



(Photo: National Oil Spill Commission)



(Photo: EcoRigs)

## DEADLY DISPERSANTS IN THE GULF:

ARE PUBLIC HEALTH AND  
ENVIRONMENTAL TRAGEDIES  
THE NEW NORM FOR  
OIL SPILL CLEANUPS?



(Photo: Scott Porter)



(Photo: Shanna Devine)

A GAP WHISTLEBLOWER INVESTIGATION

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# Table of Contents

<b>Executive Summary .....</b>	<b>1</b>
<b>1. Introduction .....</b>	<b>7</b>
<b>2. Dispersant.....</b>	<b>11</b>
a. Oil “Disappeared” .....	14
b. Contact with Corexit .....	15
c. Government and BP Positions.....	16
d. Is Corexit Safe? .....	17
<b>3. Safety Ignored.....</b>	<b>19</b>
a. Insufficient Training and Personal Protective Equipment .....	22
b. Public Exposure .....	26
<b>4. Health Impact .....</b>	<b>29</b>
a. Health Symptoms .....	33
b. Is The Gulf Toxic?.....	38
c. Chemicals in the Blood.....	39
<b>5. Seeking Medical Help.....</b>	<b>43</b>
a. Medical Response by BP, Government and Hospitals .....	46
b. Gulf Coast Detoxification Program .....	49
<b>6. Ecological Impact .....</b>	<b>51</b>
a. Ecological Impact .....	56
b. Seafood Safety .....	58
<b>7. Retaliation .....</b>	<b>64</b>
a. Workplace Chilling Effect .....	67
b. Strange Encounters.....	69
<b>8. Ongoing Threat vs. Marathon Public Relations Blitz.....</b>	<b>71</b>
a. Oil Not Gone.....	75
b. Media Blackout.....	76
<b>9. Inadequate Compensation .....</b>	<b>78</b>
a. Gulf Coast Claims Fund .....	81
b. Deepwater Horizon Class Action Settlement.....	82
<b>10. Recommendations .....</b>	<b>84</b>

**Table of Contents Cont.**

**Glossary.....**

**“British Petroleum” by Mark Strickland.....**

**Appendix: Whistleblower Witness Affidavits.....**

## **Executive Summary**

### **Deadly Dispersants in the Gulf: Are Public Health and Environmental Tragedies the New Norm for Oil Spill Cleanups?**

The 2010 Deepwater Horizon disaster was the largest U.S. oil spill, and second largest in world history. Even worse, evidence suggests that cleanup efforts were more destructive to human health and the environment than the spill itself. BP and the federal government intend for their joint response to be the precedent for a new cleanup standard operating procedure (SOP), centered on the widespread use of the chemical dispersant Corexit. When this product is mixed with oil, a deadly synergy occurs that poses greater threats than oil alone. The only so-called advantage of Corexit is the false impression that the oil disappears – in reality, the more toxic chemical mixture spreads throughout the environment, or settles on the seafloor.

An investigation by the Government Accountability Project (GAP) – the nation’s leading whistleblower protection and advocacy organization – details these nightmarish conclusions. GAP’s data and evidence comes from those citizens who experienced the cleanup’s effects firsthand. Taken together, these testimonies belie repeated corporate and government rhetoric that Corexit is no more dangerous than Dawn dishwashing soap.

#### **Report Genesis, Resources & Methodology**

Louisiana physician Dr. Michael Robichaux approached GAP in summer 2011, requesting assistance to document ravaging health effects appearing to be caused by the spill and the extensive application of Corexit and the spill. In response, from August 2011 to April 2013, GAP investigators interviewed 25 whistleblowers with firsthand accounts of Corexit’s devastating cost. Of these 25, four whistleblowers chose not to go on-the-record, and are not reflected in GAP’s statistical findings. Of the 21 whistleblowers whose accounts are documented in this report, 10 are cleanup workers, three are professionals (two doctors, one industry leader) who acted as conduits for multiple cleanup workers, two are divers contracted by the federal government, and six are from Gulf communities exposed to the cleanup. Of these 21, there were 14 men and seven women, with ages ranging from mid-30s to late-60s. Their statements recount episodes in Alabama, Florida, Louisiana and Mississippi. Sixteen whistleblowers reinforced their interviews with sworn affidavits made public in this report. While not scientific, these figures are conservative. Of those witnesses who acted as safe conduits for whistleblowers, each statement is reflected as one account for purposes of the data.

Together, these accounts produce a frighteningly consistent picture of health and ecological devastation that is starkly at odds with official BP and government statements. To produce this report, GAP worked closely with the nonprofit Louisiana Environmental Action Network (LEAN), which was instrumental in supporting this investigation. GAP also conducted extensive Freedom of

Information Act (FOIA) requests and off-the-record interviews with government officials who chose to remain anonymous about their whistleblowing disclosures. In addition, GAP repeatedly contacted BP to draw responses to significant findings, but GAP's questions were largely unanswered. Since March 2012, GAP and LEAN have been involved in a dialogue with the BP America Ombudsman Program on public and occupational health and safety concerns during the cleanup, and BP's handling of Corexit. So far there have been no tangible results beyond the discussions.

Each section in GAP's report summarizes, in order, the official position of BP, the federal government, and independent critics, concluding with relevant excerpts from whistleblower affidavits (which can be found in appendices in full). Whistleblowers have not only documented the immediate impacts of the BP spill, but warned of long-term damage. Through their living history and emerging science, the truth about the spill response's toxic legacy is beginning to surface as we reach the third anniversary of the Deepwater Horizon explosion.

## **Key Findings**

Key findings detailed in this report include:

### **I. Corexit's Devastating Effect on Human Health**

- **Witnesses in GAP's investigation reported, as a result of coming into contact with Corexit or being in areas near spray zones, severe negative health effects.** These include: abdominal pain; blood in urine; heart palpitations; hyper-allergic reactions to processed food and common household cleaning or petroleum based products; hypertension; inability to withstand exposure to sun; kidney damage; liver damage; migraines; multiple chemical sensitivity; neurological damage resulting in memory loss and in some cases IQ drop; rapid weight loss; respiratory system and nervous system damage; seizures; skin irritation, burning and lesions; sudden inability to move or speak for sustained periods; temporary paralysis; and vomiting episodes.
- **Interviewees are also extremely concerned about long-term health effects** from this type of chemical exposure, which may not have manifested yet, including reproductive damage (such as genetic mutations), endocrine disruption, and cancer.

### **II. BP's and the Federal Government's Inadequate Protection of Spill Workers**

- **Contrary to warnings in BP's own internal manual, BP and the government misrepresented known risks by asserting that Corexit was low in toxicity (routinely comparing it to Dawn dishwasher soap).** Nearly 47% of workers reported that their employers told them Corexit did not pose a health risk.

- BP and the federal government each identified heat stress as the greatest occupational safety hazard for cleanup workers, leaving them almost defenseless against chemical exposure. **All workers interviewed reported that they were provided minimal or no personal protective equipment on the job.**
- **Federally required worker resource manuals detailing Corexit health hazards were not delivered or were removed (according to an anonymous whistleblower) from BP worksites early in the cleanup, as health problems began.** After GAP and LEAN confronted BP, the company stated that manuals were removed as worksites shut down and after the cleanup operation was no longer using dispersants in the Gulf. But nearly 85% of interviewed cleanup workers reported that they were **never** informed of or aware of **any** available safety literature at the job site.
- Undermining the Occupational Safety and Health Administration’s highly-lauded safety training program for cleanup workers, **100% of workers interviewed reported that they either did not receive any training, or did not receive the federally required training.**
- **Demonstrated through GAP FOIA responses and whistleblower accounts, BP and the federal government acknowledged that allowing workers to wear respirators would not create a good public image, and that retaliation by BP on this issue was permissible.** Buttressing this, more than 46% reported that they were threatened with termination when they tried to wear respirators or additional safety equipment on the job. **The same percentage reported that they received early termination after raising safety concerns on the job.**
- A FOIA request found that government agency regulations **prohibited** diving during the spill due to health risks. **Yet, interviewed divers contracted by National Oceanic and Atmospheric Administration dove after assurances that it was safe, and additional protective equipment was unnecessary.**

### III. **BP’s and the Federal Government’s Insufficient Medical Monitoring Systems**

- BP and the federal government, through their own medical monitoring programs, each publicly denied that any significant chemical exposure to humans existed. **Of the workers GAP interviewed, 87% reported contact with Corexit while on the job, and of all respondents, 57% reported that they and/or someone in their family was exposed to Corexit outside of the cleanup zone.**

Further, **blood test results from our interviewees showed alarmingly high levels of chemical exposure that correlated with the experienced health effects.** Of GAP’s witnesses, more than 70% took a blood test to identify chemicals from Corexit and oil. Of those, 100% tested positive for high levels of such chemicals, which included known carcinogens.

