

U.S. Environmental Protection Agency
**Transcript of June 30 press conference call with
EPA Assistant Administrator Paul T. Anastas
EPA's first round of independent dispersant testing.
Moderator: Brendan Gilfillan
June 30, 2010, 1:30 p.m.**

Operator: Good afternoon. My name is Tuprica and I will be your conference operator today. At this time, I would like to welcome everyone to the EPA Update on Dispersant Research Conference Call. All lines have been placed on mute to prevent any background noise.

After the speaker's remarks, there will be a question-and-answer session. If you'd like to ask a question during this time, simply press star then the number one on your telephone keypad. If you'd like to withdraw your question, press the pound key. Thank you.

Mr. Gilfillan, you may begin your conference.

Brendan Gilfillan: Thank you very much. Thank you everybody, for joining us. This is EPA Deputy Press Secretary Brendan Gilfillan. Thanks for joining the call. Before I turn things over Dr. Anastas, I wanted to let you all you know that you should have in your in boxes a press release that discusses these data. I apologize, we could not get that to you all sooner, but it should be in your inboxes now. If you go to www.epa.gov/bpspill , there will be data posted there as well.

And with that said, I'm going to turn it over to Dr. Anastas, EPA's assistant administrator for the Office of Research and Development. He will make remarks and then we will open it up to questions.

Dr. Anastas.

Paul Anastas: Thank you all for joining us. Today, we are releasing the data gathered from our first round of toxicity testing of eight oil dispersants. This testing was prompted by Administrator Jackson's direction that BP and EPA obtain further data on all approved and available dispersants, including Corexit 9500, the product currently in use.

Administrator Jackson has said, many times, that the decision EPA and the Coast Guard made to authorize the use of dispersants was a difficult choice, but one suited to the emergency that we are facing. With a spill of this size and scope, dispersants are useful in breaking up the oil and preventing its spread -- particularly to fragile wetlands.

That approval has come with strict conditions. We have limited the daily amount of subsea (dispersant) used. We have required strict monitoring of environmental conditions of the areas of application. And in the month after EPA and the Coast Guard directed BP to ramp down dispersant use, the volume applied dropped nearly 70 percent from peak usage. That policy does not change even with these initial data.

EPA has also insisted on transparency. Administrator Jackson helped persuade NALCO, the company that manufactures Corexit, to release the Confidential Business Information claims and publicly disclose details about the ingredients of their dispersants. EPA has provided a broad range of information on dispersants and other issues on our Web site, www.epa.gov/bpspill. The next step in the push for transparency is the testing we are releasing today.

Let me be clear, this is the **first** round of data. I know many of you are interested to hear if this data means EPA will order BP to switch dispersants. We are not making any such recommendation at this time. We have additional testing to do.

What today's data are showing is that, in the test we performed, all of the dispersants are roughly equal in toxicity, and generally less toxic than oil. None of the eight dispersants tested displayed biologically significant

endocrine disrupting activity.

JD-2000 and Corexit 9500, the product currently in use, proved to be the least toxic to small fish, while JD-2000 and SAF-RON GOLD were the least toxic in test on mysid shrimp.

Finally, internal modeling results show that dispersant constituents are expected to biodegrade in weeks to two months, rather than remaining in the ecosystem for years, as oil might.

Let me be clear about another point as well. This first round of testing studied specific effects under specific conditions. These data provide information on only some of the variables that we must consider. We are going to need more testing to get a full picture of dispersant impacts, and make any determination as to whether one product ranks better or worse than another under all of the conditions of its use.

The next phase of EPA's testing will look at acute toxicity of multiple concentrations of Louisiana Sweet Crude oil alone and combinations of Louisiana Sweet Crude oil with each of the eight dispersants for two test species. Additional studies are under way to better understand endocrine activity.

We need more data before deciding whether it makes sense to change dispersants. But our ultimate goal in all of this is to reach a point where dispersants are no longer necessary -- to fully phase out their use and rely on oil collection, burning, skimming and other methods to protect our Gulf and our shorelines. It's important to remember that oil is enemy number one in this crisis. So we will continue testing, and we will be sharing more information as soon as we have it. Meanwhile, we are doing everything we can as part of this historic response.

