

EPA

Moderator: Adora Andy
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Operator: Ladies and gentlemen, I will now turn the call over to Adora Andy.

Adora Andy: Hi, everybody. Thank you so much for joining us. We apologize for being late to this call. The administrator just actually literally just got off a boat, just saw some of the damaged wetlands, which she'll talk a little bit about today. We're going to begin this call with brief remarks from the administrator and from Rear Admiral Landry, and then we will open it up for Q&A.
Administrator?

Lisa Jackson: Good afternoon, everybody. Again, thank you. Sorry for the delay. I'll get right into dispersant. All I'll say is that it is a clear, warm Louisiana day out there. And we went through – we left from Venice and went to the Delta Wildlife Refuge and kind of turned the corner, and saw what I now call that reeds that look like silent, you know, witnesses because you could see an oil mark on them. And I thought, well, OK, you know we're seeing some impact. But when we turned the corner, it's clear that the oil at least around (Paso Lutre) is really piling up in those marshes. It's different oil in different places, but it's quite a bit.

We also saw people responding to the oil and using an oil-water separator to try to pull it out, but I'm never more convinced than now that we are doing a lot, but that BP, Transocean, Halliburton, everyone who's responsible for this has a big job in front of them. And all of us are never more committed than I've been to work side by side, with Admiral Landry to make sure she has whatever she needs to ensure that they're doing the job.

So I would like to thank you for joining us. Let me take a moment to thank Admiral Landry for joining us today and for all the work she and all of our Coast Guard responders have been doing. They had shown extraordinary resolve in leading this effort, and I'm proud and glad to be in partnership with her and them. Today we want to talk about three elements of our ongoing response and some of the adjustments we are making to this changing situation, but first let me outline what the situation is.

The BP spill has thrust upon us what potentially could be one of the greatest environmental challenges of our time. More than 20,000 federal responders are continuing their work on creative solutions; hundreds of EPA staff have focused on this crisis. In responding to the spill, we had to make some tough decisions. I can honestly say I don't think I've made a tougher decision than the one regarding use of chemical dispersant to break up the oil and speed its natural degradation.

Due to the unprecedented nature of this event, BP has used dispersant in ways never seen before, that is, in terms of both the amount applied, which is approaching a world record and in the method of application. A little more than a week ago, EPA and the Coast Guard authorized after testing for effectiveness, a novel use of dispersant underwater, at the source of the leak. With that authorization, we required the implementation of a rigorous monitoring system, a condition that will ensure that underwater application continues to be effective and tracks any measurable environmental impact.

Under the circumstances, the overall results to date are positive. Our tracking indicates that these dispersants are breaking up the oil and speeding its final degradation with limited environmental impact at this time. In other words, dispersants continue to be the best of the two very difficult choices. Their use inevitably means that we are making environmental tradeoffs. But in all of these, it is critical to remember that the number one enemy is the oil. Until we find a way to stem the flow of oil, we must continue to take any responsible actions that will mitigate the impact of the oil, and that's what we're doing.

The steps we have taken are in full recognition of our tradeoff. We know that dispersants are less toxic than oil. We know that surface use of dispersants

decreases the risk to shorelines and organisms at the surface when they are properly applied. And we know that dispersants breakdown of a week rather than remaining for several years as untreated oil might. So after testing and authorizing dispersant use underwater, we also remain optimistic that we are achieving similar results with the use of less chemicals.

We have put in place an extensive monitoring network to ensure that the health of the air and water here – to ensure the health of the air and water here. Excuse me. We have numerous stationary and mobile air monitors throughout the region, including a mobile unit that I personally inspected and toured this morning. To ensure the fullest level of transparency, all of the data we collect is being posted on www.epa.gov/bpspill as soon as we gather and analyze it.

We are still deeply concerned about these things we don't know. The long-term effects on aquatic life are still unknown, and we must make sure that the dispersants that are used are as non-toxic as possible. Those unknowns and the lengthening period of this crisis are why we last week directed BP to look for more effective, less toxic alternatives to their current dispersants. We felt it was important to ensure that all possible options were being explored in the hopes that we might minimize the environmental tradeoffs in whatever ways possible.

