 7:46 pm
To: Occ-Env-Med-L <raycook@apexhse.com>

Chemical Exposure Data for Gulf Cleanup Workers Dangerously Deficient
Eileen Senn, MS
July 15, 2010

OSHA and BP continue their steady stream of sweeping reassurances that the air in the Gulf poses no health hazard to Gulf cleanup workers. Their reassurances are based in large part on their measurements of workers' personal exposures to chemicals. I find both OSHA's and BP's worker chemical exposure air sampling data to be incomplete, unrepresentative, poorly documented, untimely, and misinterpreted.

Potential chemical exposure sources in the Gulf include 1.5 to 2.5 million gallons of fresh crude each day, over 150 million gallons of crude in various stages of weathering, 22,000 gallons of fresh dispersant each day, 2 million gallons of dispersant used cumulatively, combustion products from burning 10 million gallons of crude, engine and vehicle fuel and exhaust, and detergents and cleaning products. OSHA and BP have not evaluated anticipated offshore worker personal exposures to respirable particulates, heavy metals, toxic gases, sulfur compounds, aldehydes, and Polycyclic Aromatic Hydrocarbons (PAHs).
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Figure 1

*Email copy from independent industrial hygienist, Eileen Sen, detailing the incomplete nature of BP's chemical air sampling.*

Independent industrial hygienists reviewing publicly available data raised the alarm that BP's data was "dangerously deficient,"<sup>xxxii</sup> while drawing attention to the number of benzene and Corexit (2-butoxyethanol) samples that exceeded occupational exposure limits, according to internal communications obtained through discovery. (Figure 1)

BP has faced serious criticism since 2010 from independent industrial hygienists<sup>xxxii</sup> regarding how BP's chemical exposure air sampling data is incomplete, unrepresentative, poorly documented, untimely, and misinterpreted.

However, to date, BP and BP's experts ask the court to blindly accept their monitoring data, claiming the data is the "best in the world."<sup>xxxii</sup> The underestimations in the data, combined with the lack of transparency in BP's publicly available data, has prevented critics from validating the data BP's experts rely on in their court filings to date.

### PR and Profits over Public Health

COREXIT™ EC9527A	
<b>Section: 1. PRODUCT AND COMPANY IDENTIFICATION</b>	
Product name	: COREXIT™ EC9527A
Other means of identification	: Not applicable.
Recommended use	: OIL SPILL DISPERSANT
Restrictions on use	: Refer to available product literature or ask your local Sales Representative for restrictions on use and dose limits.
Company	: COREXIT Environmental Solutions LLC 11177 S. Stadium Drive Sugar Land, Texas 77478 USA TEL: +1 (832) 851-5164
Emergency telephone number	: (800) 424-9300 (24 Hours) CHEMTREC
Issuing date	: 08/30/2019
<b>Section: 2. HAZARDS IDENTIFICATION</b>	
<b>GHS Classification</b>	
Flammable liquids	: Category 4
Acute toxicity (Oral)	: Category 4
Acute toxicity (Dermal)	: Category 4
Eye irritation	: Category 2A
<b>GHS Label element</b>	
Hazard pictograms	: 
Signal Word	: Warning
Hazard Statements	: Combustible liquid Harmful if swallowed or in contact with skin Causes serious eye irritation.
Precautionary Statements	: <b>Prevention:</b> Keep away from heat/sparks/open flames/hot surfaces. - No smoking. Wash skin thoroughly after handling. Do not eat, drink or smoke when using this product. Wear protective gloves/ eye protection/ face protection. <b>Response:</b> IF SWALLOWED: Call a POISON CENTER or doctor/ physician if you feel unwell. Rinse mouth. IF ON SKIN: Wash with plenty of soap and water. Call a POISON CENTER or doctor/ physician if you feel unwell. IF IN EYES: Rinse cautiously with water for several minutes. Remove contact lenses, if present and easy to do. Continue rinsing. If eye irritation persists: Get medical advice/ attention. Wash contaminated clothing before reuse. <b>Storage:</b> Store in a well-ventilated place. Keep cool.
Other hazards	: None known.
<b>Section: 3. COMPOSITION/INFORMATION ON INGREDIENTS</b>	

Figure 2  
Corexit safety label.

Despite scientific studies that proved otherwise - as well as health warnings on the Corexit labels (*Figure 2*) - BP and the EPA maintained that the chemical dispersants were "low toxicity." Even before the 2010 disaster, Corexit had been banned in the UK because of its potential health effects. But workers were denied personal protective gear, many were not provided proper hazardous material ("Hazwoper") training, and those who tried to protect themselves were warned it would be grounds for termination.

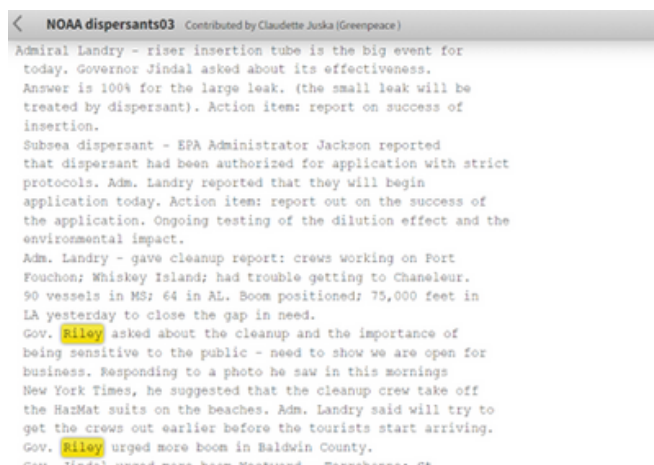
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**Nevertheless, "daily we were told that we'd be safe without PPE, and if we tried to use it we would be fired immediately," said boat captain, John Scott Maas.**

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Tourism interests overrode public safety concerns for some politicians, including former Alabama Governor Bob Riley,<sup>xxv</sup> according to internal communication records obtained by Greenpeace through a Freedom of Information Act request. In the transcript of the meeting, Riley inquired about the cleanup and stressed the importance of being sensitive to the public in an effort to show that Alabama beaches are "open for business."

"Responding to a photo he saw in this morning's New York Times, he (Riley) suggested that the cleanup crew take off the HazMat suits on the beaches," according to National Oceanic and Atmospheric Administration (NOAA) meeting notes. (U.S. Coast Guard) Adm. Landry said will try to get the crews out earlier before the tourists start arriving." (*Figure 3*)



NOAA dispersants03 Contributed by Claudette Juska (Greenpeace)

Admiral Landry - riser insertion tube is the big event for today. Governor Jindal asked about its effectiveness. Answer is 100% for the large leak. (the small leak will be treated by dispersant). Action item: report on success of insertion.

Subsea dispersant - EPA Administrator Jackson reported that dispersant had been authorized for application with strict protocols. Adm. Landry reported that they will begin application today. Action item: report out on the success of the application. Ongoing testing of the dilution effect and the environmental impact.

Adm. Landry - gave cleanup report: crews working on Fort Fouchon; Whiskey Island; had trouble getting to Chaneleur. 90 vessels in MS; 64 in AL. Boom positioned; 75,000 feet in LA yesterday to close the gap in need.

Gov. Riley asked about the cleanup and the importance of being sensitive to the public - need to show we are open for business. Responding to a photo he saw in this mornings New York Times, he suggested that the cleanup crew take off the HazMat suits on the beaches. Adm. Landry said will try to get the crews out earlier before the tourists start arriving.

Gov. Riley urged more boom in Baldwin County.

Figure 3

Many witnesses we spoke with were never provided PPE regardless of whether they worked shoreline cleanup or offshore in the Vessels of Opportunity program. In addition to being denied Hazwoper training, workers were not provided Material Safety Data Sheets or given proper warnings. BP removed safety labels from Corexit barrels as well as safety warnings from incident command centers, said Maas, a boat captain who was fired from the Vessels of Opportunity program for not falsifying a report.

BP and its contractors also regularly threatened oil spill response workers with firing if they talked to the media or the public, or took photos, witnesses reported.

“The directive came from Eagle SWS, a BP contractor, but it really came from BP. Every day, we had sixteen teams taking hundreds and hundreds of photos with GPS coordinates. But we had to stop taking photos,” said Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup.

### ***War on Media Truth-Telling***

In another effort to control the narrative, BP blocked journalists and filmmakers from entering certain work areas and speaking with response workers, witnesses told Government Accountability Project.

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**“The level of media control, disinformation, denial, and physical control was unbelievable,” said Dahr Jamail, an investigative journalist who covered the spill. “I remember at one point they even threatened to sue media workers if they went past the partitions that BP was trying to erect.”**

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Unmarked black SUVs followed truth seekers, according to filmmaker Jerry Cope. He said security personnel harassed other journalists at airports and confiscated their film. Law enforcement and private security guards Cope believes were paid by BP watched his every move wherever he and his film crew went. U.S. agencies involved in the surveillance included the Department of Homeland Security and the US Coast Guard, Cope added. “(They) were everywhere watching us. It started as intimidation and quickly became scary,” Cope said. “There were a couple of times that we felt we were in real danger - so we needed lifelines. My lifeline was Dede Gardner. I would call her once a day to let her know I was okay.”

### ***Dispersants Sprayed after Dark and Beyond EPA Deadlines***

Despite BP's efforts, media uncovered that oil on beaches was more widespread than official reports. They also discovered dispersants were regularly being sprayed at night, which BP denied, and that Corexit was used well beyond the EPA imposed deadline.

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**“They sprayed it over the water and often times it was sprayed at night,” said retired Gulf Shores general practice physician, Dr. Gregory Funk. “It became so apparent that people reported to me all the time that they saw the airplanes at night.”**

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“The Big Fix” film director Rebecca Harrell Tickell also witnessed a boat spraying dispersants at night in Gulf Shores, Alabama. The dispersants that night sickened the young filmmaker and when she resumed filming on nearby Dauphin Island, Alabama on August 13, 2010, she found more than just oil on the beaches.

“We also noticed on the dock at Dauphin Island that there were these huge stockpiles of containers of Corexit – maybe 50 to 100 containers -- and they were being guarded by some kind of security officer,” Tickell told Government Accountability Project. We wondered why they were there because by that time BP was supposed to have stopped using dispersants.”

### ***BP PR Machine Spins Seafood Safety & Causes of Animal Deaths***

When journalists exposed the truth, they often faced retaliation, said Jamail, an investigative journalist. BP and federal officials had long declared the seafood safe to each when Jamail in August 2012 wrote the story “Gulf Aquatic Wildlife Deformities Alarm Scientists.”

In the article,<sup>xxxiii</sup> Gulf of Mexico fishermen, scientists and seafood processors all reported finding disturbing numbers of mutated shrimp, crab, and fish that they believe were deformed by chemicals released during the oil disaster. The story exposed what locals were seeing: mutated shrimp, fish with oozing sores, underdeveloped blue crabs lacking claws, and shrimp without eyes.

