

Appendix

Whistleblower Witness Statements

(Presented in alphabetical order)

Whistleblower Witness List

AC Cooper: Vice president of the Louisiana Shrimp Association, VoO captain

Anonymous whistleblower #1: VoO captain and worker at decontamination site

Anonymous whistleblower #2: VoO captain

Anonymous whistleblower #3: Father of sick child

Betsey Miller: Wife of sick VoO cleanup worker

Christina Tillman: Mother of sick child

Clint Guidry: President of the Louisiana Shrimp Association

Dr. Michael Robichaux: Louisiana physician

Dr. Wilma Subra: Chemist for the Louisiana Environmental Action Network

Jamie Griffin: Cook and cleaner for bunkhouse used by workers at decontamination site

John Gooding: Mississippi resident with pre-existing health condition

Jorey Danos: VoO worker

Joseph George: VoO worker

Kindra Arnesen: Louisiana resident with special access to spill-response operations

Lori Bosarge: Alabama resident

Lorrie Williams: Mississippi resident

Scott Porter: Diver, coral and oyster biologist

Shirley Tillman: VoO worker

Donald Tillman: VoO worker

Steve Kolian: Diver, founder of EcoRigs

Sydney Schwartz: VoO Captain

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AFFIDAVIT

My name is A.C. Cooper. I am submitting this statement, without any threats, inducements or coercion, to Shanna Devine, who has identified herself to me as an investigator with the Government Accountability Project. I have been a fisherman in Venice, Louisiana all my life. I bought my first boat when I was 15 years old, and now I'm 50. I am vice president of the Louisiana Shrimp Association ("Louisiana Shrimp") and I'm president of Delta Commercial Fisheries in Plaquemines Parish. Delta Commercial Fisheries is a local organization within the parish. Louisiana Shrimp represents the whole state, members and nonmembers. What the fisherman can't get out there and say, we say for them. I feel that we did that in the cleanup with BP and officials at the state and federal level, and it wasn't heard. I worked on the Vessels of Opportunity program, as a team leader for fifteen vessels. My main goal was to make sure everyone went to work, and to be safe about it. BP dropped the ball on both. We feel that they abused their authority over us by making us go out there unprotected to clean up the oil. Now, a lot of our men are sick.

1. BATTLE FOR JOBS AND SAFETY

We worked hard to get our members jobs in the cleanup and through the VoO program or other parts of the cleanup, because our industry wasn't working. Louisiana Department of Wildlife and Fisheries ("Wildlife and Fisheries") closed the areas where we mostly worked in state waters, because those locations were getting hit hard by oil. By doing that they put all of the fishermen in a position where they couldn't pay their bills. We fought hard to get a job for survival, not to go out here and let them abuse us this way. When we found out they were being denied safety equipment, we spoke everywhere in the beginning to try and get them what they needed. We felt it was a big issue, because in getting these guys the jobs, it was on our backs to make sure that they were protected. We wanted them to go to work to pay their bills and be financially stable, but yet five or ten years down the road these guys pass and we have kids and grandkids with no fathers and grandfathers. We were very worried about the safety equipment issue, but it never got resolved.

25 to 30 percent of our members would talk to me directly about health problems or were in close communication. Especially when they were working, I was going back and forth. They had groups and maybe 25 boats in a group. I would talk to certain key people within that group to see how things were going, and if they needed something straightened out I could go to BP. There were a lot of issues we addressed that they had problems with. BP wanted to make us go three miles out, and our vessels are not equipped to go out that far. We had that concern and stopped it from happening, because our vessels couldn't take the rough waters from the outside with fuel and ice. We couldn't put our lives in danger and our vessels. However, we were not so successful on other, equally high stakes issues. As far as addressing health issues and providing us with Personal Protective Equipment (PPE), BP and the government wouldn't touch it.

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I feel like the reason BP never responded to our call for proper safety equipment is because they would be admitting guilt; by passing the respirators out they would be conceding that the exposure was dangerous, that something was wrong. And the government allowed this. In addition to BP, I brought our concerns to the Occupational Safety and Health Administration (OSHA) and the Coast Guard numerous times. I testified before the President's Oil Spill Commission, and Representative Markey (D-MA) in Washington. I brought it to Wildlife and Fisheries and just about everybody we could talk to. Nothing changed.

2. VOO PROGRAM

There were different jobs associated with the cleanup; the burn unit, skimming, or in shore cleaning that stayed within state waters where the shoreline was impacted. The VoO program was broken into teams of vessels, and I was a team leader for 15 vessels working on in shore cleanup. However, I was communicating with workers from all portions of the cleanup, because we had members working in different units. Each team has a designated safety representative, who supposedly watched over everything. We wore a Tyvek suit so we didn't get the oil on our clothes or skin, and latex gloves or at times, thick blue gloves. The safety representative made sure that you wore safety glasses, kept a life jacket on all day, minor things like that. We're fisherman; we don't wear lifejackets all day unless we are in an area where we need them. What we needed were respirators.

Our contracts with the VoO program did not state anything about the PPE. Before we began working, we had a four hour HAZMAT course, and BP safety training after that for a couple hours. They went over how to handle the oil when it is unsafe, protective wear, and respirators to a certain point. They told you, if you think it's unsafe, not to do it. The reality is that when you're working and you have to do something, either you do it or you don't work. They did not cover the dangers associated with the dispersants; it was mostly about oil. We were hauling boom, which is used to contain and collect the oil. We were setting out boom, collecting boom, and putting it in bags on our vessels. At times we sat with the oil bags on our vessel in the heat for five plus hours until we got them offloaded. We could smell an oil stench while we were out there and we weren't even a part of the burn team, which had the greatest threat of inhaling toxic fumes.

3. BURNING OIL

By early May of 2010 BP had already started burning the oil. Some of our members were working for BP contractor Danos & Curole in the burn area, which was located only a couple miles from the site of the Deepwater Horizon explosion. Their well being was a big concern for us, because when they were doing the burns they did not have any safety equipment, including respirators. Toward the end of the burns, a few vessels were given respirators. We found it strange that they weren't properly equipped from the start, because OSHA's policy is for workers to be protected. Workers had air monitors, but sometimes BP or even the government

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cut them off. One worker is on the board of the Louisiana Shrimp, and he told me that the Coast Guard told him to turn off the air monitors because they were going off and malfunctioning. This happened several times.

The air monitors were supposed to measure the levels of chemicals in the air to ensure that they did not exceed permissible exposure limits (PEL). It was extremely dangerous for the workers not to have air monitors, because they were instructed to go out in the middle of the night and locate the fresh oil based on how much their eyes and noses would burn, and if they could smell the oil. How could they monitor how many toxins they were inhaling? When they located and burned it, the oil would burn for ten hours sometimes. By doing that, they were directly exposed to the chemicals within the oil, which is the worst type of exposure. Workers shared with me that they were concerned if they raised concerns about their exposure, they would lose their jobs. In turn, they didn't ask questions.

4. SPRAYED

Airplanes sprayed dispersant on our members on multiple occasions. After the first time it happened I reported it to OSHA (detailed below) and requested that they didn't spray when our vessels were out there. The Coast Guard had to approve the sprays each time. BP said they were not spraying inshore; however, they would have the VoO workers report the locations where oil was found, send them to a different location, and then spray the locations that they identified. The planes would spray from a distance but the wind would carry it over top and hit the vessels directly.

After they got hit with the dispersant, crews would go to a BP medical tent located at a BP work yard in Venice. They would first go through a decontamination ("decon") process, take off their contaminated clothes, get washed down and cleaned. After decon, they would go to the hospital. Workers who were most severely affected would go straight to the hospital; however, they also had tents set up at the hospital for decon before they allowed them to get treated. I also work with the fire department. When I was not working on the VoO program, at times we helped with the decon process for affected workers who came into the Venice area before we would help them get medical treatments. Complaints of being sprayed didn't go down until July, two months into the job.

I had a sore throat and hoarseness for about a month, beginning in mid-May 2010, when I was located in Pascagoula, Mississippi where a big batch of oil came in. That was the first time that I had health problems. We do not have staph infections in our line of work. I never had staph infections before the cleanup, but Ochsner Hospital diagnosed me with them after. I have not had my blood tested for chemicals; most workers have not been tested. BP and the hospitals never discussed it as an option. However, it would be good to know if this stuff is in our systems. Some of our guys within the association got very sick and still have big issues to this date, especially our men who were sprayed with the dispersants. Health problems include rashes and boils on

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their skin, severe headaches, dizziness, stomach pain and nausea. Numerous times people from throughout the state called about reported the same issues to us – being over-sprayed and not protected.

Then again, I tried to get some of the guys to step up with me and say, “Look, we are not going to go to work until they give us certain protective gear.” BP had these guys so scared to the point where if they came out and started saying this stuff themselves, they thought they would get fired. There was a large demand for jobs after the spill, and they knew they could be replaced. The workers that we represented listened to what Louisiana Shrimp was saying, and they would confide in me that they were concerned about their well being on the job. But they didn’t want to step up and say it to anyone else, because they were scared that they would be laid off. When I was fighting for better working conditions, I wanted all of us to go on strike until we were given respirators. Some were willing to, but the majority said no because they could not take the risk of being fired. All of the fishing areas were closed, they had nowhere to work and they needed the job to support their families. They knew that if they spoke out or stopped working until provided safety equipment, BP would just replace them because they had so many VoO applications. They were between a rock and a hard place.

5. MEETING WITH OFFICIALS

In early May, after the first time one of our vessels was sprayed by the dispersant Corexit, I met with approximately six OSHA officials in the yard that we were working out of. I expressed deep concern about the Coast Guard approving BP spraying when our vessel was anywhere within range of where they were spraying. We wanted them to move our vessels completely out of the way when they knew that they were going to spray a site. They acted like they were really concerned, but when they left they didn’t act on one thing that we discussed. Not one. They said they would look at it, see what they could do, and from that point on I didn’t hear anything from them. It wasn’t until July that they made an effort to move the vessels when spraying took place. By that point, several of our workers had already been sprayed on multiple occasions in May when the spraying was heaviest, into June.

On top of being out on the water while they were spraying dispersant, our fishermen were inhaling the toxins constantly. During the meeting in May with OSHA, I also raised concerns about our workers not having access to respirators. As many times as we asked them for respirators, and we’re on record asking for respirators to give to our fishermen, not once has OSHA or the Coast Guard or the federal government pushed BP to do so.¹

BP would assign a representative from BP patrol as my contact, since I was a team leader. The patrol would oversee two teams. The team leader may work with the patrol for a week, then BP

¹ *Democracy Now! Coast Guard Grounds Ships Involved in Spill Cleanup After 7 Fall Ill; BP Reportedly Preventing Fishermen from Wearing Respirators* (democracynow.org broadcast May 27, 2010).

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would swap him out and another guy may come and take his place and I had to start all over again in explaining my safety concerns. Within BP, there is not one particular person that you can actually point at; BP created a dysfunctional system during the cleanup, which made it difficult to hold one BP representative accountable for the daily safety lapses. Fred Lamont was one of the main guys that I dealt with, but there were several others. That is how they got us; every time I built a relationship with you and you knew my concerns, BP would take you out of the equation and put someone else in and then I had to start over again. To get them to believe in the problems I presented, I had to start from scratch. That made it very stressful and frustrating for us. It was a game they were playing, and they were playing with people's lives.

6. FIRED IF VOCAL

If BP had 150 workers, it could have 300 just by doing a rotation and sharing the duration of work. I testified in front of the President's Commission to advocate for rotation. I told them, put me in two weeks and take me out two weeks, as long as the fishermen can work. If there were 200 vessels working full time, I figured we could triple the number of vessels employed by three, simply through a rotation process. I pushed for rotation about a month after the spill and worked about two more months after that. BP verbally communicated to us that they would go on the rotation, by laying several of us off for two weeks and then take us back. However the rotation wasn't just rotation, it was letting us go; they laid us off and never put us back on. I worked from May 6 until August 3, 2010. I was one of the first they let go because of how vocal I was about the unsafe work conditions. It was hard to fight it, because there was nothing in writing about rotation; it came up after the contracts were signed. When we signed them, we thought that we would get most of the fishermen hired. About 40 percent, if that, of our members in this area did get jobs. I am grateful for the time I got to work, but a lot of fishermen didn't get to go to at all.

The intention of the VoO program was primarily to hire commercial fisherman, a) because we know how to navigate the Gulf best, and b) because our livelihood had been directly impacted by the spill. However, BP did not follow the guidelines to ensure that fishermen were employed. There are laws in this state that allow you to determine who is a fisherman and who is not. According to Louisiana state law, 50% of your income has to come from commercial fishing in order to be a certified commercial fisherman. However, non-fisherman bought commercial fishing licenses in order to increase their chances of being hired on the VoO program. BP accepted that as sufficient proof, bypassing the 50% income rule. I brought this issue straight to BP numerous times to ensure that the fishermen were getting work. BP had the applications from the fisherman already; all it had to do was check with Wildlife and Fisheries and let them distinguish who is a fisherman and who is not, and pick that group and let them go to work. We had citrus farmers and grass cutters and all walks of life working, and many of our fishermen sat here not working at all.

VoO was created, because we started raising our voices for them to put us to work. We wanted everyone from this area to work on their own waters where they knew them best; in St. Bernard,

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East of the River in Plaquemines Parish, from Barataria Bay all the way to the Mississippi line. We wanted to do the job, because this is our ground and our waterways. We live here, and we make a living off of these waters. If anybody was going to work hard to keep the oil out of it, it was going to be us. We know the waters, we know the currents, and we know where they are going to go. We wanted the VoO program, because we make a living out of these waters and we eat off of them. By us going out there we felt that we were doing something for our community; we were stopping the oil from coming in and messing up estuaries and sanctuaries that our families depend on.

One problem with the rotations was that in the interim when we would not be working, we wanted to know what we could do during that period we were not working, and we didn't get a response. Our contracts stated that we could only use our vessels as part of the VoO program until we received a letter of termination, otherwise we would automatically be terminated. Were we just going to sit there with our vessels? We were between a rock and a hard place, because when we went on rotation we were told that we would be rehired, so we did not want to risk early termination by using our vessels. To this day I still haven't received an official termination. Some guys have. On November 26, 2010 an official termination letter was sent out to a lot of fishermen. By then, most of our fishermen had already been informally laid off. I think they should pay them to that date, because a lot of guys didn't use their vessels since they were under contract. The amount of losses is dependent on the size of the vessel. However, it was substantial and for most of our members, their vessels provided their primary or only source of income.

7. GOVERNMENT IGNORED INDUSTRY ADVICE

We know we need to have fossil fuel around here. We're not against it, because this community thrives on the fishing industry and the oil industry. You take any one of them out of the equation, and this whole community will collapse. We're on the verge of collapsing now, and that's a big issue. I have had a seafood restaurant in Venice for 18 years, in order to make a little more income from our catch. After putting all of our money into the restaurant, we lost everything after Katrina and we had to put all of our money back into the restaurant to reopen it. Recently I had to close the restaurant, because I could not afford to keep it open. It was very difficult, because our workers are like family. The community is struggling at this point to even survive. On top of the post spill oil moratorium, the fishermen were not making money, and those are our main sources of income along the Gulf.

I'm so mad, because if the government handled the cleanup properly and responsibly last year, the threat to our markets would probably be history. I spoke hard and loud about this. We begged them to move forward cautiously and responsibly. We mainly focused our energy at the state level, because the industry has a good rapport with Governor Bobby Jindal. In 2009 the Governor created the Louisiana Shrimp Task Force. Its role is to study and monitor the shrimp industry and to make recommendations to state agencies that will benefit the industry, the state and the citizens. Wildlife and Fisheries has to approve reopening of the fisheries within three

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miles of the shoreline, and NOAA had control over the federal waters. Unfortunately, Wildlife and Fisheries was taking NOAA's lead on fishery openings, and we felt they opened the fisheries too early.

