



Oppose S. 953, Offshore Production and Safety Act of 2011

The Offshore Production and Safety Act of 2011 would accelerate and expand offshore drilling in the United States. S.953 “*authorizes the conduct of certain lease sales in the Outer Continental Shelf, amends the Outer Continental Shelf Lands Act, modifies the requirements for exploration, and other purposes.*”¹ This legislation does nothing to address America’s dependence on oil, address lessons learned from the recent Gulf oil spill, or ease consumer’s pain at the pump.

McConnell’s bill is essentially the Senate version of the three House bills passed during the first week of May, authored by Rep. Hastings (R-WA), that encourage new off shore oil drilling.² The bills passed by the House were recently categorized as “a suicide pact” by Michael Bromwich, the Director of the Bureau of Ocean Energy Management, Regulation and Enforcement.³

S. 953, while not identical to the House bills, takes the same reckless approach to approving new drilling and limiting environmental and safety reviews of lease sales and drilling permits, leaving oversight even weaker than it was before the BP Deepwater drilling disaster. According to Michael Bromwich, legislative language to “accelerate lease sales ... would be, I think, struck down by the courts because the [bill] mandates us to rely on pre-Deepwater Horizon [environmental reviews],” he said in reference to National Environmental Policy Act analyses conducted before the BP oil spill.⁴

Besides being a suicide pact, here are other reasons to oppose S. 953:

1. It would expand and accelerate offshore drilling in places that have not yet been drilled, such as the Atlantic coast, and the fragile Arctic waters of the Chukchi Sea off the coast of Alaska.

¹ <http://www.govtrack.us/congress/bill.xpd?bill=s112-953>

² These passed House bills are **H.R.1229**, the Putting the Gulf of Mexico Back to Work Act; **H.R.1230**, the Restarting American Offshore Leasing Now Act; and **H.R.1231**, the Reversing President Obama’s Offshore Moratorium Act.

³ Interior drilling chief calls GOP oil bill a ‘suicide pact’ <http://thehill.com/blogs/e2-wire/677-e2-wire/160965-overnight-energy>

⁴ Ibid

2. It would reopen lease sales cancelled in response to the BP Deepwater drilling disaster, as well as open the fragile Virginia coast to drilling. This bill would mandate that the administration offer these lease sales, despite their inadequate preparation to properly oversee these sales. It requires the sale of two specific Gulf leases that were delayed by the Obama Administration after the BP Gulf oil spill.
3. S. 953 would allow oil and gas companies to bypass environmental review by deeming pre-Deepwater Horizon environmental review documents sufficient. Existing and out-dated Environmental Impact Statement, EIS's prepared in 2007 and others before the BP spill are deemed to satisfy National Environmental Policy Act (NEPA) requirements. The bill overturns court decisions and eliminates NEPA reviews. As a consequence, all but one of the lease sales mandated in Section 3 can be held without additional NEPA review. Therefore, EIS's that underestimate size of spill, ability to contain and clean them up and minimize damage to wildlife and coast are deemed sufficient.
4. The bill overturns some but not all of the President's March 2010 decision on the Revised Program. Specifically, the bill mandates two of the five sales that were on the original 2007-2012 schedule be held: 1) Beaufort Lease Sale 209 must be held no later than September 1, 2012; and 2) Chukchi Lease Sale 212 must be held no later than December 31, 2012. In particular, the bill approves Chukchi Lease Sale 193's Environmental Impact Statement, an EIS that Interior is currently supplementing because it was thrown out by the courts.
5. It would impose arbitrary permitting deadlines by forcing the Secretary of the Interior to approve or deny drilling permits within 30 days of their application date. If the Secretary failed to reach a decision within 60 days, the permit would be "deemed approved."
6. The bill would extend certain leases by one year to account for the drilling moratorium instituted by the Obama Administration after the Gulf oil spill.
7. This legislation undermines our system of justice by establishing that Judicial Review Civil actions against the Federal government regarding leasing must be filed in 5th Circuit Court. The legislation also stipulates that no court fees accrued in such cases would be recoverable, even if you win. Conversely, this bill limits the courts that could hear civil cases, and reduces a plaintiff's ability to provide substantive evidence to the courts.

The Sierra Club, Earth Justice, Defenders of Wildlife and Environment America urge members to oppose Senator McConnell's bill and protect our coasts from irresponsible drilling. Instead of providing yet more handouts to the oil industry, Congress should address the systemic failures that led to the BP Deepwater disaster in the Gulf of Mexico, support clean energy solutions that would truly help reduce the price consumers pay for transportation, and protect our coasts and oceans. This bill takes us backwards, increasing our dependence on oil and gas and further risking our oceans, coasts, and the livelihoods of millions of Americans.