- BP and government medical monitoring programs dismissed worker complaints that Corexit exposure resulted in hospitalization, and each repeatedly issued official statements to coastal communities (including vulnerable populations) that the environment was safe and the air was “normal.” **Eventually coined “BP Syndrome” or “Gulf Coast Syndrome,” all GAP witnesses experienced spill-related health problems.** Furthermore, 95% report that they continue to experience spill-related health problems as of April 2013, and more than 50% living in affected areas reported that their children and/or grandchildren’s health has deteriorated.
- BP, the government and Gulf hospitals regularly diagnosed health problems in workers and Gulf residents as mere heat stress or anecdotal individual symptoms. Further, the government mobile medical unit was housed in a private BP compound guarded by BP security, making it impossible for workers to anonymously seek medical assistance (many feared they would be retaliated against for reporting health problems). **Of GAP’s witnesses, nearly 86% were told by a medical professional that there was no relationship between their health problems and spill-related chemicals, or that the professional recognized the relationship but refused to document it. Over 42% of witnesses reported that they were scared to ask their physician about a relationship between their health and the spill.**
- To address the void in adequate medical care, LEAN and Dr. Robichaux implemented a treatment program tailored toward chemical exposure that helped to fill a medical void and provide a model for treatment programs throughout the Gulf. **Every one of the interviewees who underwent the Gulf Coast Detoxification Program reported that their health symptoms subsided or cleared after undergoing treatment.**

#### IV. Existing Threats to the Public Ignored

- The federal government’s failure to report on continuing Gulf public health threats has put tourists directly in harm’s way. **More than 60% of GAP witnesses reported that they found evidence of oil or oil debris after BP and the Coast Guard announced that cleanup operations were complete.**
- **BP and the federal government reported that Corexit was last used in July 2010. Seventy-one percent of GAP witnesses cited indications that Corexit was used after that time.**
- The government and BP’s misleading public relations campaign to lure tourists back to the Gulf was joined by media radio silence on the health crisis. **Nearly 70% of GAP witnesses reported that they primarily depend on social media to obtain and/or share unfiltered spill-related information.**

#### V. Corexit’s Impact on the Gulf Environment & Food Supply

- BP and the federal government repeatedly claimed to prominently employ **both dispersant and mechanical cleanup (capturing) methods** to contain the oil. **Of GAP’s cleanup worker**



**whistleblowers, nearly 77% were regularly given instructions to report the location of oil but not recover it.** When each of these workers returned to the same locations within 24 hours, the oil typically was completely gone from the surface.

- BP and the federal government contended that dispersants would mitigate the environmental impacts of the spill, **but the more toxic oil-Corexit mixture coated the Gulf seafloor and permeated the Gulf's rich ecological web.** GAP witnesses revealed underwater footage of an oiled seafloor equivalent to a marine Death Valley where aquatic life formerly flourished, and documented widespread damage to coral communities.
- Ignoring some industry requests to delay openings, the government re-opened Gulf fisheries within weeks of the well being capped. **The FDA grossly misrepresented its analysis for Gulf seafood safety, relying primarily on a literal smell-test to detect contaminated seafood.** It declined to test for Corexit chemicals, which could result in long-term health impacts undetected by government testing standards. **Of GAP's witnesses, 76% expressed concern over the quality of government seafood testing, and almost 60% reported seeing new seafood deformities firsthand. Nearly 80% of fishermen reported that their catch has decreased significantly since the spill.**

## VI. **Inadequate Compensation**

- BP's Gulf Coast Claims Fund (GCCF) denied all health claims during its 18 months of existence. Although a significant precedent, the subsequent medical class action suit excluded countless sick individuals; bypassed the worst health impacts resulting from dispersant and oil exposure (such as cancer or birth defects); offered grossly inadequate maximum awards compared to medical costs, and did not include medical treatment. **More than 60% of GAP interviewees reported that the GCCF and/or Deepwater Horizon class-action settlement made them an offer (most declined). Of those witnesses, 100% reported that compensation was nominal compared to their medical and economic damages incurred from the spill.**

## **Conclusions & Recommendations**

The BP spill was the worst environmental disaster in American history, but the government's consent of BP's Corexit use has caused long-term human and ecological tragedies that may be worse. As deepwater drilling expands off U.S. coasts, it is inevitable that other incidents will occur. Renewed reliance on Corexit is planned as the SOP for future oil spills. BP has declared it will continue to use the deadly dispersant as long as the government permits doing so. If this vision becomes reality, long-term destruction to our health and environment will expand exponentially.

GAP's report illustrates that both BP and the government must take corrective action to mitigate ongoing suffering and to prevent the future use of this toxic substance. Immediate measures should include:

- A federal ban on the use of Corexit, which is already banned in the United Kingdom (BP's home country) and Sweden.
- Congressional hearings on the link between the current public health crisis in the Gulf and Corexit exposure.
- The immediate reform of EPA dispersant policy, specifically requiring the agency to determine whether such products are safe for humans and the environment *prior* to granting approval under the National Contingency Plan (NCP).
- Establish effective medical treatment programs – by medical experts specializing in chemical exposure – for Gulf residents and workers.
- The federal government's funding of third-party, independent assessments of both the spill's health impact on Gulf residents and workers, and such treatment programs when established.

# 1. Introduction

The 2010 Deepwater Horizon oil spill released a reported 210 million gallons of crude oil into the Gulf of Mexico and used nearly two million gallons of the dispersant Corexit during the response.<sup>1</sup> By contrast, the 1989 Exxon Valdez oil spill released approximately 11 million gallons of crude oil and used less than 4,000 gallons of Corexit. The devastating impacts of Corexit on Exxon Valdez cleanup workers and the region's ecological system have been documented throughout the past two decades.<sup>2</sup> Surviving Exxon Valdez cleanup workers suffer from severe long-term health problems associated with chemical exposure, and dispersed oil continues to be found in the environment, which has prompted Alaskan tribal communities to ban the use of chemical dispersants.<sup>3</sup> The United Kingdom banned Corexit over a decade ago, and Sweden does not allow the use of any chemical dispersants in the event of an oil spill.<sup>4</sup>

Notwithstanding grave warnings from the Exxon Valdez disaster and independent studies, Corexit has remained an Environmental Protection Agency (EPA)-approved dispersant on the product schedule for the National Contingency Plan (NCP) – the federal government's blueprint for responding to oil spills and hazardous substance releases. The government and BP relied primarily on Corexit to make the oil disappear from public view, deliberately pursuing a strategy of achieving false public perception rather than focus on public health protection. The BP spill's Unified Command, comprised of 13 government agencies, BP and Transocean (owner of the Deepwater Horizon rig), was responsible for authorizing and coordinating all incident operations during the spill response.<sup>5</sup> Working under the direction of the Coast Guard as the Federal On-Scene Coordinator (FOSC), this union of entities coordinated the unprecedented use of Corexit.

In the summer of 2011, Louisiana physician Dr. Michael Robichaux approached GAP in the summer of 2011 and requested assistance on documentation of the deleterious health effects apparently caused by the extensive application of Corexit. Between August 2011 and April 2013, GAP investigators interviewed twenty five whistleblowers with firsthand accounts of Corexit's devastating cost throughout the Gulf coast (Gulf).<sup>6</sup> Sixteen whistleblowers reinforced their GAP interviews with sworn affidavits made public in this report. Each section in GAP's report summarizes the official position of BP, the government, and the independent critics, and concludes with relevant excerpts from the whistleblowers' affidavits.<sup>7</sup> The affidavits establish a reviewable record of the disaster's public health and safety impacts, from the perspective of workers' and residents' eyewitness accounts. They experienced a reality almost completely opposite from the official record provided by BP and the government. Whistleblowers not only have documented the immediate impacts of the BP spill, but warned of the long-term human health and environmental damage that society witnesses today. All affidavits are included in the report as appendices.

GAP's Gulf partner, the Louisiana Environmental Action Network (LEAN) – a statewide network of more than 100 member groups and 1700 individual members – was instrumental in the implementation of our investigation.<sup>8</sup> GAP received affidavits from cleanup workers, fishermen, divers, coastal residents, parents of sick children, seafood industry leaders, a marine biologist, a chemist, and a physician.<sup>9</sup> Some of the statements were provided anonymously at the request of the whistleblower to protect his or her identity. In addition to these accounts, GAP conducted extensive

Freedom of Information Act (FOIA) requests and off-the-record interviews with government officials to conduct its investigation.

GAP also repeatedly contacted BP, largely in vain, to get the company's side of the story. Since March 2012, GAP and LEAN have been involved in a dialogue with the BP America Ombudsman Program (BP Ombudsman) on public and occupational health and safety concerns during the cleanup, and BP's handling of Corexit. In July 2012, GAP, LEAN founder and director Marylee Orr, LEAN chemist and MacArthur Genius award recipient Dr. Wilma Subra, Louisiana physician Dr. Michael Robichaux (known as "Dr. Mike") and former principle chief of the United Houma Nation Brenda Dardar Robichaux attended a meeting at the BP headquarters in Houston to discuss our findings. It was coordinated by the BP Ombudsman, and chaired by BP vice president Luke Keller. A senior BP industrial hygienist who specializes in dispersants was supposed to be present. He did not attend the meeting, however, and an additional attorney for BP was in attendance. The stated purposes of the meeting were to:

- receive information from BP regarding use of Corexit during the BP spill, and potential future use;
- discuss the alleged removal of the "[Deepwater Horizon MC252, Vessels Captains Hazard Communication, Resource Manual](#)" (resource manual) from worksites;
- discuss the Material Safety Data Sheets (MSDS) for Corexit
- receive a high-level overview of the medical claims process agreed to in the Deepwater Horizon class-action settlement;
- provide our observations regarding health problems associated with Corexit use; and
- provide our concerns over the claims compensation process.<sup>10</sup>

Ignoring the agreed-upon agenda, BP failed to address the public health concerns raised herein, refused to discuss the resource manual's disappearance on grounds of open litigation, and made clear that it had no intention of changing its practices with Corexit as long as the government approves its use. Alarming, in the aftermath of the BP spill the government continues to endorse Corexit through the National Contingency Plan product schedule for dispersants, and BP continues to exploit the tragedy in the Gulf as an opportunity to promote Corexit. At the BP 2013 Annual General Meeting in London, BP Chief Executive Officer Bob Dudley made the following comments on Corexit use (captured by the Gulf coast based media project "28 Stones"):

I continue to be puzzled by something called Corexit, which was the dispersant put on the oil ... Everything to a degree has toxicity and the toxicity of Corexit is about the same as dish-soap, which is effectively what it is and how it works ... Corexit is a U.S. government recommended product and it is still used. And I absolutely believe ... the best thing that was to happen was to have dispersant put on oil rather than having huge black oil waves wash on to the beaches ... I have not seen a single study, of people who have studied it scientifically, deeply, that would look back and say dispersants should not of been used.<sup>11</sup>

On the third anniversary of the greatest environmental disaster in U.S. history, as deepwater drilling expands, the public remains more susceptible to chemical dispersants than ever before.<sup>12</sup> In

the wake of the Exxon Valdez disaster, Congress passed the Oil Pollution Act, which expanded the government's ability to respond to oil spills through a trust fund and created new requirements for contingency planning by government and industry.<sup>13</sup> What will be the legacy of the BP spill? We have yet to enact a single measure strengthening lax dispersant regulations. During an oversight hearing on Corexit use, Senator Mikulski asked: "Are dispersants the DDT or Agent Orange of the oil spill?"<sup>14</sup> Throughout recent history, medical and scientific experts have documented the devastating impacts of chemical exposure on human health and the environment. Those consequences are illustrated by Agent Orange Syndrome, Gulf War Syndrome, "Valdez Crud" – the term coined for widespread health problems by Exxon Valdez cleanup workers, and soaring respiratory problems and cancer rates by 9/11 First Responders.<sup>15</sup> The government's response to the BP spill is unique in that it partnered with a profit driven corporation to conceal the impact of the company's mess, giving birth to a new health epidemic. Within months of the disaster, workers and residents would coin the health impacts seen throughout the coast as the "BP syndrome."