Even before the well was plugged, President Obama came to Grand Isle – an area heavily impacted by the spill - on June 4 and ate the seafood. The state and federal government were announcing “Gulf seafood is open for business.” During that time I was saying, “Keep it closed for a year, don't even sell anything. We only have one shot at doing this. If we mess it up then we've messed up a whole industry.” We wanted them to keep it closed for 2011, pay the fisherman for their losses from that year, and then assess the situation. They could find where the oil was heavily impacted, keep that area closed and go forward with reopened commercial fishing for the rest of it. I was worried that the food chain would be devastated.

Contrary to the federal government's approach to quickly open the fisheries, we wanted to let all of the fish and seafood escape before the oil hit and the dispersant was sprayed, so that they would have a better survival rate. When the areas were secure, they would come back to repopulate. University studies are showing that certain plankton, microscopic plant and animal life, are being adversely affected by the oil and dispersants.² This is disturbing, because plankton is an important part of the food chain. We know there will be problems with repopulation in the years to come. Louisiana Shrimp is just one group that's trying to do what's right for all of our fishermen. When we do that, we're protecting the community and also the public.

In late July of 2010, after the well had been capped and they were trying to wind down the cleanup, we started finding oil daily on the bottom of the bays and sanctuaries. The boats were passing through, would kick up the oil and we didn't know the source. We didn't realize that it was sitting on the bottom of the Gulf. My son in law was working on one of the boats that I oversaw, and he found oil on the same day that the VoO program was going to let me go. When he made a circle with his boat it stirred up big chunks of oil that would rise to the surface and there was oil slick all over. That is when we realized it was sitting on our seafloor. I brought it to BP and the Coast Guard, because they wanted to move on and go to the next stage of the cleanup. How do you move on when you haven't even finished cleaning? I invited NBC, MSNBC, ABC, BP representative Fred Lamont, and the commander of the Coast Guard down here, and I showed them where it was at. Within about three weeks after I pointed out the oil, in August Wildlife and Fisheries opened that same area for fishing. I was deeply concerned about that.

After that incident, in late summer of 2010 I attended a seafood safety meeting with OSHA, NOAA and the FDA. They had the nerve to tell me that the oil my son in law found that day wasn't BP's oil. I asked them, “Then where did it come from?” They responded that they tested

² Christine Dell'Amore, *Toxic Oil Found Deep on Gulf Seafloor? Oil may be harming base of food web, early results suggest*, National Geographic News, August 18, 2010, available at <http://news.nationalgeographic.com/news/2010/08/100818-gulf-oil-spill-seafloor-toxic-science-environment/>

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it and it was oil, but it wasn't BP oil. That was an irrational statement, because we had seen the oil coming into that location and we cleaned it while we were working on the VoO program; it had been coming into our bays and on the inside of one of the sandbars. Bastion Bay still has oil. If there are 100 boats shrimping and one boat goes into an area that is dirty, brings potentially tainted catch to the seafood dock and runs it through the conveyor that we all use, it could contaminate the whole conveyor and affect the clean catch from the other 99 boats.

At that meeting, the federal government was meeting with seafood industry leaders to tell us that that all of the areas that they opened were safe for commercial fishing. They told us that they tested the seafood before they reopened the fisheries. I am not a scientist; however, common sense will tell you that the federal government's seafood safety studies were flawed. The government was depending on a smell test, but I know from years of experience that you can't smell what is inside the shrimp. In addition, the FDA based it's testing on a 170 pound person eating four shrimp. What about a 120 pound woman or a kid eating shrimp and other seafood? In the Gulf, we don't eat just a few shrimp, we eat pounds of it. At that meeting we said, "Why put us as the industry leaders on the spot like this? Why don't you take the additional precautions that we are advocating and only open areas that we know are clean, after samples have been properly tested?"

As industry leaders, we were looking out for the best interest of everyone, including ourselves, and we could not afford to take risks when it came to the integrity of our product. I sell and eat the seafood, and I didn't want to risk getting anyone sick at any point because we were subject to lower government standards. As industry leaders, we are very careful that our catch is from clean locations. Unlike government officials and politicians, the long term health of our industry guides our actions.

8. CONCLUSION

Most of our members right now who are sick are in litigation. BP didn't want to step up and admit wrongdoing, so it has become a legal battle. If BP starts paying their doctor bills then they're admitting guilt. They aren't going to sufficiently pay our medical bills to demonstrate that they were responsible for the actions they took, just as they didn't give us respirators to demonstrate that our working environment was unsafe. Our members who got sprayed are still paying for their medical bills. BP and our federal government dropped the ball all the way around with us. I'm totally disgusted with what went on, how it went on, and why they didn't want to step up and take responsibility. It would have reflected positively on BP and the government to address the safety concerns; however, I couldn't find anyone with authority to ensure that the spill and cleanup was handled correctly or to follow through on our recommendations.

If something like this ever happens again, the responsible party and the government need to involve the industry leaders and make sure that we are active partners in the response plan. They

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still have plans with boats, boom and equipment ready. If they include us in the planning process ahead of time, I feel we would be able to respond to a future spill much more effectively. However, if they try to exclude us again, we will have a repeat of the turmoil that took place during the BP oil spill.

I have read the foregoing nine page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on May 5, 2012.

AC Cooper

Subscribed and sworn to before me
this 5 day of MAY, 2012

Robert K. Kubit
ROBERT KUBIT
Notary Public JP 38-05
My Commission expires on: 12-31-14

I am providing this anonymous statement to the Government Accountability Project. I've been fishing all my life, since I was 12 years old. I was hired by BP contractor Danos & Curos to work on the oil spill cleanup. I worked on the Vessels of Opportunity (VoO) program as a captain and then at decontamination ("decon") site from May through October 2010, cleaning up oil in Louisiana. During that time I was directed to break OSHA regulations and safety protocol. After my boat was sprayed with dispersants my crew and I got sick, and I am still sick.

Prior to the oil spill, I had worked offshore for almost a decade. I worked my way up from rigging to foreman for various jobs. When I worked offshore I was required to receive extensive safety training, including a 40-hour HAZMAT training. During the oil spill I had one of the first boats out there involved in the cleanup. At first I rode the boat around and looked for the oil. When we found it we put out boom, a tool used to contain and remove oil after a spill. Then I worked at a decon site to clean the dispersed oil off of the boats that were used during the clean up. I didn't get training, until three weeks before over my work was over. This was after we were spraying the boats down during decon and I had gotten sick.

1. GOING IN BLIND

My employer set it up so that we would do a little training and then they would say that we received the required training. First, a BP contractor had all prospective cleanup workers in my town attend a meeting. At that meeting everyone had to sign a contract. However, they didn't want to tell us what we were cleaning or how we were cleaning the boats for the decontamination job.

After that meeting, the brief oil spill cleanup course that we took didn't inform anyone of anything. I believe BP provided it, but it was just an intermediate course at a school auditorium that basically informed us "this is what could happen" and then they let you walk out the door. They told us a little about heat stress. They told us some about what would happen if we encountered dangerous chemicals such Benzene and Toluene; however, they told us that we would not encounter these chemicals during the cleanup.

The Coast Guard was the only government agency I remember seeing, but according to OSHA's rules, if you were going to clean oil there needed to be a responder on the boat. A strike team is the first team called to respond to an oil spotting. Sometimes there were six responders and 25 boats on a strike team. There were times we were ordered to clean oil and we didn't have a responder on the boat. I was assured I would have a deckhand; however, the first day I cleaned oil I didn't have a deckhand on the boat. I did it alone.

We had a safety lady who rode around every now and then, but she was only worried about our boat being equipped with a fire extinguisher and safety kit. She may have been employed by BP, but it was not clear. They had a group of responders that we worked with. BP was using a lot of different contractors; the responders were not from one company. They were coming out of projects in New Orleans; they had never seen water in their life. We would tell them to grab rope

and they looked at us like we were crazy. They only worked 12 hours, so we would work before we picked them up, or keep working after we dropped them off.

We would get up in morning, ride out, get a responder, and then we would ride until we find oil. We used containment boom. We had them on the boats and had out riggers to put skimmer frames on. We would make a loop around the boat and catch as much oil as we could and have absorbent booms inside of that trying to pick them up. I was the captain on the boat, but I had hands on deck with me. They had rubber boots and Tyvek suits and gloves, but nothing for breathing. For my protection, I only had rubber gloves. When they picked up the oil they reported that they would feel skin irritation. Even if they zipped the Tyvek suit up to their neck, their head was still exposed.

2. DENIED RESPIRATORS, SPRAYED BY COREXIT

From the very beginning we asked our supervisors for respirators, and they said they didn't want us to wear them because there were unsafe and would result in heat stress. A couple of the responders told me that they asked for respirators and were denied them, and if a boat had respirators they weren't allowed to wear them. They started spraying the dispersant Corexit (detailed below), and it was hard to breathe and everyone was asking for respirators. Everyone was getting worried because the boats got sprayed and we were breathing the mist in all day long. In the end we still didn't know anything about the real dangers of the Corexit; they explained that Corexit was like Dawn dishwashing liquid.

Fishermen keep a very clean boat; that is where you live. My boat was painted right before the spill, so we ran out to scrub the Corexit off after it sprayed the boat so that it didn't harm the paint. We got out and they told us we can't clean the boat. They told me that we have to leave stuff on the boat until the whole spill was over and then we could put it through decon. We weren't only worried about the paint; leaving the oil everywhere posed a safety hazard. I tried to tell the guy on the radio who was instructing me not to clean, "You have men jumping off a crew boat onto my boat and you want me to leave boat full of oil, when he has never jumped under these conditions before?"

There was no way to avoid getting oil on the boat. When collecting oil with boom, you grab it with your hands and pull it into bags. As I steered the boat I would catch it into containment boom, move forward and pull down fast. The oil would slosh over and we would get it into bags as fast as we could. Someone on the crew would then throw it into another big boat.

They told us to double bag all of the oil waste we collected, and tape it up. They were big black or clear plastic bags. It is the gummiest stuff. We were filling about 40 to 60 bags a day, but the first day I had over 70 bags. Sometimes the responders complained that we were working them too hard; however, they worked 20 minutes and had enforced breaks. The people most worried about cleaning up the oil were the fishermen; they were the same people who thought about going trolling this year.

Another boat was spraying what I believe to be Corexit. They were about 300 ft from my boat when they started spraying, and workers on a nearby oil rig got sick. My boat got sprayed on May 26, 2010, the same day as the workers who were airlifted after they got sprayed with dispersants and got sick. Then two days after that they sprayed offshore and we got misted.

For several days we were told to go to the Mississippi River Gulf Outlet (MRGO) in St. Bernard Parish, Louisiana. Then the St. Bernard Parish president kicked us out of MRGO because all of the boats had oil on them and the wildlife was being affected. When we got up there the oil riggers working offshore were matted with the oil.

We waited two days in between, and when we went back to our original location all of the oil we were cleaning was gone. Boats had come in and sprayed the dispersant and the oil sank. It got to where after they came and sprayed the oil it just sank, but you could go into shallow water around South Pass and when you spun the mud up you would see the oil sheen on top.

We were allowed to go three nautical miles offshore from the landline; however, I was probably 25 miles offshore at one point. They sent me out to Chandeleur Islands, which is at the mouth of the Mississippi River. I had no rope and no life raft. A couple times we went out, but no deckhands or responders were provided.

I was always told by my supervisors that if we didn't do X, Y and Z, they would fire the boats. It was shrimp season, but everything was shut down so we needed the work. We were told, "If you can't go here, we don't need the boat." At times they wanted us to go past the three-mile line. However, I know those waters and we had to have certain equipment and a certain boat to withstand the conditions out there. I didn't have those things so I didn't go; I didn't want to put my crew or myself at risk. That is when we would be denied work.

3. HEALTH PROBLEMS

In the beginning it was hot, but I thought it would be a regular job. Then they started spraying and there was a mist that we were breathing in and I started feeling off; we all had breathing problems immediately. A few times we could see a fog on top of the oil; I don't know if it was dispersant but it was something airborne. One time I was working and I had a shortness of breath. I could tell I had to take a break, and that's not me; I never take breaks, but I started feeling fatigued after a while. With the exception of one incident, I didn't go to the hospital until it was all over.

I went to the hospital once during my time on the job. I got a bad cut when I was on the job, but trying to get me medical attention was a joke. Two guys got on the truck with me and we drove all the way to another parish. When we got to the hospital, they explained that they didn't have a contract with BP so they couldn't touch me. Then I had to get the car of the guy who owned the boat and the two guys who got me told me I didn't follow procedure, and I had to go back to Venice and get them to sign a paper and then come back...Later a BP representative called and

asked me about the incident. The cleanup was over with and they had sent out termination papers to everyone. She asked if I was hurt on the BP job. I said yeah I had a cut and I got the stitches out, and that was all the call consisted of.

At first when I was sick I thought it was a virus. The BP medics told me it had to be heat related. I would get a little better, but I couldn't eat anything. It had to be bland food and it would come back up. My wife got scared because I was losing weight; I lost 15 pounds in three weeks. In November of 2010 I was real sick for three months, so I went to the Emergency Room (ER) at Louisiana State University (LSU). They gave me the anti-nausea medication Finnegan and send me home. I would stop throwing up, but then the medication would wear off and I would get sick again. When I asked for a blood test to see what was wrong, they told me I had to see a primary doctor, but I couldn't do it because I didn't have the money.

I'm feeling so so now. My breathing has been messed up since I started working on the cleanup; I never did get my wind back. I play with my dogs 15 to 20 minutes and I can't breathe. Now I can't smoke a whole cigarette; I smoke half and start to feel it choking me. I can't eat too much anymore either. I can't eat fried food. I mainly eat grilled and baked stuff that I never ate before. I never saw any of this coming, because prior to working on the cleanup I was in good health. I could run 100 yards of football field all day long. I had been working since I was 12 years old.

4. BP CLAIMS PROCESS

We didn't make any money this year, the ship season was bad. Once I went to BP for a payment, because I was unable to work. They told me I didn't have enough paper work, and I didn't know I could go back. When I went in to fill out a claim, two to three times my wife had to drag me out. When I went I brought what trip tickets I had, a letter from the captains I worked with and my license. BP gave me the little \$5,000 check.

I had to put a lot of money into my boat for it to be used during the cleanup. I had to take my fish box out and line out. I had to buy the fire extinguisher, the first aid kit. Even though the Coast Guard approved what I had, they wanted brand new equipment. I had to spend two thousand more on my boat, because they told me I had to be mobile to go to Grand Isle, but I was never sent out there. However, when I filed my claim they told me my boat never went to work. I got the number from the guy running the boat and called them, and they said the boat was never on hire.

Before we began working on the cleanup, everyone filled out a contract. Then they sent you a letter in the mail. It included an HOU number, which was the contract number that you're paid under. I was told that boat had to be on standby if it was not on a job. With my contract, they shut my boat down for the whole fishing season. From the day they gave me my HOU number until my termination I was told I would receive \$312,000. Then, when I filed my claim they said the piece of paper that I signed wasn't a contract. I don't know anything about lawyers and

lawsuits. I'm a fisherman. The people who understand it better are saying it is a contract. We thought that they thought we were just dumb fisherman.

I am providing this anonymous statement to the Government Accountability Project. I've been on the Louisiana waters and shrimping with my grandpa or trolling since I was a kid. I've worked as a deckhand since I was a teenager and I've ran boats all my life. I have a Masters license.