Brendan Gilfillan: Thank you, Dr. Anastas. (Tuprica), we'd like to open the line up for questions.

Operator: At this time, I would like to remind everyone, in order to ask a question, you may press star, and the number one, on your telephone keypad. We'll pause for just a moment to compile the Q&A roster.

Your first question comes from Peter King with CBS News.

Peter King: (Inaudible) and good afternoon. It's a two-part question because there's been so much concern about dispersants settling down on the Gulf floor. Do you have any data on that and what kind of harm to the oyster beds and such on the floor might be caused? And number two, what might be your possible time frame for phasing out their use once you get new data in? Thank you.

Paul Anastas: So, one of the key points that is important is that we have not seen -- the data has not shown us -- that there are concentrations of dispersants that are persisting in the water column. We have not seen that in the data. So your question about settling to the bottom is an important question, one that we view as an extremely important area to focus on, but the data has not shown us that that is taking place.

As we complete the test that I described, those data will inform any decision-making, any decisions that we make going forward on the ramping down or decisions on which dispersants will be used going forward.

Peter King: Just to be clear, you're saying then you have nothing showing that any of this has settled on the floor as of yet?

Paul Anastas: We have no data showing that.

Peter King: Thank you.

Operator: Your next question comes from Brian Hartman with CBS -- with ABC.

Brian Hartman: Hi. Thanks for doing this briefing. Just if you could clarify a little. I'm not clear on -- when you say its less toxic than oil, how much less toxic? Can you say that it's generally less toxic to small fish, and is it toxic at all? Like what

– could you break that into English, as far as whether these dispersants are toxic and then how toxic?

Paul Anastas: Let me be clear. When we're talking about oil, we're talking about toxicity. We're also talking about physical hazards. So, as we look at the concerns for oil, I can discuss with you the constituents of oil, including benzene, toluene, xylene, polyaromatic hydrocarbons, all of these are the constituents of oil that we have quite a bit of data on the toxicity and these are of serious concern. These are the constituents that make up the oil.

In addition to that, oil has the physical properties that we're all aware of that allow them to be physically hazardous. All of us have seen the tragic pictures of the brown pelicans and have the statistics on the sea turtles and on other mammals that are being harmed by the physical hazards of the oil. So, we know that there's a wide range of hazards that are being posed by this terrible release, this tragic release, of oil.

Now, we do know that the dispersants, like anything, are not without toxicity; nothing is. But when we look at some of the standard categorizations that we use for other substances such as pesticides or other types of chemicals that we assess, these would fall into the category of slightly toxic, with some being practically non-toxic, being categorized as practically non-toxic by – in this relative scale. So, these are not posing – the data is telling us, the data that we are presenting today, is telling us that these are not posing the same types of hazard that we've seen in the – with the terrible hazards we're seeing in the oil.

Brian Hartman: Can I ask a follow-up to clarify that?

Paul Anastas: Sure. Sure.

Brian Hartman: Just – you know we have spoken to an expert a few weeks ago who told us that the combination of it with the oil was particularly concerning. That you know the oil is toxic, but then you're adding this volume of this other material that may be slightly toxic, but that, that there was some of combination of – that the combination of the two increased toxicity to some degree. Is that anything that you had any data on?

Paul Anastas: I think you raised an extremely important point. And one of the statements from my remarks, I think I'd like to just re-emphasize. This is the first round of testing and we are going to need to move on to testing of the oil alone -- the Louisiana Sweet crude alone -- and the toxicity of the dispersants in combination with the oil, as you mentioned.

The toxicity of the dispersant alone is one useful set of data that we need to look at, but it's also crucial to recognize that we need to get this other data on the oil plus the dispersant together.

Brian Hartman: Thank you.

Operator: Your next question comes from Aaron Cooper with CNN.

Aaron Cooper: Hi. Thank you very much for taking the question. So, two -- kind of a two-parter here. Based on the information you have now, and the data that you have at this point, understanding that it's not -- all the data is not in on the additional testing that you planned to do in the future, because there's no change, is it safe to say that you have essentially determined based on the data you have now, that there's nothing better to be used than Corexit 9500?

And secondly, all this additional testing that is going to go on and the additional research that's going to happen, what kind of a timeline do you have on that? Obviously, the relief wells are scheduled to be done sometime in mid-August. And do we expect to have this data back and a decision made before potentially this would no longer be an issue?

