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Congress of the United States
House of Representatives
Washington, DC 20515-0906

June 10, 2010

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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,

I am writing to ask that you include as part of the Justice Department's comprehensive investigation into the Deepwater Horizon oil spill whether British Petroleum (BP) has made false and misleading statements to the federal government regarding the amount of oil leaking into the Gulf of Mexico.

BP has consistently misled the American public and may have suppressed data to hide the true extent of this catastrophe. In keeping video footage from the public and not using the best available techniques for estimating the spill rate, BP has manipulated information to hide the severity of this calamity from the federal government and the public.

During the early stages of this crisis, BP officials stated that determining the amount of oil being released from the well was not a priority and instead chose to focus its resources elsewhere. That decision, however, was counter to BP's own regional plan for dealing with offshore leaks. "In the event of a significant release of oil," the 583-page plan says on Page 2, "an accurate estimation of the spill's total volume . . . is essential in providing preliminary data to plan and initiate cleanup operations." Accurate estimates are important not only in gauging and mitigating the spill's environmental impact but also for calculating clean-up costs and any potential liability.

Initially, BP estimated that up to 1,000 barrels of oil a day could be leaking into the water. This estimate was later revised to be at least 5,000 barrels per day or five times their previous estimates.

During a Subcommittee on Oversight and Investigations hearing on May 12, I asked Lamar McKay, President and Chairman of BP America, under oath, "what is the current spill per day today?" Mr. McKay responded, "the current estimate is 5,000 barrels a day." I also questioned Mr. McKay why BP was having such a difficult time handling a spill of only 5,000 barrels per day when it stated in their exploration application that BP

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had the capacity to adequately respond to a spill of 300,000 barrels per day or some 60 times larger than BP's stated spill rate.

Just eight days later, BP stated on May 20 it was capturing 5,000 barrels of oil a day from the leaking riser pipe— a double-edged progress report that showed that the company had been understating the scope of the spill for more than a month. Their estimate had been 5,000 barrels a day, but with BP capturing that amount, live video from the well showed oil was still billowing into the water almost a mile below the surface of the Gulf.

Subsequently, the Flow Rate Technical Group, led by Marcia McNutt, director of the U.S. Geological Survey, stated on May 27 its best estimate of the spill rate was from 12,000 barrels per day (504,000 gallons/1.9 million litres) to 19,000 barrels per day (798,000 gallons/3.02 million litres), more than twice the amount that BP was stating. These estimates were based on separate analyses of the plume of oil from the well as shown on video and the extent of the slick on the surface of the Gulf.

The Justice Department should issue subpoenas for any internal BP materials that would prove whether BP believed, or did not believe, Mr. McKay's testimony and should also conduct interviews with relevant BP officials to determine whether there were private meetings, discussions or estimates that contradicted the testimony.

The American people deserve more detail and openness from BP regarding the rate of oil flowing into the Gulf of Mexico. The discharge of oil from the Deepwater Horizon is unprecedented in American history. This crisis has resulted in devastating damages to the economic, environmental and social interests of every communality in the Gulf Coast and the nation as a whole. As the responsible party for this event, BP is accountable to the American public for the environmental cleanup costs and the associated economic loss caused by this spill.

I am sure that the Justice Department is committed to the vigorous enforcement of all applicable laws in order to protect the people who work and reside near the Gulf of Mexico, as well as nearby wildlife, the environment and American taxpayers. I look forward to working with you to ensure that those responsible for this tragic series of events are held fully accountable. Thank you for your attention to these concerns.

With kind regards. I am,

Sincerely,



Cliff Stearns
United States Representative

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