As early as four months after the spill, BP and the FDA had been touting the seafood was safe. In August 2010, Bob Dudley,<sup>xxxiv</sup> then BP's chief operating officer,



said that authorities “wouldn’t open these waters... if it wasn’t safe to eat the fish.” He said he would eat Gulf seafood and “serve it to my family.”

So, when Al Jazeera published Jamail’s report two years later, BP wasted no time trying to discredit it. BP wrote its own PR Opinion piece<sup>xxxv</sup> and ran ads touting Gulf seafood safety.<sup>xxxvi</sup> They were quoted as saying seafood lesions were occurring in the Gulf prior to the spill and they told Al Jazeera: “Seafood from the Gulf of Mexico is among the most tested in the world, and according to the FDA and NOAA, it is as safe now as it was before the accident.”<sup>xxxvii</sup>

“Right away, BP started running radio spots and there was this onslaught of propaganda immediately across the Gulf,” Jamail said. “The lead spokesman for BP even tried to force Al Jazeera to run their Op Ed piece. They tried to discredit me. But Al Jazeera did not run the Op Ed.”

When dead animals started washing up on the beaches, BP denied any responsibility,. witnesses said.

“BP said the animal deaths had nothing to do with the oil spill,” said Kira Soroka, wildlife biologist and natural resources director advisor for a BP contractor.

### ***Cover Up Instead of Cleanup***

Workers said the BP playbook included a chapter on refusing to remove much of the oil.

“Whenever tar mats were discovered/uncovered, officials stopped the operation instead of allowing cleanup to occur,” said Les Stinson, safety supervisor for a BP contractor.

BP contractors demanded that shoreline cleanup workers dig only surface sand so as to “not strike oil.” They also were instructed to work only “for show” when the fishing boats were nearby. When hazards were uncovered, they often were ignored. Tar mats of dispersed oil offshore were not allowed to be remediated.

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**“I gave BP a graphic of all the tar mats and BP told us if I put a foot in the water to remove them, I would be fired,” said Bill Cagle, BP contractor safety supervisor. “I told them, ‘But, it’s right there.’ But they were adamant. They did not want us to clean it up. They just wanted to get out of there.”**

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BP had ways of setting up scenarios that rigged the results, witnesses told Government Accountability Project. BP contractors did “point in time” sampling, targeting patches of the beach heavily cleaned before sampling there, safety supervisor and RECON program creator Bill Cagle told us.

BP’s paid contractors tasked with air quality monitoring were discouraged from reporting dangerous volatile organic compound (VOC) readings that could show potential health harm, according to Vince Aguilar, who worked as an industrial hygiene technician for the Center of Toxicology and Environmental Health (CTEH). Aguilar said he did not receive much training on the air quality instruments, nor was he privy to the specific numbers on the handheld air monitoring device when it would detect dangerous levels of VOCs in the air.

When VOC levels spiked, Aguilar said he was instructed to inform CTEH industrial hygienists. The alarm for elevated VOC readings activated five to 10 times in Grand Isle and Port Fourchon, Louisiana, in the fall and winter of 2010, the witness said. When alarms blared, supervisors demanded that the whistleblower recalibrate the instrument, retest and recheck readings.

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**“I felt from the beginning that CTEH did not want us to find high readings on the air quality equipment,” Vince Aguilar, a former CTEH Industrial Hygiene technician told Government Accountability Project. “It was not like it was said. But they would say when the readings were high, ‘Are you sure that is what you’re saying?’”**

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Gabriel McMillan was employed as a safety officer by BP subcontractor Meyer Engineering under CTEH which contracted with BP to provide safety officers as well as industrial hygienists, according to a Huffington Post article<sup>xxxviii</sup> written by Jerry Cope. McMillan told Cope that he resigned his position with Meyer Engineering because he was not allowed to perform his duties and ensure worker safety.”

“I don't think the way they are doing the monitoring is indicative of what people are being exposed to,” McMillan told the Huffington Post.

McMillan said everything about the testing was wrong:

“The people that are working twelve hours a day seven days a week [that] the OSHA permissible exposure limits are not designed for what we are being exposed to. They don't include absorption through the skin. They don't include ingestion which happens when the particles get in their mouth or nose. They don't include when somebody gets some on their hands and they eat a sandwich afterwards. But BP is only going by that number to determine whether or not we need to up our protective equipment and/or close the beaches. They need to do 24-hour monitoring for a week at a time monitoring what the peak levels are and what the sustained levels are. I know it's not being done by BP and I don't think it's being done by the EPA.”

In another Huffington Post article<sup>xxxix.</sup> by Cope, Taylor Hood described a BP contractor's instrumentation as blatantly unable to pick up toxic chemicals. Hood, who was employed in the Vessels of Opportunity program, and his fellow crew members took a BP contractor on the Gulf to monitor the air. After repeatedly reporting negative readings when they were surrounded by oil, Taylor and his shipmates had the official place his device directly over a large patch of floating oil. The device still read “zero” on what it was calibrated to measure, according to Hood.

D. Todd Baker, biologist program manager for Louisiana Department of Wildlife and Fisheries (LDWF), found that other BP contractors were not collecting oil in their samples. Baker wrote an email<sup>xl</sup> September 27, 2010 to various Louisiana state officials, colleagues and the U.S. Coast Guard, expressing his concerns that BP contractor Exponent was avoiding oil when collecting samples offshore, documents obtained through discovery show.

“I was with the sampling team on Saturday and Sunday,” Baker wrote. “It became obvious that the protocol was not an effective means to collect samples of the oil that is present. During the first inspection, the probe “aka Swiffer” broke in the sandy soils and could not be repaired. In almost all of the sample sites, no oil was observed upon initial approach nor was it apparent during the “sorbent tapping” investigations. However, as the boat would put the engine in reverse and disturb the soils large amounts of sheen and oil would rise to the surface and spread out over large distances. The Entrix sampling team did not take many samples of the oil as it was not part of their protocol for collection. The LDWF did collect samples of this oil and would like to submit them for fingerprinting...”

John Brown with Exponent responded to the email: “...The generation of random samples of opportunity by ‘prop-washing’ was not the intent of the program...” And BP’s Matthew Guillory said, “There are many people cc’d on these emails and this is a rather sensitive topic. Can we gather a meeting or even do this by phone so there aren’t as many emails flying around?”

### ***BP Influenced Scientific Studies to Limit Its Liability***

Trying to control the public narrative was not enough. BP also put researchers on the payroll and BP attorneys had a role in reviewing scientific research about the spill impacts, *The Guardian*<sup>x</sup> reported in 2023. An internal BP spreadsheet, uncovered by The Downs Law Group,<sup>xli</sup> appears to monitor the oil giant’s review process in the publication of 29 scientific studies on a variety of topics including the spill’s toxicity and impacts on fish, birds and oysters.

The law firm also uncovered evidence that it says shows that the Australian government’s independent science agency collaborated with BP on academic studies, according to another article in *The Guardian*.<sup>xlii</sup>

The Downs Law Group has said documents it received as part of litigation against BP reveal the oil company’s lawyers reviewed and gave corporate approval to nine scientific studies by CSIRO employees, raising questions about the studies’ impartiality.

CSIRO rejected the law firm’s claim that BP “was ghostwriting” the papers. A CSIRO spokesperson said it “stands by its research” and rejected suggestions it had breached ethical standards.

“Pretending to be independent scientists, while secretly working for the oil company, BP contractors published studies, gave talks, and engaged in endless behavior to downplay the extent of the oil spill and the damages it caused to people and the environment,” said Craig Downs, founder of The Downs Law Group. “Some of these contractors who got away with this are professors at public universities.”

### ***Medical Gag Order?***

The apparent coverup extended to many in the Gulf Coast medical community, witnesses told Government Accountability Project.

“I started having respiratory problems. I went to the medic, which was an ambulance at the Grand Isle marina, and they told me that I needed to go to the hospital,” said Daniel Hatcher, deckhand, and cleanup worker for BP contractors.

“At the hospital, I was told that BP will not let them write down on paper the severity of my conditions. The doctors said they did not want anything to do with BP in a legal matter... Since my work on the spill, I have had severe bronchitis, migraines, coughing, phlegm, skin irritations, lung scarring, high blood pressure, prostate complications, liver problems and diabetes.”

BP hired doctors to treat cleanup workers, said Jerry Cope, environmental filmmaker.

“They were designated for anyone working on the beach or on the Vessels of Opportunity offshore,” Cope said. “If they experienced any kind of respiratory distress, and that happened often, there would be two or three doctors provided by BP in those two cities and you would have to go see one of these doctors. All of them would say, ‘This is nothing serious. You have a cold or chest infection.’ And then you were fired immediately.”

The doctors Cope approached at emergency rooms in Mississippi and Alabama would not talk to him about chemical illness except to say off-the-record that they were under a gag order about oil spill-related illnesses.

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**“The doctors were ordered not to have anything to do with us,” he said. “They were under orders not to discuss this under any circumstances. We did get a couple of ER doctors in Mississippi and Alabama tell us off the record that they did see a spike in respiratory conditions, and that they were instructed not to do anything about it. They were purposely not treating patients for these conditions. They would tell the patients, “You have a minor chest infection. It is fine.”**

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### ***Dispersants are Essential Element of BP/Government Coverup***

Witnesses contend the coverup only works with toxic chemical dispersants.

Witness John Maas, who continues to suffer a spate of horrific health symptoms since the spill, said the government is just as guilty as the oil companies in hiding the truth about dispersants.

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**“Dispersants must remain in the playbook used by big oil and our federal government if society is going to continue its dependence on fossil fuels,” said Dahr Jamail, investigative journalist. “After all, they are duty bound to generate profits for their shareholders.”**

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“The government’s continued shielding of oil company threats to public health and the environment is inexcusable, and there is no question it knows better,” Maas said. “The 2021 NOAA report concluded that handling of the spill was an “economic, political, scientific and legal nightmare.” How can our government allow this to happen again? We have had nearly two decades since Deepwater Horizon to accumulate stockpiles of safer alternatives. It is time for our government to start protecting the public, instead of the oil industry.”