Beginning in May 2010, I spent six months working for BP and BP contractors on the oil spill cleanup. I worked in Venice, Louisiana as a captain for workers collecting boom and then I worked in Grand Isle on the Vessels of Opportunity (VoO) program, transporting high ranking BP and government officials between Command Centers and oil sites. I concluded my time on the cleanup transporting medics to sick workers. Daily I witnessed violations of federal safety regulations. I am providing this statement because BP, its contractors and the government need to be held accountable for what happened during the cleanup. I want what's owed to me; my family and I are sick, I can't get unemployment because I'm self employed, and I have thousands of bills in medical costs and damage done to my boat. I had a great life, two beautiful kids and a great house, and a company that yielded several hundred thousand dollars annually.

1. SAFETY IGNORED

I was watching the news the moment the spill happened, and I knew it would be a bad deal. It was the first blowout at that depth, and every supply boat has thousands of gallons of methanol. After it happened I got a job as a captain with a BP contractor that oversaw the cleanup in five Louisiana parishes. BP hired safety contractor PEC to put on a safety class, but we didn't take it until one month into the job. They were giving everyone the class in four hours. For additional time to get an instructor card you have to get another 18 hours. I was supposed to take an eight hour class, but we finished it in five hours. I have been to a lot of safety training classes in my life and none of them were as uninformative as this class. Some people got up and left during the class, likely because they felt like it was a waste of time. The instructors repeated the same eight points for five hours, and then told us the test answers before we took the exam. During the class we were told the chemicals would be weathered by the time we went out on the water and therefore not dangerous. They didn't discuss Personal Protective Equipment (PPE), just that the oil we would be dealing with was not hazardous. Later we realized it was a lie. Every day I wore tennis shoes and fishing pants shorts. Some of the shrimpers had shorts and tank tops on. At that point we didn't know how toxic the environment was.

BP told me and other workers that if we took additional safety courses during the spill, BP would reimburse us. I received the 40-hour Hazwopper training, but I paid for it and BP did not reimburse me, even though I submitted an invoice. This happened to a lot of workers that I know. Additionally, since the 9/11 attacks, the government put into effect a safety requirement that anyone who works in the maritime industry or air travels has to have a Quick Card issued by the Occupational Safety and Health Administration (OSHA). If you don't have a Quick Card you can't get in the boat. I already had obtained a Quickcard before the spill, but during the cleanup other captains didn't have them.

Everything going on out there during the cleanup was chaos in a structured way. OSHA was invisible on the water because of maritime. Everything was run through the Coast Guard. The Coast Guard had training facilities built by BP training vessels and paid by BP money. When I was the captain for Coast Guard officials, they shared that they were training cadets in these new facilities. BP hired a lot of companies to work on the cleanup; however, BP was always in charge and provided the orders to the contractors.

Throughout the cleanup my supervisors would often say “Oh, we’re not going to enforce that rule now, we have to get that mess cleaned up.” They hired people from all over who didn’t know about the conditions and real safety hazards, but you did what you had to do; you had to take the job and deal with it because you didn’t have money to go home.

At first we were operating out of Venice, Louisiana. During the spill I took scientists and divers within ten miles from the site of the Deepwater Horizon explosion. I was also running crews out from setting up boom and picking up boom. There was no clear structure; you didn’t know what you would be doing each day. Every morning you would arrive at work and the port captain would assign you a duty for a day.

Everyone who worked on the oil spill cleanup was supposed to have an ID card. You had to scan the card at the beginning and end of each work day. At the end of each day, medical personnel would ask us how we felt. When we did report our symptoms, we were always told it was due to dehydration or sea sickness, we were never told that it could be related to the oil or dispersants. When someone fell ill they could not go directly to the hospital; they had to first go through a private medical response center located in a tent. When I was in Venice the medical tent was located at the BP Command Center. It felt like we were going through a triage every day.

The doctors supervised these tents. The Coast Guard were in the first tent. Depending on your symptoms, you would move to the next tent. When I went through it one time, the medic told me “You must have gotten dehydrated.” I had three cases of water, three cases of Gatorade and five gallons of ice on my boat; I wasn’t dehydrated. Then when I complained about cramps they told me I was seasick. Really? I’ve been working boats since I was a boy and I never got seasick. A lot of workers I knew had the same experience when they went to the BP medical tents.

After the first few days I knew what their medical protocol was about. It was created to downplay the number of workers getting sick on a daily basis and the severity of their health problems. There was a safety culture of, “hush hush, it didn’t happen.” I told everyone I worked for when they got on the boat, “If you think you are going to be sick, tell me now.” One time I had two guys on my boat doing cleanup and one passed out. I took him back to the medical tent and I asked my supervisors about him the next day. They wouldn’t tell me anything. I hope he is ok. When I left Venice and went to Grand Isle, it was more of the same situation.

Some doctors would then try to tell us stuff like this didn't happen. One day I and 15 other sick workers were at a public gathering regarding health problems associated with the spill. We all shared very similar experiences about the medical tents. We all had similar symptoms of at least nose bleeds and watery eyes. It was obvious that they were checking workers for symptoms of chemical exposure, but we were regularly diagnosed with seasickness or dehydration. They tried to tell us we had seasickness on days when the water was real calm. Most of the guys have worked on boats since we were young; we weren't buying into the false diagnoses. One of the medical doctors for BP in Venice was at the event and he wanted to speak with each of us individually. He came off almost aggressively; at first he explained that the tents weren't called a triage, and then he refused to admit that they were checking workers with symptoms of exposure to hazardous chemicals. BP and the Coast Guard knew it was toxic and set these places up to monitor us and make sure no one was dropping dead.

I became the captain for a lot of high ranking officials, including the Coast Guard and BP. I would take the officials from Grand Isle to Bay Jimmy, where there was a lot of oil. We would stop at Port Sulphur and the BP Command Center as well. A few guys from the Coast Guard were frank with me off the record about concerns with the cleanup, but they needed to keep their job and could not be vocal. When the cleanup wended down and BP and the Coast Guard announced that they were not finding more oil, a lot of these guys knew it wasn't right.

At Grand Isle, I befriended a BP safety representative. He has been all over the world, including Iraq, and was a high class safety guy. He would come to be so frustrated and say "Man, I don't understand. They have protocol but they didn't follow it." I witnessed safety violations on a daily basis as well. For instance, one day I saw someone brought in from the beach that had a head and neck injury. He didn't properly mobilize and put directly in an ambulance. Rather, he was put on a boat to be transported to a dock where he would then be taken care of. The paramedics should have cared for him directly at the beach, rather than risk additional injury.

Any damages to boats or medical incidents are reported through the BP safety personnel. A Job Safety Analysis (JSA) was recorded and submitted about the head and neck injury incident. However, when BP shut down the command post and facilities, we discovered that all the file cabinets in the safety trailer disappeared in Grand Isle. The BP safety representative couldn't go back and get the JSAs from medical incidents and the logs for boat damages. All we knew at the time was that BP was moving its Command Post to another location, but he was never able to locate the records. At one point for a month I was the captain for a safety boat with medical workers on board. I would bring the medical staff from the BP Command Center and take them to the sick workers. Worker safety incidents occurred multiple times per day throughout the cleanup.

I have a friend who owns a personnel company. He wanted me to call and get a crew together for the cleanup. I warned my construction guys not to get into it because they don't have a clue what they're getting into. They wanted to because they were all told they would make \$25 or \$30 an

hour, which was not true. In most cases, we didn't get paid for all of our work though BP or BP contractors (detailed below). Around that time a lot of people were being hired to clean the beaches. The beach crew did have to wear Tyvek suits, but that didn't come until after the cleanup began and safety concerns were raised. All of a sudden minimal Personal Protective Equipment (PPE) was required for beach cleanup personnel, such as Tyvek suits and gloves. However, we did not receive PPE on the boat.

2. SPRAYED

I got sprayed with Corexit twice. I was having a casual conversation, and all of a sudden we heard a plane. The Corexit is nasty stuff. It disintegrates so that you can't see it, but it's on the skin. When it is sprayed from an airplane it's sticky and hits you like pellets, but it doesn't stay on the skin for long. I was sprayed off of Port Fourchon. That was the same day that the largest amount of oil entered Tartellon Bay. Fourchon West was one district and Fourchon from Grand Isle was another. That day more oil was coming up from Tartellon Bay and they were setting booms trying to contain it, but it wasn't working. The next day, after they had sprayed, there was no more oil in Tartellon Bay.

3. FAULTY CONTRACTS, NO COMPENSATION

There was an uprising in Venice; the sheriff's department and the National Guard had to be called in, because when the techs found out the Corexit was toxic they wanted to fight. The techs were uneducated about the health hazards of the chemicals, and its toxicity was downplayed by the employer. In response, the BP contractor threw a party the next day and told them "Everyone is going to get a check". Workers were mad because DRC's response did not account for the fact that their health had been compromised. Then DRC wanted us to sign a contract that would cut everyone's pay in half and be retroactive from the day we were hired. They told us on a Friday that if we didn't sign the contract, we would no longer work for DRC¹. I told my work partner, "Don't sign it." Our wage was supposed to correlate with the government prevailing wage, but DRC was scalping us. On Monday morning BP asked to see DRC's books; however, we still didn't get paid for the program.

In Venice I ran an aluminum boat, and was strictly laying boom, pulling boom, picking up boom. I still see oil on my boat. I took it out in Grand Isle every week and waxed it. We figured they would decontaminate ("decon") them and everything would be fine. That was the biggest joke of all. The chemicals used on fiberglass shouldn't have been used. The chemicals stripped all the wax off the boat, tore paint off of the motors. To make matters worse, the guys hired for decon didn't have a clue what they were doing. However, if you didn't go for decon, you wouldn't get the final check or clearance from the coast guard to use your boat again. I went to decon, and still I never received my final paycheck from the last two weeks of work or for overtime.

¹ <http://plaqueminesgazette.com/?p=515>

I know how contracts work because I run a company. When I received BPs contract to work on the cleanup, I read it word to word. If you received a contract, the only way you could be terminated was by written notice. My contract states they can't terminate me unless there is a 24-hour written notice. I didn't get my notice until the month after I was let go. They realized they had to get notices out because people were saying "Hey, we're not terminated yet, you owe us money." Then everyone in the VoO program got a termination letter at the same time. BP said it didn't own us money, but during that time our boats couldn't be used for anything else because we were still under contract until we received our termination letter. On that vessel, they owed me \$60,000 to \$70,000.

I had it bad, but so did my supervisors. The stuff they had to put up with in this job they will never do again. Yeah, they made good money but they said it wasn't worth it. Recently I spoke with four people who worked for Environmental Safety and Health (ES&H), which was one of BPs primary contractors for oil spill cleanup efforts. The four guys are now sick.

4. HEALTH AND FINANCIAL PROBLEMS

I thought I could make decent money working on the clean up. When I was working, my wife and kids were in Grand Isle for two to three months. I was told the beaches were fine and clean. However, I am afraid that my kids were exposed to Corexit when they swam in the ocean and pools. Since then, I have lost my home and we moved into my wife's grandmother's house. My family is sick, and I have a stack of medical bills. I owe \$40,000 for the three times I have been in the hospital and I don't know how to pay it. In December 2010 I didn't leave the house because we didn't know if what I had was contagious. Every time I go to the hospital they test me for the flu; I don't have the flu. I took more antibiotics than I have in my whole life. I applied for short term disability and was denied. I can't get unemployment, because I'm self-employed. The church helped me once.

Before I worked on the cleanup, I was in good shape. I didn't have health problems, and my wife was in good health. I was active; I'm not one willing to sit around. I think I have spent more time sitting around last year than my whole life. My health problems are worse than my family's, but everyone has been affected. We all had urinary track problems. My wife and I have severe abdomen pains. It is different things at different times. If I'm overheated, I will suffer - every time you sweat, stress out, get over done. I am blessed to have two very intelligent little girls. But every day my little girl says, "Daddy, my belly hurts, daddy my booty hurts." It breaks my heart; not many kids complain when they are two years old. My four year old is the same way. She has stomach problems and doesn't want to eat. She runs a high fever at random times. But what do we do? No one knows what to do when we've never dealt with this before. Now I have learned to live with it. I don't have any answers.

One of the side effects of exposure to these chemicals is short term memory loss. I have always kept notes and records, because that is how my grandpa taught me – if you don't keep records,

something is going to come back and get you. I can't remember everything; my short-term memory is gone now. Sometimes I leave home without a wallet. I have a notebook that I record everything in and I have to go back and review it, as if I'm studying for school. That is the only way that I am able to keep track of my life. Life has changed so much.

5. CONCLUSION

I don't have problem saying what happened because it is what it is. The oil field made Louisiana, along with the fishing industry. I can't get a job offshore now running a boat, because there really are not any jobs. The way this has been handled is what pisses me off. If they handled the cleanup how they normally would, with more skimmers and boom and proper PPE, I wouldn't be talking about it. If it is a cover-up – we all know it is – who do we go to because the government is not listening.

In Gonzales, LA there is a major holding facility where several kinds of Corexit are stored. I drove there in August 2011 and saw it stored. I couldn't believe it; after all the damage that Corexit has caused, it is still being sold. Grand Isle is still covered every day with tar mats. BP and the federal government's whole philosophy has been "out of sight, out of mind"; that's what the Corexit was for.

I am submitting this anonymous statement to the Government Accountability Project on July 13, 2012. I have lived in Baton Rouge, Louisiana my whole life. I am married, and have a five year old son. In June 2010 my son spent less than a week at Orange Beach, Alabama. I believe the pool that he swam in had the dispersant Corexit in it. He was three years old at the time and got very sick. He lost one third of his body weight. The doctors didn't know what the cause was, and then we found high levels of the chemicals in Corexit in his blood.

Initially I would not speak publicly about my son's health problems. I was trying to do contract work for a company that conducts extensive background investigations, and I didn't want to be seen as someone who is volatile and stirs up problems. However, I could not remain silent about the impact that Corexit has had on my son's health, because if we don't learn from this tragedy then needless more children will get sick during future oil spills. I have no qualms about the oil industry making a profit, but it needs to do it right and not put the public in harm's way if something goes wrong. The dispersant Corexit that BP used in response to the spill is extremely toxic.

1. DON'T GO IN THE WATER

My son was three in June 2010 when my relatives took him to Orange Beach for 5 days. I have since learned that Orange Beach was one of the most polluted Gulf beaches following the oil spill. I was against him going at the time, but my relatives promised he would not go into the Gulf water. Just from doing my own research, I was concerned about him being exposed to toxins from the spill.

When they went to Orange Beach, they saw oil cleanup workers cleaning up the beach with backhoes and frontend loaders like tractors that they were throwing the oil bags in. They also saw a few large military planes that dropped in elevation when they flew over the beach. When the planes flew over the water they dispersed what my relatives believe was Corexit, since it was still being used heavily in the Gulf during that time. As it was being sprayed, the wind may have carried it into the pool that my son used. I found out later that chlorine acts as a binding agent for the compounds found in Corexit. My son stayed primarily in the pool and walked along the beach, but he did not get in the ocean.

Within one month after my son returned from Orange Beach, he had lost 15 pounds or approximately one third of his body weight, which took him over a year to gain back. He was 47 pounds when he went to Orange Beach, and his weight dropped at one point to 32 pounds. I had him on probiotics and tons of vitamins to try and fight whatever was going on.

2. HOSPITAL VISITS: KIDNEY STONES & ADHD AT AGE 3?

In August 2010 my son had his first pain attack. I heard him scream from the bathroom and then a loud thud. I ran to the bathroom and he was passed out on the floor in a pool of urine. I looked in the toilet and saw a kidney stone that he had passed. My wife and I took him to the Emergency

Room (ER) at Lady of the Lake Children's Hospital in Baton Rouge. He was running a 105 degree fever and they put him in the Intensive Care Unit (ICU). Then we had to have his kidneys examined. At three years old he passed a kidney stone.