It's also why we have called on BP to be more transparent about their own processes. We have directed them to share information with the American people who certainly deserve to know what actions we are taking, which brings me to the three points we are here to discuss with you all today.

First, the federal government led by the Coast Guard is today instructing BP to take immediate steps to significantly scale back the overall use of dispersants. Throughout this process, EPA and the Coast Guard have reserved the authority, in particular, to discontinue the use of underwater dispersants. As of today, our data demonstrate that subsea dispersant application is having an effect on the oil at the source of the leak and thus far has no measurable ecological impact. That is good news. And we continue to monitor both whether the oil is being dispersed effectively and the impact of dispersant on the environment.

But given our concerns over the environmental unknowns, we think it's proven at this time to ramp-down overall use of dispersants. Now the reason we can ramp down the overall use is because subsea use appears to be having a positive effect. As a result, we should use no more dispersant than is necessary especially at the surface. By ramping down on the amount of dispersant used, particularly on the surface where we expect less undispersed oil, we believe we can reduce the amount of dispersant applied by as much as half, and I think probably 75 percent, maybe more. We will continue to track the effectiveness of this response.

Admiral Landry, of course, reserves command control as she's here as federal on-scene coordinator to decide if it makes sense to resume broader usage of dispersant, whether for a day or longer. Second, we have made it clear to BP, including in a meeting Admiral Landry and I held with company officials last night that we are not satisfied that BP has done an extensive enough analysis of other dispersion options.

We expect BP to keep evaluating other options. BP's response to our directive was insufficient, and we are concerned that BP seemed in their response more interested in defending their initial decisions than analyzing possible better options. So today, we are calling on them to continue searching and studying better options.

But third, as a result of being dissatisfied with BP's response and to ensure we know everything we can know about the current environmental impact, EPA will be performing our own scientific verification of data. We will conduct our own tests to determine the least toxic, most effective dispersant available in the volumes necessary for a crisis of this magnitude. Our tox test will address the claims and conclusions that were put forth by BP in their response to us late last week. And the EPA scientists have been tasked with conducting parallel independent tests to determine BP's argument that Correxite remains the best alternative is accurate and supported by science.

In the meantime, we will continue to do all we can to address this crisis in the most aggressive and responsible way possible. We will continue to

aggressively monitor air quality, water quality, and the effects of dispersants used by BP. This is unfortunately a tragic situation that presents a great threat to the environmental, ecological, and economic future of the Gulf region – the region I call home.

The EPA and the entire federal government continue to work around the clock to do everything possible to ensure both of the citizens of the Gulf region are protected and that BP is putting every resource at their disposal towards stopping this leak. Thank you very much.

Adora Andy: Admiral Landry.

Admiral Mary Landry: Good afternoon, everyone, and thank you for coming to the call. And I thank Administrator Jackson for her leadership and support which has been there since day one. And I also thank the tireless members, the hours and the tireless efforts that both the national response team and the regional response team put towards making sure they could cross this threshold that they did not cross lightly.

We have always had pre-approval for use of dispersants. Nobody ever anticipated it would need to be used in this scale and scope. And as Administrator Jackson said, our commitment to everyone is to make sure we have the right science and the right analysis, and the right – we studied the impacts and the effects this has on the environment.

We are in the crisis mode still, though, we are in a response that is very significant and that is quite novel.

And that I've been in over 30 years, I've done pollution spills from ships that have a certain capacity. do it from facilities on the dock that have a certain capacity. We have never dealt with something where we have a well releasing oil 5,000 feet below the water, below the surface to the water. And we also have to make sure we emphasize to everyone that the situation we've been in since day one is that this well could fail on any given day. And the entire release, there could be a significantly more, a significantly larger amount that could be released to the environment.

And that has had us all from day one very aggressively positioned to fight what we call a worst case scenario discharge. This is why we have almost 24,000 people at the national, regional, local, and right down to the community based level involved. We have members of the private sector and over \$750 million has been spent to date on this response. Regardless of the people and the money, it doesn't make any of us feel good that our environment is at risk. And that is what's most important.