### **Whistleblower Record**

"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 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." (Clint Guidry, 7-8)

"Gulf War Syndrome, and the government's response to this disorder, has proven to be painfully similar to the BP debacle. In both instances, evidence suggests that the illnesses are the result of the ingestion, inhalation or contact with various chemicals to which the soldiers and workers were exposed. The pattern of denial and the efforts to suppress information on 'Gulf War Syndrome' and 'BP Syndrome' also have been very similar." (Dr. Michael Robichaux, 6)

"Research shows dermal exposure symptoms correlate with the symptoms I documented: the VOCs got into our liver, kidney and fat cells. Further analysis shows that they can affect DNA replication, and potentially lead to cancer ten to fifteen years from now, as the evidence from the Exxon Valdez spill confirms." (Steve Kolian, 6)

"[M]y mom ... is the North American coordinator of the World Forum of Fish Harvesters and Fish Workers...She would educate me on the health effects that cleanup workers from Exxon Valdez experienced and everything that she shared I was actually experiencing at the time, such as skin rashes and respiratory problems." (Jorey Danos, 4)

"Riki Ott, a toxicologist who researched the health and environmental impact of the Exxon Valdez oil spill, predicted that the impact to seafood would be seen within three to five years. Within a year and a half we are already seeing huge declines in catch across the seafood industry." (Lorrie Williams, 2)

"Consider the immense impact of the spill on the ecosystem by looking at Valdez, Alaska, where the 1989 Exxon Valdez spill used a small fraction of the Corexit that we have used in the Gulf. You can't catch significant harvests of herring anymore in Prince William Sound; scientists believe that Corexit affected the reproductive cycle (they think it affects the cell wall of the eggs.) Corexit might

mutate the RNA or DNA. The effects are still unknown to the public and larger part of the scientific community.” (Scott Porter, 16-17)

“I think management endorsed a policy to deny the toxicity of Corexit, because they didn’t say anything to anybody about the associated risks. In fact, they purposely misled people. NOAA, EPA, FDA and NRDA knew that Corexit and oil was a very toxic combination. There are numerous publications on the subject and there is historical data from the Alaskan Valdez spill. Why they chose to adopt this policy is really confusing.” (Steve Kolian, 4)

## 2. Dispersant

*“Like any good magician, the oil industry has learned that if you can’t see something that was there, it must have ‘disappeared.’ ... Oil companies have also learned that, in the public mind, ‘out of sight equals out of mind’. Therefore, they have chosen crude oil dispersants as the primary tool for handling large, marine oil spills.” – Scott Porter, Diver, Marine Biologist*

Over the months and years following the disaster, BP and the government’s official position on Corexit would be corroded by living history and sound science. When the BP spill occurred, the common government/corporate official position was that Corexit was the best available tool to prevent off-shore oil from polluting Gulf shorelines. They proceeded to release a reported 1.8 million gallons of Corexit through aerial and vessel application, as well as novel application at the wellhead in effort to disperse the spewing oil at 5,000 feet below the ocean’s surface. Both BP and the government spokespeople told the public to rest assured about Corexit. The dispersant, they said, posed no threat to public health and safety; it was low in toxicity (at times comparing it with Dawn dishwasher soap) and contact with humans and wildlife would be minimal.<sup>16</sup> Neither BP nor the government authorities mentioned, however, that under lax dispersant regulations, the EPA depends solely on testing provided by the manufacturer and does not evaluate human health or environmental impacts of the product before approval. Corexit’s effectiveness cleaning the oil was unproven, subsurface application had never been studied, and the independent scientific consensus warned that the dispersant was dangerous. The conflicting perspectives saw eye to eye on at least one thing: Corexit use made the oil virtually invisible from the surface.

Of GAP’s witnesses, 77% of cleanup workers reported that they were regularly given instructions to report the location of oil but not mechanically clean it. When they returned to the same locations



**Photo by Shirley Tillman. Workers often reported seeing white foam after dispersant was used**

the following day, the oil typically was gone from the surface. More than 85% of cleanup workers reported that they had contact with Corexit while on the job, and 57% reported that they and/or someone in their family was exposed to chemicals from Corexit outside of the cleanup zone. Nearly 47% reported that they were told by their employer Corexit did not pose a health risk. More than 70% cited indications that Corexit continued to be used after July 2010 (when the Unified Command reported it stopped using Corexit).

### **BP Official Position**

Throughout the spill response, BP provided reassurances surrounding Corexit’s use. Press releases described it as a tool to “help break down the oil into smaller droplets that could be more easily dispersed through the seawater and then degraded by natural processes.”<sup>17</sup> From BP Director Bob Dudley while at the Chief Executives Club in Boston, to supervisors on the cleanup, BP

representatives repeatedly compared Corexit to Dawn dishwasher soap, invoking the image of a common household product that breaks up the oil and allows for much easier cleaning.<sup>18</sup> BP and the government framed dispersant use as a “trade-off of oil effects in the water versus at the shoreline.”<sup>19</sup> The company insisted that dispersing the oil offshore would prevent it from reaching wetlands and beaches, where the public would be exposed to chemicals in the oil.<sup>20</sup>

To ensure worker and public safety, BP reported that aerial application of Corexit was “limited to daylight hours, with the goal of keeping any surface spray two or more nautical miles away from any boats in the vessels of opportunity program.”<sup>21</sup> It further reassured that all dispersants were “applied more than three miles from the shoreline[.]”<sup>22</sup>

According to BP, an unprecedented 1.84 million gallons of Corexit were used in the response, with its last application on July 19, 2010 – days after the well was capped.<sup>23</sup> In the July 2012 meeting at the BP headquarters in Houston, BP Vice President Luke Keller informed our participants that BP will continue to consider Corexit as a viable option for oil spill responses, as long as it remains an approved dispersant on the National Contingency Plan.<sup>24</sup> In response to a query whether BP will do anything different with how it uses Corexit for the next oil spill, the answer was, “No.” Unless the government intervenes, this dispersant will be the unrestrained chemical of choice to make future oil spills apparently vanish. Americans will just have to learn to live with Corexit – a nightmarish price for invisibility.

### **Government Official Position**

According to EPA’s own data, Corexit is more toxic and less effective on Louisiana Sweet Crude – the type of oil released during the BP spill - than other NCP approved dispersants.<sup>25</sup> After protests by the environmental and public health community around the toxic nature of Corexit, the EPA issued a directive in May 2010 that required BP to use a less toxic dispersant.<sup>26</sup> By that point, BP had already been required to switch from Corexit 9527 to the slightly less toxic Corexit 9500.<sup>27</sup> When BP claimed it was unable to identify an alternative dispersant in sufficient quantities, EPA required BP to dramatically scale back the use of Corexit and limit it to novel subsurface application at the wellhead. However, BP was able to request exemptions from the FOSC for surface application, and aerial and vessel spraying continued throughout the BP spill, often through the use of military C-130 planes.<sup>28</sup>

Shortly before the well was capped, EPA reported that Corexit was comparable in toxicity to other dispersants, sending mixed signals to the public about its safety.<sup>29</sup> Even government workers sought clarification. In an internal memo at the Centers for Disease Control (CDC) an employee inquired, “In regards to the issue of using the Corexit dispersants, is it true that the UK and other countries have banned their use because of their toxicity and because other dispersants have been shown to be more effective and less toxic?”<sup>30</sup> Hugh Kauffman - the lone public EPA whistleblower on Corexit use – more bluntly asked, “I would be grateful ... if someone could explain why millions of lbs. of useless toxic dispersant is being dumped into the Gulf, to add to the toxic loading?”<sup>31</sup> Publicly, then-EPA Administrator Lisa Jackson shared, “I can honestly say I don’t think I’ve made a tougher decision than the one regarding use of chemical dispersant[.]”<sup>32</sup> And a 2011 Coast Guard



report found: “[T]he lack of current science regarding the fate and effect of dispersed oil and its toxicity hindered the ability of responders and agency officials to adequately address ... public concerns.”<sup>33</sup> Despite these uncertainties, two years after the BP spill, in April 2012 the EPA reaffirmed its earlier assessment that Corexit had roughly the same toxicity of other dispersants, and reported that “dispersant-oil mixtures were generally no more toxic to the aquatic test species than oil alone.”<sup>34</sup> Six months later, an independent study would find that Corexit mixed with oil from the BP spill is over *50 times more toxic* than the oil alone, casting doubt on the government’s position.<sup>35</sup>