## Other Notable Quotes:

### PR and Profits over Public Health

- *“BBC visited the cleanup site wanting to talk to some of the captains about the cleanup efforts. At this time, I had a temporary captain who took the opportunity to speak to BBC. The captain was fired as a result of this. The deckhands were told the captain would not be returning and another captain would come to replace him immediately.” – Daniel Hatcher, deckhand, and cleanup worker for BP contractors*
- *“At first PPE was required. PPE was constant. We had to wear booties for a long time. But one day, someone from SCAT came along and said that this oil is no big deal, and the PPE went away. That didn’t sit right with me because there were little kids and many people coming to the beach.”  
- Kira Soroka, wildlife biologist and natural resources advisor for a BP contractor*
- *“They [(BP)] were telling the fishermen, ‘We have jobs for you now. You can clean up the oil.’ But very few of them were given any personal protective equipment (PPE). Some people really had issues and could not work down there.” – William “Rocky” Kistner, journalist*
- *“They schooled the supervisors not to talk to the public. If they had any questions, we had to get a project manager or a supervisor.” – Mike Phillips, BP contractor Safety Supervisor*
- *“Every day during the cleanup, BP reassured us that Corexit is as safe as Dawn Dishwasher soap. They knew better. The Manufacturer’s Safety Data Sheet (Exhibit A) repeatedly requires Personal Protective Equipment (PPE) such as gloves, and eye and face protection. Exposed skin surfaces and clothes must be washed immediately. That is because as early as May 2010 the Centers for Disease Control knew and warned that Corexit could lead to chemical pneumonia if it gets into the lungs, central nervous system depression, as well as injury to red blood cells, kidneys, and liver.” - John Scott Maas, boat captain*
- *“During my first week as a deckhand, a safety meeting was held by the project head. There, the project head confirmed that Corexit would cause minor pulmonary irritations. However, I read the project head’s safety meeting notes, and noticed that a page was not presented. This*

*unpresented page stated that Corexit would cause pulmonary irritations which could lead to death. Additionally, the deckhands were told that they couldn't take pictures with their phones of their cleanup efforts, and as a result, would have their phones confiscated. The deckhands were also told that they were not allowed to talk to the media, and they were not allowed to wear face masks or respirators because it would give people the impression that there was something to fear. If they engaged in any of these practices, they would be immediately fired. Throughout my time working for different subcontractors, the safety meetings were similar, leaving out any mention of the high risks associated with handling Corexit.” – Daniel Hatcher, deckhand, and cleanup worker for BP contractors*

- *“From the first day of work, I felt unprepared. I only received two to three hours of training on May 9, 2010. Other people had to go through 24 or 40 hours. At the orientation, I felt overwhelmed. I am not an emergency responder. It was kind of intimidating. The next day after training I was instructed to go to the decontamination site in Pensacola to work.” - Terry Odom, BP contractor safety supervisor*
- *“During the cleanup, we were not told anything about Corexit at all, and we were not told how to clean up the oil that had combined with the Corexit or given the proper Material Safety Data Sheet on it. When we got to the job site... there was no equipment that we needed including: rubber boots, gloves, hazmat suits, respirators, goggles, etc. We were trained to handle this situation with the safety equipment, there was none when we got there, and BP still forced us to go out and clean up the oil. Also, every time we came back from cleaning up the oil, there was no decontamination site for the boat. There were no safe zones set up to clean up the boat and our equipment. There was no one there”. – Thomas Daniels Jr., Vessels of Opportunity worker*
- *“It was common knowledge, and it was openly talked about among the response workers the fact that we were there for public relations, so the public would think the beach was safe to visit. If I knew then what I know now, there is no way I would have taken that job.” - Terry Odom, BP contractor safety supervisor*
- *“Out in the field, we had no protections. Any given day, all I wore was a hard hat, steel toe boots, a life jacket, jeans, and a long-sleeved t-shirt. No respirators, masks, or gloves. I spent 12 – 13 hours a day that way, and at the end of it my clothes would be completely stained. We begged for equipment. Respirators, masks – anything. It felt like we were going to choke to death*



*out there. We needed something. But whenever we'd ask, we were threatened. They told us that others were waiting in the wings to take our jobs; that we were dispensable. One lady - a medic - offered us masks: N95s she had laying around, and they threatened to fire the woman. They got to her, talked to her, and she never so much as looked at us again. - Captain Frank Howell, Vessels of Opportunity worker*

- *"I was never warned of the health risks that came with my job. During the training, they told us we would probably not come into contact with chemicals. If I knew then what I know now, I would not have taken the job. Since the spill, I was diagnosed with asthma, microcytosis, which is a blood disorder, chronic kidney disease, and other conditions. I did not have any of these conditions before working on the beaches and at decontamination stations in Florida." - Terry Odom, BP contractor safety supervisor*
- *"Worley and Parsons Group, the contractor whom we worked for directly, forbade the use of the safety equipment I had purchased due to what BP described as 'photogenic negative opportunity' -- in other words, because the use of respirators and PPE suggested toxicity to the press and the public, which BP and their public relations team intended to minimize. Instead, 'we were instructed to wear clothes such as shorts and flip flops on the boats.'" - John Scott Maas, boat captain*
- *"We were threatened with immediate termination if we took pictures or spoke with the media." - John Scott Maas, boat captain*
- *"BP totally disregarded these warnings and safety standards. Instead, they removed all the safety labels from Corexit barrels, as well as all safety warnings from the incident command centers. They replaced responsible practices with the following reality for those in the VOO program." - John Scott Maas, boat captain*
- *"Daily we were told that we'd be safe without PPE, and if we tried to use it we would be fired immediately. Worley and Parsons Group, the contractor whom we worked for directly, forbade the use of the safety equipment I had purchased due to what BP described as 'photogenic negative opportunity'-- in other words, because the use of respirators and PPE suggested toxicity to the press and the public, which BP and their public relations team intended to minimize. Instead, we were instructed to wear clothes such as shorts and flip flops on the boats." - John Scott Maas, boat captain*

- *“Although it was supposed to occur daily, there was no decontamination of workers or anything else. We routinely had to drive home in our contaminated clothing with our contaminated boats in tow.” – John Scott Maas, boat captain*
- *“Hazardous materials training was shrunk from the legally required 40 hours to eight, even though many of the employees had language difficulties and no previous training or experience.” – John Scott Maas, boat captain*
- *“The beaches were open but the visitors were not warned of the dangers. Technically, Orange Beach and Gulf Shores put up double red flags if you could find them. I found one narrow sign at one point that said there may be some health risks.” - Jerry Cope, filmmaker*
- *“In many ways, the cleanup was done for appearances. A boat captain friend of mine was hired along with 26 other vessels owners to patrol just 1.3 miles of boom. The boats were bumper to bumper. It was much ado about nothing. In my opinion, the things that needed attention and concern were not given their due diligence and everything else was just a show.” - Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team*
- *“...while BP used nearly 2 million gallons of these toxic dispersants to break up and hide the oil, they told the public that dispersants were as safe as dishwashing liquid or table salt. That is what we were told at town hall meetings. Nothing could be further than the truth. At that time, I felt I was acting paranoid about my health because we were told it was safe and the beaches were clean. I now know those were lies. But those lies told by BP and federal authorities impacted my decision to go without personal protective equipment during most of the filming of our movie. I also want to testify that I witnessed a stockpile of chemical dispersants on a beach in Alabama in August of 2010, more than two months after BP promised to stop using Corexit.”- Rebecca Harrell Tickell, environmental filmmaker*
- *“The boat that I had chartered and used for the project was so irrevocably contaminated by the toxic chemical that after three failed decontamination efforts and a thorough analysis by experts retained by BP, the boat was salvaged as improper for future use of any type due to its toxic pollution. I asserted my rights, and BP had to reimburse me the full \$42,000 I had paid to purchase it. Accordingly, it has been difficult for me to comprehend how BP can take the position that the boat was essentially totaled by permanent*

*contamination from these highly toxic substances, but human beings working within the boat for an extended time were not affected, despite the well-documented medical and chemical publications that confirm the long-range risks and dangers associated with even minimal human contact with the chemicals.” – John Scott Maas, boat captain*

- *“The PPE requirements changed often and abruptly during the spill response – especially early on in the response. There was one day that we had to have on the Tyvek suits head to toe, hoods, chicken booties, everything, and it went from that to nothing in one day... And they did not explain it to anyone. This was just, ‘This is the directive for the day.’ Every day, they would change up directives as far as how you should be taking (PPE) on and off and how your tents had to be setup. They wanted it us to be known in the public that we were doing things, so we were out there in full Tyvek. But with the public all around us enjoying the beach, and then they figured that was detrimental. So, we could be in blue jeans and shirts and shoes. Sometimes directives changed multiple times a day.” - Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team*

## **War on Media Truth Telling**

- *“For three years, I covered the oil spill based out of ground zero in Louisiana, where I witnessed BP’s practices of denial and disinformation. I wrote a lot about the human health coverup and the immediate and long-term health effects of oil and dispersants on workers and community members. I also wrote about the effects of oil and dispersants on seafood... Some of my initial impressions were that I was a bit taken aback by the level of control from BP. They were keeping people from work areas and from having contact with any of the workers... BP continued this behavior of denial and disinformation in an effort to hide the enormity of the spill and its impact on wildlife and cleanup workers.” - Dahr Jamail, investigative journalist*
- *“When we went to the beach down there, the beach patrol tried to run us off. We had cameras, and they said “‘You can’t be here. You can’t talk to people on the beach.’” That is when they really went nuts – when we tried to talk to the tourists. And if we persisted long enough, a sheriff’s deputy would come. They had cameras installed at all the hotels pointed at the beach to monitor the workers. If beach cleanup workers talked to anyone, they would be fired. They had the video feed at the command center. I know this because we saw it there. The first few weeks, they had people on the balconies at the beach hotels. They had people there all day long looking for unwanted traffic on the*

*beach - anyone who they thought should not be there, anyone who was not a resident or a vacationer. Beach patrols also were tasked with making sure no one was talking to any tourists that came down there. They would run you off and threaten you with arrests if you spoke to anyone.” - Jerry Cope, filmmaker*

- *“During the oil spill, it was 100 percent no flights allowed over the Gulf of Mexico. I remember Anderson Cooper was pissed off about it. They did not want anyone flying over the Gulf while this was going on. They did not want pictures. They wanted it to look pretty. But it was not pretty. It was greenish yellow and had an iridescent sheen. Most of the water is a deep blue but where the dispersants were, it is really visible in pictures. There was this blue water and a line where dispersant had been applied. It was green, yellow, and not blue. It was definitely not natural, and it was not good. They did not want you to see it so you were risking the wrath of God to fly out over the Gulf.” - Jerry Cope, filmmaker*
- *“Frequently, we were followed by unmarked black SUVs or Sheriffs vehicles... The most aggressive thing they did was tailing us really close. I know one filmmaker; they took her tapes. Somehow, they were wiping the media at Stennis. I know a couple of people who were hassled completely and hassled by TSA at the airports.” – Jerry Cope, filmmaker*
- *“On the beaches, the local authorities were the most aggressive. They would ask, ‘What are you doing here? You have to leave.’ When we ran into the US Coast Guard on the water, when they had a BP person with them, they were very aggressive. They were armed and they meant business and if they wanted us to leave the area, it was not open for discussion. If the coast guard boats had a BP guy on there, they would tell the Vessels of Opportunity workers what they could and couldn’t do. Workers were forbidden to wear protective gear. But it was a different story when the US Coast Guard guys were alone. One time two US Coast Guard guys had dropped off the BP guy that was on their boat and they came back over and said, ‘We don’t have a problem with what you are doing, but we have to take our orders from BP.’” – Jerry Cope, filmmaker*
- *...We did find out where they were disposing of the birds and the dolphins that were coming up on the beaches. Those animals were going into a local landfill into a special section of the landfill. They covered everything up and it was very hard to do any of this stuff. The Department of Homeland Security (DHS) and the US Coast Guard (USCG) were everywhere watching us. It*