We absolutely agree with Administrator Jackson and the EPA's concerns with the, to minimize the use of dispersants. When the pre-approval was authorized, no one envisioned a scale and scope of the response that were involved in now. And even though I had pre-approval for signing off as the federal on-scene commander based on the operation, I had the authority to approve this on the surface. We did it in consultation with the full regional response team.

And then as we considered the use of subsea dispersant, crossing a threshold that had not been envisioned when this pre-approval was signed, we absolutely felt we had to engage the full national response team and all the members of, whether it's the state or local or scientific groups. Everybody has huge equities involved in these decisions, and we really respect and understand it.

So as public servants, we are here to commit to you that we absolutely are trying to exercise these options very cautiously, very carefully, certainly weighing in favor of burning, on the surface control, burning on the surface when we can, certainly in favor of mechanical skimming, but when weather when limitations take those tools away, we use dispersants.

In crossing this threshold for subsea, it's been noted there were significant tests that were done ahead of allowing that. And the only thing that gets us a little peace of mind is that we know subsea injection requires much less volume than surface dispersant. And we absolutely are working towards less use of dispersants. And certainly, we are all eagerly awaiting the interventions that will be attempted to secure this well this week.

I'm going to pause without saying, Administrator Jackson has been down here several times engaged in this fight right at the frontline and certainly has applied pressure on BP. They hand-delivered a letter to us last night after her meeting where they clearly understood Administrator Jackson was not satisfied with the response they have given on the search for alternative measures. And they've recommitted the continuing to search for an alternative dispersant that is available, effective, and less toxic.

They're also going to research and examine case studies. We know that they're trying to work with China on releasing some information on dispersants there. They're looking worldwide at various products and they're committed to minimizing as much as possible the use of dispersants. This is their letter signed yesterday. I just have to let everyone know that as operational leader in this response, I have to weigh and measure the tradeoff associated with use of dispersants.

And while we go through this top kill procedure, it is certainly important to allow for subsea injection while this top kill procedures are going on because it's so critical. But, as I said, as I flew out over the site yesterday, I watched a plane apply very little dispersant in a very controlled matter because we actually audited to make sure they were sticking within the protocols. And we saw significantly less surface dispersant applied yesterday based on the fact five planes went up and did not apply dispersant because it was not appropriate to do so.

So, we're going to stick to those controls and absolutely try to minimize the impact and then we're going to ensure there's long term analysis and science shared with everybody to understand the impact on this. Our goal is obviously to minimize the impact on the environment. And I think I'll stop there so we can allow questions.

Adora Andy: (Tanika), would you mind opening the lines for questions please.

Operator: At this time, if you would like to ask a question, please press star, then the number one on your telephone keypad. We'll pause for just a moment to compile the Q and A roster.

Please hold while we poll for questions.

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Your first question comes from the line of David Fahrenthold with the Washington Post.

David Fahrenthold: Thank you. Administrator, I just wanted to make sure – make sure I understand this. You guys last week or a few days ago, instructed BP that they had 24 hours to find a new dispersant. I want to make sure, they're evaluating other dispersants but they continue to use the one you told them not to use. Is that right?

Lisa Jackson: Yes, that's not exactly right, David. What we told them is that they had 24 hours to evaluate and identify less toxic alternatives. They did come back within 24 hours and essentially presented an analysis that they believe leads to a conclusion that says the best thing out there is Correxite.

If you look at the directive, it said that they were to switch but they were to switch only with the approval of the Coast Guard and EPA, because we were very concerned about giving them basically a blank check to switch to anything they might deem less toxic. And they've raised some scientific concerns which rather than take their word for it, at this point, I would rather just have my own scientists do their own testing. So, that's what we're going to do on all alternatives that are on the list. So, there was no order that they have to switch – they had to switch with our approval. And I'm not in the position and I think to recommend to Admiral Landry that there's something to switch to.

Operator: Your next question comes from the line of Julie Cart with Los Angeles Times.

Julie Cart: Yes, my question is for Administrator Jackson. You said that you're not satisfied that BP has done extensive analysis. What led you to that conclusion?

Lisa Jackson: My read of their letter was that they presented a lot of problems with alternatives that are on the list. That at least based on the acute toxicity

framework, the rubric that's always been used on, as far as the dispersants would look to be less toxic.