### **Independent Position**

In 2005 the National Academy of Sciences (NAS) issued the last comprehensive report analyzing the use of dispersants in oil spill responses. The report, *Understanding Oil Spill Dispersants: Efficacy and Effects*, warned that “the current understanding of key processes and mechanisms is inadequate to confidently support a decision to apply dispersants.”<sup>36</sup> A 2012 study published in the international journal *Environmental Pollution* removed room for doubt around Corexit use, finding that synergistic interaction between oil and Corexit makes the combined effect *52 times more toxic* than oil alone. The study’s co-author warned, “This is a cautionary tale that we need to do the science before the emergency happens so we can make decisions that are fully informed ... In this case, the Corexit is simply there to make the oil disperse and go out of sight. But out of sight doesn’t mean it’s safe in regard to the food web.”<sup>37</sup>

While BP was receiving exemptions to use more Corexit, much of the scientific community was pleading with the government to stop its use altogether. During the response, a consensus statement by a broad range of scientists asserted:

Corexit dispersants, in combination with crude oil, pose grave health risks to marine life and human health, and threaten to deplete critical niches in the Gulf food web that may never recover ... The use of dispersants does not represent a science-based, quantifiable ‘tradeoff’ but rather amounts to a large-scale experiment on the Gulf of Mexico ecosystem that runs contrary to a precautionary approach, an experiment where the costs may ultimately outweigh the benefits.<sup>38</sup>

Concerns were widespread that the short-term political will to make the oil disappear through dispersion would take precedent over the long-term impacts of Corexit use. The consensus statement warned, “[O]nce oil is dispersed in deep water, it cannot be recovered. Oil, when combined with dispersants in the water column is more toxic to marine species than either oil or dispersant alone.”<sup>39</sup> The Natural Resources Defense Counsel (NRDC) reported that only eight percent of BP’s oil was removed or burned. The remainder of the oil was released into the environment as it “dispersed or dissolved into the water column, floated to the surface, was deposited on the coast, or sank to the bottom” of the seafloor.<sup>40</sup>

On the day the well was capped, government officials announced that 70 percent of the oil was gone.<sup>41</sup> The government was quickly required to withdraw the assertion that the oil was naturally degrading, however, after scientists discovered extensive underwater plumes throughout the Gulf that resulted from dispersant application.<sup>42</sup> Despite the unprecedented use of Corexit, oil still managed to plague Gulf wetlands and beaches. According to the National Oil Spill Commission, following the BP spill more than 650 miles of coastal habitats were oiled.<sup>43</sup>

Human health concerns were also well-founded. NAS reported that exposure to Corexit 9527 caused adverse health effects to some responders dating as far back as the 1980s, resulting in the creation of the slightly less toxic Corexit 9500.<sup>44</sup> Despite the known threats, Corexit 9527 was used throughout the Gulf early in the cleanup. The composition of both Corexits raised flags. Almost two months into the BP spill and after an unprecedented amount of Corexit was used, by public demand, its chemical composition was released –confirming fears that it was much *more* toxic than the public was led to believe, and sounding alarms throughout the Gulf (see: Health Impact).<sup>45</sup> During the response, workers and residents frequently reported coming into contact with Corexit through aerial and vessel spraying, diving or even near shore and inshore use of Corexit. In 2011 the Coast Guard released a report finding “the response organization was able to refute reports of people, boats, and homes being sprayed with dispersants.”<sup>46</sup> However, the public record – reinforced by internal Coast Guard incident reports – tells a very different story.

### **Whistleblower Record**

#### *a. Oil “Disappeared”*

“When they started spraying the Corexit we didn’t know what they were doing, because the dispersant planes would fly by at odd hours during the night or day, and we were not given information about the spraying. However, we quickly learned the days that they did and did not spray. The Incident Command Center provided coordinates for our vessel to go to ... We would be in miles of thick tar ball oil one day, and the next day they would slightly tweak our location. As we went to our new location, we would pass the location from the previous day and see and smell the dispersed oil ... This happened routinely.” (Jorey Danos, 3)

“From May 2010 through fall 2011, community members reported to me that they would go out and see a slick, that night hear the planes, and then the next day the slick was gone from the inshore and estuary areas.” (Dr. Wilma Subra, 14)

“[T]here was an oil slick three miles long and a half mile wide. We were told not to clean up any oil we reported, however ... I knew BP had the equipment - such as boom - but they were not putting it on the boats ... I raised noise, got other fisherman involved and threatened to contact media if they would not provide us the tools to properly contain and clean the oil ... The next morning I received permission to lay boom, but the oil was all gone ... All that could be seen were black bubbles and foam ... The evening before, they had contacted me and wanted a GPS number of each end of the slick.” (Sydney Schwartz, 2)

“I was sprayed off of Port Fourchon. That was the same day that the largest amount of oil entered 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.” (Anonymous #2, 4)

“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.” (Anonymous #1, 3)

“On more than one occasion my husband just begged to drop boom, but they wouldn’t let him. We could smell it - football fields long of oil sheen with clumps of the oil in it. The following day we would be sent to a different location. One day in late July when we went out oil and sheen was everywhere ... the Coast Guard directed us not to drop boom and instead sent us in the opposite direction of the oil. The following day Coast Guard Admiral Thad Allen stated that there was no more recoverable oil in the Gulf.” (Shirley Tillman, 5)

“Using Corexit in the Gulf made it more difficult to identify BP MC 252 oil. As a dispersant, Corexit breaks down very fast in the environment, and it is supposed to erase the oil signature by breaking down the ‘fingerprint’ of the oil. The fingerprint contains organic hydrocarbons that can be traced, and we have tools to help determine if the oil came from the Macondo well or a different spill.” (Scott Porter, 6)

*b. Contact with Corexit*

“Airplanes sprayed dispersant on our members on multiple occasions. After the first time it happened I reported it to OSHA ... 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.” (A.C. Cooper, 4)

“[O]n the VoO program, I was sprayed with Corexit four times ... The increased sightings of dispersed oil corresponded with our health symptoms. There was an ammonia-like odor that would take our breath away. The dispersant was sprayed heavily – like when you spray a water hose into the wind, it will mist and spray back on you ... [T]wice I saw C130’s that flew directly over us and then we entered a cloudy haze, even though it was a bright sunny day ... During those instances the dispersant directly hit me, including my face.” (Jorey Danos, 3-4)

“I’d been taking pictures of the wildlife and the water ... [T]hese boats were up wind from us; as we were going west the stuff they were spraying came back on us ... I never would have stood out there to take pictures had I known what I do now about the effects of Corexit ... I did not think it was a public health threat, because it has been approved for use. I went into the cabin after I sprayed and tried to wash my face and hands but it was already in my eyes, nose and probably lungs by then.” (Shirley Tillman, 6)

“On August 21, 2010 I was sprayed by the BP decontamination boat wash in Bayou La Batre. The wind came off the Gulf and the mist from the decontamination booth covered my face and arms. At the time I wasn’t too concerned and did not think it was dispersant, because we were told that the Corexit wasn’t being used as of July 2010. However, by that afternoon my face was red as if I had been sunburned.” (Lori Bosarge, 1)

“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.” (Anonymous #1, 3)

"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 ..." (Anonymous #2, 4)

"They were spraying Corexit around the time we started diving ... NOAA told us later in August 2010 Corexit would not be sprayed in the areas where we were conducting our research because the well was capped ... However, we have a video of fresh Corexit in the water from August 21, 2010 and August 18, 2011" (Steve Kolian, 4)

"[O]n October 13, 2010 I was sitting in front of my house and I heard a horrible noise, then I realized it was C130s flying over us. I ran to my truck and I could see a fine mist hitting the windshield... An investigative journalist came to our home a few days after... [and] took samples from our pond...[and] from the beach at Pass Christian, Mississippi. The lab results of the samples came back positive for the chemicals found in Corexit." (Lorrie Williams, 5)

"My son was three in June 2010 when my relatives took him to Orange Beach for 5 days ... When the [large military] 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." (Anonymous #3, 1)

"I [attended] a meeting at the BP Unified Command Center on July 3, 2010 to discuss respiratory safety protection issues for VoO workers ... 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 ... 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." (Clint Guidry, 4-5)

### *c. Government and BP Positions*

"On May 26, 2010, Administrator Jackson responded that BP must reduce the amount of Corexit used by 75%. Subsurface application of the dispersant continued and BP did not have to justify its use under the terms of the directive. Surface application was supposed to be eliminated, but BP could justify its use due to weather or if it identified an oil slick. On a daily basis BP received exemptions to apply the dispersant by plane." (Dr. Wilma Subra, 14)

"During the time that BP was spraying from the blowout through mid August 2010, I kept getting a lot of calls from workers offshore reporting that they were being sprayed ... They reported respiratory problems and nausea. On an ongoing basis I would speak with EPA and share, 'I've received information that these workers on the offshore rigs are being sprayed.' They would look into it and come back and say, 'No they are not Wilma. We are not spraying where there are workers ...'" (Dr. Wilma Subra, 14)

"Their [government] cards read special agents, and they said they were here investigating the use of Corexit in inland water ... I asked them, 'Wouldn't it be easy for you all to get the records from the Corexit manufacturer Nalco for how many gallons BP has bought from them to use to spray down here...since they've admitted to spraying 1.8 million gallons?' They responded, 'Oh no, we can't do that, it's way too early in the investigation.'" (Shirley Tillman, 12-13)

“By law, dispersants cannot be applied closer than three miles to shore. But after the first month into the spill, BP started spraying inshore ... EPA stated that Corexit was not being applied inshore, but went on to explain that through state exemptions it could be sprayed in shore ... [B]ecause it is state waters, the company applying the dispersant does not have to report that they have sprayed dispersants... You can't find out who sprayed what, when, where, and yet I have all these people reporting that they have been sprayed.” (Dr. Wilma Subra, 14 - 15)