*started as intimidation and quickly became scary. There were a couple of times that we felt we were in real danger - so we needed lifelines. My lifeline was Dede Gardner. I would call her once a day to let her know I was okay. – Jerry Cope, filmmaker*

- *“The majority of our filming took place in New Orleans, LA, Grand Isle, LA, Dauphin Island, AL, and Gulf Shores, AL. We had the National Guard force us to stop filming on a public beach. They covered our camera. They did not want us to film the oil because BP was putting up billboards that the beaches were safe and open for business. BP claimed to be “making it right” and they had declared it was all cleaned up. But there was oil everywhere. The officials that we spoke with at the BP community center in Grand Isle said that it was safe to be in the areas where we were and advised that we did not need to wear respirators when on the open public beaches or on boats in areas open for fishing.” - Rebecca Harrell Tickell, environmental filmmaker*
- *“For three years, I covered the oil spill based out of ground zero in Louisiana, where I witnessed BP’s practices of denial and disinformation. I wrote a lot about the human health coverup and the immediate and long-term health effects of oil and dispersants on workers and community members. I also wrote about the effects of oil and dispersants on seafood... Some of my initial impressions were that I was a bit taken aback by the level of control from BP. They were keeping people from work areas and from having contact with any of the workers... BP continued this behavior of denial and disinformation in an effort to hide the enormity of the spill and its impact on wildlife and cleanup workers. The level of media control, disinformation, denial, and physical control was unbelievable. I remember at one point they even threatened to sue media workers if they went past the partitions that BP was trying to erect. BP backed down eventually, but that was the level at which they were trying to control the narrative. It was really difficult to get near the work sites and the workers. Once I went to a wildlife cleaning center, and they would not let you physically go there.” – Dahr Jamail, investigative journalist*

### **Dispersants Sprayed after Dark and Beyond EPA Deadlines**

- *Initially, when BP said they had stopped spraying, they did not. It was still being used because we heard reports from workers that they were still using dispersants late into the fall of 2010. They never stopped using dispersants*

*while I was there, at least until I left in November. They did scale it back, but until they finally shut down the cleanup, to my knowledge they did not ever stop using dispersants. The EPA told BP on May 26, 2010 to scale back dispersant use by 75 percent. But they did not. In late August and early to the middle of September 2010, I was able to get out onto Dauphin Island, Alabama without anyone knowing we were there, and I found the storage area for dispersants for the boats that were still spraying at night. Around the same time, we also found the storage area for dispersants that were used on flights at Stennis Airport in Mississippi. They moved dispersant operations off of Dauphin Island immediately after we were there and did the interview with the BP manager.”- Jerry Cope, filmmaker*

- *“By mid-July, BP and the federal government had said dispersants were not being used anymore. But more than a month after BP capped the Deepwater Horizon well and claimed it had stopped spraying dispersants, I reported on a cache of Corexit containers stored by an Alabama public dock that locals said was still being used to spray on oil patches close to shore. I photographed these tubs of dispersant at Bayou La Batre in August 2010. I found these giant containers of Corexit and wrote a blog about it in The Huffington Post. Often, these fishermen would tell me they would get caught in the spray. I also heard many reports of night spraying of dispersants in coastal Louisiana, which was not allowed.” – William “Rocky” Kistner, journalist*
- *“I remember when they were spraying dispersants, it had like this chemical smell, a sweet smell. I do remember it was very distinct. You could tell if they sprayed that dispersant during the night. You could smell that smell as soon as you got out of the Perdido Pass and into the Gulf. Immediately, when I was sprayed, I knew something was on me. The sting did not quit either until you took a shower. We would ask our supervisors about it, but the response was always, “What in the Hell are you talking about? We have been right here at this dock and we don’t know anything.” I felt like Parsons, which was over the VOO program, was aware of the situation and they were not telling us the whole story.” – Theo Atkinson, Vessels of Opportunity worker*
- *“BP always denied they were spraying dispersants. But they sprayed it over the water and oftentimes it was sprayed at night. It became so apparent that people reported to me all the time that they saw the airplanes at night... We live about two miles from the Gulf and when we were in town driving around, I remember there was kind of a haze in the atmosphere. I would see it and think, ‘I am glad we live over here and not at the beach.’ The haze was*

*a frequent occurrence. It happened often. I don't know how often, but how often do you see a cloud in the sky? The waves never stop. Sometimes they are bigger or smaller, but they are always rolling in and so was the oil spill haze. It's like when you wash your car and go out the next day and you see salt spray on it – that's how the oily haze was.” – Dr. Gregory Funk, retired Gulf Shores, Alabama general practice physician*

## **BP PR Machine Spins Seafood Safety/Causes of Animal Deaths**

- *“When I first started my work in 2010, I saw only a few injured birds. Then, about a year later, dead turtles and dolphins started washing up in droves. Often, the skin was peeling off the dolphins. On the worst day, I had 10 dolphins... There were adults, babies, juvenile turtles, and dolphins that died. This lasted like a month where they were washing up and then it just stopped. Still, BP denied any responsibility.”– Kira Soroka, wildlife biologist and natural resources advisor for a BP contractor*
- *“BP and federal officials had long declared the seafood safe to eat. But in August 2012 I wrote the story, ‘Gulf Seafood Aquatic Wildlife Deformities Alarm Scientists.’ In the story, Gulf of Mexico fishermen, scientists and seafood processors all reported finding disturbing numbers of mutated shrimp, crab, and fish that they believe were deformed by chemicals released during the oil disaster. The story exposed what locals were seeing: mutated shrimp, fish with oozing sores, underdeveloped blue crabs lacking claws, and shrimp without eyes. I remember facing retaliation for that story. The only time that something was directed toward me from BP was the time I wrote the seafood deformities story. It was tight. It went viral, and it was the most read story in the history of Al Jazeera, and to this day it still is. Right away, BP started running radio spots and there was this onslaught of propaganda immediately across the Gulf. The lead spokesman for BP even tried to force Al Jazeera to run their Op Ed piece. They tried to discredit me. But Al Jazeera did not run the Op Ed.” - Dahr Jamail, investigative journalist*
- *“When I was able to join the crew again on August 22nd, we had planned a boat trip off of Venice, Louisiana (Bastian Bay). Our boat captain only took us to areas that were ‘Open for fishing.’ However, we saw visible oil floating on the surface of the water - which we documented with our cameras. We interviewed the shrimpers and they said they were seeing dispersants being sprayed and huge sheens of oil out there, and the oil was still leaking and we saw shrimp that were malformed. We saw the shrimp without eyes ourselves and it was terrifying. So, what they were saying did not match the company's narrative.” - Rebecca Harrell Tickell, environmental filmmaker*

## Coverup Instead of Cleanup

- *“Every day my reports came in. I created a massive report each day for Incident Command and journalists. It would be two hundred pages long. We had a wealth of data. Then, after several months of me taking all these photos of the oil, BP wanted me to quit taking photos.” – Bill Cagle, safety supervisor and creator of the RECON shoreline cleanup program*
- *“There were only three air quality monitors for the 100-mile coastline, and the results were not shared with VOO captains.” – John Scott Maas, boat captain*
- *“I personally experienced the culture of retaliation. In July, a fire broke out on a barge used to transport equipment. I got the crew removed and the fire extinguished in five minutes. However, I was fired 48 hours later, because I refused to falsify records about what had happened.” – John Scott Maas, boat captain*
- *“I gave BP a graphic of all the tar mats and BP told us if I put a foot in the water to remove them, I would be fired. I told them, ‘but, it’s right there.’ But they were adamant. They did not want us to clean it up. They just wanted to get out of there. But I did not accept their refusal. There was this big tar mat in front of the Eden Condominiums where I lived at the time. I bugged and bugged BP to clean it up but they told me, ‘If you go in the water, you will get fired.’ So, I got a remote-controlled drone to find the offshore oil. I drove the drone out there to where the tar mat was. It was twelve feet off the water’s edge. I made a report that went straight to incident command and BP found out. So, BP reluctantly said, ‘You are going to get your boat.’ They provided me with a 57-foot aluminum Coast Guard cutter, which was too big to allow me to get near or grab the oil. BP through Eagle (a BP contractor) called and said, ‘You are not going to touch the tar mat, sample it or retrieve it in any way.’ ...Immediately after that, I was told, ‘You have been accused of sexual harassment and you are off the job.’ I was on the beach with one of my supervisors and we were walking on the beach and we were the only ones. I said jokingly to my co-worker, ‘Jimmy, did I touch your butt?’ They would not tell you who your accuser was. All I could think of at that time was, “‘You have made a mistake because you made this personal.’ I lived there and my kids swam there, and they promised they were going to clean up this oil. They just figured that the oil would sink down. I found this to be a form of fraud. It was disingenuous.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*



- *“There were times that we would tell cleanup crews, ‘Hey, this (oil) is here and get a crew out here.’ And when we returned, it was buried by the water, wind, or sand. That was kind of concerning. It was due to natural processes, but that happened a lot. We found a lot of oil onshore in the sand or buried under the sand. When SCAT teams found oil along the shoreline or offshore, cleanup crews would go into the water and try to scrape it up. But soon, removing submerged oil near shore was not allowed. On shore they could remove it if it was on shore and visible. If it was covered, they were not allowed to remove it. They did not want a whole lot of digging around on shore when there were people around... I am sure that much of the oil that was submerged near the shores was not removed. Often, I dispatched cleanup crews to oiled sites, but oil response workers never showed up and when I returned the next day, the oil had been covered up by sand, mostly due to natural processes.” – Robert Devine, Shoreline Cleanup Assessment Technique (SCAT) team worker*
- *“When I started working on the oil spill response, I was really eager to learn. It was in the early days, and I was going to do something for the environment. I was thinking, ‘I am going [DGI] to save my community and learn a lot of cool stuff.’ That was my attitude. I was really excited when I first started and then I started to see the corruption. It is hard to deal with when you have these people telling you to do certain things and you know it is not necessarily the right thing. But despite that, I did everything I could to expose the truth subtly by my reports. That is why BP is really mad, and so you know, ultimately it got to be so contentious that I left before the spill was actually over. I was put on a “do not hire list” by BP and I have not been hired by them again. I do not have a problem with that.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*
- *“...BP’s contractors were doing ‘point in time’ sampling where they would have us focus hard on a small area to really get it cleaned up and they would say, ‘Yeah, that is where we are going to sample the next day.’ They expected to find no oil there. But when they went out to sample the clean area, they still found oil. That is how much oil there was.” – Bill Cagle, safety supervisor and creator of the RECON beach cleanup program*
- *“What happens is the guys are driving along the beach in an ATV and they take an instantaneous reading of what’s going on right then and then they move on. And that is not indicative of what our people are being exposed to over the course of their work. The worst thing that could happen is for them to reduce the hazard classification and make it legal for people to be*

*swimming in it without enough research to say it's safe. Whenever I was in the army and we had a concern that there could be a health risk, we took everybody out. We removed them completely and then we determined exactly what that risk was before we let anybody back in. It seems like a money thing. They are putting that value over people's health.” – Gabriel McMillan, Huffington Post*