Now, you know, we live in a world where we're making tough decisions based on little science. As we went – as I've said earlier, we don't have the science that talks about what happens when you use dispersants in the deep sea. We don't have the science that talks about when you use, you know, hundreds and hundreds of thousands of gallons of dispersants on a single response. And so we're having to make those decisions and sometimes the best answer we can get is, we will do testing.

What I was disappointed in is that, rather than reach the conclusion as BP seemed to do that Correxite was the way to go, they weren't proposing additional testing, talking about finding a way to test other dispersants that at least on the list are more effective and less toxic than Correxite. The other disappointment I had was that there seemed to be a belief that because they had a supply of Correxite, that was the reason not to necessarily order something else.

And if indeed we determine that there's another option out there, everything we know about this response to date and everything the president has told us to do is to plan for the worst. So, I think about needing to have dispersant on hand a month from now rather than the month we just finished.

Operator: Your next question comes from the line of (Mark Feldstein) from the Times Picayune.

(Mark Feldstein): Hello. Yes, Ms. Jackson, now that oil has actually reached its way to the shoreline, are there any plans for any sort of fines or violation findings against BP for causing a pollution problem?

Lisa Jackson: Yes, absolutely. There will need to be fines and enforcement penalties levied and I'm happy if the federal on-scene coordinator needs us at any time to use the Clean Water Act to compel BP to respond faster or do something they're not real happy to do it. But, at this point, you know, we are taking our lead on the actual response from the federal on-scene coordinator and the national incident commander. So, there are lots of investigations going on as to what

happened. But, there are certainly going to be opportunities for fines and penalties as well.

Operator: Your next question comes from the line of Elisabeth Rosenthal of the New York Times.

Elisabeth Rosenthal: Yes. Hello, thanks for taking questions. I was wondering what kind of tools you have available should the BP scientists and the scientists from the EPA disagree about whether what was the best dispersants to use. And how will you monitor this reduction in use of dispersants, what's in your toolbox to enforce that?

Lisa Jackson: I'll do very quickly what we can do if we disagree and I'll – I'll turn it over to Admiral Landry because her operations are pretty tight. I was briefed on them last night in terms of every morning I know she's getting briefed on what was used. But, every morning she's also instructing the entire response as to what the order of preference is in terms of the tools available. And she can give you some additional detail on that. You asked about whether or not we can "reach an agreement" with BP or their scientists. Listen, at any point we can stop subsea dispersant application.

The reason I don't recommend that at this point is two-fold. Number one, you use a lot less of it when you use it in the subsea, you're using it out in the very deep water which will hopefully minimize the chances that it gets into the shallows and causes the kind of damage I saw out at (Paso Lutra) earlier, but also because we're monitoring it. We have a dispersant monitoring plan that was put together with NOAA, with Coast Guard, with other experts, with scientists at EPA and it is monitoring dissolved oxygen, particle size and doing toxicity testing within the plume of dispersed oil.

That gives me – and that's the beginning, those results are up, if you'll look at them, you'll see that the toxicity tests are actually not bad news. We see a high rate of survivability of rotifers which are a form of plankton which you would expect to find in the food chain out where we're seeing the dispersant applied.

We also know dispersants in general last a much shorter period of time in the environment. We need to keep getting more data to back that up. We're taking near shore samples, and we're taking sediments samples and water samples, all looking for dispersant.

We haven't quite gotten much results in so I don't want to oversell. We haven't seen anything yet but it would be unfair – the science is not, we don't have enough samples yet for me to tell people we never see dispersants.

But, so – if we get to the point where for whatever set of reasons, we don't think it's effective, we think it's making the problem worse, it's not helping on the surface which was all it was supposed to do. Any of those things, we would make a recommendation to the Coast Guard that they stop, and I have no doubt based on the working relationship we've established with Admiral Landry and her staff that they would weigh that recommendation extremely heavily. She was very, very clear with BP last night that any concerns we had at EPA needed to be met.

Operator: Your next question comes from the line of Matthew Daly with The Associated Press.

Matthew Daly: Hello, Administrator Jackson. So, at what point would you tell them that you know, they can't do this anymore at all. And that this will be you know the end of Correxite?