Paul Anastas: So let me start out by answering your first question. No determinations are being made at this time before the full suite of data, the full results are in. It would be inappropriate at this time to draw conclusions from this initial data. As far as the additional testing that's going on in real time as we speak, we are looking to complete that in the next weeks, certainly moving as rapidly as possible.

Aaron Cooper: So, you think that will be before August?

Paul Anastas: That is certainly the intention.

Aaron Cooper: Thank you.

Operator: Your next question comes from Jonathan Tilove with The New Orleans Times.

Jonathan Tilove: Hi. I'm wondering at the point a few weeks ago when EPA directed BP to find a less toxic alternative, was it EPA's understanding that there was clearly a less toxic alternative? Or was that uncertain and you're only finding out now what the level of toxicity is, and I also didn't know whether you factored into this the effectiveness?

Paul Anastas: I'm sorry. Could you repeat the last part of that question?

Jonathan Tilove: The last part is I just – I didn't know whether in terms of making any order ultimately to BP, whether you're sort of factoring in effectiveness as well as toxicity, or whether at this point, you're only looking at the toxicity in terms of any potential recommendation to BP.

Paul Anastas: Right. And so, in use of the dispersant, Administrator Jackson has said many times that the decision to use dispersant is not one that she takes lightly, that EPA takes lightly, and it's important to always ask, and re-invent, and re-examine, continually monitor the use of dispersant as we go ahead. So, it was possible and prudent to try to ensure that if we're going to make a decision to use dispersants that we constantly ask the question, "Are we using the dispersant to cause least harm to humans and the environment?"

So that was – that was certainly the thinking and the philosophy, and we'll always continue to be – to thinking as we respond to this tragedy. In terms of efficacy, efficacy is one of the criteria on the listing for NCP. So efficacy of oil dispersion will always be considered.

Operator: Your next question comes from Whitworth with WDSU-TV.

Camille Whitworth: My question has been answered about the oysters, so I'll just throw another one out there. Can you talk about the timeline in terms of when you

say it biodegrades. Is it immediate? Does that impact happen immediately, and that's why it's not as toxic as your data has come up with?

Paul Anastas: No, it's not immediate. One of the important things about the dispersant is it is able to form particles out of the oil, smaller particles, make them more degradable, make them more digestible by the microbes in the Gulf and that's how it breaks down the oil, how it catalyzes, how it increases the rate that that the oil breaks down. So it wouldn't be able to do that if it immediately degraded.

It degrades, as our modeling data is suggesting, and our sampling data would support, it breaks down to the time frame of weeks, perhaps in colder environments, can break down weeks to months.

Camille Whitworth: Thank you.

Operator: Your next question comes from the line of Juliet Eilperin with The Washington Post.

Juliet Eilperin: Hey, there. A couple questions. One, by the way, this is about the question that you answered. When you said perhaps in cold environment, it breaks down in weeks and months, I don't know, did you mean cold environments within the Gulf, or do you mean in a different area? So, if you could clarify that. And then my broader question is, obviously, again, EPA initially you know directed BP to use a different dispersant which it has not done, and then obviously reduced it. I was wondering if you could just characterize to what extent you think BP has been responsive to the Administrator's urging that they switch dispersants in addition to reduce the amount of dispersants that they're buying?

Paul Anastas: So let me answer your first question first. Whenever you're having a transformation, in this case, a degradation of a chemical, it will happen more quickly in warm environments than it will in colder environments. That means we would expect that the degradation rate would take place more quickly on the surface where the sun's shining, and maybe a slightly reduced

rate at the colder temperatures of the sea floor. And so that's the distinction that I was making.

Let me be clear about what we expected of BP. We expected them to, one, seek out the least toxic dispersant and to always be asking that question and always looking to identify that. And two, minimize the use of dispersant wherever possible to effectively deal with this crisis. And one of the things and I'll refer back to my statement that we've seen that after the Administrator made that communication to BP, we have seen the use of dispersants decrease by almost 70 percent from its peak usage. Thank you.

Operator: Your next question comes from Anne Thompson with NBC News.