- *“I was pleased with the data we collected and what we reported in RECON, absolutely. But what they did with it was not at all okay because they took our data, twisted it, and changed it in so many ways it is just laughable. For example, like the Fort McRee report, where I said there was 97% (oil) coverage, and then a civil engineer came out said, ‘No, there is only 3% coverage. No remediation is necessary.’ ... They just flipped it... Basically, their thinking was if it looked good on paper, they could walk away.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*
- *“While working at Port Fourchon for Team Labor Force, I was told by my supervisors that the oil is eight inches deep and were instructed to dig less than eight inches in order to not strike oil. If we did, we would be fired. We were also instructed to only work when fishing boats were around, but to take it easy when the fishing boats were gone. This was to give the fishermen the impression that the cleanup crews were doing their jobs wholeheartedly. To enforce this, golf carts were stationed around the site.” - Daniel Hatcher, deckhand, and BP contractor shoreline cleanup worker.*
- *“We created these teams out of frustration with the existing SCAT operations and the lack of usable information since they were literally walking over most of the contaminants and leaving so much behind. The RECON program was a better way of identifying the oil that needed to be removed. I personally designed the RECON program for the Emergency Response Group (ERG) and sold it to BP... Under the RECON program, I supervised large teams of cleanup workers on the beach in an attempt to locate and remove oil that we found using a PVC grid I created to measure the find and collect the dispersant-laden oil. The oil actually was found deep under the sand, as much as thirty-six inches deep. BP did not want it cleaned up and wanted us to move along before the job was done. We documented our work eight ways to Sunday because I knew what BP was going to do: deny the oil was there. I found all this stuff and BP just wanted us to leave it. They would tell us, ‘Your crew needs to be here now. Go over here,’ and we would say, ‘But we are not done cleaning up what we found here.’” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*

- *“There were odd inconsistencies in what BP described to us, as we were repeatedly told we should not have any concerns about the ‘Corexit...’ The often-repeated description was that ‘...it’s as safe as Dawn dishwashing liquid... nothing to worry about. At the same time, and in an odd contrast, we were initially told that Tyvek type protective suits would be made available to all of us, but that due to the sudden urgency of the crisis, immediate availability had been delayed. No one on our crew was ever provided a protective suit.” – Jeffery Lane Herring, Jr., Vessels of Opportunity worker*
- *“At the time that Corexit was being deployed in the Gulf, it was already banned. It was known to cause the worst kinds of genetic mutations and cancers. However, BP and Exxon were sitting on stockpiles in Houston, and they wanted to use them.” - Jerry Cope, filmmaker*
- *“(NASA scientist Ira Leifer) also figured out how they were faking the flow rates from the oil gusher. All the flow rate feeds BP had for their team were high definition. But BP had a low-resolution video camera that was used to release video to the public and the images were so degraded that you could not figure out the flow rates. Ira figured it out. When he asked BP about the high-resolution film, BP said ‘We are not going to show you because we don’t want you to know.’” - Jerry Cope, filmmaker*
- *“If we failed at finding anything out there, we succeeded. But if we found something, we failed. They did not want us to find anything. I know that is a profound statement. But when we found a tar mat, we would be moved to another area. It was understood, ‘Don’t do an extensive search. Don’t look into it deeply. Don’t see how much is there.’ Our job was to go out and pick up any tar balls we found and look for tar mats. Normally we would find areas that were thick with tar mats that had washed up on the beach and were up on the shelf of the beach. Sometimes we found a lot. I mean we are talking at least hundreds of pounds of tar mats. We would get called off of them, and we would go back to the area the next day. Whatever they did with them, we don’t know. And we were not allowed to go back into those areas and get the tar mats off of them.” - Les Stinson, safety supervisor for BP contractors, member of BP Safety Consulting Team*
- *“I devoted the next few years advocating awareness about the health and environmental dangers of Corexit... I felt that Frank and I were educated and if we did not connect the dots between his illness and subsequent death to BP, then the communities in the lower parishes probably had not as well... I called my activism “Disappearing Victims” because it appeared to be BP’s*

*strategy. By lumping everyone into the latent injury basket to be dealt with 'later,' they would simply die off as the government and the public lose interest and move on. The government and BP know that chemical exposure causes cancer and other diseases, and the use of Corexit creates a delivery system for the toxic chemicals to go straight into our cells. This is known through scientific evidence and even verified by BP's lawyers' own admission in court." - Sheree Kerner, widow of Frank Stewart, Vessels of Opportunity worker*

### **Medical Gag Order**

- *"There was no support for health-related issues. We did not have a place to report conditions and get help, and workers were fired immediately if they raised concerns at morning meetings." – John Scott Maas, boat captain*
- *"BP provided direct funding to any research or any scientific organization in the Gulf region, especially if they were involved in any medical research. Any place they could spread the wealth they did and it put a complete lid on everything. Basically, you were dealing with an organization that combined with the local, state, and federal agencies and combined with BP and there is no rule book. It is whatever achieves their perceived immediate short-term goal - that is what they are after." – Jerry Cope, filmmaker*
- *"There were a few designated physicians along the coast – so for example if you were in Alabama, they would be in Orange Beach and Gulf Shores. They were designated for anyone working on the beach or on the Vessels of Opportunity offshore. If they experienced any kind of respiratory distress, and that happened often, there would be two or three doctors provided by BP in those two cities and you would have to go see one of these doctors. All of them would say, "This is nothing serious. You have a cold or chest infection." And then you were fired immediately. This happened to so many of the workers. John Bean was one of them. BP had designated physicians so anybody who was working anything related to the spill and they were on the payroll, and they complained of any health issues, they were sent to specific physicians and then they were fired." – Jerry Cope, filmmaker*
- *"...the hospital administrators would not talk to us at all. The doctors that would talk off the record, it was pretty clear that they were afraid to talk." BP came down hot and heavy on all the medical doctors. All the doctors that administered the Metamatrix blood tests for volatile organic compounds (VOC), all of these guys had the wrath of God reign down on them, especially*

*sin Louisiana. If you choose to take on the oil and gas industry, well they like to set examples of you. They wanted you to know, 'This is what is going to happen if you cross us.' There is nothing they won't do. It sounds incredibly unbelievable until you actually get in the middle of it." – Jerry Cope, filmmaker*

- *"...I started having respiratory problems. I went to the medic, which was an ambulance at the Grand Isle marina, and they told me that I needed to go to the hospital. At the hospital, I was told that BP will not let them write down on paper the severity of his conditions. The doctors said they did not want anything to do with BP in a legal matter... Since my work on the spill, I have had severe bronchitis, migraines, coughing, phlegm, skin irritations, lung scarring, high blood pressure, prostate complications, liver problems and diabetes." – Daniel Hatcher, deckhand and cleanup worker for BP contractors*

### **Dispersants are an Essential Element of BP/Government Coverup**

- *"I had several conversations with former EPA Administrator Lisa Jackson... I specifically asked her about the dispersant issue and she did not answer me directly but I know she initially banned it all together. She tried to put the kibosh on Corexit. But that night after she made that order, she was called to the White House and she was told the Coast Guard was answering to Obama and BP, and specifically to Tony Hayward. That same day she made that decision, her decision was reversed that night. Later, she managed to put a limit on dispersant use and then got to stop order of using dispersants altogether, which they did not do – and I documented that. But Lisa cared. She grew up in New Orleans and this was her backyard. I have a lot of respect and admiration for her. This was something she just could not control. The U.S. government was not going to play ball with BP and so they let them do whatever they wanted... The truth is the Obama administration gave them a license to kill." – Jerry Cope, filmmaker*
- *"At that time, most of the fishermen were shut down. Their catch was either covered in oil or if you cut it open it was full of oil. There was no seafood out of the gulf that you would want to eat as a human at that time. The seafood was all contaminated as the oil bioaccumulates in the fish. It works its way up the food chain. It is astounding the resources they devoted to making this oil spill more toxic. If BP and our federal government agencies and the US Coast Guard dedicated their resources to addressing the oil spill in a proactive manner, the situation would have dramatically been improved. It*

would not have resulted in all these dire consequences to the people and the animals and the environment... Unfortunately, the U.S. government did everything they could to protect BP and BP's interests." - Jerry Cope, filmmaker

- *"One night we went down to the beach in Gulf Shores and there was a boat that was spraying dispersants. That was the beginning of me getting really sick and that was the beginning of me realizing I had to get out of there. On August 13, 2010, we continued filming in Dauphin Island, Alabama. We found more oil on the beach public beach. We also noticed on the dock at Dauphin Island that there were these huge stockpiles of containers of Corexit – maybe 50 to 100 containers - and they were being guarded by some kind of security officer. We wondered why they were there because by that time BP was supposed to have stopped using dispersants. I got a bad headache, burning eyes, sore throat, and an earache. A local resident drove us on his four-wheeler down the beach and we interviewed another BP representative on the beach. When I asked him if there was oil on the beach, he said "no",' however with our camera we were able to document that there was oil all along the entire beach and that residents were being allowed to swim in the water. On our way home from that film shoot, I began to feel very ill. The next day, August 14, I had to stay in bed sick and remained sick for approximately one week with flu-like symptoms and an upper respiratory infection."*  
- Rebecca Harrell Tickell, environmental filmmaker
- *"In Britain where Corexit is manufactured, the government has banned its use but permitted its export. It has caused tragedies in the U.S. because the Environmental Protection Agency (EPA) approved its use, and our military agencies such as the Coast Guard supplied the aircraft to poison the coast and all who were trying to control the spill. This wasn't the case initially, as EPA had rejected Corexit's use after the spill. It acted based on the record of health and environmental hazards when Corexit had been used for the Exxon Valdez spill. EPA also had approved safer alternatives to Corexit. But it blinked and teamed up with BP to disperse some 1.8 million gallons when BP said there aren't alternate supplies available. This is not credible since there had been 21 years since Exxon Valdez to build up stockpiles of safer dispersants." – John Scott Maas, boat captain*
- *"I am not surprised that Corexit has not been banned. Of course, it has not changed. The oil and gas industry's worst nightmare is to have the oil remain visible for many years. It would be a PR disaster to have the next giant oil spill – and it is not if but when – to have it remain visible for perpetuity. It*

would be the worst PR disaster and then they really would have to compensate people for the human health costs and that would really tank the oil companies. Working as a journalist, I am fully aware that the federal government does things to spin things and corporations do the same thing. They will say, 'Yes, this accident happened. But we responded properly. We cleaned it up. Now everyone go back to sleep.' That is the narrative, and it flies in the face of reality. But it does not matter when you have unlimited money and you can steer the research money toward the studies you want. By now, they probably got a lot better at it. Dispersants must remain in the playbook used by big oil and our federal government if society is going to continue its dependence on fossil fuels. After all, they are duty bound to generate profits for their shareholders." – Dahr Jamail, investigative journalist