The doctors and nurses shared that they had never seen anything like this and could not find a cause as to why he was sick. I began researching health problems associated with the oil spill, and learned about the Volatile Solvent Profile blood test, which tests for many of the same chemicals or Volatile Organic Compounds (VOCs) found in the crude oil and dispersant. I asked if they could give my son a Volatile Solvent Profile to test for different toxins in his blood. They wanted to know why and I explained that he spent time at Orange Beach. I wanted to know if his health problems could be related to toxic exposure from the oil spill. They responded that in their opinion this wasn't the cause. When I asked what the cause was they said they didn't know, but they still refused to do any testing relating to the oil spill.

At age three they put my son on Hydrocodone, which is basically liquid Loratab pain relief for children, to curb the pain attacks. They also gave him tons of antibiotics. He was taking a very strong pain killer and a very strong antibiotic at the same time, which concerned me. Later, his pain attacks started happening two to three times a week. He said it felt like someone was stabbing him on his right side where his kidney is. A couple weeks after we returned from the hospital we had two guests over for dinner, and my son had a pain attack in front of them - as he was walking through the living room he dropped to the floor. We never knew when they would come on, and we needed answers.

After the incident I took my son to a local clinic to see a pediatric urologist. My wife did not attend the appointments that involved medical procedures; since our son's been sick she has been very fragile and doesn't want to see him hurt. I explained to the urologist, "Maybe we should do a blood test for Volatile Organic Compounds." He rejected my suggestion immediately and wanted to know why I brought it up. I told him the same thing I told the other hospital: my son had been on the beach where Corexit was being sprayed, and I wanted to see if there were any chemicals in his blood that could help explain why he was suddenly having these severe health problems. The urologist reacted as if my suggestion was crazy and proceeded to tell me that my son needed to be tested for Attention Deficit Hyperactivity Disorder (ADHD). He made that evaluation after only meeting my son for less than one minute. I have no idea where his ADHD diagnosis came from; I have since talked to other pediatricians who told me that children are not tested for ADHD until a later age.

In the summer of 2010 I also had to take my son to Woman's Hospital in Baton Rouge. The doctor wanted to do a scope on him, and Woman's Hospital was the only hospital in the area with the right equipment. Three nurses and I held him down while the doctor put a catheter in him. It took them about 30 minutes to get it in. They examined him and said they did not know what could cause what he was experiencing. We couldn't get answers from any physicians. A

few weeks after that, his pain started trimming off so we took him off the pain meds and antibiotics; he had been on them for 90 days.

Within a day or two after my son got off the antibiotics he was having trouble breathing. We took him back to the ER at Lady of the Lake. They said he had a massive lung infection. He was admitted again for two to three days, they released him, and two weeks later we were back again with another lung episode. This time they gave him breathing treatments in the ER and that was the extent of the hospital's response.

3. 2nd HIGHEST CHEMICAL LEVELS IN BLOOD

After my son lost a third of his weight, he didn't start gaining any of it back until late fall of 2010. Fortunately during that time I met Marylee Orr and the Louisiana Environmental Action Network (LEAN). They told me they were doing an independent study of people having problems medically after the oil spill, and they would be willing to pay for the Volatile Solvent Profile on my son, which we could not afford. Our insurance would not cover this type of blood test, because – 1) it wasn't ordered from his regular doctor; and 2) they didn't see it as a need. Our insurance didn't cover his other bills when we were in the hospital. We probably paid \$4,000 to \$7,000 out of pocket – or continue to pay, because we don't make a lot of money. We're being sent to collections now for the medical bills, but that is the least of my worries.

Just before Thanksgiving of 2010 Marylee sent us to Dr. Mike Robichaux ("Dr. Mike") who was drawing blood. We drove about 150 miles south just to get a blood test because he's the only doctor willing to draw blood for the test. More than anything at that time I wanted to have peace of mind and to know from the blood test and other medical tests if his health problems were or weren't related to toxic exposure. I have had so many doctors dismiss this possibility without offering any basis. I got the results back January 2, 2011 and at the time my son had the second highest level of toxicity in his blood of anyone who had been tested by LEAN except for one diver at the scene of the Deepwater Horizon.

How does a three-year-old get that much toxicity in his blood when he lives 150 miles from the coast, except for one time when he was on the coast for five days? None of these symptoms were present prior to his trip to Orange Beach. I tried to contact some attorneys after we found out how contaminated his blood was, but no one was representing anybody with health issues. I'm not looking to get rich or anything; I want to get my son properly examined and treated, and have his medical bills paid for. Just from the research I've done on the toxins in his blood, I'm sure that they've settled in his pancreas or his liver. What are going to be the repercussions 10 to 20 years down the road? Is he going to get cancer? Any money that we would get would be used to pay off his hospital bills and put in a trust fund for him when he is older.

4. GOVERNMENT KNEW BETTER

On August 25, 2011 I went to Washington, DC with over a dozen other people from the Gulf who have been medically and financially affected by the spill. We went to meet with agency representatives about our experiences. During an informal lunch I met with a representative from a government agency with oversight responsibilities pertaining to the oil spill health response. I showed her my son's blood work, and her eyes welled up; she said that he will likely have cancer in 20 to 25 years. She explained, "We can't see the harm being done by these chemicals because they get into the blood and change the DNA on a molecular level." She said there is nothing that can be done. Based on the position of government officials at a meeting later that day, I don't think she was supposed to share that with me; but it was her immediate reaction after seeing my son's test results.

At our final meeting of the day there were representatives from the Center for Disease Control (CDC), Health and Human Services (HHS), the Agency for Toxic Substances and Disease Registry, and admirals in uniform. They told us that cameras and tape recorders were not allowed. They wanted us to fill out a form but they didn't say who it was for. They did tell us they were going to conduct a study on health problems associated with the oil spill. I didn't sign anything.

During the meeting the CDC passed around a loose leaf binder with pockets. The binder was not specific to the Gulf oil spill; it included general information about the CDC and its function in government. However, a pocket sized safety booklet about cleanup work was tucked into the binder pocket and I saw it as it started to slip out. A cleanup supervisor who had fallen severely ill was sitting next to me. He saw the booklet and in a surprised manner he quietly said to me, "That is the book that BP was seizing from us." He told me that when he was on the job he got a copy of the same booklet, made a hundred copies and distributed them to other workers, but his employer realized what he was doing and the copies were seized. The book was titled, "Oil spill Clean-Up Initiative. National Institute of Environmental Health Services. Safety and Health Awareness for Oil Spill Cleanup Workers. OSHA 3388-062010. The cover page also listed HHS, National Institute of Health and OSHA. The booklet detailed toxins used during the spill and associated health effects, including cancer.

Everyone in our group had health concerns, and at the meeting we went around the room sharing them. The government representatives sat there denying our assertions or evading our questions. One woman shared that her daughter had three miscarriages since the oil spill. She asked a CDC representative, "In our area we know miscarriage rates are skyrocketing in our community since the oil spill; we need to account for the number of miscarriages since the spill across the Gulf. Can I find that information anywhere?" Without responding, the CDC representative turned to a member from our group who, in addition to being very ill, had a dog with severe health problems since the spill. She said to him, "We know your pain, tell us more about your dog." I did not have an opportunity to speak about my son. Most of the remaining meeting time was diverted to the health of his dog. We left with more confusion around the health problems we are facing than

when we entered, because the government representatives rejected the notion that our health problems could be associated with the spill.

5. WHAT DOES THE FUTURE HOLD?

I won't let my son go back to the Gulf beaches. After he returned from the coast he was constantly running a fever, coughing and not wanting to do anything and just laying around. It has been over two years since his trip to Orange Beach, and he still has chronic coughing and a constant runny nose. When we put him on antibiotics the symptoms subside, but then when he completes the antibiotic his problems return like clockwork. He can't stay on antibiotics his whole life. We made several attempts to try and move to get away from the general toxicity of Louisiana; we just don't have the money to leave. My son left in the summer of 2011 for Phoenix, San Diego and Houston for almost one month with my parents. He seemed to be doing better when he returned. He's grown taller but it took him over a year to gain all of his weight back. Fortunately he hasn't had any bladder or lung problems recently, but what does the future hold for him?

My parents went into the pool during that trip, with my son. My dad was having a lot of breathing problems last year and my mom was wondering if he should get tested, because it all began after their visit to the Gulf as well. My son's blood test at least offered me some answers, but the doctors we spoke with initially were so negative that we didn't go back and share the blood test results with them. We didn't even go back to the urologist because of the way he talked to us. I don't understand why he would think that a three-year-old needs to be tested for ADHD rather than have blood work done; that's insane to me. The CDC representative was candid enough with me; what more can be done?

My name is Betsey Miller. I am submitting this statement, without any threats, inducements or coercion, to Shanna Devine, who has identified herself to me as an investigator with the Government Accountability Project. My husband is James Miller, better known as “Catfish.” We’ve lived in D’Iberville, Mississippi our whole lives. My husband is 46. I’m a veterinarian technician and he’s a commercial fisherman. We were just trying to make a living, and the spill happened. One of our family boats was hired by BP for the cleanup through the Vessels of Opportunity (VoO) program on May 10, 2010, and James’ contract ended August 27, 2010. James has been a commercial fisherman since he was eight years old, with his dad. He’s a fifth generation fisherman. When he was on the VoO program he had no access to safety equipment; he asked about it and was essentially told, you ask about it, you lose your job. Then three weeks into the cleanup he started getting really sick; now it’s hard for him to hold any work down because he is repeatedly in and out of the hospital. I am providing this statement because he is currently in the hospital and unavailable. I don’t even know where to begin.

1. DENIED SAFETY EQUIPMENT

Everyone was in awe when the spill happened; all of the fishermen’s livelihoods were being threatened. The opportunity came along to work on the VoO program, and of course the fishermen weren’t going to turn it down. BP was offering \$2,600 a day for an eight-hour shift. I knew from all of the paperwork I had read that BP was supposed to supply the men with respirators, hazmat suits and other safety gear, since they were working on the oil spill. I was concerned that they were out there touching the chemicals with their bare hands, and I knew my husband didn’t have sufficient safety gear. Before he began working, the only training that BP provided was a boom course. He learned how to set up boom and contain the oil. The only safety advice the training provided was that workers should drink a bottle of water every hour. During James’ second week on the job, when he began feeling the health symptoms more severely, he asked the safety inspector with BP contractor Danos and Curole about the equipment they were entitled to at the dock before they went out on the water, and it was like “hush hush.” He told James that if he ruffled feathers, his contract with the VoO program would likely be terminated. Throughout his time on the job, his supervisors made it clear that if you pushed for better conditions, you could lose your job (detailed below). The jobs were scarce and competitive. Of course no fishermen wanted to lose their jobs.

The fishermen are like a community of their own; they’re a different breed. I’ve grown up with it all my life because my dad was a fisherman. They’re tough people but good hearted. My husband is really tough, he doesn’t bite his tongue for anyone, he tells you like it is. I think that’s why he gets a lot of flak from different people, because he does speak what’s on his mind and he doesn’t have a problem doing that; where a lot of people would back down, not him. During my husband’s third week on the job, he again asked why they didn’t have more protective equipment. We had seen workers on other boats with hazmat suits, respirators and other protections. He later discovered that those boats were spraying dispersants. They were in skiff boats, and they had dispersant tanks with nozzles that they sprayed from. James befriended some

of the workers on those boats, and they confirmed that they were spraying dispersants. They told him that it was highly toxic, and they were using it to sink the oil. They were workers just like James, following their instructions.

During James' second and third week on the job, these boats sprayed dispersant less than 100 yards from him. He explained to me that he would have to move his boat on certain days when the wind was blowing in his direction and the dispersant fumes were too strong to withstand. What concerned him most is that he saw these boats spray dispersant inside the sound on the beaches, as close as one mile from the shoreline. He reported this to the safety inspector at his work site and explained that he wanted to videotape them spraying so that BP could be held accountable for spraying so close to the shoreline. However, the safety director told James that he risked getting in trouble if he videotaped it. After James and other workers started asking questions about the dispersant use, the dispersant operation was moved to Bayou Caddy in Bay St. Louis, Mississippi where their staging site was located. From there on out, they began spraying at night.

As it turns out, some of the cleanup workers wouldn't come out on the big rigs during the middle of the day because the sun would heat up the oils, give off a gas, and the smell would make people sick. My husband and his crew were in the thick of it, and they didn't have any protective gear other than rubber boots and gloves that they had to reuse. I often provided my husband with clean gloves.

The first two weeks after he came home I washed his clothes totally separate, because I do that anyway with his shrimp clothes. Then I would wash our clothes and my kids clothes separate. I even went as far as to the laundry mat to do the clothes, but by that time apparently it was already in my washer. When I washed his clothes or we were intimate, I would break out in hives as big as a finger. I would start itching real bad, and I was taking 100 milligrams of Benadryl trying to counteract the itching. This happened even after he would get out of the shower. We would scrub the vinegar all over him to break the smell because he smelled like rotten egg. He would scrub with the Dawn dish soap and Go Jo, which is an orange type substance that gets grease and oil off your hands.

That lasted about six months, even after he stopped working. Now I don't have a problem at all. I don't know if it's because I threw away all of his clothes that he used out there, even down to the socks, and we started over. I went through the boat and threw everything off the boat away, including mattresses and the whole nine yards, because it seemed like every time he went to the boat he got sick. He's working the boat. BP would not decontaminate ("decon") our boat (detailed below), so we tried to decon it on our own with bleach and codivan.

2. HEALTH PROBLEMS

When James was working on the VoO program, our boat was docked at Pass Christian, Mississippi. He had a 45 miles grid to survey for oil. When they found the oil my husband would

report the coordinates where he found oil to his supervisor. During the first few weeks when the skiffs were spraying dispersant during the day, they would often arrive to spray the oil shortly after James reported it. I went out there with him a few times, but I couldn't stand the chemical smell from the dispersed oil.

After three weeks, in early June his chronic vomiting began. He couldn't stop vomiting for 12 hours straight. The first time he got up, got to work, got half way out on the water to find the oil and told his crew that he felt like he was about ready to fall out. He called his team leader and said, "This isn't safe, I'm going back in for my sake as well as my men's sake." When he did go back in, they called me and he was brought to Biloxi Regional Hospital, which is the only hospital he has been to. That time he stayed three days in the hospital, and ever since then his symptoms have progressed and progressed and progressed; vomiting, headaches, bloody diarrhea and bleeding from the rectum. His mind is fuzzy all the time and his eyes look like they are glazed over (detailed below). As he describes, it's like his nose feels like a glazed donut.

Once at the hospital they pumped him full of fluids because he was so dehydrated. However, the Biloxi Regional Hospital did his blood work on November 6, 2010 and said that they couldn't find anything wrong with him. We later discovered that they needed to use a specific blood test in order to identify the chemicals in his body (detailed below); however, they used a more standard test that did not reveal the high levels of chemicals in his blood.

After he went to the hospital he went right back to working; he would come out of the hospital that day and go back to work the next day. He did ok for about a week, and then the vomiting and his other symptoms started all over again. My husband only stopped working when they released the boat. His termination date was August 27, 2010. There were mornings when he would just puke puke puke, but he would get up and go to work because he had to. I mean, that's how we survived.