Anne Thompson: Hi. Thank you so much for doing this call. I have a couple of questions. First of all, on the small fish that you determined it was less toxic, so that it wasn't toxic too, can you tell me what kind of fish you tested? Also, did you test this dispersant on its impact on oysters and crabs?

Paul Anastas: Thank you very much for that question. And the specific small fish is – its official name is Menidia Beryllina, otherwise known the Inland Silverside fish. That's a – it's a standard test that is used for this type of acute toxicity testing, and it as well as the mysid shrimp both happen to be indigenous to the northern Gulf. So, that is – those are the types of species.

And I'm sorry, your second question?

Brendan Gilfillan: Same question, but with oysters and crabs.

Paul Anastas: And, no, we did not specifically test on oysters or crabs.

Operator: Your next question comes from the line of Richard Harris with the National Public Radio.

Richard Harris: Questions, if I might, one of which is the – according to the data you just released, the JD-2000 is like an order of magnitude less toxic than Corexit and

I wonder why you would consider those essentially equivalent? And I'll get that answered and then ask my second question.

Paul Anastas: One of the things that it's important to keep in mind, we are testing this toxicity over a wide, wide range, many orders of magnitude of concentrations, from extremely lower levels to much more concentrated – much more concentrated exposures. And what we're seeing is that in the overall range of exposures, these are very similar as a group.

Now, that said, it is true that there is a statistical significance to JD-2000, and in one case, SAF-RON GOLD and Corexit. But these are acute toxicity tests and these types of tests provide comparisons on above the scale of an order of magnitude or tenfold. Beyond that, it's difficult to draw conclusions.

Operator: Your next question comes from Matt Wald with New York Times.

Matt Wald: Sir, it's obvious that we're suffering possible problems because of using these dispersants and measuring that against possible benefits. Is it correct to say you don't yet know what the possible benefit is, that what you looked at here was toxicity and not effectiveness? And also, would you consider accepting something that was slightly more toxic if it were a lot more beneficial?

Paul Anastas: I think the important thing is to let the data drive our decision making. And what we're seeing is that – this data that we're presenting today -- it's showing us the toxicity of the dispersants alone and that we will need to have this additional testing of the dispersants plus the oil in order to truly inform our decision going forward.

I don't think that it would be appropriate to speculate on other risks- risk-tradeoffs, recognizing that we want to bring everything that we have to bear on this tragedy and the response to this tragedy, but we need to let the data inform our actions.

Operator: Your next question comes from Bryan Walsh with Time Magazine.

Bryan Walsh: (Inaudible). Can you – what sort of toxicology was being done before the oil spilled on this? I mean, what actually new are you doing if you're not testing the oil mixing with the dispersants, you're just looking for toxicity. Was that done before the spill? And if so, why not? And also, was there any – or is there any plan to look at what effect this could be having on people as well?

Paul Anastas: So the listing on the National Contingency Plan list does require toxicity data to be submitted in order to be listed as an approved dispersants. So, that toxicity has been ongoing as part of the process of listing.

Operator: Your next question comes from Richard Fausset with L.A. Times.

Richard Fausset: Hi. So, I think you might have answered this question a few minutes ago, but I didn't quite understand the answer. What was it that, or did the EPA at some point think that this particular dispersant that BP was using was more toxic than the other ones? Can you explain in sort of plain English why you told BP to stop using this dispersant? Why – you must have thought at some point that it was a problem, right?

Paul Anastas: I think the important thing to clarify is what the administrator directed BP to do is to look at other dispersants in order to always ask the question about, "Are we using the safest, most effective dispersant that we can?" It's important that BP do that. It's important that we always bring to bear the most effective and safe dispersants for human health and the environment. And I think that that's the request that the Administrator made and that's what we will continue to insist upon.

Operator: Your next question comes from Tim Dickinson with Rolling Stone Magazine.

Tim Dickinson: Thank you for taking my question. The question I have was that the BP's logic for not using alternatives, I believe was that the other ones broke down into constituent parts that could be, in fact, more toxic or have more bio-cumulative effects. I wonder does your data speak to that at all and particularly with regards to the bioaccumulation question?

Paul Anastas: The testing that we have done is – and the modeling results that we have seen is -- that these are not as a class, not showing any types of significant concerns for endocrine disruption effects that were raised in some of the early discussions. These test confirmed that for the dispersant alone that we are not seeing any significant biological activity for endocrine disruption. So, this is something that we have asked and answered.