- "In 2015 the EPA proposed a regulation for Corexit and other dispersants, and in 2022 a court ordered EPA to publish them after seven years delay. But those regulations are milk toast rules that will not end or even control the use of Corexit. They merely require more research, adjustment of standards, advance warnings of dispersant use, and other background improvements. BP and any other oil company will still be free to use Corexit the next time there is a spill." – John Scott Maas, boat captain
- "I am no longer a journalist, due in large part to what happened during the Deepwater Horizon disaster and the fact that nothing has changed despite a growing body of science affirming the dangers of chemical dispersants used in oil spills. It was heartbreaking, and it was frustrating. Seeing all these good salt-of-the-earth people trying to do what is right for the seafood and their livelihood, the ecosystems, and their families. These people are just fucked. There is no government agency to protect them. Everything is stacked up against them. The only justice that would come to them is through private lawsuits, and this is going on in perpetuity. The scale of this disaster coupled with the knowledge that there will be more oil spills and that this is the playbook, is disheartening... You are talking about millions of people impacted and things have not changed, and it is not going to change. This was one of the biggest coverups in U.S. history." – Dahr Jamail, investigative journalist

# The Pollution Gift That Keeps on Contaminating

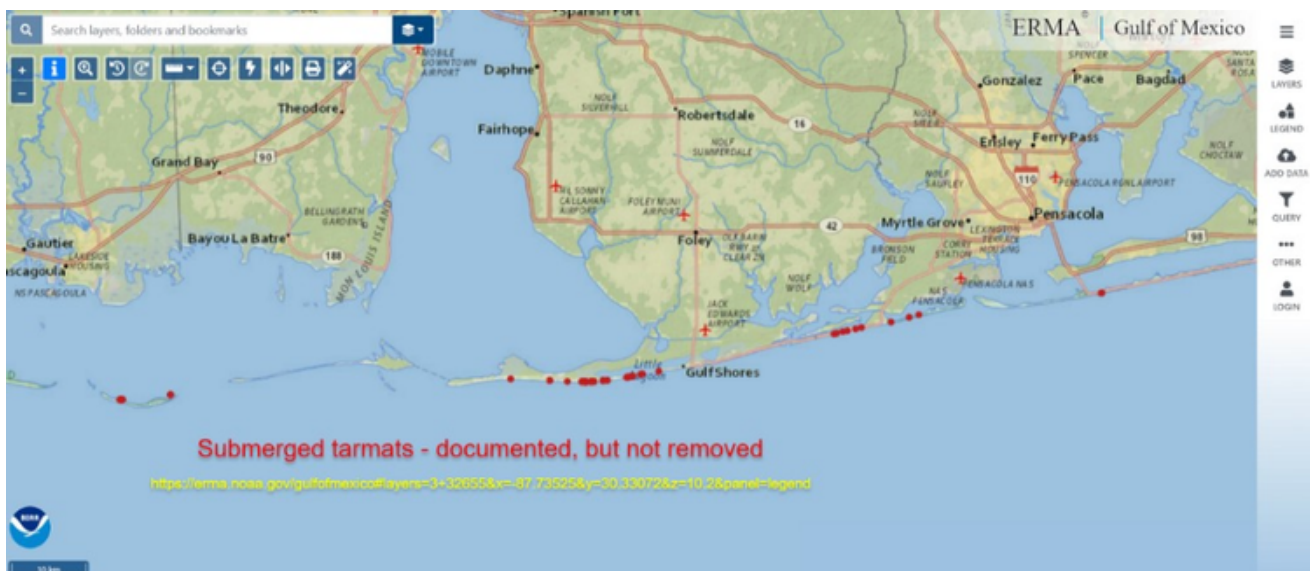
***Tar mats offshore, oil still washing up on beaches, dispersed oil waste hauled to nine household landfills across the Gulf Coast.***

Almost 14 years after the accident, much of the Corexit-laden oil remains in the environment. Dispersed oil continues to threaten the Gulf Coast, its residents, and tourists today in the form of submerged tar mats offshore that BP never removed and oil washing up on beaches after storms, lining shorelines and threatening public beachgoers and swimmers.

Additionally, in a little-known case of environment injustice, the EPA allowed BP to dump at least 40,000 tons of Corexit-laden oil spill waste into nine municipal landfills designed for household waste along the Gulf Coast, according to a 2010 Color Lines article.<sup>xliii</sup> A year later, the total amount of oil waste disposed on land had swelled to over 626 million pounds, or 313 million tons, the EPA Office of Inspector General (OIG) estimated in its September 2011 report.<sup>xliv</sup>

Could this dispersed oil waste be a ticking time bomb that threatens to breach the liners of municipal landfills from Louisiana to Florida, eventually infiltrating drinking water aquifers that flow beneath?

Like the oily waste in landfills, much of the dispersed oil that sunk after mixing with nearly 2 million gallons of Corexit, remains buried, according to multiple witnesses as well as an interactive map created by NOAA.<sup>xlv</sup>



Courtesy of ERMA.NOAA.gov



The dispersants sunk the oil making it impossible to eradicate from the environment, allowing BP to declare that most of the oil was gone. But whistleblowers contend BP refused to remediate much of the oil that washed up on beaches and sunk to the seafloor. Some of these tar mats are massive, witnesses told Government Accountability Project.

“During the DHOS response, I worked as a health and safety officer, contracting through Gulf Restoration,” Cagle said. “My testimony details my observations about working as a BP contractor during the oil spill cleanup during which I attempted to get BP to remove multiple tar mats, but they refused. There are about 38 massive tar mats off the Gulf Coast but none of them were removed, causing an ongoing public health issue today.”

Boat Captain John Scott Maas has seen many of the tar mats and he knows they are plentiful.

“The public health threat persists,” said Maas. “Corexit oil is still on the shores of islands throughout the Gulf coast and remains an ongoing threat to visitors and recreation. At most, about 10% has been recovered. The oil has hardened into tar balls that are in the form of charcoal briquettes, some as large as cars.”

“To this day, I don’t eat Gulf seafood,” said Investigative Journalist Dahr Jamail. “Personally, I would not eat anything out of the Gulf. We saw how much oil there was, and the dispersants are toxic. I think that the entire basin is destroyed. Dispersants only make the situation worse. When you sink the oil, it is out of sight and out of mind. It does not mean that it is gone. I have seen a storm roll through, and a giant tar mat was exposed 10 meters long. It is out there, and it is not going away. So, it makes sense that people continue to get cancer. It is in the system. The question is, ‘How many decades will it take to go away - not years, but decades?’ If you are trying to clean up the ecosystem, sinking it is the worst thing you can do. It can’t be cleaned up.”

Questions also loom about the legality and EPA oversight of the dumping.

Emails obtained through a Freedom of Information Act request<sup>xlvi</sup> show that the EPA as early as June 30, 2010, largely left it up to BP and its paid contractors to determine if the waste being hauled to landfills was hazardous. In a June 3, 2010 email, “Waste Discussion with Administrator Jackson,” Nancy Jones of the EPA wrote: “After seeing how the oily debris is being managed, I think she felt comfortable with things. We agreed on a few points: We do not need to have a

bunch of extra EPA personnel or EPA contractors inspecting the waste staging sites – however, we will have our field folks stop by the staging sites periodically to verify that the waste plan is being followed and the sites are being maintained appropriately. We will collect a few samples of waste and run TCLP analysis<sup>xlvii</sup> on it to verify that the dispersant has not made the waste hazardous. However, if the samples pass TCLP – we will just monitor BP’s analytical results and not collect any more samples ourselves unless BP’s data changes and shows anything of concern.”



*Oil on Dauphin Island, AL. in 2021  
Curtesy of Lesley Pacey.*

One week later, James Michael, chief of EPA's Waste Characterization Branch, Materials Recovery and Waste Management Division Office of Resource Conservation and Recovery, wrote an internal email that the TCLP results on the dispersed waste were "well below TCLP regulatory levels," thus allowing BP to largely conduct its own sampling without EPA interference.

Also, our investigation found that enforcement of federal regulations designating oil and gas exploration and production as nonhazardous cannot withstand scrutiny. Those regulations allow waste that is deemed non-hazardous to be disposed of in municipal landfills at a much lower cost than toxic waste landfills. These interpretations cannot coexist with the laws passed by Congress. The Resource Conservation and Recovery Act (RCRA)<sup>xlviii</sup> prohibits *spilled* oil and gas waste from being deemed nonhazardous.

"... soils contaminated by spills of wastes that are not uniquely associated with production operations, such as soils contaminated by mercury from gauges, are not exempt wastes...."

Additionally, the RCRA exemption does not apply if a hazardous waste like Corexit is added to an oil waste that RCRA previously exempted, according to the September 26, 2011 EPA OIG report, "EPA Should Clarify and Strengthen Its Waste Management Oversight Role with Respect to Oil Spills of National Significance."<sup>xlix</sup>

What's more, the OIG Report found that EPA could improve its response to future Spills of National Significance. At the time of the spill, EPA did not have adequate waste management guidance for a spill of this magnitude. In part, this was due to the fact that oil spill response regulations do not specifically address Spills of National Significance, as well as incomplete response plans. The report found that EPA fell short of its own goals for waste management oversight and did not conduct oversight for all states and facilities that received waste and that EPA's lack of planning and transparency on its decision to manage the oil spill waste in a manner different than provided by guidance resulted in staff confusion, frustration, and inefficiency.

A witness who helped design the RECON<sup>1</sup> program to deep clean Gulf of Mexico beaches told Government Accountability Project that the waste collected on the beaches never was screened for toxicity.

“I know the waste we collected was not sampled and tested (for toxicity) before it went to (municipal) landfills,” said Bill Cagle, BP contractor safety supervisor and creator of the RECON program for shoreline cleanup. “It did not happen – not to my knowledge. None of the samples were sent off at least in Florida where I was, because we bagged and weighed everything... and that was the extent of it. The waste was double bagged and sealed and when I saw them going off to the landfill, I saw the bags had not been opened and they had not been tested.”