“I asked Captain Stanton with the Coast Guard, ‘Don’t you think the squalls forming over the Northern Gulf are going to pick up some of these chemicals, bring them inland and dump them on people?’ He replied, ‘Oh, no, we’re not spraying anywhere within 30 miles of land ...’ We know they sprayed closer than that. But it wouldn’t matter anyway ... because the rain clouds form over the northern Gulf outside of the Peninsula during the mid summer and into the fall; anything sprayed within 70 miles of the coast could be swept inland. We warned the [government and BP] representatives that we would be exposed to the pollutants from the spill, and they were less than unconcerned. At that meeting I was in tears, I feared for my kids.” (Kindra Arnesen, 6)

“By the time we left the [July 2012] meeting, BP asserted that unless ordered by the government, they would not consider discontinuing the use of Corexit as a dispersant in future oilfield spills. They also refused to commit immediately to informing the public when they use these dispersants in the future, but said they would consider action to stop blindsiding the public. Their position was that as long as Corexit was approved by U.S. regulations, they had the right to use the chemical in responding to an oil spill.” (Dr. Michael Robichaux, 15)

“We worked with the Parish to the point where they now notify all of the sensitive populations before they spray [for mosquitoes], so that they can chose to leave the area. Further, they put it in the newspaper, so the broader population can know when they are going to spray from the planes. It’s not dispersant but it’s very toxic ... The problem is worse with dispersant use, because there is no requirement that BP has to record where it sprayed, and there was frequent denial by BP that they were spraying inshore.” (Dr. Wilma Subra, 15)

“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 ... BP and the federal government’s whole philosophy has been ‘out of sight, out of mind’; that’s what the Corexit was for.” (Anonymous #2, 6)

#### *d. Is Corexit Safe?*

“The government and BP also have taken the stance that we do not need to be concerned about exposure to Corexit, because it has a 90 minute half life, which means that after 90 minutes half of the components evaporate and the other half of the concentration remains, making it less dangerous. That is not fully accurate in this case, because the compounds from the dispersant come in contact with the crude and get interconnected ... This is really a test case, since such a large amount of dispersant has not been used before in such quantities with the large amount of crude oil. When the remaining oil and dispersants are disrupted, the compounds rise to the surface. When divers went into plumes, they were exposed.” (Dr. Wilma Subra, 10)

“I have lived on the Louisiana coast for 67 years, and spent a considerable amount of time on Grand Isle and in the waterway now named Port Fourchon. The earliest offshore drilling for oil occurred off the coast of Louisiana. At that time, the oil companies couldn’t have cared less about spilling oil into the environment. Those of us who frequented the beach at Grand Isle came home with brown feet and stained swim suits due to the oil present on the beaches where we swam and fished. I do

not recall a single incidence in which anyone became ill as the result to exposure to either the oil or to the tar balls and tar 'rafts' that were present on the beaches. It is obvious that there is something different about this recent spill. BP insisted, even after the EPA requested an alternative, less toxic, dispersant than Corexit, that they could and should use this chemical to hide the oil that was pouring into the Gulf. It is beyond credible doubt that this decision was the new factor, and that Corexit is the prime suspect for the illnesses ruining the lives of so many neighbors and friends today. It is probably also responsible for the death of our dolphins, and the bizarre appearance of the crabs and shrimp that are harvested from the waters where these chemicals were used. BP's defiance in this situation is similar to its arrogance in ignoring safety guidelines that resulted in the original explosion of the Deepwater Horizon drilling rig." (Dr. Michael Robichaux, 14)

"In the fall of 2010 we had just come in from a day research cruise ... I saw Louisiana Governor Bobby Jindal getting on the helicopter ... He told me, 'We will get this area reopened for you.' I responded, 'If so, they can't be spraying Corexit' ... I am a supporter of the governor, but I couldn't even get a response from his office on whether or not Corexit was still being sprayed in Louisiana ... It was important because throughout this time NOAA said it was safe to dive, so I had continued to dive. However, my health was getting worse." (Scott Porter, 13-14)

"The oil sludge that they and other workers brought in on their boots became a problem and was dangerous ... Early on I asked a BP staff member how I could clean the dispersed oil sludge, and what was in it ... He said that the stuff on the floor that I was cleaning, which was a dispersed oil sludge ... was 'as safe as Dawn dishwashing detergent,' and I could mop it like I mopped any other floor; no special treatment was needed." (Jamie Griffin, 3)

"They started spraying the dispersant Corexit 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." (Anonymous #1, 2)

"We knew that the BP spill was Louisiana Sweet Crude. We knew its major components, and that its toxicity level increased when mixed with Corexit. BP was spraying the more toxic Corexit 9527 and shortly into the spill they switched to a slightly less toxic 9500, which was still more toxic than alternative EPA approved dispersants. EPA and BP knew of the health impacts associated with it ... The issue was responding to an oil spill of this magnitude, with unprecedented quantities of Corexit, including novel subsurface application. Gulf coastal communities, and individuals who consume gulf seafood or recreate in the gulf, are the guinea pigs left to deal with the consequences and will be feeling the full effect in years to come." (Dr. Wilma Subra, 16)

### 3. Safety Ignored

*“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 ... There was a safety culture of, ‘hush hush, it didn’t happen.’” – Anonymous Cleanup Worker*

A total of 47,000 workers were involved in the response to the BP spill, 42,000 of whom were employed by BP and its contractors. Operating under the Unified Command, the Occupational Safety and Health Administration (OSHA) was responsible to ensure that all workers were protected from hazards associated with the cleanup.<sup>47</sup> Workers categories included offshore, near shore (within three nautical miles), and shoreline or onshore (beach cleanup). The Vessels of Opportunity (VoO) Program, created to employ local boat operators during the response, extended to near shore and some offshore activities such as identifying oil, working with boom (a temporary floating barrier used to contain an oil spill) and skimming (using a machine to remove oil floating on the water).<sup>48</sup>

Placing public perception above public safety, BP and the government grossly understated threats associated with chemical exposure from the BP spill. Both falsely asserted that heat-related illness was the most serious cleanup hazard. Based on that premise, workers were prohibited from using respirators and initially offered minimal safety training that did not equip them for the highly toxic workplace. Corporate and government announcements repeatedly issued official statements to coastal communities (including vulnerable populations) that their environment was safe and the air was “normal.”<sup>49</sup> Meanwhile, EPA reports used to validate the respirator policy and put the public at ease about exposure to carcinogens were contradicted by muted government warnings and independent data. Raising additional safety questions, when GAP and LEAN confronted BP about the alleged removal of federally required resource manuals (detailing Corexit health problems) from VoO worksites, the company provided contradictory information surrounding the removal of the manuals.

Of GAP’s witnesses, 100% of workers interviewed reported that they either did not receive *any* training, or did not receive the federally required training. Again, 100% reported that they were provided minimal or no personal protective equipment. Nearly 85% reported that they were not aware of available safety literature on the job site.

#### **BP Official Position**

Following the BP spill, Bob Dudley, CEO of BP’s Gulf Coast Restoration Organization, asserted: “BP, in collaboration with the Unified Command, provided task specific training, supplied personal protective equipment and conducted extensive



Photo by NOAA. Worker spraying dispersant with minimal protective equipment

environmental and worker monitoring to protect the health of response workers involved in the cleanup.”<sup>50</sup> Throughout the BP spill, worker safety trainings and personal protective equipment (PPE) were tailored to address what BP deemed the greatest threat: “risks from working in the summer heat of the Gulf.”<sup>51</sup> BP created a matrix<sup>52</sup> that OSHA adopted on its website for PPE based on cleanup positions.<sup>53</sup> Suggested safety gear ranged from a sunhat/sunscreen, hardhat, goggles and gloves to various styles of suits and boots. When workers asked for respiratory protection, BP argued that it was not necessary, citing EPA air quality data, and at times threatened workers with termination if they wore their own respirator protection (see: Retaliation).<sup>54</sup> BP’s own data would undermine its position, when in June 2010 it found 2-Butoxyethanol – a chemical linked to health effects in Exxon Valdez workers and a key ingredient in Corexit 9527 – was detected in 20% of offshore workers at levels two times greater than worker safety standards set by the National Institute for Occupational Safety and Health (NIOSH) (see: Health Impact).<sup>55</sup> Despite alarming evidence of chemical exposure, the government maintained a loyal partnership with BP, downplaying the threat surrounding crude oil and Corexit in the Gulf.

### **Government Official Position**

According to OSHA’s Hazard Communications Standard, “Employees have both a need and a right to know the hazards and identities of the chemicals they are exposed to when working. They also need to know what protective measures are available to prevent adverse effects from occurring.”<sup>56</sup> Under government requirements, BP was required to provide each worksite with written hazard communication programs; labels and other forms of warning; Material Safety Data Sheets<sup>57</sup>; and employee information and training “prior to initial assignment to work with a hazardous chemical[.]”<sup>58</sup> OSHA records show that of the varying levels of Hazardous Waste Operations and Emergency Response (HAZWOPER) trainings, during the response over 30,000 onshore workers went through a post-emergency abbreviated four-hour training<sup>59</sup>; VoO workers were required to take eight hours of training; and supervisors were required to complete a 40-hour training.<sup>60</sup> OSHA Director David Michaels, in an effort to allay concerns from worker safety advocates, stated “[T]o assure only trained workers were hired for the response, OSHA pressed BP to implement a credentialing system to allow OSHA inspectors to easily verify that all workers had received the required training.”<sup>61</sup> That assertion would be flatly refuted by workers participating in GAP’s investigation.