Shortly after James stopped working on the VoO program, BP gave him the HAZMAT course. They did not offer it while he was working, but enough people were asking about workplace safety and finally the course was made available. Workers had to get on a list and a BP representative called you and said, "They are having a HAZMAT course at this location, be there, and your name would be on the list." July 14, 2010 is when James took the HAZMAT course, but he started the VoO program in May. BP told him that he needed to take the course, and whoever was working for or with him could also take it. I took it with him so that I could read the questions. The reason I go to all of these different meetings with him is that some fishermen don't read or write very well and my husband is one of them, so he doesn't always understand the material they give out.

After he took the course, he explained to me that he never would have accepted the job on the VoO program had he known about the health risks associated with chemical exposure from the beginning. He explained to the HAZMAT instructor that he was experiencing most of the health

symptoms on the list provided for chemical exposure symptoms, including burning eyes, a runny nose, skin tingling, ears that would leak liquid, violent vomiting and rectal bleeding. The instructor asked him if he had been detoxed, and when James explained that he did not even know what it meant to be detoxed, the instructor told him that he needed to see a detox specialist because he believed that James had been chemically poisoned.

3. DENIED DAMAGES

Any time he is around the chemicals from the spill, if we're down around the boat or if the wind blows a certain way, James gets sick. He has not been on the boat for the past several months because it only exacerbates his symptoms. He is sensitive to common scents, such as hairspray or perfumes. He can't use certain deodorants now, and toothpaste irritates his mouth. He cannot use dishes from the dishwasher because the smell of Cascade upsets his system. He can't be around diesel fuel, and when he touches oil his hands break out in hives and rashes. Our boat has never been de-conned at all. BP's contract stated that after the boats were released they would be taken to a decon place and de-conned correctly. We contacted BP after the boats were released from the VoO program; I followed every step that asked me to do and filled out all paperwork required. However, BP sent the paperwork to us stating that the boat was fine and decon wasn't needed. Our boat was right out there in the oil, how much more evidence do you need?

I have a letter from the Coast Guard who gives a document number and states that "Vessel Decontamination verified complete and vessel poses no apparent pollution or risk to the environment due to the oil contamination or damage as a result of the oil spill response efforts or transit through affected waters. Vessel appears in apparent good order and fit for intended routes and services." Do you know how they inspected our boat? They stood on the dock and looked at it. They never got on it, and then they gave us this piece of paper and said it was all ok.

We've even had trouble trying to get BP to pay for the boat damages that occurred when it was used in the VoO program. When James was working for BP he got a big rope caught in the propeller, and it caused the vessel to shimmy when running. We reported it; I have statements from the team leader, four other guys who witnessed and confirmed this, from our deckhand who had to dive overboard to get the rope out. BP told us to submit everything, because we had to put the boat up on dry dock because it bent our shaft. A shaft is \$4,000 to \$5,000 a boat. Needless to say, \$25,000 later after we hauled the boat up on our dime and I submitted all the paperwork, BP sent back a letter that they weren't paying us and it wasn't their fault. They denied us, stating "They were determined to represent an issue that has no direct connection to the oil spill." We were out there as part of the VoO program; how much plainer does it get to have a rope caught in the propeller? I found out all of the dates, I went to all of the locations where the damage occurred, and I got everything in order. Still, I learned it the hard way a long time ago that if you don't have a paper trail, you don't have anything.

We have not been paid in over 20 months for our business losses; no interim payment or anything. In the beginning we got the \$5,000 check twice, and BP supposedly did it based on what we made a month. Then it went down to \$2,500 and since then we did not receive anything. BP did not indicate why we stopped receiving payments. We were told that we would receive \$2,000 and something dollars monthly, which was supposed to be based on lost wages. However, we averaged at least \$10,000 each month before the spill. BP then said they said they didn't have enough information to provide the interim payments, so we broke it down for them through past financial records. What part they don't understand and don't get I don't know, but it's black and white for them.

The BP Gulf Coast Claims Fund (GCCF) recently sent my husband a proposal for his profit loss and they want him to take a settlement of \$25,000. I said, are you crazy? We make more than that in two months when there is a good season. It doesn't add up. Where these other workers don't have records, they are offered more. We have an accountant that does our taxes every year. I have it all laid out for BP. Regarding James' health problems, we had to file a separate form for something like physical injury or plausible death, and the GCCF sent back another counteroffer of \$25,000 for the medical bills. I was like, are you all crazy? We had over \$200,000 dollars worth of medical bills. More recently, under the class action suit, James was offered a \$60,000 medical settlement. We had to decline it, because we have over \$360,000 in medical bills now. It's not about being out there to make a dollar. If we could, we would give every penny we have back to BP to have this man's health back. The money isn't anything if I don't have him. I don't know where to go, where to turn.

4. CHEMICALS IN BLOOD

In early 2011 we went to Louisiana to see another doctor, Dr. Michael Robichaux ("Dr. Mike"). We love Dr. Mike, because he's the only one who is willing to help. He knows what is going on and he is trying to help the people, but he can only do so much too. We found him after a lot of research, and with the fishermen keeping in contact with everyone on websites. He sees a lot of men on the Gulf having the same problems that my husband is having. For some, it's even worse. Dr. Mike drew James' blood for a volatile solvent profile test, to see if the chemicals from the oil and dispersant were in James' blood. Dr. Mike sent the test to the Metamatrix lab on February 26, 2011. We got his results back and he tested high positive for six of the compounds that comprise the oil and dispersant. For some of these chemicals, you are not supposed to have more than .1 in your system, and James' test showed that he has 11.1. Dr. Mike explained that we needed to find a specialist to read the test results, because it was not his field of expertise. We sent his test results to a doctor who specializes in chemical exposure. She explained that James is so poisoned that it could take him several years before some of the symptoms even subside. She explained that he vomits everyday because when he sweats he releases the chemicals from the fatty tissues, and it is more than his body can process at one time.

We asked Biloxi Regional Hospital to run the volatile solvent profile test as well. They took his blood and had to send it to the Metamatrix Lab; however, the hospital lost his results. James' doctor called and told us that out of his 35 years in practice, this was the first time that his test results had been lost. My husband's doctor had a frank and candid conversation with him at one point, and explained that he couldn't write anything on paper to identify the cause of James' illnesses, because legally he couldn't prove that BP made him sick with the dispersants that they used on the oil spill. He explained, however, that something very similar happened to him 30 years ago when he was a medic in the Vietnam War. He was sprayed with Agent Orange and he and several of the men he was caring for had similar symptoms, including respiratory problems and skin rashes. He explained that James and others were sprayed with a chemical that – like with Agent Orange – the government authorized and there is no process to address it. He explained that BP and the government don't want to diagnose and treat them because then they would in turn be admitting that they got us sick.

5. HEALTH DECLINES

The man who dived in to release the rope when it got stuck on our boat is not as sick as my husband, but he has several similar symptoms - the vomiting, the headaches. Like most fishermen, he doesn't have insurance so he doesn't go to the hospital. When you walk in they want money right off the bat if you don't have insurance. How do you explain to hospital staff why you are there, about the working conditions with BP? They look at you like you're crazy. We want help, but we don't know where to go. I don't know if the hospitals don't know what to look for, if they don't know the right protocol, or know where to begin to address this type of chemical exposure. But I know something has to be done. If not, I won't have my husband much longer.

He's waits until the last minute to go to the hospital because -- 1) we don't have insurance and 2) no one likes being poked and prodded on, especially him, who's scared to death of needles. So when he says, "I've had enough," you know there is something wrong and he is ready to go to the hospital. Since James first went into the hospital in June of 2010, he has been in four to five times and his health has only deteriorated. He vomits every day. It's like a pattern; between 1:00 and 5:00 am, he will hit the floor out of nowhere and he just starts vomiting, and then he starts snorting at the nose real bad. He gets these headaches and the glassy film over his eyes, and a lot of time he has diarrhea with it. Sometimes it lasts maybe four or five hours, sometimes it will last ten hours. He has these nightly sweats; you talk about stink, he smells like rotten fish that has been lying out in the sun. Wake up to that at 4:00 am. Then you have to get up, strip the bed, take showers.

On August 12, 2011 it was a ten hour day of throwing up, and he had just had enough to where he had blacked out. He called me at work crying and said, "I've had enough, I don't know, let's go." I called his sister, she took him and I met him over there. He told them "I'm not leaving until you all figure out what's wrong with me because I don't want to die." They have all of his

records, but all they can try to do is maintain it. He is highly allergic to sulfur, Luritab, Codine, so the hospital gives him Purkestine. Today they are talking about scoping him again, which he has had done, because they don't know what is wrong. He has had every test underneath the sun done. The only way to keep him from vomiting is to keep him knocked out. And that's not him. He's a workaholic.

Before he got sick, his whole life he would hit the floor early in the morning and be at work, always doing something. We just built a new set of doors for our boat. Before all of this, he was as healthy as a horse, as strong as could be, hardly ever ever went to the doctor. He doesn't like to take medicine; I have to make him take Tylenol when he gets a headache. He's not a complainer at all, he was raised really tough. He's a great man, he's a good guy. Now I'm at my wits end because I don't know what to do for him; I don't know how to help him anymore. It's hard, because he's deteriorating in front of me. He looks like he has aged ten years, and I have been married to this man for six years.

Thank goodness we have a nurse this time on his floor who is actually on our side. She doesn't look at us like we're crazy when we make the connection between his health problems and working on the VoO program.

6. SEAFOOD SAFETY CONCERNS

One of the hospital staff spoke with me who totally agrees that BP is a lot of our problem, of our people being sick and our gulf being not bountiful enough to provide. She says, "I won't eat the seafood that's come out of that water." After she saw the baby dolphins washing up and other problems, she stated that she wouldn't eat the seafood or let her grandkids play in that water. We were talking and she said, "Oh yeah, like all of these baby dolphins suddenly died by themselves." I looked at her and I said, "Oh, you know about that?" And she said, "Yes, they're crazy, I wouldn't feed none of that seafood to my family." Honestly, we don't let our grandson go in the water, and even though my husband is an excellent fisherman, we don't eat the seafood right now. Would you eat it? No. Because when you see the animals out there that you're catching, that aren't growing, and they smell funny, something's wrong.

I wish BP and our Marine Resources Department down here would listen to our fishermen, because this is our fishermen's backyard. They know these waters in and out, what belongs there and doesn't belong there. They know what the season looks like, where it changes, what changes, how it's supposed to be, what these animals look at, what time they flush through. Everything is off this year, everything is off. The fish and shrimp are not growing, there are less and less of them and I don't even know if we will have a crop next year. My husband is really adamant that he doesn't think there is going to be anything next year to catch, and he says he definitely wouldn't eat it then either because no one can tell us what the long-term effect is going to be. He is already dealing with severe health problems and we don't know what his life is going to bring.

There's just something that's not right, when all of our baby dolphins are dying, and crabs are coming up in some of the lab tests with oil. I know personally they have tested for oil because where I work there is someone that works for a local lab. She told me that the little blue crabs who have hatched in their hatchery had oil in them. She told me, "I ain't eating that stuff." We live off of that. My freezer used to stay stocked. Now it's like, "No, don't bring that stuff to me." I'm scared of it; I don't want to feed it to my kids or my grandchildren. Still, it is a lot of these fishermen's staple to feed their families.

The government says it's all ok. If you go down to the end of my street and look up, there is a big billboard that says our Gulf seafood is safe, and I'm like, hmm ok, you all eat it all you want, because I'm not. I really don't understand why you would want to feed the public food that is not 100% safe. These are children and pregnant women who are eating it, come on. I just never realized there could be such evil people in the world until they are put in front of you. Lord knows I've come across some devils right now. We're just trying to fix my husband. I just want my husband well.

7. CONCLUSION

It's a fight, a struggle, it's one that I'm not giving up, because I love my husband dearly and these fisherman don't deserve this. BP and the government are the ones who messed up their playground. They're the ones who are basically contaminating the people. Step up to the plate to fix what you did wrong. Put yourself in our position. If you were just a common fisherman and your livelihood was damaged and you're still struggling and wanting to know, how are you going to feed your family and pay your bills, knowing that your wife is working herself to death, and here you are trying to do what you can, but there is no help, what do you do?

With James in and out of the hospital, I'm so grateful that I have a supportive job that works with me. They are like my family. I have to take off so much with him, and here I am trying to make up hours and work as much as I can, ten to twelve hours a day, but it's what I have to do. That's my responsibility, until we can figure out what's wrong with him. Because this isn't him; this isn't the man that I married six years ago. I know he feels so bad because he has always worked and now with me having to just work and provide, it's killing him because he is a workaholic. Anybody will tell you, that man can run his mouth all he wants and he is a hard-ass, but he knows how to fish and he loves what he does. Anybody that is a true fisher is that man.

I am physically and mentally just drained, but I'm not going to throw my hands up and say I'm done, because I'm not a quitter, none of us are. I'm to the point where ok, he needs help but all the fisherman do and there are some worse than him, so my God something needs to be done. A lot of them are scared to talk because they are wrapped up in litigation and don't want their cases to be compromised. If they do speak out, they rarely receive a response from their local politicians or media. When James' isn't in the hospital he's at every community meeting since the spill took place. Even for the Vietnamese, we go to their meetings, because it isn't about him

gripping about himself. He's griping, because there are other people out there sick like him and they're not getting help.

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My name is Christina Tillman. I am submitting this statement, without any threats, inducements or coercion, to Shanna Devine, who has identified herself to me as an investigator with the Government Accountability Project. I live in Pass Christian, Mississippi, which is located along the Gulf of Mexico. This statement is about my two year old son's illnesses, which began after the BP oil spill in April 2010. I'm a surgical technologist, and I am currently enrolled in nursing school. I have worked in the Operating Room, Emergency Room and Observation unit, providing patient care as a clinical technician or medical technician. I have worked with doctors for three years, and I have never witnessed the treatment that we endured while we trying to better understand my son's health problems. It felt like pulling teeth to get any kind of feedback whatsoever from our doctors. Every doctor completely shut down when we brought up a blood test our son had taken that showed chemicals in his body that were associated with the oil spill.

We need to find doctors who are familiar with these chemicals and how to respond to them. This whole ordeal has been costly. We went to dozens of appointments, and we now have large medical bills. If it is BP's fault, BP should pay for it. I hope that other people who had to go through what we have due to chemical exposure from the BP oil spill get compensated so that they can obtain proper treatment for their children or for themselves. This will also allow the doctors to receive compensation for their services.

1. BACKGROUND

When the explosion happened, we didn't even know anything about the spill. I think three days had already passed before they put anything about it on the news, and it was just a brief 30 second segment of, "an oil rig has exploded but there are no problems." But we smelled burnt oil. We used to live right across the street from my parents in law, which is close to the Louisiana state line and about a mile from Bay St. Louis. The Gulf of Mexico is right outside of the Bay. I remember coming outside one day and wondering, "What is that smell?" It was a distinct disturbing smell of burning oil, but no one knew what to attribute it to. Three days later we finally heard on the news that a rig exploded. It got to the point where we smelled burning oil all the time.

However, when my family began getting sick, I didn't think we had anything to fear as far as coming into contact with any type of BP chemicals. We hadn't been to the beach, and we hadn't eaten any seafood, so why would we have to worry about that kind of thing?

Then my son's health problems got worse, and test results came back that showed he had levels of volatile solvents in his system. So many people were asking questions about what types of illnesses he was experiencing, how long was he sick, where did we go, what did we do? Finally I got together with a friend from Chicago who has a website and asked him to help me put something together. He helped me put together a website, www.truthoutonbpillnesses.com. It

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catalogues the experience we had surrounding my son's health problems from the beginning, and our difficulties getting him treated.