Lisa Jackson: Matthew, well, you know, I think what we will see first is we'll have some time to get data. What we'll be doing over the next several days is an independent assessment of dispersants and Correxite will be on the list to see whether, we'll do toxicity testing and a range of bio accumulation and bio degradation test. We're airing on the side of the ones that can be done quickly. So, you can get a sense, Matthew, we're going to be relying on the science but obviously if we weren't in the middle of a response, in the middle of a crisis we would do even longer term scientific tests as well.

But, if at any point in doing that work, we find that Correxite or another dispersant is better or worse, or we see a real problem, we're going to – the first call we'll make will be to the Coast Guard, to Admiral Landry. Admiral

Landry, I don't know if you – Landry, I don't know if you want to say a couple of words on how you operationalized the dispersant used to make sure it's being minimized day by day. But, I think it's a pretty impressive operation that's going on there now.

Admiral Mary Landry: Thank you, Administrator Jackson. Yes, absolutely. I think we have to emphasize that even though BP is the responsible party and will pay for all, not just the clean up and the response but also the natural resource damage assessment that comes after this to see what impact this spill and the attending response had on the environment. And they have to restore and make people and the environment whole but also on the day to day, we absolutely emphasized the use of controlled burn and the use of on water mechanical skimming as a preference over any dispersant use. .

The only time we really have to use dispersant is when you have the terrible weather that we had last weekend and it's been up and down, the weather. Skimming and burning are controlled by about a four foot sea state and those two – it becomes very difficult beyond a four foot sea state. So, we have to sometimes use the surface dispersant and certainly the sub surface dispersant which really isn't weather controlled at all. So, I think each day we go through it, we get numbers both in the morning and in the evening we get full number of what they've used and where they've done it, how much they've applied. And we did audits already of that to make sure they're staying within the strict controls and parameters that are required.

And we can either verbally direct or we can issue written directives and we have no – I have no – I have no shyness about doing that and about emphasizing what our priorities are. And if you can understand, we have every agency represented here including the states and everybody. These are respected and career people who've been at this for years, who are very, very upset and anguished over what they're having to live through on this response. And who are very troubled like you over the thought of what is going on out there and what has to go on in this crisis response. So, we are all very eager to secure the source and we are really very committed to try to minimize the impact on the environment.

I'm going in to top kill, I have to say that this dangerous operation coming up with all the operations on the surface. We need to continue subsea surface, subsea injection of dispersants because of the issue of the VOCs, that the gasses that can come up to the water (column) because this is an oil and gas mixture emitting from this well, we have to make sure we don't have flammable gasses on the surface of the water that would impede the operations that are so critical to securing the source. But, for the most part on the day to day, we're absolutely preferring mechanical skimming and burning to any use of dispersants.

Lisa Jackson: And the only thing I'll add to that, Admiral, is back to Matt's original question is, my next trip is going to be out to Gulf Breeze – EPA's Gulf Breeze Laboratory in Florida. Because that's where we're going to set up this – I guess you can call it an unfortunate but a very important set of experiments to learn more and to help inform your decision making process.

Admiral Mary Landry: I should emphasize too Administrator Jackson that I have a federal – I have a federal checkbook for this but I also have a federal checkbook that comes from the Oil Pollution Act of 1990, the Oil Spill Liability trust fund and will be built back to BP. So, we are not sparing any of these federal resources or expense whether it's seafood safety, sampling that needs to be done or the important work that Administrator Jackson's going to do. This will all be billed to the responsible party and we are not holding back on any of that.

Operator: Your next question comes from the line of Jeff Ball, Wall Street Journal.

Jeff Ball: Hi. Good afternoon. Thanks for taking my call. I had two questions. One is – should the EPA have anticipated the possibility of the need to use dispersants at this level and why did it not – if it approved the use of a suite of dispersants including this one?

And the second is, is there any way in which the use of dispersants has made the problem of oil washing the shore any worse than it would have been had dispersants not been used? Thank you.