Throughout the response, EPA assured workers and residents that air quality levels were normal and pollutants associated with petroleum products were found at low levels.<sup>62</sup> At the same time, the EPA advised sensitive populations to “stay indoors to limit your exposure, close windows and doors, and set your air conditioner to a recirculation mode.”<sup>63</sup> Amazingly, the OSHA policy intended to prevent these sensitive populations from working in hazardous workplaces was circumvented by forgoing respirator use on the cleanup. In its explanation as to why respirators were not used during the cleanup, OSHA explained “Some workers may fail to pass the medical evaluation” that is required for respirator use, especially “workers who suffer from respiratory or cardiac disease.”<sup>64</sup> Ruling out the option for voluntary respiratory use, OSHA argued: “[C]ertain respirators ... could put a strain on the heart and lungs of some workers and therefore were not generally



recommended for voluntary use. Furthermore ... the health risks from using respirators in the extreme heat exceeded the low risk of chemical inhalation.”<sup>65</sup> OSHA’s website contended that the oil away from the well was “weathered,” and the dangerous substances, such as benzene, evaporated, decreasing the risk of inhalation exposure.<sup>66</sup> It identified heat related illness as “the most serious threat to cleanup worker health.”<sup>67</sup>

While heat stress remained at the forefront of government warnings, other agencies offered a more cautionary perspective. NIEHS warned that synergistic effects of the various chemicals in worker breathing zones could “pose much greater challenges for establishing acceptable exposure criteria[.]”<sup>68</sup> An early worker training conducted by the NIEHS Worker Education and Training Program (WETP) listed different carcinogens that workers could encounter on the cleanup, cautioning: “Even if air sampling shows no detectable levels or very low levels of VOCs, there still may be health effects present”<sup>69</sup> Substantiating those warnings, an NIEHS report found that “lack of personal protective equipment [and] exposure to toxins” contributed to the impact of the BP spill on response workers.<sup>70</sup>

Despite uncertainties that haunt the Gulf to this day, FOSC lauded the BP/government partnership for dodging a public health crisis: “the efforts and commitment to ensure the safety of those who worked on the spill, and that of the public, is one of the single most notable accomplishments of the Deepwater Horizon response.”<sup>71</sup> The experiences of workers and residents from this investigation repeatedly demonstrate the exact opposite – a “safety last” track record.

### **Independent Position**

In May 2010, a U.S. District Court judge granted a temporary restraining order requiring BP to take responsibility for hazardous chemical exposure safety oversight for all commercial fishermen working on the cleanup in Louisiana.<sup>72</sup> The legally required safety oversight required BP to provide a written safety and health program, monitoring for airborne hazardous chemicals, identification of the hazardous chemical exposure risks specific to work areas, monitoring for airborne hazardous chemicals in work areas, and providing necessary personal protective equipment, among other actions.<sup>73</sup> Gulf fishermen largely comprised the VoO workforce, which was particularly vulnerable to chemical exposure through aerial dispersant spraying and toxic fumes from in-situ burns (surface burning of crude oil). However, BP would fail to uphold the court order to protect those workers on the frontlines of the cleanup.<sup>74</sup>

Independent air monitoring by LEAN found that chemical concentrations exceeded the physical health symptom concentrations by 100-120 times, and may have exceeded the highest annual average standard by 50 times, undercutting BP and government assertions that air quality levels were normal.<sup>75</sup> This caused great alarm among public health and worker rights advocates, since EPA air monitoring data was at the forefront of the decision not to use respirators. Concerns were exacerbated by reports that workers lacked even the most basic PPE, such as gloves and boots, and did not have access to adequate worker safety information.

Following the BP spill response, confidential whistleblowing disclosures alerted GAP that the resource manuals either were not delivered or were removed from VoO worksites early in the

cleanup, around the same time that workers began experiencing health symptoms detailed by the manual.<sup>76</sup> The resource manual provided risks for VoO workers from the crude oil and Corexit, and included the MSDSs for Corexit as required by OSHA regulations. In March 2012, GAP and LEAN sent a joint letter to the BP Ombudsman, to help resolve an apparent and palpable contradiction between BP safety reassurances to and restrictions on its employees, compared to the conclusions, warnings and mandatory precautions required by its own internal manual.<sup>77</sup>

In a confidential letter, BP confirmed the authenticity of the resource manual, explaining that it was removed as the VoO program came to a close and after the cleanup operation was no longer using dispersants in the Gulf. GAP subsequently surveyed nearly half a dozen VoO Captains, some of whom supervised multiple other captains, and none were aware of such a manual. In fact, several VoO captains surveyed stated they didn't receive *any* literature on workplace safety, and received minimal or no PPE. The BP Ombudsman scheduled the July 2010 meeting at BP headquarters, in part for BP to explain what happened. At the meeting, however, BP lawyers refused to discuss the resource manual's disappearance due to "open litigation" of medical claims.<sup>78</sup>

BP's contradictory actions raise serious questions whether the company tried to conceal the hazards of Corexit, as confirmed by the resource manual, from its own exposed workers. More broadly, it casts further doubts overall on BP's compliance with government workplace safety regulations.

At the time of this report's release, the BP Ombudsman is preparing to conduct a formal investigation into the full extent of BP's compliance with federal law requiring workplace safety information for VoO workers; allegations of retaliation against workers for wearing additional protective equipment; and unauthorized use of Corexit after July 2010. GAP and LEAN will monitor the investigation. The BP Ombudsman is only now beginning to schedule interviews with witnesses in 13 months since March 2011, when GAP first disclosed the resource manual and requested an investigation.

### **Whistleblower Record**

#### *a. Insufficient Training and Personal Protective Equipment*

"Throughout the oil spill cleanup, worker safety trainings were insufficient to protect the health of the workers. OSHA and BP reduced the 40 hour HAZMAT trainings to four hour trainings for most of the workers. Some workers did not receive any training ... They would come home at night very sick, but desperate and needing the work. Then they would go back out in the morning and get sick all over again with headaches, nausea, respiratory problems and skin rashes; these are just some of the symptoms associated with exposure to the crude oil and dispersant. Health problems got worse from there." (Dr. Wilma Subra, 3)

"On May 24, 2010 ... DHS invited me to attend a meeting in Galliano, Louisiana. 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 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 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 ... Two days later on May 26, seven VoO workers were airlifted to the hospital." (Clint Guidry, 3-4)

"LEAN attorney Stuart Smith took BP to federal court in early May 2010, and the judge ruled that BP was not providing the cleanup workers with adequate protection and adequate training ... However, even after the court ruling to enforce worker safety ... BP did not comply with the regulations and allowed the workers to be made sick ... There are companies all along the Gulf coast that deal with oil spills all the time, and they know the safety measures that must be taken ... and yet BP was allowed to hire cleanup workers without proper training or protective gear, and put them in harm's way through direct contact with the crude [oil] and the crude [oil] mixed with the dispersants. No matter how 'emergency' it was, they knew how to protect those workers, and they didn't." (Dr. Wilma Subra, 3, 6)

"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." (Clint Guidry, 2)

"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." (Betsey Miller, 1)

"Before we began work I took a three-hour shoreline basic cleanup course administered by the company Falk Alford in Houma, Louisiana. However, it was about beach cleanup and our objective through the VoO program was to clean up the oil offshore, before it hit the beach ... I was not offered any additional courses ... " (Jorey Danos, 1)

"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 ... 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 H<sub>2</sub>S 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 ... I know through photos and firsthand accounts that the in-situ teams were often exposed to the smoke from the burns." (Clint Guidry, 2, 5)

"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 ... Then I worked at a [decontamination] 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 my work was over. This was after we were spraying the boats down during decon and I had gotten sick." (Anonymous #1, 1)

"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 ... 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 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." (Anonymous #2, 1)

"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." (Clint Guidry, 6)

"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 ... 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." (Betsey Miller, 3)

"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." (Clint Guidry, 5)

"I worked 60 days straight, every day for 12 hours a day ... We had morning briefings, where a safety guy would come. But all he talked about was drinking plenty of water and dehydrating ... When we went out in the boats, we had little to no safety gear. In the beginning they told us we had to wear hardhats, and you would move and the hardhat would fall off ... Nobody had respirators; I wouldn't know a respirator if I saw it. We had to wear our life preservers at all time." (Donald Tillman, 1-3)

“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 respirator ... On top of being out on the water while they were spraying dispersant, our fishermen were inhaling the toxins constantly.” (A.C. Cooper, 2, 4)

“The [safety] class was completed within four hours. I used to work in the oil field running the oil boats, and the class covered a lot of the same basic safety principles: Make sure you wear your life vests when you get close to the water. If the weather is bad don’t go out. They went into small detail about handling the oil, but not beyond telling us to wear gloves and make sure we have long sleeve shirts or pants. No respirators were discussed. They would caution us, ‘If you smell the oil, be aware that you may need to move or find fresh air.’” (Sydney Schwartz, 3).