*Oil on Dauphin Island, AL. in 2021  
Courtesy of Lesley Pacey.*

## Other Notable Quotes:

- *“There were submerged tar mats off the shoreline. The worst one I saw was around Perdido Pass (Alabama) east of the state park about a half a mile down, right around the state park pier. The tar mat was 150 yards offshore of the jetties. It surfaced when we had an east wind, and then would get covered back up. It would disappear from the public eye... I personally saw one tar mat offshore at Perdido Pass in 10 to 12 feet of water that was 25 to 30 yards wide. It stretched north to south 20 yards. I don't believe anything was ever done with it. In Spring, longshore current in the Gulf uncovers them.” – Mike Phillips, BP contractor safety supervisor*
- *“The oil and dispersants often aerosolized, leaving a sticky substance on cars, homes and even fishponds. Weathered tar mats resurfaced as well. That was pretty common all the way through the three years I was there. Oil mist was such common knowledge especially in the first couple of years. There was this couple in Mississippi, near Gulfport, and they told me, ‘Here, look at the windshield, its coated with oil, and it’s on our cars, our neighbors’ cars, its everywhere.’ They had a small fishpond in their front yard and it was coated with this stuff too and it killed their fish. Other Gulf Coast residents showed me massive tar mats that washed up in warm weather or after storms. It looked like peanut butter in color and consistency.” - Dahr Jamail, investigative journalist*
- *“During the DHOS response, I worked as a health and safety officer, contracting through Gulf Restoration. My testimony details my observations about working as a BP contractor during the oil spill cleanup during which I attempted to get BP to remove multiple tar mats, but they refused. There are about 38 massive tar mats off the Gulf Coast but none of them were removed, causing an ongoing public health issue today.” – Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*
- *“We were bringing in the tar mat in front of Eden Condominiums. We took out a small portion of the tar mat for the media. We had a large excavator bucket filled with chunks of oil that were 18-inches thick. We roped off the area and put the chunks of tar mat on a tarp. We also had someone who was testing the tar mat at a lab. I think BP realized how much oil there was there so they pulled the plug on the operation. Most of the oil left behind was under the sand and it could not be seen unless the sand washed back away from the water. Tar mats also were covered with sand. BP was allowing the*

*sand to build up and they hoped it would just go away. There are many tar mats at Sugar Island and Fort McRee. This is where we played with our kids all the time.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*

- *“I know the waste we collected was not sampled and tested (for toxicity) before it went to (municipal) landfills. It did not happen – not to my knowledge. None of the samples were sent off at least in Florida where I was because we bagged and weighed everything... and that was the extent of it. The waste was double bagged and sealed and when I saw them going off to the landfill, I saw the bags had not been opened and they had not been tested.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*
- *“I have a photograph that day when they when we found all this oil in Fort McRee and the senior vice president BP was standing proudly with the team that found it and it shows a tar mat almost as big as half of a basketball court. It was just this solid mass. They only cleaned up like 5 percent of the oil mats on Fort McRee, but in general it was more like you know 75 to 80 percent (of the oil) was removed onshore. However, they would not let us clean up the tar mats offshore. They kept tar mats away from me offshore because I was onshore and when they saw how detailed I was on shore, they certainly did not want me offshore.” - Bill Cagle, safety supervisor and creator of the RECON program for shoreline cleanup*

## Justice Denied

Despite the ongoing public health crisis among exposed populations along the Gulf Coast, there is still no legal justice for countless victims of America's largest environmental disaster.

It is estimated that millions of people suffered toxic exposure during the spill and subsequent response. However, only 5,118 victims were allowed to file to have their cases heard in a court of law. Due to overly strict legal requirements that force plaintiffs to quantify a dose of exposure to a certain chemical as well as the lack of environmental and biomonitoring data on workers<sup>li</sup> needed to prove health harm, BP has so far been successful in its scorched earth objective of squashing plaintiff claims.

Due to victims' inability to match<sup>lii</sup> the efforts and resources of one of the most powerful corporations in history, the struggle for justice has largely been thwarted. Over the years, an estimated 4,600 of the original cases have been dismissed. Today, the last few hundred plaintiffs are still fighting for their day in court. Today, not a single victim has been granted the option of having their voice heard by a jury of their peers. Many have died waiting for justice that never came.

So far, just one victim, John Scott Maas, a Vessels of Opportunity cleanup worker, has won his case against BP after moving the case outside the Multidistrict Litigation (MDL-2179) courts to his home court in Tennessee - thus removing the burden of quantifying a dose of exposure.

"I found dedicated, outstanding attorneys to represent me from the family law firm headed by William Burger," Maas said. "BP aggressively contested virtually everything I have summarized above. BP hired doctors who never saw me to say that I had not been significantly harmed. The medical experts called by Mr. Burger, who worked with me extensively, made their asserted conclusions look embarrassing... BP's lawyers wisely decided to settle on favorable terms to me, rather than allow a judge and jury to assess our comparative credibility."

Most plaintiffs' chronic health cases have been dismissed.

After working with several attorneys and fighting the oil giant pro se, former BP contractor safety supervisor Terry Odom, recently reached a dead end in her arduous battle against BP. In recent months, she spent much of her time researching the chemicals that wreaked havoc on her body and learned all she

could about proving causation. She filed legal briefs on her own behalf and attended her first pro se hearing in October 2023. A month later, she joined a growing number of BP plaintiffs whose cases had been dismissed. It was impossible for her to prove a dose of exposure to the chemicals due in large part to the fact that BP only collected environmental data that showed low to zero exposures of chemicals of concern.

“I have been with and without an attorney,” Odom said. “For me personally, acting as a *pro se* plaintiff is not really fun. But when you do not have someone who is willing to advocate and fight for your legally, you learn how to survive as best as you can until ‘good’ help comes your way. Today, I am hoping and praying that I and other BP oil spill victims will get justice. I have to say a lot of prayers right now. I have been through some dark days. I have to believe things will get better.”

Other victims like filmmaker Rebecca Harrell Tickell point to conflicts of interest on the bench. A portion of her film “The Big Fix” spotlighted then U.S. Senator David Vitter’s oil and gas connections. She became ill while filming along the Gulf Coast after the Deepwater Horizon disaster. Ironically, the judge who ruled on Tickell’s BP chronic health case was Vitter’s wife, Wendy.

“I am angry that despite proof of exposure and the documentation that links my health issues directly to my exposure, I, as well as other victims of this spill, have been unable to get a fair court hearing and justice for the harm that was caused...,” Mrs. Tickell said. “I had a case against BP for my chronic health issues, but Judge Wendy Vitter dismissed it. Judge Vitter and her husband David Vitter are heavily financed by oil and gas. I wish there were an honest jurisdiction that would look at the facts of my case and other cases and rule on them honestly.”



## Other Notable Quotes:

- *“I am extremely frustrated with the legal profession and lawyers who behaved like used car salesmen, pressured me to engage in unethical behavior, or engaged in fraud against the courts as BP lawyers did when in a filing, they added contradictory text to my own statement. My protests convinced the judge to remove them from the case. I had to represent myself pro se for a period, and from that context managed to get my case moved to the Middle District of Tennessee and a fair judge. I found dedicated, outstanding attorneys to represent me from the family law firm headed by William Burger. BP aggressively contested virtually everything I have summarized above. BP hired doctors who never saw me to say that I had not been significantly harmed. The medical experts called by Mr. Burger, who worked with me extensively, made their asserted conclusions look embarrassing... BP’s lawyers wisely decided to settle on favorable terms to me, rather than allow a judge and jury to assess our comparative credibility.”*  
– John Scott Maas, boat captain
- *“In 2011, six other individuals and I filed nearly identical motions against BP Exploration & Production, Inc. et al. for cases arising out of the oil spill. These claims were joined together because they were comprised of ‘claims for personal injury and wrongful death due to exposure to oil and/or other chemicals used during the oil spill response.’ However, the Defendants Motions in Limine to Exclude the General Causation Opinions of Plaintiffs’ Expert, Dr. Jerald Cook and Motions for Summary Judgment Due to Plaintiff’s Inability to Prove Medical Causation were granted. In 2016, I suffered from internal stomach bleeding. My heart also stopped and I had to be resuscitated.”* – Daniel Hatcher, deckhand, and cleanup worker for BP contractors
- *“My biggest disappointment was that BP kept telling us how essential we all were, and how they were going to take care of us. We were all sick and BP was telling us this. But what did we receive? Nothing. We were screwed. We received no financial compensation for anything. Not a cent. Zero... Not to mention, legal compensation has been made impossible. Every time we survivors come close to a remedy; the courts raise the bar. You see it with the bar they’ve set for the expert witnesses, and the amendments to toxic torts. Christ will one day litigate this for me.”* – Captain Frank Howell, Vessels of Opportunity worker

- *“The lack of relief and remedies for victims allows corporations to push the true cost of their service onto unsuspecting victims and their families who have to pay in in loss of quality of life including life itself, loss of employment and earning means, and the loss of love, affection, and support. The taxpayers also pick up this cost in health care and social services. The oil industry’s blood money is causing our politicians to remain silent. They should be made to pay the true costs of their service by adhering to a higher level of safety standards that cover the protection of all animals and the environment, beginning with banning Corexit. They should also be made to compensate victims for the damages they suffered so that the corporations could clearly see the true costs of their service which would cause them to reconsider their unsafe practices. It just feels very evil, and I do not understand how people can just look the other way.” - Sheree Kerner, widow of Frank Stewart, Vessels of Opportunity worker*
- *“[Judge] Vitter said in the ruling that I did not prove causality. How can they say I did not prove my exposure to oil and dispersants caused my health issues when I had letter from a dermatologist that said I had tar smarting? That diagnosis links my skin issues to my exposure to the oil spill. I do not think that they really considered the actual facts of my case and it did not feel honest. It felt like there was not a commitment to justice but rather a commitment to sweeping it under the rug. They should have had someone rule on the case that was impartial. I knew from the moment who the judge was that we were not going to get a fair ruling and it does not feel like justice was served. Having the person who is receiving the paycheck from oil and gas and chemical companies deliver the verdict, which is a direct conflict of interest. When they told us dispersants were safe, knowing they were not, that was the first form of gaslighting. Now that people are sick with no way to prove exposure, which is another form of gas lighting. When is it going to stop? BP had this whole campaign where they said they would make it right. Those were just words.” – Rebecca Harrell Tickell, environmental filmmaker*

# EPA's New Rules

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## An Opportunity to Make It Right

Relating to the Policy & Science of Oil Spills,  
Dispersant Use & Human Health

***Dr. Riki Ott, PhD, Director of The ALERT Project, a project of Earth Island Institute***

*This is an excerpt from the full report which you can find [here](#).*

### **Executive Summary**

This report concerns EPA's final rules governing use of dispersants (and other products) to mitigate harm from oil spills, effective on December 11, 2023. The final rules revised Subpart J of the National Contingency Plan (NCP), which was established under the Clean Water Act to "provide for efficient, coordinated, and effective action to minimize damage from oil and hazardous substance discharges..." [33 U.S.C. § 1321(d)(2)].

The revisions are substantial—and for good reason. The last major overhaul of Subpart J was in 1994, thirty years ago, in response to the Oil Pollution Act and the Exxon Valdez oil spill. EPA's current standards address persistent gaps and deficiencies in its 1994 implementing regulations that were identified in the aftermath of the next major maritime oil spill, the 2010 BP Deepwater Horizon oil disaster. As Admiral Thad Allen, the lead federal On-Scene Coordinator at the time, succinctly put it, "the social and political nullification" of the NCP by the oiled Gulf Coast states undercut the efficiency, coordination, and effectiveness of the overall response.

This report analyses EPA's current standards to determine if the revisions address three gaps and deficiencies in the previous implementing regulations, namely:

- the need to find less toxic and more efficient products (in Part I Testing & Listing Rules);
- the need to fill a critical gap in national preparedness by building out first-level local/state involvement in and capabilities for oil spill response (in Part II Authorization of Use Rules); and
- the need to address the human dimensions—the toxic impacts—of oil spills, which have historically been viewed as environmental disasters, affecting nature (in Part III Transition Period Guidelines).

performance-based duty to determine what quantities of products can be used safely in waters or with oils of intended use, as summarized in Table 1 at the end of Part I.