I did research on the four chemicals that were found in my son's body and also found in the crude oil and dispersant, Corexit: Hexane, 2-Methylpentane, 3-Methylpentane and Isooctane. All of the health effects that he was having are caused by inhalation of those four chemicals in his body. On my website I have a tab that includes the chemicals found in his body and then underneath each chemical I have the different links that I used. For example, I have linked to an OSHA (Occupational Safety and Health Administration) webpage that provides information on specific chemical and associated health problems.

In addition to creating a record of what we experienced, I put the website together because if there were someone who had gone to the website and had a sick child, they could catch the symptoms early. At first my son was not experiencing life threatening illnesses, he was not in a fetal position regurgitating, or in a state where he couldn't move and needed to be in the hospital. The symptoms were more subtle, such as cold and sinus symptoms, low energy and loss of appetite that progressed into more severe symptoms later. I wanted any parents to be able to see the range of severe symptoms that could be caused by these chemicals being in your child's body.

2. SICK, HOSPITAL NIGHTMARE

In May of 2010 my son, husband and I were all experiencing a summer cold type deal, including a runny nose and sore throats. It wasn't that severe. However, I've been with my husband for about seven years, and he never gets sick, not even a cold. It was one month before my son's second birthday, in September, 2010 when things really started to get bad, and then they came on fast even for the adults. We suffered severe vomiting and intense sinus pressure literally to the point where it felt like our heads were going to explode, coughing, and rawness in our throats that felt like strep. The symptoms cleared up for my husband and me after a month. However, my son's health problems (detailed below) persisted until April 2011. Recently he was diagnosed with asthma.

As the cold symptoms persisted, on September 16 I took my son to the doctor. The hospital put him on an antibiotic, and he seemed to do ok after that. Toward the end of the antibiotic, not only was he not getting any better, he started to run high fevers again and his symptoms were actually getting worse. Toward the end of September I had to take him to the doctor at Memorial Hospital Children's Clinic for the same thing. They basically did the same thing that they did the last time we had gone, and prescribed another antibiotic. On October 3, 2010 he had his birthday party and seemed to be doing fine; he was playing, and he wasn't really showing any signs that he was not feeling well. But then he woke up that evening from his nap and just felt like a hot burning coal. We checked his temperature. I worked in a hospital and know that rectal temps are the best so that's what we always do with him and it was 103.5, a high temperature for a child.

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On October 5, 2010 I called the children's clinic. It was a Sunday, so they had to transfer me to an on-call nurse, and she expressed great concern with him because of the amount of times that we had taken him to the doctor prior to this, and because he already was in the second round of his antibiotics. The nurse said, "I really do think that you need to take him to an emergency room, have a doctor do a thorough exam, run every test that they can, just to give you piece of mind and also because it sounds like something is getting missed, like he's not getting better – he's just getting worse."

After that it was like literally, week to week, appointment after appointment of him being diagnosed with viral infections, ear infections, and severe sinus infections. His white blood cell count was up real high. The most curious part was that the doctor we were seeing at the time when he first started to get sick would just put him on an antibiotic and send us home. He would start to get sick again, I would call back. On October 8, 2010 I did a consultation with the doctors and told them "I just don't understand. He keeps getting sick, and every time he gets sick, it's worse than the last time, and it doesn't seem like you're really doing anything to try and help to find out, ok, what is it that keeps causing him to get sick, why is he not responding to the antibiotics? What is going on with my child? I mean this has been two years and he's never gotten sick, and now he's been sick for two months?" And the doctors and the nurses at this clinic, literally, tried to make my husband and I feel like we were just crazy. Like "oh, he's just sick, he's just sick, you know."

When we went to the Memorial Hospital ER in October of 2010 my mother in law was working with Dr. Rikki Ott, a marine toxicologist with a specialty in oil pollution. Dr. Ott suggested that my son get the Volatile Solvent Profile through Metametrix Labs. So we went to the Memorial Hospital ER in Gulfport. We thought that it really wasn't that big of a deal; we could get that done. And when we went they said "Ok, we will run the test." On October 29 we got the results back and discovered that it wasn't the right test. I called Metametrix Labs myself and described the test results that I was looking at and they explained that it was just a basic urine analysis – that it wasn't their testing and that they didn't even have him on file. Then they said "You can talk to his primary pediatrician, and they can order the test through us and we'll send them the kit and they could do the test in their office and then send the kit back to us, or we can even send the kit to you but we have to have an order sent to us by a physician."

I asked the hospital why they didn't run the correct test and they responded, "We can only use our labs and Metametrix is not on the approved list." When I told them Metametrix said the hospital could order the test, they said I had to go through his pediatrician. We tried to get his primary pediatrician at that time at the children's clinic to order the test, but she just would not do it. She also said, "We don't work with Metametrix labs, we don't have them in our system, and we only work with the labs that we have on file." He saw all three pediatricians at the clinic, and they all responded similarly. They did run a blood test and found that he had high white blood cell counts, but they never actually tested him or did a nasal swap to see if he had the flu or strep or the other specific problems that they were diagnosing him with. Most of the clinics here

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used to be independently owned, but there was a merger that took place a few years ago and now they do work through Memorial Hospital. Testing, lab work, billing, it's all done through the hospital.

His primary pediatrician would not even write the order to get the test done. And it was a very startling situation, if something was causing him to be sick, why wouldn't you just order the test? I'm paying for it, you're the doctor treating him, he definitely has something going on, what is the problem here? What is the stipulation? Why can't you just order the test? It wasn't just their refusal to run the test that concerned me, but that he kept getting sicker. I even took my son to a doctor who is a friend of the family, to see if he would run the Volatile Solvent Profile test. He seemed like he would be really helpful in beginning, and he said that he would call back about the test, but we never heard back from him about it. We dropped it as well, because he is a friend of the family.

Truthfully, at that time I didn't think that BP could be the cause of anything, because everyone made us think that everything was ok. You know, "the oil's gone, there's nothing." I didn't think we had anything to fear, as far as coming into contact with any type of BP chemicals. We hadn't been to the beach and we hadn't eaten any seafood, so why would we have to worry about that kind of thing? But, my son had been sick for five months, I had been sick, my husband had been sick, so we were like, "If this test could tell us anything, it would just be like testing him for the flu or whatever - we're at our wits end, we want to know what's causing this." G

By conducting my own research about symptoms associated with chemical exposure, I grew increasingly concerned that there could be a relationship between his health problems and the oil spill. On December 9, 2010 I took him to the New Orleans Children's Hospital. I was working in the Operating Room during that time, and the doctor that I assisted looked at my son's medical records and suggested that I take him there. He told me, "If your son gets another fever, according to his recent past medical history they probably will admit him and not release him until they determine the problem." When we went there and provided our son's medical history, I also shared that we were concerned he was exposed to chemical from the spill through inhalation because we live on the coast. The doctor responded as if he thought we were crazy for driving that far. Within five minutes of seeing my son, he said that he just had a fever and he diagnosed it as a viral infection. I explained, "It took us an hour and 30 minutes to get here and we would not have come this far if we did not think his health problems were serious." It was another dead end.

3. CHEMICALS IN BLOOD

On December 15, 2010 we had to go to Dr. Rodney Soto in Florida to get the Volatile Solvent Profile test done. He is a vascular neurologist and neurologist, and one of the few doctors in the Gulf that would work with this particular test. Before I got the test results, Metamatrix Labs called me on December 22 to say "The results are in, we're about to mail them out to you. We

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just want to let you know that he does have four types of petroleum derivative chemicals that have been found in his blood.”

On December 21, 2010 we switched to a new doctor who has handled things a lot differently. She works at a clinic through Memorial Hospital, but she actually ran various tests. As a parent, you want results; if obviously this isn't working and it's not healthy to continue an antibiotic regimen for a certain length of time anyway, let's run some tests, send him to an Ear Nose and Throat (ENT) doctor or whatever is needed to figure out what's going on. She thought he had strep at one point. She did a strep test and it wasn't strep. They thought he had the flu at one point; they did a nasal swab to see if he had the flu, and it wasn't the flu. He has polyps, a noncancerous growth, all in his sinus cavity, and just a lot of severe chronic problems with his sinus. So she referred him to an ENT specialist, who said that he needed to have his adenoids, which are a type of tonsil, removed, and tubes put in his ears because of the flu that he continued to have. They did a CT scan of his sinuses, and the doctors said that it actually looked like the CT scan of an adult male with severe chronic sinus problems; that he had never seen a CT scan like that on a two year old in his life.

On January 21, 2011 I did a consultation with Dr. Soto. This was all happening around when I got the laboratory results back from the Volatile Solvent Profile. At the time that they took the test he did have pretty low levels of these chemicals in his body, but enough for positive readings. to show up on the test. Dr. Soto said that it is possible when my son first started getting sick he would have had much higher levels. Dr. Soto added that the short term symptoms that my son was already having were consistent with the results, such as the flu systems, sinus and respiratory problems. He didn't go into detail regarding the long term effects, but expressed that there could be long term effects and problems. I was already distraught and trying to digest that my son did have positive levels of these chemicals in his blood.

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On January 14, 2011 I ran the results by the new pediatrician I was working with. Initially she was very interested in seeing the results; she wanted me to fax over a copy of the results to her. She even explained to me the concern that she had; when my son came in she had given me her cell phone number and she was talking like, “I want you to text me and let me know how he's doing, what his fevers are, because I have had so many children come in with these exact same symptoms, and I'll test them for the flu and it is not the flu and it just baffles me that it isn't the flu.”

Before that I had gotten to the point to where I stopped telling doctors about the test, because every time I would bring it up it was almost like I was talking about a UFO sighting or something. They just did not like the sound of this test. So I got really excited about the fact that she wanted to see the test results, because this is a doctor who was not four hours away. She is a local doctor who was actually interested in this. She sounded concerned about all these children getting sick. I thought that here is somebody who can probably help us or find somebody who

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will. This was important, because our concern when we got the results was “ok, well how do we get these chemicals out of his body if this is what’s causing him to be sick?”

However, after I faxed the results to her I tried contacting her several times about it, and never heard anything back about the tests. I really didn’t get my heart broken over it, though, because it didn’t surprise me. I was hoping it wouldn’t turn out that way, but that’s how it seemed to have been with so many other doctors. I didn’t press the issue, because overall she has been his most effective pediatrician to date. My son is doing much better than he was before we switched over to her.

Throughout this time, I kept trying to get my son in to see a doctor at the Blair E. Batson Children’s Hospital, through the University Medical Center in Jackson. Because the Volatile Solvent Profile test was the only one to come back positive, I wanted a doctor in this area who could take a look at it. I have family in Jackson, and during the time that my son was getting sick my family kept saying that they will have a team of experts that can figure this out, a toxicologist who can say, “OK, this is what this is.” My family was concerned that the doctors that he kept going to were general pediatricians who only see things in a certain spectrum; whereas if I could get him into the hospital they have specialized teams of doctors that would be able to diagnose my son more accurately.

4. CONFLICT OF INTEREST?

On February 25, 2011 we went in and finally got a doctor at the Blair E. Batson Children’s Hospital. The doctor did an exam and told me, “I just believe that you have a severely allergic boy who is having respiratory allergic reactions to certain things, and we just need to find out what, with your pediatrician referring him to an allergist. I think that’s the best route to go.” It was a four hour drive to get there, and we weren’t just driving to come to another roadblock, so then we shared with him the Volatile Solvent Profile test and the results from it. When I did that, things came to a standstill.

The doctor said, “I have to tell you that these test results and what you are sharing is a conflict of interest. I cannot discuss any of this with you.” Then he asked us if we have a lawyer. I told him that we didn’t, and he said that “this is a conflict of interest and anything that I tell you I would not be able to testify in a court of law.” He proceeded to share that he already had a lawyer “handling these issues.” He told me that I would need to speak with his lawyer about “these types of issues.” And I’m sitting there thinking, wait, I am here to tell you about my son being sick, I wasn’t aware that we needed to talk about conflicts of interest and lawyers, this is getting away from the subject. As soon as I said that we didn’t have a lawyer, he went back to say that he did think it was severe allergies that my son had, and so forth.

Since then, everybody that I talked to has said, “He’s a doctor, how would the results of any kind of test that would show things that could be causing any kind of illness, be a conflict of interest for a doctor, because that’s what a doctor does? You get results, it should show something that

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could be causing severe health effects, and if you can't fix it, you find a doctor that you can refer to who can fix it."

On April 21, 2011 we went to an allergist through Memorial Hospital who works out of the same clinic that my son's current pediatrician is at. On May 12 he gave my son an allergy test. He had a panel of 20 different types of things that could be causing these respiratory and sinus problems that our son was having. It was another bafflement from another doctor because they ran a panel of 20 different things in his back and he did not have a single allergic reaction to a single thing that he had put and the allergist was just sitting there like "I'm sorry, I honestly thought there would be at least five things on this panel that he would have a reaction to because of the types of symptoms that he's been having." And he said, "I'm going to have to take some time to figure out where we need to go from here." He had actually called me back later from there and said, "You know, I'm going to look back over everything from the very beginning when he first started getting sick and try to get my bearing on this situation and figure out where we need to go." I still haven't heard from him, and that's where everything has stopped.

5. CONCLUSION

I've pretty much got to the point where if it's a conventional doctor, I'm almost not going to bring the lab results up to them, because it's like a huge wall comes up. And when it comes down to it, I work in the operating room side by side with doctors and I do have respect for what they do; whatever their specialty is, they are experts in that. They have a medical degree, they are doctors. So I am not going to argue with them about what they do and don't know, because they know things that I don't know.

But at the same time, as a doctor you do have a responsibility to your patients, and if it is a field that you don't know anything about, you do have a responsibility to refer that patient to someone else who has an expertise or may know more about that situation. With this it's not like that. It's like, "OK, you have proof that there are chemicals in his body, we are not messing with you - we're done, we're done, this is over." And besides that, it's almost like going to your gynecologist about an ear, nose and throat problem; they don't know, they have no idea what they're talking about.

Right now I'm going back to nursing school. Especially with all of this going on with my son, there were so many times when I wished I could just do this myself. So I said, I'll just go back to nursing school, I'll go to physician's assistant (PA) school, I'll be a PA and maybe that will put me in a position where I can do more if I need to.

I have a private Facebook page and when we got my son's test results back and I got the website up and running in the spring of 2011. Our friends and family from out of town that didn't know about the situation, all responded "oh my goodness, I cannot believe this, this is crazy, are you all going to sue BP?" Our thing isn't money or a suit; it's "OK, you caused a problem, fix it. Do

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what you are responsible for doing and provide health clinics if you have to or doctors who do know what they are doing and just take responsibility for it and fix it.”

It almost scares me at the same time, because I did get the website up and I do want people to know about this and I do want people to be informed. But at that same time, it's just like my friend from Chicago who helped me get the website up. He himself expressed great concern. You know, he said “I'm going to tell you this as a friend, this does kind of worry me. Don't be surprised if you have BP knocking on your door, offering you so much amount of money to shut this website down.” I don't know, I try not to think about it, I want people to know, but it is at the same time kind of scary to me, wondering, what would they do to keep quiet the fact that these chemicals are being found in these children's bodies and causing health affects, and it is health affects that are caused by these chemicals. I mean these are all facts and things that are happening, it's not that this is just what people are saying. What would they do to cover it up, would they do anything? I don't know.

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Dr. Soto's main concern now is my son's immune system, seeing what's been depleted. We just put him back in preschool and are seeing how he can hold up on his own now. He seems to be doing ok for the moment, although his runny nose has started up again. I feel like basically now we're just sitting ducks.