“Workers had air monitors, but sometimes BP or even the government cut them off. One worker is on the board of the Louisiana Shrimp [Association], 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. 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? ... The air monitors were supposed to measure the levels of chemicals in the air to ensure that they did not exceed permissible exposure limits.” (A.C. Cooper, 2-3)

“In May 2010, I worked with the VoO program as a deckhand ... I took two courses on maintaining the boom and setting the boom. The VoO program did not provide any safety training. We didn’t even have masks or a pair of gloves when we were out on the water...We asked my supervisor every day at Dauphin Island for safety equipment. We were only given boom and very few materials to work with. We wanted to pick the oil up, because those were our waters getting ruined. We need to make a living out there. The people in charge at the docks had an 18-wheeler with safety equipment but they told us it wasn’t for us, it was for people on the beach who were walking.” (Joseph George, 1-2)

“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 PPE was required for beach cleanup personnel, such as Tyvek suits and gloves. However, we did not receive PPE on the boat.” (Anonymous #2, 4)

“When we found out [our members] were being denied safety equipment, we spoke everywhere in the beginning to try and get them what they needed ... 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 ... As far as addressing health issues and providing us with PPE, BP and the government wouldn’t touch it.” (A.C. Cooper, 1)

“On June 22, 2010 ... I had lunch with Dr. David Michaels, Director of OSHA. I told him about what was happening with the workers, and what the response was from BP and BP contractors. He said, ‘We have a problem, we have to do something about it,’ and I said ‘Yeah, I know we have a problem, and OSHA is supposed to be in charge’ ... [T]he main issue he pushed back on involved the use of respirators. He said, ‘If we make the workers wear respirators, then you, Wilma, will be causing them to have heat strokes.’ He framed it as if, by my advocating for their use of respirators, I’m

causing the workers harm. I responded that the fishers participating in the VoO program said it was much harder on them not to wear the respirator and to breathe the fumes.” (Dr. Wilma Subra, 4-5)

“From the very beginning we asked our supervisors for respirators, and they said they didn’t want us to wear them because they were unsafe and would result in heat stress.” (Anonymous #1, 2)

“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 ... 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.” (A.C. Cooper, 2, 4)

“I realized how pungent the Corexit was and wondered why I didn’t have a respirator or the right equipment. I asked a BP representative or contractor – I don’t recall which – and he told me that if I had one, all of the workers would want one, and it would look bad for BP if the news coverage caught footage of a bunch of workers with respirators ... BP wouldn’t provide PPE on its own until images showed up in the media of cleanup personnel without protective clothing. The latex gloves were so cheap that they would rip, and we would be touching the dispersed oil barehanded; it would get into my skin and burn ... Our rubber boots often didn’t fit so we couldn’t wear them ... When we did ask the BP representatives or contractors for better equipment, they would tell us there were going to get them, but they would never return with the equipment.” (Jorey Danos, 2)

“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 ... There was a safety culture of, ‘hush hush, it didn’t happen’ ... 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.’” (Anonymous #2, 2-3)

“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 ... 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 [Job Safety Analyses] from medical incidents...” (Anonymous #2, 3)

“The MSDSs for Corexit list several of the health problems I am now having, and they still used ... it throughout the Gulf ... When I lived on the barge, for 24-hours a day I was exposed. I would be outside too, breathing in what they were burning, without a respirator or a Tyvek suit. I had an apron, a hairnet, a spatula and some rubber gloves, and they told me to go in the midst of this dangerous chemical environment. Yet they were willing to tell me that the dispersant mixed in with the oil I was cleaning was as safe as touching Dawn dishwashing soap? Then a year later I have health problems that I have never had before working on the barge ...” (Jamie Griffin, 10)

#### *b. Public Exposure*

“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.'" (Clint Guidry, 6)

"In late April 2010, before the crude made it to the Louisiana shore, which took nine days, the aerosol came on shore all the way across from Louisiana to Mississippi and Alabama to the Florida panhandle. The aerosol was dispersed crude oil. It came from the slick of the gulf and was dispersed into the air from the heavy winds of the high seas. It caused severe nausea, headaches and respiratory problems." (Dr. Wilma Subra, 3)

"When the oil landed on the Mississippi shores on July 1, 2010 BP and BP contractors started dumping the oil waste four miles north of the shop, at Pecan Grove Landfill ... It didn't matter which way the wind was blowing, because I would either get chemical exposure from the land grove or the beach." (John Gooding, 2)

"A lot of the chemicals from the spill became airborne, turned into condensation and precipitation. Consequently, children and people throughout the Gulf Coast are affected, in addition to those working directly on the cleanup." (Jorey Danos, 6)

"From May 2010 through August 2010 when I walked out my back door it smelled like I was putting my head in a used oil can; the oil smell was that pungent ... After residents started asking officials and the media questions about the safety of the spill, because everyone along the coast smelled petrochemicals, the local news station announced, 'If you have any respiratory problems or compromised health, you need to stay inside.'" (Lorrie Williams, 6)

"The first week of the spill, we weren't knowledgeable about what was going on and I still let my kids go outside to play. Then by the end of the second to third week I had read enough and started to get concerned. I put the bikes in the shed and drained the pool. When I found out chlorine was a binding agent with other chemical compounds, I decided it wasn't a good idea for the kids to swim. I basically locked them up in our mobile home. [PlaqueminesParish.gov](http://PlaqueminesParish.gov) would send out automatic emails for the air sampling. The emails said 'unusually sensitive people should refrain from exertion.' At the local town hall meetings officials told us to stay inside and turn our air conditioning on recirculation." (Kindra Arnesen, 6)

"There are compounds in the makeup of Corexit that resemble glycol. You can't empty a radiator of antifreeze into the street. Yet we are using Corexit, with contains a type of glycol, in unprecedented amounts in the Gulf, and the public doesn't know how much glycol or how much of the other highly toxic chemicals comprise Corexit." (Scott Porter, 10)

"Sometimes it gets really frustrating to think that [BP] had total control to stop this. I understand what happened. If what happened after the spill were an accident, I would be the first to say it happened, and it is God's will to take life as it comes. But they did know that these chemicals were unsafe and still allowed people to handle them and breathe them. BP can't use Corexit in its own country, but our government allowed BP to come into our country and harm so many of us." (Jamie Griffin, 15)

“There is no debate that VOCs go away quickly. However, the oil is still very prevalent in the environment. It’s not over. The main VOCs are xylene, ethyl benzene and hexane. They were known to be in the crude, to move on shore, and to be off-gassing from the crude as it floats on the surface of the Gulf and as it is in the wetlands and the beach. These are known suspected cancer causing agents that also cause acute respiratory problems and gastrointestinal problems and decrease lung function type issues.” (Dr. Wilma Subra, 10)

“[W]hen 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.” (Christina Tillman, 1)



## 4. Health Impact

*“What brought all of these individuals into the same pool was the fact that their symptoms were almost identical, and were different from anything that I had ever observed in my 40 plus years as a physician ... However, until people are educated about the symptoms associated with exposure to toxic waste from the spill, we cannot assume they will make the connection. I continue to witness this disconnect and these symptoms on a daily basis.” – Dr. Michael Robichaux, Physician*

The cleanup’s health impact may have been a greater disaster than the BP spill itself, creating an epidemic of chemical-related illnesses across the Gulf. The full impact remains a question mark. Nearly two million gallons of dispersed Corexit later, the environmental law firm Earthjustice reported that five of its ingredients are linked to cancer.<sup>79</sup> Material Safety Data Sheets for Corexit warned that the dispersant posed high and immediate human health hazards. BP’s own testing found that workers were exposed to a possible human carcinogen from the dispersant. BP and government medical monitoring programs, however, denied any significant chemical exposures, and dismissed *every* worker complaint that Corexit exposure resulted in hospitalization, or deserved compensation for its effects. Independent monitoring by LEAN validated concerns and educated the public on the real human impact of the disaster, as it identified the nightmarish list of symptoms that can result from chemical exposure. Eventually coined the “BP Syndrome” and at times “Gulf Coast Syndrome,” it often took months, and in some cases years, before workers and residents connected their sudden health problems with the BP spill.

Of GAP’s witnesses, Of GAP’s witnesses, more than 70% took a blood test to identify chemicals from Corexit and oil. Of those, 100% tested positive for high levels of such chemicals, which included known carcinogens. Ninety-five percent report that they continue to experience spill-related health problems as of April 2013, and more than 50% living in affected areas reported that their children and/or grandchildren’s health has deteriorated.

### **BP Official Position**

From the beginning of the disaster BP contended, “It is important to recognize that the risks to the health of people from the chemicals associated with both the crude oil from the leak and the dispersants used to cleanup the oil are very low.”<sup>80</sup> With the cooperation of the Unified Area Command, BP implemented a comprehensive industrial hygiene monitoring program to prove just that.<sup>81</sup> In the vast majority of cases, BP reported that there were “no significant exposure to airborne concentrations of benzene, total hydrocarbons or dispersant chemicals of interest,” and lauded the high degree of correlation between its monitoring results and that of government agencies.<sup>82</sup> Yet, two months into the disaster, BP test results found that 2-butoxyethanol was detected in more than 20% of offshore workers and 15% of near shore workers at levels two times greater than NIOSH worker safety standards.<sup>83</sup> It may not have been a dispersant chemical of interest by BPs standards, but it certainly is by health experts. According to the New Jersey Department of Health, 2-butoxyethanol is a possible human carcinogen.<sup>84</sup> Alarming, it makes up 30 to 60 percent of Corexit 9527, according to the CDC website.<sup>85</sup>

The MSDSs included in BP's resource manual – the subject of the BP Ombudsman's upcoming investigation for alleged absence from work sites – list the following symptoms of exposure for Corexit 9527A and/or Corexit 9500A: injury to red blood cells (hemolysis), kidney or the liver; irritate the upper respiratory tract; central nervous system effects; nausea; vomiting; anesthetic or narcotic effects; defat and dry the skin, leading to discomfort and dermatitis; chemical pneumonia if aspirated into lungs following ingestion. The potential human hazard is "High" for Corexit 9527, and there is an "Immediate (Acute) Health Hazard" for Corexit 9500.<sup>86</sup>

In the public sphere BP consistently dismissed chemical concerns, disregarding internal data and health warnings. In an interview on CNN, Tony Hayward attributed the illnesses of nine cleanup workers airlifted from their vessels in May 2010 to possible "food-poisoning," avoiding the workers claims that it was a result of the chemical dispersants being sprayed near their vessels.<sup>87</sup> By the conclusion of BPs Gulf Coast Claims Process, it denied all claims for illnesses related to toxic exposure by workers and the public (see: Inadequate Compensation).<sup>88</sup>

### **Government Official Position**

Akin to BP's worker monitoring program, OSHA reported that it "and other government agencies have developed a sampling plan and conducted extensive monitoring of worker exposure and have found no levels of toxic chemicals that are of concern."<sup>89</sup> Consistent with BP's dismissal of dispersant health threats, NIOSH concluded in a Human Health Evaluation prompted by the hospitalization of VoO workers: "Although all seven fishermen were hospitalized on the same day, we found that their symptoms could not be linked to the chemical dispersant that some of the fishermen had originally suspected."<sup>90</sup> The report instead associated their symptoms with "work-related factors" such as heat and fatigue.<sup>91</sup> However, the same symptoms – such as fatigue, headaches, dizziness and flu-like symptoms – are also signs of chemical exposure.<sup>92</sup> Despite government findings, workers and residents remained skeptical that their emerging health problems were not associated with chemicals from the BP spill.