Lisa Jackson: Over – on your first question, it's Lisa Jackson, over and over again the record is clear, that we were told by everyone from the drillers to the oil companies, to big oil, that this could never happen. And so, the idea of having to use dispersants and inject them in the subsea I guess in my opinion, there's no reason for us to have thought that this would be upon us. That being said, even when it came up we couldn't have said, "No, we just won't consider it." but we have so few tools out there for a spill that continues, a release that continues every day. After consulting with the Coast Guard and seeing that they felt strongly that they needed to try not to take tools off the table, I thought and I believe that science can at a minimum give us some level of comfort.

And again, I have to ask each and everyone on the phone to realize that we do have some data. Some of the picture of what we have in the subsurface is because of our systems that we take on that data.

Now, your second question is – can you ask it for me one more time there?

Adora Andy: We made one – minimize the impact of oil at shore, I think was the second question.

Lisa Jackson: Yeah. You know we look at that today. Obviously, I didn't sample. We are sampling what I would generously call in unscientific terms “the goop” because there's lots of speculations as to what might be in this goop.

And we will be looking for dispersant chemicals, the constituents of dispersant as of Correxitt, as well as obviously looking in to see as what else might be there. Obviously, that is the question that many people have. Many folks would like to know what it is.

So, we will get the information. I have no reason. If I had a reason to believe we were making the situation worse in any way, I would recommend a full stop. As it is I'm still recommending as strongly as I can that we minimize, absolutely minimize and I'm talking about a significant reduction in use of dispersants.

And then that we monitor as rigorously as we can for dispersant in the sea, for dispersant in the water, and then do toxicity testing in our lab. I will say this, it is clear to me that the science of dispersants has not in any way kept up with the science and the technology of our ability to drill and extract fossil fuels. And that is a huge disconnect and one that I will certainly be recommending that we remedy.

Adora Andy: I think this will be our last question, (Tanika).

Admiral Mary Landry: Okay. Can I just add to that previous question though, some important points that complement Administrator Jackson's remarks?

Two things that are very important are the – we have set up that at the national level a flow rate technical team and they're going to be looking at a system of what is called mass balance. The fact that we had to use this much dispersants as we had to use is evident in this response.

But the reality is that there would have been a significant amount of oil reaching the shore, much more than you're using reach the shore line now had we not used dispersants. That is evidence in this response. It is important to realize that it's a tradeoff.

And that's what we've had to do. And it's a very problematic and troublesome tradeoff. But it is what it is. The science for long term is so important. And we've already funded and begun.

There are several research vessels, NOAA vessels and university vessels, and coastal research center vessels that are going to be going the science on this near term and long term to study the impact. So, we didn't cross the threshold lightly. And we're prepared to analyze and, you know, share with everyone the long-term impact this spill response has heard.

Operator: And your last question comes from the line of Lauren Pearl with ABC News.

Lauren Pearl: Hi, good afternoon. I was wondering if you have tested the effects of the dispersment on droplet size. And also is there any biological sampling done at depth to see if there's biological effects on deepwater column organisms?

Lisa Jackson: Thank you, this is Lisa Jackson. Yes. We call it particle size.

Lauren Pearl: Okay.

Lisa Jackson: The particle size measurements that are being done daily with dispersant use are a measure of how well it's dispersed. If you think again of salad dressing, how small those droplet sizes are. And everything we're seeing so far indicates – the science indicates that the injection is working. We see good dispersion.

The toxicity testing that we're doing that we can get on the short term is a critter called rotifer. Rotifers are basically a form of plankton, they're in the food chain. And you expose them in the rotifer test kit to the mixture and then see what their survivability is.

And we've seen 90% greater survivability in general. And in terms of larger organisms, I would – let us give you the answer back. I do believe that there is some additional testing and sampling going on that NOAA has planned. Admiral, you maybe able to speak to this but if not, I think we can get you some information on that.

Lauren Pearl: Okay. I'd appreciate it.

Lisa Jackson: Okay.

Adora Andy: Well, thank you all for joining us on this call. We apologize again for our tardiness. The administrator is now going to do an in-person press briefing with the press corps here on the ground. So, if you have counterparts there I'm sure that they are set-up and ready. If you have additional questions please feel free to email press@epa.gov or give us a call. Thank you so much.

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

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