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I have read the foregoing eight page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on April 12, 2012

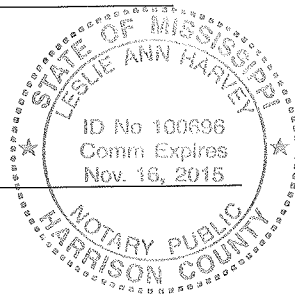
A. Tillman

Subscribed and sworn to before me
this 2nd day of November, 2010-2012

Leslie Ann Harvey

Notary Public

My Commission expires on: _____



c/s

AFFIDAVIT

My name is Clint Guidry. I am submitting this statement, without any threats, inducements or coercion, to Shanna Devine, who has identified herself to me as an investigator with the Government Accountability Project. I am 64 years old, and a third generation Louisiana (LA) Shrimp Fisherman. I reside in Lafitte, Louisiana. It is fishing village along Bayou Barataria 20 miles South of New Orleans. I am President of the Louisiana Shrimp Association (LSA), and I sit on the Louisiana Shrimp Task Force (LSTF) as the representative for all Louisiana shrimp harvesters.

After the Deepwater Horizon explosion, LSA Vice President A.C. Cooper and I mobilized our shrimp fishermen to work in BP's Vessel of Opportunity (VoO) program; however, we were excluded from the planning for worker safety trainings. A.C. was hired to work on the VoO program, and underwent minimal safety training during that time. Since April 2010 when I realized that they were working in very hazardous work environments without proper training and Personal Protective Equipment (PPE), it became my mission to get BP and the federal government to protect workers and the greater public from chemicals associated with the crude oil and dispersant. Despite constant briefings and meetings on this subject with BP and government officials coordinating the cleanup, they did not heed my warnings to properly protect the workers and public. Scores of people across the Gulf are now sick and it is not being attributed to the oil spill.

I have been shrimping in the Gulf of Mexico and inland waters since I was 14 years old. From 1974 to 1978 I worked as an electronic technician, where I maintained public address, alarm, fire, gas detector systems, including methane and hydrogen-sulfide gas, on offshore oil production platforms and drilling rigs in the Gulf of Mexico and onshore. For 10 years I worked for Brown and Root Industrial Services, a division of Halliburton, as a General Superintendent and Area Superintendent in oil refineries throughout the Gulf and in California and the US Virgin Islands. I oversaw "shut-downs," which is maintenance to refinery equipment and piping, for hundreds of workers in all existing refinery based hazardous conditions. Jobsite conditions included crude oil, benzene, ethylene, hydrofluoric acid, sulfuric acid, confined spaces, and fire and explosion.

In 1994 and 1997 I worked for a BP owned refinery in Plaquemines Parish. During that time BP operated under strict Occupational Safety and Health Administration (OSHA) regulations. As a superintendent, I enforced those standards, and I know what the requirements for chemical work environments are. For instance, if we were working with chemicals at the refinery we were required to take training. As a supervisor, I took a 40-hour HAZWOPER/HAZMAT training course at minimum and all workers wore proper PPE. When I saw it was a BP oil spill, I thought

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that at least they were going to make sure to protect the cleanup workers. When I started to hear what was going on during the cleanup I couldn't believe it.

1. Sounding the Alarm

On April 28, 2010, BP and the government realized that they couldn't shut down the spill. On April 29 I got very involved in the oil spill response. I attended a meeting with Plaquemines Parish President Billy Nungesser at his office to discuss oil disaster planning and updates. BP did not send a representative to the meeting; Mr. Nungesser had to send one of his staff to Houma to find out what actions BP was taking in response to the spill.

On April 30 we had meetings in Venice, LA with Louisiana Senators David Vitter and Mary Landrieu's staff, Representative Charlie Melancon and Dr. Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration (NOAA). We inquired about getting our members income through jobs on the cleanup. That same day, the first training session was held for VoO at Boothville-Venice School Auditorium. BP had 600 to 800 prospective workers at the school, and provided a four-hour training class. After they took the class and signed a contract, workers were sent to work on the spill response.

The in-situ teams, which were the teams that burned the oil, also only received the four hour safety training before working in the most hazardous conditions of all of the workers. Alan Allen of Oil Spill Consultant, a BP contractor, provided training for in-situ workers on how to conduct the burns; however, it had to do with the process and mechanics of burning oil. It did not address the health hazards associated with the chemicals that the workers would be exposed to. The in-situ teams were within miles of the Deepwater Horizon site; they were sitting directly over the oil and drifting in oil all night. They were also being sprayed with dispersants (detailed below). A photo of an in-situ team next to billowing smoke is included in this affidavit as Exhibit 1.

BP and the government didn't follow-up and provide workers the 40-hour safety training until much later in the cleanup. Only after fishermen were already working in the response effort over the oil and dispersants did BP implement a rotation system to send workers to week-long HAZMAT trainings. However, by that point workers were already exposed to hazardous work environments without the proper warnings and PPE. In mid May 2010 I asked workers from the in-situ team how they located the oil, and they explained, "We look around and when your eyes start burning and you're coughing and your lungs hurt, you're in the thickest part of the oil and you can burn it." That greatly concerned me, because at that point respirator protection won't be sufficient to protect them from the toxic fumes they are inhaling. However, I knew by speaking with workers and government officials that they weren't even provided respirators. That is when I began trying to get them respiratory protection, which did not take effect for the in-situ workers until July 2010, as the controlled burns were ending (detailed below).

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During my early efforts, the workers on the in-situ team were threatened with termination if they wore respirators. In May I bought respirators for a crew leader of an in-situ team and his crew in Venice. Several workers informed me that when they brought the respirators on the job sites, they were threatened with termination by their supervisors if they tried to wear them. The safety man on the job site told them, "If you don't see me wearing a respirator then you don't need to put one on." The safety man worked for Tiger Safety, a BP contractor based out of Houma, LA. Shortly after that incident, he was one of the seven men who got sick on the VoO program and had to be airlifted to a hospital (detailed below). The in-situ team informed me that after the safety man got sick on the job, BP fired him along with the whole company.

In May I sent Senators Vitter and Landrieu and Governor Bobby Jindal on my concerns about chemical poisoning of cleanup workers due to inadequate training and PPE, including respirators. Senator Landrieu's staff responded that, as long as her office was acting unilaterally, there was little the Senator could do to ensure adequate PPE for VoO workers. My email exchanges with Senator Landrieu's office and Governor Jindal's office are included in this affidavit as Exhibit 2.

The first two months before the well was capped, all we did was go from meeting to meeting to meeting with high-level officials from the Coast Guard, Environmental Protection Agency (EPA), NOAA, Occupational Safety and Health Administration (OSHA), Department of Health and Human Services (HHS), Department of Homeland Security (DHS) and BP. At these meetings we warned them about the hazards associated with the dispersant and oil, and the impact that it would have on the workers now and years to come if they were not protected on the job. I created a briefing packet of the known health hazards associated with Corexit and made it available to cabinet members. The briefing packet is included in this affidavit as Exhibit 3. At the time we were trying to get the President and federal government to step in and take control of the situation. This was prior to the federal government stating that everything was ok when it wasn't.

On May 24, 2010 due to my working relationship with Senator Landrieu's office, DHS invited me to attend a meeting in Galliano, LA. They were soliciting our opinion on the cleanup. At that meeting I said that I wanted everyone to understand the danger that the cleanup workers were being put in. I read the statement and warnings from the briefing packet I created, which included dangers associated with Corexit. I had no questions or back and forth from any of the Congressmen. I left 15 to 20 copies of my statement for everyone at the table, including Secretary of the Interior Ken Salazar, DHS Secretary Janet Napolitano, then-BP Chief Operating Officer Doug Suttles, Senator Landrieu, Senator Vitter, Senator Barbara Murkowski, Senator Dick Durbin, then-Coast Guard Rear Admiral Mary Landry, Governor Jindal, Mayor Mitch Landrieu, Mayor David Carmadele, Representative Joe Cao, Coastal Parish Presidents and

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Councilmen. After the meeting Senator Durbin approached me and said, "They needed to hear that." I was trying to prevent them from killing people and making people sick, but they didn't heed my warnings. There was no substantive follow up with any of the individuals present at that meeting. Two days later on May 26, seven VoO workers were airlifted to the hospital.

2. Workers Airlifted, HHE Whitewash

On May 26, seven shrimpers working on the VoO program were airlifted from their vessel and admitted to West Jefferson Hospital with symptoms of chemical exposure. In early June 2010 NIOSH representatives contacted me by phone. They informed me that after that incident, on May 28 NIOSH received a request for a health hazard evaluation (HHE) from BP management, to assess the exposures and health effects among workers responding to the oil spill. There are two ways to request a health and safety inspection on a job site: Three anonymous workers can make the request, or the company can request an inspection.

BP had requested the inspection and in effect that meant BP had greater control over it. When NIOSH inspectors came down and inspected the job site for the HHE, BP provided them with boats, told them when and where they could go, and how they could get there. When a company has advance notice and is in control, it can make sure everything is in order for that inspection even though it may not be representative of the day to day conditions. In most cases Everything NIOSH tested for the HHE concerning the response was deemed safe, as reflected by their final report.

The cover up surrounding health problems extends to hospitals. West Jefferson Hospital didn't provide documentation to show that seven workers airlifted from the vessels stayed overnight at the hospital and were chemically exposed from the oil or dispersants. Instead, West Jefferson Hospital documented it as heat stress, existing medical conditions and exposure to de-tox solutions. I stood in the hospital room with one of the men who had been airlifted. He asked the doctor what was wrong, and she looked at him and said "chemical exposure." However, it didn't show up in any of his medical records.¹ In August 2011 NIOSH released its final report based on the HHE that BP requested, which is not unlike the 1989 report they did after Exxon Valdez. Both reports disregard all chemical related health effects. The final NIOSH HHE reports for the Exxon Valdez oil spill and BP Gulf oil spill are included in this affidavit as Exhibit 4 and Exhibit 5.

3. BP and Government Continue to Ignore Health Risks

I had meetings with NIOSH, OSHA and the Coast Guard in Venice on separate occasions, which resulted in a meeting at the BP Unified Command Center on July 3, 2010 to discuss respiratory

¹ See Exhibit 3.B

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safety protection issues for VoO workers. As demonstrated by the sign-in sheet, at that meeting there were four in-situ captains, and government and BP representatives. When I walked into the meeting, a Coast Guard representative dropped an Incident Report right in front of me that documented Corexit use close to VoO vessels in May 2010. The sign-in sheet and Incident Report are included in this affidavit as Exhibit 6. On May 5, 2010 there were four different incidences where the planes sprayed inside of procedural distances. They were supposed to maintain a safe distance of one mile from any vessels or platforms and three miles from the source (well location), but according to the Incident Report, on two occasions a plane, reported as a "Coast Guard" plane, passed directly over a platform while spraying dispersants. VoO workers also shared with me that Corexit was sprayed right next to the VoO boats early in the cleanup. In the early stages of the oil spill BP used Corexit 9527A, which contains 2-butoxy ethanol. The Hazardous Substance Fact Sheet for 2-butoxy ethanol lists the same health effects that people are now having, including problems with the lung, heart and liver.²

At the July 3 meeting I went head to head with several people on the issue of respiratory protection. I spoke with Dr. Robert Bourgeois of the Bourgeois Medical Clinic. He was hired by HHS to work on the oil spill response, and he was board certified in occupational medicine. However, when I spoke with him about the need for workers to have respirators, he argued against it because the workers would have to have a complete physical and shave in order to wear the respirators. Further, he thought that some workers would not be eligible to work on the job if they could not pass the physical. I responded, "You're going to risk a man's life because you don't want him to have a physical or shave his beard?" I was shocked.

At that same meeting I explained to Alan Allen, the BP technical advisor who ran the in-situ team, "My training has taught me that when you burn dangerous chemicals, you form oxides that are even more dangerous than the chemical that you started out with; if you burn H₂S gas, which is hydrogen sulfide, then the hydrogen burns off and you end up with sulfur dioxide, which can kill you. That applies to almost all dangerous chemicals." Then I asked him, "Do you have any data on what is in the smoke?" He replied that he did not. I asked him, "Do you have any tests or a way to determine what is in the smoke?" He responded that they did not, but that it was not hazardous because they stay upwind of the burn.

That was not the reality, however. I know through photos and firsthand accounts that the in-situ teams were often exposed to the smoke from the burns. These workers had not yet been to HAZMAT training, never had a physical, never took a pulmonary lung test or had blood work. But they were sent out there to conduct the burn with no respiratory protection and no supplied air. They didn't even have an escape pack.

² See Exhibit 3.E

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From 1974 to 1978 I worked in the Gulf of Mexico as an electronic technician. We worked with H₂S gas, which can be one of the toxic compounds from the crude oil. When it is burns it becomes sulfur dioxide. We were required to have training, a physical, a pulmonary and a lung test. Every man on the job had to have access to supplied air, especially in the event of an accident, in case someone needed to escape by boat from the rig worksite. With the exception of the four-hour training, none of that was done preceding the response, when it could have had an impact.

I went back and forth with David Bates, OSHA area director, on this matter. Later in the cleanup they actually trained and fit tested the in-situ team for respiratory protection. Email correspondence between myself and David Bates is included in this affidavit as Exhibit 7.A and Exhibit 7.B. They never admitted that it was a hazardous environment, but they eventually put escape packs and air packs on the in-situ team boats. However, by the time they responded to our requests for respirators and escape packs, all of the controlled burns already had been completed. It was too late. The damage to the workers' health already had been done. BP sent them out there in the blind. These are fishermen who before the BP oil spill had never worked in those conditions a day in their life, and they were not informed about the dangers of the chemicals that they would be exposed to until after they were exposed. They were out there on top of the oil with basic hardhats and steel toed boots until July. BP didn't provide the HAZWOPER training until after the fact, after we were vocal about the need to protect the workers.

There were millions of gallons of oil spewing into the Gulf. Louisiana Sweet Crude is 40% by volume light ends, such as xylene, toluene and benzene. Along Venice they were spraying the more toxic dispersant Corexit 9527A where VoO cleanup workers were working. It was only a matter of time before the workers and then public became sick. As part of an impromptu meeting to provide feedback from the shrimping industry to EPA and NOAA, I met with EPA Administrator Lisa Jackson in Venice on June 1, 2010. By that point, already 800,000 to 900,000 gallons of Corexit 9527A had been sprayed. I was sitting across the table from Ms. Jackson and I asked her, "Why is it that when you have all of this going on and three air monitors from Venice, Louisiana, EPA's reports are not showing any high levels of chemicals?" Ms. Jackson responded, "Well the levels were a little high, but we didn't want to create a public panic." I responded, "You are scaring the hell out of me."

After we complained to our Louisiana Senators and Congressmen, HHS did send a mobile medical unit to Venice. Parents also were contacting their elected leaders, because all of their kids were getting sick. The medical unit addressed people on the VoO program, in addition to community members. It was advertised as an independent US government mobile medical unit

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where workers and residents could access freely and anonymously.³ However, that was not the case.

When I went to Venice to survey the medical unit, it was located at a BP compound. If I had not been so persuasive, I would not have been able to enter the compound, much less one of the community members who really needed medical help. It took me 30 minutes to get in. I had to indicate who I was and where I was going, wade through Louisiana state police, Plaquemines Parish police and BP security. Then two BP representatives escorted me to the US government mobile medical unit.

When I arrived at the medical unit, HHS representative Susan Simmons was present, and an old country doctor. The doctor was a fine gentleman, but he would not know what chemical exposure looked like if it jumped up and hit him in his face. He admitted to me that he was only a "General Practitioner". The on-site medical response was run by Acadian, a private company hired by BP. Acadian screened the whole process and took your contact information. If a cleanup worker got off a VoO boat and wanted to obtain support through this HHS medical unit, he would first have to report to Acadian and I believe he would have had a very difficult time remaining anonymous. Further, based on the clear lack of medical expertise for chemical exposure, this medical clinic could only band-aid the reported health problems. Before I left I asked Ms. Simmons to send me a report of the people that used the clinic. However, she did not contact me or return my calls.