Operator: Your next question comes from David Biello with Scientific American.

David Biello: Thanks for taking my question. My question is about the previous data that the industry provided. Obviously, it was kind of all over the map, and did anyone in EPA actually check that data or why in your opinion wasn't the industry data good enough? And why are these follow-up tests taking so long? Is it a matter of not having enough labs at your disposal or not having enough money or are you all doing it at one lab?

Paul Anastas: Sir, it's important to note that it's an important part of the listing criteria that this data generated by industry is an essential piece of the listing criteria. One of the things that we recognized is that there of course can be some inter-lab – inter-laboratory discrepancies or variability and we want to ensure through our own independent testing that we confirm those results.

I think it's very important to recognize that the EPA scientists on this project, on all of the (modeling) that's going on, the sampling, the measuring, our scientists are working overtime. We're going 24/7 and ensuring that the best science is being brought to bear and that this is being delivered as soon as possible.

Operator: Your next question comes from Jason Dearen with Associated Press.

Jason Dearen: Yes, thanks for taking my question. I want to return to something you've spoke about a little bit earlier when someone asked you if the data show that there is dispersant covering the sea floor and you said something about, if not this data, this particular data, not showing that it's suspended in the water column.

I'm wondering if the existence of these subsea plumes – there's been speculation that the subsea use of dispersants has had the effect of keeping some of the oil in the water column. I'm wondering if in your next round of test, when you look at the oil and dispersant together, if you'll be studying whether or not if this dispersant has had the effect of keeping some of the oil beneath the sea and whether or not there's dispersant mixed in with these plumes that are being found.

Paul Anastas: So, let me clarify because I think that your question actually raises a few points. One, I was not suggesting that this data is speaking to the sampling that's going on for seeing the dispersants in the water column. There is sampling data that's going on in real time. The EPA is conducting sampling data, NOAA is conducting sampling data and I'll refer you to their published data.

All of the data that we have seen, both the water data and the air data have not shown that there are – that there is a presence of the dispersant constituents in the water.

We are not seeing any air data that is showing any exceedance of constituents in the air. And so, that was what I was focusing on when I said we are seeing no data that would suggest to us at this point that there are dispersants that are persisting in the water column.

Operator: Your next question comes from Marian Wang with ProPublica.

Marian Wang: Thanks for taking my question. Is it true that there are no maximum toxicity limits in order to be placed on the National Contingency Plan project schedule?

Paul Anastas: I think that's a great question. And I think that I'd refer to Administrator Jackson's previous statements that we recognize that this tragedy, this event at the scope, at the scale, the magnitude of this event has raised important questions about how these previous existing regulations may need to be reexamined and revisited in ways that ask different questions and even better prepare us in the future.

So, I think that there are lots to do as we come through this – come through this event and looking at the way that those regulations have been structured.

Brendan Gilfillan: Operator, we have time for one more question?

Operator: Your next question comes from Cheryl Hogue with Chemical Engineering.

Cheryl Hogue: Cheryl Hogue with Chemical & Engineering News. I was wondering if EPA is doing the test in EPA labs or whether these are contracted and also, whether the products of the biodegradation of the dispersants are toxic?

Paul Anastas: Thank you very much. That's a great question. As you can see, that there's a number of tests. The EPA either directly in our own labs are overseeing – or is overseeing these tests in contractor labs. They're done in our labs in Research Triangle Park, our Gulf Breeze lab in Florida. We've done them in combination and coordination with the NIH at the National Chemical Genomics Center and we oversee some of the tests in our contractor labs as well. So, that's a combination. I do have to say that these specific tests are looking at the dispersant themselves and as I referred to the many different questions we need to ask and many different factors we need to consider is the – there's the one that you address about the impact of degradation products from the metabolites.

Brendan Gilfillan: Great. Thank you very much, everybody for joining the call. If you have additional questions, feel free to direct them to the EPA press office. Best way to get up is press@epa.gov. Again, thank you all very much. And thank you, Dr. Anastas for doing this call today.

Paul Anastas: Thank you.

Operator: This concludes today's teleconference. You may now disconnect.

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