Further, the general information required for listing increases transparency and accountability that collectively shift the burden of liability to manufacturers and plan holders to support fulfilling these mandatory duties. Holding these parties responsible for the consequences of product use increases the likelihood that products will only be used as intended to avoid costly consequences.

In Part II, we found that revised authorization of use rules provide the authority to strengthen state and local involvement in planning the geographic-specific details that are unique to Area C-Plans and that provide the foundation for an effective, efficient, and coordinated response. To accomplish this in practice, however, EPA relies on cooperation with states to conduct area specific testing to fulfill this duty, as it has in the past, unsuccessfully.

To determine whether the 2023 regulations would address the gaps and deficiencies in the 1994 regulations, we reviewed the history and relationship of citizen involvement in oil spill disaster preparation and response, specifically in Area Committees and Regional Citizens' Advisory Councils (authorized in the Oil Pollution Act), from the context of the National Response Framework and the National Preparedness System.

From our review, we found that the authorizing statutes in OPA established a three-level framework that distributed the responsibility (power/authority) of decision-making among oil spill planners and responders across all three levels from local/state to regional to national. However, in practice, the primary function of Area Committees (a first-level entity)—that of preparing Area C-Plans—was subsumed by regional planners within Regional Response Teams (RRTs) (a second level entity). This top-down approach disempowered local and state authorities, more so in some states than others.

In RRTs with token involvement of state and local planners, the RRT planners largely defaulted on the legal duty to determine if products could be used safely in waters of intended use (largely due to lack of knowledge), leaving the On-Scene Coordinators (OSC)—the responders—with the responsibility to decide what products to use, based on preauthorization plans that allowed use of any product listed on the NCP Product Schedule. This shift to responders as primary decisionmakers also skewed the power distribution, further disempowering state and local authorities and opening a wide door for abuse of agency discretion—and the social and political nullification of the NCP by disenfranchised states, as discussed in the case study.

EPA's current standards seek to restore the power distribution established in law, in order to fulfill its third duty under the CWA, i.e., to determine the quantities of products that can be used safely in the waters of intended use. The current standards use three means to restore the power distribution to achieve its end, including:

- clarifying the authority of and empowering state and local governments and Area Committees (AU-6 to -11);
- curbing abuse of agency discretion (BL-6 to -9, -11, -15); and
- shifting the burden of responsibility (liability) to product manufacturers and industry plan holders (BL-10, -12 to -14), as summarized in Table 2 at the end of Part II.

Achieving the desired outcome hinges on formation of Area Committees as established under OPA, meaning autonomous entities separate from RRTs but with a shared resource—a Regional Citizens' Advisory Council (RCAC). At this critical juncture, several options are presented. Congress may choose to provide funding to fulfill its 1990 mandate to implement Area Committees. Alternatively, states may seek federal funding to implement Area Committees through national preparedness grants to build local capabilities for oil spill planning and response. EPA may choose to establish a network of RCACs to support states in their decision to decide what products, if any, can be used safely in waters and with oils of intended use. RCACs could be funded by plan holders in each region for operational costs (as per OPA) and/or through the Oil Spill Liability Trust Fund for research to inform area-and ecosystem-specific oil spill planning and response activities.

In Part III, we present another reason for states to become more proactive. EPA's current standards establish a two-year transition period while old products, including the toxic dispersants that precipitated this rulemaking, will remain conditionally listed until the new Product Schedule becomes effective on December 12, 2025. States provide the primary line of defense for preventing history from repeating itself with use of outdated, conditionally-listed dispersants.

We recommend that local, state, and regional planners proactively adopt precautionary guidelines in preauthorization plans and/or Area C-Plans during the transition period to restrict use of conditionally-listed products (P-1 to -3) and dispersants in particular that may be or are known to be extremely harmful to people and wildlife when used during oil spill response (P-4 to -12), as summarized in Table 3 at the end of Part III.

We recommend that local, state, and regional planners proactively adopt precautionary guidelines in preauthorization plans and/or Area C-Plans during the transition period to restrict use of conditionally-listed products (P-1 to -3) and dispersants in particular that may be or are known to be extremely harmful to people and wildlife when used during oil spill response (P-4 to -12), as summarized in Table 3 at the end of Part III.

We also recommend initiating reviews to update existing plans, including preauthorization plans, Area C-Plans (or developing new plans), and Regional C-Plans, to address changes in law, policy, and science that impact conditions of product use. These are mandatory reviews, triggered by the new rules now in effect (AU-7, -8, -10, and -11 in Table 2). Further, we recommend that states that are disenfranchised by the RRTs immediately withdraw approval of RRT-driven preauthorization plans (AU-9).

Finally, we recommend that RRTs use this mandatory review process as an opportunity to work cooperatively with local, state, and Tribal partners in co-establishing and co-implementing Area Committees and RCACs to address critical gaps in national preparedness.

### **Summary and Recommendations**

This report, *An Opportunity to Make It Right*, addresses the implementation of EPA's current standards to address persistent gaps and deficiencies in its previous (1994) regulations governing use of dispersants during oil spill responses. The previous regulations got it wrong, as evidenced by the inefficient and uncoordinated response to 2010 BP Deepwater Horizon oil disaster, and the public controversy over use of toxic dispersants—all déjà vu from the 1989 Exxon Valdez oil spill, and things that Congress addressed in the Oil Pollution Act of 1990 to prevent a repeat in the next major oil spill.

The authorizing statutes in OPA established a three-level framework that distributed the responsibility (power/authority) of decision-making among oil spill planners and responders across all three levels from local/state to regional to national. This framework is now institutionalized in the National Preparedness System. Local preparedness is the foundation of emergency response because, as stated by FEMA in its 2008 introduction to the National Response Framework, "incidents begin and end locally, and most are managed at that level as well."

This top-down approach disempowered local and state authorities and created a critical gap in national disaster preparedness at the local level that led to “the social and political nullification” of the NCP by the oiled Gulf Coast states during the BP Deepwater Horizon response, which undercut the efficiency, coordination, and effectiveness of the overall response.

EPA’s current standards restore the power distribution established under OPA by:

- clarifying existing authorities, providing new authorities to empower state and local governments to participate as decision-makers in Area Committees, and requiring state and local involvement in plan development, review, and approval—or withdrawal of approval;
- curbing abuse of On-Scene Coordinator discretion by limiting its existing authorities and by requiring documentation of its decisions for accountability;
- shifting the burden of responsibility (liability) to product manufacturers and industry plan holders to disclose product components and provide accurate, timely, and relevant information about a product’s intended use, parameters (limitations) of use, environmental fate, and potential impacts to human health or the environment; and
- providing the public with a process to initiate removal of products.

The current standards create an opportune moment to make it right now, before the next major spill—to significantly improve national disaster preparedness from the bottom up.

The new rules have triggered mandatory reviews of preauthorization plans and Area C-Plans with the participation of and approval by Area Committees involving state and local planners. The mandatory review must consider the new information regarding product use, provided by manufacturers and plan holders, and this information must be accurate. The mandatory review must also consider new and relevant information about a product’s impacts or potential impacts to human health or the environment, of which plenty is available, with the bulk of it showing that chemically-dispersed oil (oil combined with dispersants) is causally linked with long-term harm to people and wildlife—and that harm is greater than the harm from oil alone.

The new rules also triggered a mandatory review of Regional C-Plans because many currently serve as combined region-area contingency plans under the outdated rules. Since Regional C-Plans include guidance policies such as preauthorization plans for dispersant use, these plans must also be updated, based on consideration of the new information on parameters of use and impacts to human health and the environment, noted above.

In the process of completing these reviews, there is an implied mandatory requirement for RRTs to work cooperatively with local, state, and Tribal partners to co-establish and co-implement Area Committees, which are required to approve the updated final plans—but which currently do not exist as autonomous local/state infrastructure at the first level of disaster response. The reviews are extensive as much of the information is new. Working together through it all presents an opportunity to get everyone on the same page with the same understanding and purpose. It is a perfect time to spin off autonomous Area Committees. Creating these key infrastructure components also addresses a critical gap in national preparedness.

It is also a perfect time for local, state, and regional planners to proactively adopt precautionary guidelines in preauthorization plans, Area C-Plans, and Regional C-Plans during the transition period to restrict use of conditionally-listed products that may or are known to be extremely harmful to people and wildlife when used during oil spill response.

Since supplemental testing and information will be needed to support informed decisions by the planners, it is also perfect timing to consider the role of RCACs during the review process and moving forward to provide EPA with the area- and ecosystem-specific information to enforce its duty to determine quantities of dispersant (or other products) that can be used safely in waters and with oils of intended use. EPA could work cooperatively with state and regional planners to create and support a national network of RCACs for each RRT.

Given that impacts to human health are now on the table to consider with the new rules, this makes evidence-based monitoring of public health now a consideration for planning and review purposes, especially from the perspective of state and local governments that have jurisdiction over public health matters. To the extent that the laws allow, it also makes evidence-based worker health monitoring and surveillance a consideration for planning and review purposes. Several RRTs have already moved in this direction and provide models of how to do this.



And finally, at this critical juncture, Congress may establish and/or fund what is needed, such as Area Committees and RCACs, and provide oversight to make sure the federal agencies are implementing laws as intended—not 30 years later, but now as it is happening.

For all the above reasons, this is an opportune moment to significantly improve national disaster preparedness by building critical local and state capacity and developing state-of-the-art contingency plans. Such actions would mitigate harm to people and wildlife in future oil-chemical disasters, including the long-term harm that has historically followed these events.

The nation's first responders and the public rely on government to protect people's health and safety during emergencies that involve oil and other hazardous pollutants. EPA's new rules and tools provide the means to hold corporations accountable for harm.

It is time to seize this moment and change history. *Carpe diem!*



# Conclusion

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“I have been with and without an attorney,” Odom said. “For me personally, acting as a pro -se plaintiff is not really fun. But when you do not have someone who is willing to advocate and fight for your legally, you learn how to survive as best as you can until ‘good’ help comes your way. Today, I am hoping and praying that I and other BP oil spill victims will get justice. I have to say a lot of prayers right now. I have been through some dark days. I have to believe things will get better.”

Other victims like filmmaker Rebecca Harrell Tickell point to conflicts of interest on the bench. A portion of her film “The Big Fix” spotlighted then U.S. Senator David Vitter’s oil and gas connections. She became ill while filming along the Gulf Coast after the Deepwater Horizon disaster. Ironically, the judge who ruled on Tickell’s BP chronic health case was Vitter’s wife, Wendy.

“I am angry that despite proof of exposure and the documentation that links my health issues directly to my exposure, I, as well as other victims of this spill, have been unable to get a fair court hearing and justice for the harm that was caused...,” Mrs. Tickell said. “I had a case against BP for my chronic health issues, but Judge Wendy Vitter dismissed it. Judge Vitter and her husband David Vitter are heavily financed by oil and gas. I wish there were an honest jurisdiction that would look at the facts of my case and other cases and rule on them honestly.”

*Affidavits available upon request.*

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