4. Conclusion

The Coast Guard, the Obama administration and all of the agency representatives helped cover-up the harm that BP has caused in the Gulf. If I have to die tomorrow or 100 years from now, I will go to my grave saying that. I have never heard such intelligent people make such ridiculous statements, especially in high levels of government, until the oil spill cleanup took place. You look at these people of power in the eye, and you both know what they are doing will cause harm. However, they continue to do it, and you can't do anything about it. It is a very bad feeling.

History is repeating itself. We witnessed the same government response to Agent Orange during the Vietnam war, and to the health problems of Exxon Valdez cleanup workers and 9/11 first responders: After the damage is done, the federal government comes back with programs to examine what went wrong. They were warned before the cleanup began: You are the head of this

³ Press Release, Department of Health and Human Services, Federal Mobile Medical Unit Arrives in Louisiana (May 31, 2010), *available at* <http://www.hhs.gov/news/press/2010pres/05/20100531a.html>.

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agency and I am telling you that if you don't change your approach to the cleanup, people are going to get hurt. However, the government continued to use Corexit and not provide the workers proper safety equipment.

Five to ten years down the road these studies may determine that the federal government and BP put workers and the public in harm's way through inadequate PPE and the use of Corexit. That is too late and unacceptable; we need people treated as well. What about the sick people currently, and those who already have died? I am concerned that the people who are the sickest will be given an unreasonable burden in trying to prove the connection between their health problems and their chemical exposure. This is a longstanding problem in the petrochemical industry. The doctors do not readily diagnose chemical exposure and in turn they tend to diagnose the individual symptoms. It is a common practice in oil producing states. We need trained medical physicians down here that are willing to diagnose and treat chemical exposure.

Every time you come to a dead end or stop-sign on responsible cleanup practices and can't figure out what was going on, it likely involved efforts to protect BP's liability. That includes not protecting the now-sick workers by denying them respiratory protection during the cleanup. Had BP let it be recorded that there were unsafe chemical levels on the Gulf Coast or any one of these job sites that required respiratory protection, they would have had to face in court respiratory illness claims from Key West, Florida to Brownsville, Texas. Exxon got away with compensating workers for medical claims 20 years ago during the Exxon Valdez spill, and now BP is trying to skirt its responsibility to adequately compensate sick workers and residents.

We tried everything that we knew to preempt the need for medical care, by advocating for safe and responsible practices during the cleanup. We relentlessly briefed and warned government officials and BP representatives about the human health dangers created by their response to the spill. When I hit a brick wall, I resorted to trying to hold officials publicly accountable. You name it, I did it. It happened during a Democratic administration, but if it had been a Republican administration we would have witnessed a government cover-up as well. Why is the most powerful country in the world being pushed around by an oil company? I used to stay up in the middle of the night crying, trying to answer that question and what I could do to affect the situation.

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I have read the foregoing eight page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on January 24, 2013.

Clini Smith

Subscribed and sworn to before me
this 13 day of February 2013



Notary Public

My Commission expires on: at death



AFFIDAVIT

My name is Jamie Griffin Simon. I am submitting this statement, without any threats, inducements or coercion, to Shanna Devine, who has identified herself to me as an investigator with the Government Accountability Project. I am 33 years old. When the spill happened, BP signed a contract with the company I worked for, GIS Logistics Center (“GIS”), to supply a barge for the workers at a decontamination (“decon”) site. I would provide the cooking and cleaning on the bunkhouse at the Grand Isle Shipyard dock. From May through October 2010 I worked 18 hours a day. My company rented me out to BP. After the first month of working there I began getting sick, and problems with my nervous system continue to get worse. I am submitting this statement because I feel that, as a company that has employees who have to deal with harmful chemicals and situations, it is their responsibility to make sure that their employees are aware of what they are handling and that they provide them with proper safety equipment. I am a cook. They sent me in the middle of the cleanup to do what I do, and put me in harm’s way, and it could have been prevented by informing me of the hazards before I was exposed.

I graduated from a high school for Talented and Gifted Children, the Louisiana School for Math, Science and the Arts. You have to apply, and they only accept 200 in Louisiana each year. There are only 10 of these schools in the country, and 5,000 can attend nationwide each year. I double majored in child psychology and vocal/music education at the University of New Orleans, but I did not finish. I got in a car accident at age 19 and withdrew due to medical problems. Then I got married. In August 2004 through early 2005 I was a corrections officer at Lafourche Parish Detention Center, and in the kitchen I also supervised trustees, who are people in jail with extra privileges.

My mom died in 2003, so I took time off to help raise my little brother. When I went back to work I was cooking as a part time job so that I could be available for my brother. In 2005 I obtained my Board of Health certification, and that license is my license everywhere I go. Also part-time I taught singing and piano until the oil spill happened, from age 22 to 32. I worked for GIS from August 2006 until August 2011. GIS is located in Galliano, Louisiana, but the houseboat that it provided for the decon facility was located in Grand Isle, Louisiana at the Grand Isle Shipyard. When I worked on the barge there I was the head cook supervisor. However, I did many tasks not in my job description in order to help get everything done. I’m not the kind of person who would tell my employees to do something that I’m not willing to do myself.

1. DECON SITE OVERNIGHT

My coworker, hereinafter referred to as “Susie” for purposes of this statement, and I were the first two to arrive on the site in early May 2010 where we would live, clean, cook, sleep and eat for almost six months. The yard was empty when we arrived. The first few days we bought the sheets for people to sleep, and other items to supply the barge. The ventilation system of the



whole barge had mold growing in it, across our bedroom wall. Every day we would tackle a new area to try to get the mold off. So the few days before it was opened we did the best we could to make it livable. They built it into a decon location in three days. Workers began coming through the galley in mid May. It was a small galley and only equipped to feed 40 people and seat 12 people; however, we were serving hundreds of people, so there was a constant line of people going in and out. In the first week it was 100 workers. It grew to 380 at its peak, and generally was over 250 people.

There were so many decon companies contracted to BP that were located at the site; I couldn't distinguish who worked for whom. New Horizon, Miller, Triangle, and a separate contracted company would sit at their vacuum truck until they were needed; it looked like an assembly line of trucks. They only worked 20 minutes of the hour and would break for 40 minutes. A lot of what I know is because on their breaks the workers would come in the barge and make conversation with me.

They were saving the oil in drones so that they could refine it; 18-wheelers would pick the drones up and drop off empty ones. I asked one of the Grand Isle Shipyard foremen, "What are you doing with this?" He said it is filled with oil so that that BP can send it to get refined and separated. That way they will not lose all of the money, and they can resell it. He took me for a ride to see it. I was within feet of it, and he explained how it worked and what they did. The barge we lived on was docked up to the ramp. The shipyard workers would bring boats in, lift them up on risers, clean the bottoms, unload the booms, and get their ships decontaminated. All the workers there would handle boom, ships, oil and the drones of the handled oil. Everything they could clean from the boat would fall into a black tray that they stood in. Then the vacuum truck would suck up the stuff in the tray, and they would send it somewhere to be refined.

However, the stuff that they wanted to resell had Corexit in it, so God knows how many people in the world got contaminated oil. The dispersant was mixed in with the oil that they removed during decon. I could smell it when I went to the decon centers. I knew the smell from when the dispersant was sprayed. It smelled strongly of chemicals, like burning hair perm solution but worse. When they were spraying it, the smell was strongest, because it was in the air. They sprayed dispersant during the time I was working on the barge from May 2010 through October 2010. However, after I stopped working I would still go to Grand Isle, because I have family and friends out there. The last time I was out there in January 2011, and I saw what I believed to be spraying. The C130 plane that sprayed the Corexit looked like a bomber plane, and was gray. When they sprayed what looked like a white substance leaving both wings, the planes would go back and forth like a grid and cover the whole area, and then they would move to a different location.

In late 2011 at Walmart I saw the foreman who first showed me the decon process. He had lost a lot of weight and was pale. I told him about my situation, and he said he has been really sick too but never thought that there could be a connection to his work conditions.

GIS

2. DANGEROUS WORKING CONDITIONS

Susie and I would wash the clothes for the Grand Isle shipyard folks who were doing the decontamination and stayed on the barge. There were 30 to 40 of them at any given time. The burnt perm smell from the spraying is the same smell that was on the workers' clothes. Sometimes we would have to wash the clothes multiple times, because I didn't want to give the workers something that smelled like chemicals and felt soiled by chemicals. Sometimes we would have to first soak the oiled clothes in buckets. They were never completely clean. I tried everything, including OxyClean and Tide. I also used bleach for the white clothes, but we could never get them completely clean. When we put the clothes in the dryer I had to leave the room, because the fumes were so strong that it made me want to pass out. The clothes were abnormally hot when I took them out from the dryer as well. It smelled distinct from the oil. The workers were provided with Tyvek protective suits, but it was so hot that they pulled them down at times. The hotter it got, the worse the smell was. For me now, the hotter it is in my environment, the worse I feel.

The oil sludge that they and other workers brought in on their boots became a problem and was dangerous, because it was very slippery. We only had one oven and one stove to cook for hundreds of people. We would start serving around 10:30 am and wouldn't stop until 2:00 pm. For dinner we started serving at 4:30 pm and wouldn't finish until 8:00 pm. They would then walk through the galley with what they were using to decontaminate the boats and the Corexit on their boots, and the floor would be soaked with this oily concoction by the end of the day.

Early on I asked a BP staff member how I could clean the dispersed oil sludge, and what was in it. The reason I was asking wasn't for my health. I didn't want to create combustion and start a fire, so I asked what I could use that wouldn't make a chemical reaction. For example, if you mix ammonia and bleach together and stand in that room you can die, because it puts off a vapor and gas. He said that the stuff on the floor that I was cleaning, which was a dispersed oil sludge – the texture of really old thick coffee but slippery to the touch – was “as safe as Dawn dishwashing detergent,” and I could mop it like I mopped any other floor; no special treatment was needed. The decon facility was cleaning the oiled boats with Citra Clean as well, which is a type of industrial degreaser, so it was a mixture of chemicals from the dispersant, crude oil and Citra Clean. I mopped it, touched it and would wring out the mop, and walked on the floors because I slept there. It would leave a residue on the floor no matter how much we mopped it.

Every time I would tell my bosses there are certain things that we could not reasonably do, they weren't having it. Examples are summarized below. James Craig, the head honcho at GIS, would keep an eye over the Grand Isle Shipyard operation, because he was the boss of my normal GIS supervisor, hereinafter referred to as “Ms. Carol” for purposes of this statement. Ms. Carol worked out of Galliano, but she supervised me and the other GIS employees on the barge. Mr. Craig didn't want to spend the money on the additional equipment to help the barge run safely

GIS



(detailed below). When I reported problems to Ms. Carol, her supervision would tell her, “We don’t want to spend the money, make it work.” Curry Matherne (“Mr. Curry”) was the supervisor I had to report to on the barge. I really don’t know who he worked for, because there were so many companies.

The floor problem got so bad that I requested to Mr. Curry that they buy the hospital booties for the workers, so that they could slip them over their dirty boots at least. He never got back to me when I said that we needed relief from the disaster on the floor, so I stopped complaining. Instead their solution was to bring in long running rugs, from where the workers would enter to exit the galley. Then at the end of every meal we had to take these rugs outside and hose them down because they were only changed once a week. When we cleaned them it would splash onto us. The rugs started red, and by the end of each week they were a dried mud grayish hue.

I reported to Mr. Curry that we still had to handle these soiled rugs, and he shrugged. I told him all the time, “You need to sit in here and see what happens in this galley. I can handle my job, this is not a job, this is an impossible task that you gave me to do.” After three weeks they sent one other employee who is mentally handicapped, and was not helpful. He wanted to be helpful, but he didn’t have the mental capacity to do the job so we had to watch over him and tell him what to do. I believe that mentally handicapped people have a right to work, but not under these conditions. Then in July 2010 Ms. Carol received all of my paperwork and would come once a week too to observe the conditions, but she didn’t have enough pull to change things.

The conditions were very bad on the barge. Groceries stayed in a refrigerator truck outside, and we had to climb over the edge and jump back and forth from the truck. The refrigerator was the size of a dresser, and food was not kept in the proper temperatures. Rather, all boxes were thrown on top of one another and half defrosted. The company would let the truck run out of fuel before the groceries cooled. I would call supervisors and warn them to change these conditions, before all of the workers died of food poisoning. Then the workers complained they had diarrhea, because of the temperature problem. I understand my supervisor thought the food wasn’t that big a deal, but it was that big of a deal when you have that many people consuming something hazardous.

I complained repeatedly that I had my public health license on the line. Every major violation that I get is on my record and affects me. I wasn’t there for the state board of health inspection, but the Coast Guard inspector would come at least once a week and kept writing violations. I was hoping he would indicate that there were major violations to help me make my case that the conditions were so bad. Within a month on the job they fixed the fridge problem. Another safety concern was that I would have to go down the gang plank, which was very dangerous, and carry 50 cases of groceries. Later, after someone got hurt walking on the plank, they made a permanent ramp.



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We are taught in this business that it isn't any of our business what type of misconduct is taking place. I used to cater big executive parties and was told, "You ignore what you see, do your job and go home." However, I want to follow the book and go by the rules when other people's safety is at risk. My supervisor probably got sick of me for constantly reporting safety concerns, but the whole operation was a disaster from the get-go.

Every morning I would write a work planning safety environmental analysis (WPSEA). It would include all of the hazards on the job. Now all the WPSEAs are gone, and we had to write one every morning. I was told to throw them away when I still worked there, but I didn't. We saved them in my room in milk crates, faced down so that they would be in dated order. Then Susie told me that when they packed everything up to come home, she was told by one of the supervisors to throw the paperwork in the dumpster, because it wasn't needed. However, legally they are required to leave the paperwork for a certain amount of time after we left the barge. The GIS secretary that inputs company paperwork told me that they are legally required to keep them for a certain amount of time. When I worked on the barge I inquired what will happen to them and was told, "Don't worry about them, no one looks at them, there is no one to hand them into, just keep them in the box," and then after I left the job they tossed them in the trash. Now there is no record or documentation that they told me it was safe to mop the floor. However, my whole crew knows that we wrote them because they had to sign them every day.

3. HEALTH PROBLEMS

At first I didn't realize how unsafe the chemicals in my environment were when I worked on the barge. However, I started having health problems that went on for months and months after, and I couldn't shake the symptoms. My health problems started with bad headaches and nose bleeds from the first week on the job, once they started using the chemicals. It was a flu like symptom that didn't go away. I had diarrhea for seven months. I thought it was a food problem, but they already had fixed the fridge.

When we washed the clothes and cleaned the floors I wore kitchen gloves, but they did not cover my full arms, so all the time my arms would itch. It was an 18-hour day, from 2:00 am to 8:00 pm. The hours weren't abnormal for me, but this was strenuous; I had to carry 50 cases of groceries to cook one meal. I can bench press 285 pounds; I could beat a grown man down to the ground. For me to tell you it was hard meant it was hard. I would cry at night and tell Susie, I just want to go home. She would ask me, "Please don't leave me by myself," and we would cry because we were so tired we couldn't move.

The first time I got really sick was in June 2010. It was a month into the job, and I got up and was feeling very heavy. I took heartburn pill. We did make breakfast, but I explained to Susie, "I don't feel right, I am lightheaded and dizzy." The medic on site put an oxygen mask on me and when the ambulance showed up they told him to take it off me, because it was unclear what was wrong. The Grand Isle ambulance took me from the job site to the ER at Lady of the Sea

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