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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

May 17, 2010

The Honorable Eric Holder
Attorney General
United States Department of Justice
Robert F. Kennedy Building
950 Pennsylvania Avenue, NW, Room 5111
Washington, DC 20530-2000

Dear Attorney General Holder:

We are writing to ask that you open an inquiry into whether British Petroleum (BP) made false and misleading statements to the federal government regarding its ability to respond to oil spills in the Gulf of Mexico. In the course of our oversight of the Deepwater Horizon oil spill, the Committee on Environment and Public Works has uncovered statements by BP, such as those described below.

In a document entitled, "Initial Exploration Plan Mississippi Canyon Block 252," which was prepared for and submitted to the Minerals Management Service and dated February 23, 2009, BP evaluated the potential environmental impacts and the ability to respond to a blowout resulting from an oil spill. Specifically, in describing impacts of its proposed oil and gas exploration activities on Essential Fish Habitat, BP stated:

"In the event of an unanticipated blowout resulting in an oil spill, it is unlikely to have an impact based on the industry wide standards for using proven equipment and technology for such responses, implementation of BP's Regional Oil Spill Response Plan which address available equipment and personnel, techniques for containment and recovery and removal of the oil spill."

In the wake of the Deepwater Horizon oil spill, it does not in any way appear that there was "proven equipment and technology" to respond to the spill, which could have tragic consequences for local economies and the natural resources of the Gulf of Mexico. Much of the response and implementation of spill control technologies appears to be taking place on an ad hoc basis. In fact, BP released a statement on May 10, 2010, that stated:

"All of the techniques being attempted or evaluated to contain the flow of oil on the seabed involve significant uncertainties because they have not been tested in these conditions before."

I request that you review this matter with respect to civil and criminal laws related to false statements to the federal government, including 18 USC 1001, as well as any federal law or regulation that may have been violated in connection with issues surrounding the spill.

As our Committee's investigation continues, we will provide additional information to the Department of Justice.

Sincerely,

Barbara Boker

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Bar Sanders

Tom Carpen

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Jeffrey A. Merkley