In an attempt to assuage public skepticism, the CDC reported in July 2010 that the levels of some chemicals reported in EPA's data could cause temporary problems, such as eye, nose, or throat irritation, but they were not considered high enough to cause long-term harm. CDC added, "These effects should go away when levels go down or when you leave the area."<sup>93</sup> CDC stated that while dispersant exposure is unlikely, "*The health impact has not been studied [emphasis added]*"<sup>94</sup> – not accounting for warnings listed on the federally mandated MSDS for Corexit, such as kidney and liver damage.<sup>95</sup> In response to reports that residents and workers were getting their blood tested for Volatile Organic Compounds (VOCs) – chemicals found in the oil and dispersant – CDC released a fact sheet reassuring residents that "VOCs are very common" and the public can come in contact with them through pumping gas, cigarettes, pesticides, and scented candles.<sup>96</sup> It recommended against blood tests, arguing: "These chemicals only stay in the blood a short time therefore test results only reflect very recent exposures (within hours or days of testing)." The government's attempt to put the Gulf at ease seemed to backfire. Workers and residents found that their symptoms only subsided when they left the Gulf region and their blood tests continued to show alarmingly high levels of chemicals long after the BP spill was over, raising questions about the toxicity of the Gulf – questions shared internally by government employees.

In an internal memo, a CDC employee wrote “I’m a bit concerned about the somewhat cavalier approach to concerns about dispersants, especially considering the numerous (mostly anecdotal) reports of possible human health effects from the use of Corexit dispersants.”<sup>97</sup> A CDC senior environmental health specialist inquired within the agency: “Have any of you heard whether OSHA/NIOSH is looking at the MSDSs for these chemicals as well with an eye to human exposure concerns?”<sup>98</sup> Concerned about divers exposure to the toxins, an EPA Unit Diving Officer cautioned: “As everyone knows, diving in polluted water is just not something to take lightly ... Even if the diver doesn’t get sick immediately, in this case we’re looking at possible exposure to crude oil (oil and dispersants) – components of which could increase your lifetime cancer risk.”<sup>99</sup> These views, while not a part of the government official position, echoed concerns within the public health and scientific community.

### **Independent Position**

The human health impacts of Corexit were virtually absent from BP and the government’s public discourse, but they were at the forefront of discussions within Gulf communities. The communities along the Gulf had been exposed to oil spills for generations; however, something was very different this time. A strange cough was prevalent, coastal communities from Louisiana, Mississippi, Alabama and Florida were experiencing the same health symptoms, and workers were feeling nauseous within the first few days on the job. Especially-susceptible populations included children, elders, pregnant women, those with preexisting conditions, and individuals working or living under conditions that imposed health stresses.<sup>100</sup> Eventually coined “BP Syndrome” or “Gulf Coast Syndrome,” three years after the disaster individuals made sick from their exposure continue to experience severe health problems.<sup>101</sup>

LEAN filled the government void and quickly became an information hub for sick workers and residents.<sup>102</sup> The group created a fact sheet involving the human health impacts associated with the BP spill, provided workshops throughout the Gulf to educate communities about BP spill-related health risks, conducted health surveys, and raised money to conduct 100 blood tests with the assistance of Louisiana physician Dr. Michael Robichaux. LEAN educated residents that even if they didn’t work on the cleanup, routes of chemical exposure include: inhalation, ingestion, dermal (skin) contact, and eye contact. Individuals tested and surveyed ranged from cleanup workers and divers, to wives who washed their husbands’ soiled work clothes and children, to citizens who did nothing more than live in communities subjected to aerial spraying. The blood test results showed alarmingly high chemical levels that correlated with the health effects reported by workers and residents.<sup>103</sup> Based on results from its 2011 to 2012 health survey, LEAN concluded: “As a result of previous as well as ongoing exposure to the crude oil, community members have been made ill. The health impacts experienced by the coastal community members correspond to the health impacts associated with the chemical components of the BP crude and the dispersants.”<sup>104</sup>

According to Nalco, the manufacturer of Corexit, all of the ingredients in its dispersants “are safe and found in common household products.”<sup>105</sup> However, a report by Earthjustice found that, of the 57 ingredients in Corexit, five of the chemicals are associated with cancer; 33 are associated with

skin irritation from rashes to burns; 33 are linked to eye irritation; 11 are or are suspected of being potential respiratory toxins or irritants; and 10 are suspected kidney toxins.<sup>106</sup> The toxin 2-butoxyethanol, found in the blood samples taken from BP offshore and near shore workers, was linked to severe health problems with cleanup workers on the Exxon Valdez oil spill, including respiratory, nervous system, liver, kidney, and blood disorders.<sup>107</sup> Many of those workers suffered long-lasting neurological problems.<sup>108</sup>

According to LEAN, symptoms associated with exposure to Corexit and Louisiana Sweet Crude include: headaches; nausea; vomiting; diarrhea; abdominal pains; dizziness; confusion; loss of balance; chest pains and tightness; eye, nose, throat and lung irritation; decreased lung function; difficulty breathing; rapid breathing; asthma attacks; chemical pneumonia; allergic reactions; skin irritation, damage, and sensitization; hypertension; damage to liver, kidneys and respiratory system; central nervous system depression; neurological damage; neurotoxic effects; damage to red blood cells; blood disorders; blood cancer – leukemia; genetic damage and mutations; infertility; reproductive and developmental damage; immune system damage; cardiac arrhythmia; cardiovascular damage; gastrointestinal disturbance; endocrine disruption; hormone level disruption; immune system damage; nervous system damage; and increased severity of chronic obstructive pulmonary disease.<sup>109</sup>



Photo by EcoRigs. Diver with skin rash after diving into dispersed oil plumes



Photo by GAP witness. Leg rash after being exposed to Corexit.

In addition to those symptoms, witnesses in GAPs investigation reported: blood in urine, vomit and rectal bleeding; seizures; hyper-allergies to processed foods; violent vomiting episodes that last for hours and result in rapid weight loss; weakness and fatigue, at times leading to depression; migraines; abdominal pain attacks; skin Irritation, burning and lesions; inability to withstand exposure to sun; Multiple Chemical Sensitivity, resulting in new sensitivities to everyday household cleaning products (i.e. Windex, air fresheners) or petroleum based products (plastic water bottles); neurological damage resulting in memory loss and severe IQ drop; difficulty concentrating; sexual dysfunction and impotence; heart palpitations; and hypertension.

## **Whistleblower Record**

### *a. Health Symptoms*

“I ... developed two worksheets early in the oil spill cleanup process; a list of health impacts associated with Louisiana Sweet Crude ... and a list of health impacts associated with the Corexit dispersants. The combined short term health symptoms include acute respiratory problems, skin rashes, cardiovascular impacts, gastrointestinal impacts, and short term loss of memory. Long term impacts include cancer, decreased lung function, liver damage, and kidney damage.” (Dr. Wilma Subra, 7)

“[F]rom Florida, Alabama, Mississippi and Louisiana ... [w]hat brought all of these individuals into the same pool was the fact that their symptoms were almost identical, and were different from anything that I had ever observed in my 40 plus years as a physician...In a nutshell, common symptoms experienced by my patients include impotence both in young and older men, memory loss, headaches, extreme fatigue, irritability, abdominal cramps, seizures, and a trance like state that many patients and their family members have observed. These symptoms are quite common among workers and even some residents who live along the Gulf. However, until people are educated about the symptoms associated with exposure to toxic waste from the spill, we cannot assume they will make the connection. I continue to witness this disconnect and these symptoms on a daily basis.” (Dr. Michael Robichaux, 4, 6)

“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 ES&H, which was one of BPs primary contractors for oil spill cleanup efforts. The four guys are now sick.” (Anonymous cleanup worker #2, 5)

“South Bay Community Alliance, a community group that I am a part of, held a small health fair for general care and to bring awareness to people the symptoms of chemical exposure from the dispersants and crude oil ... I went to the fair, because I wanted to reach out to people who had exposure from the spill and health problems, and were not aware about a possible connection ... I spoke with about 40 people. As soon as I would share a list of the symptoms I had, almost all of them would say they had similar problems or knew someone from the cleanup who had them.” (Lori Bosarge, 5)

“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 ... 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 ... 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.” (Anonymous #3, 1-2)

“Noah, Bubba, my older son Dustin and I were noticeably sick by July 2010. However, until August 2010 we didn't realize that our health effects could be attributed to exposure to the chemicals in Corexit. I wanted to know why we were suddenly developing the similar health problems. I began researching the health symptoms associated with the chemicals from the oil and dispersant and they mirrored what we have experienced ... I have learned that one of the symptoms from Corexit exposure is brain fog, when the short term memory is affected ... After the oil spill [Noah and I] both

had difficulty remembering things. I call it 'Corexit Brain.' We would get disoriented and our brains would go into a fog like state. Sometimes I still experience this. Bubba developed sinus infections and a bad cough, big white scabs all over his arms as well as boils behind his ear, but he does not have health insurance. The boils start out as bumps, and when you pinch them puss comes out ... Noah and I both have asthma but it got worse after the Deepwater Horizon explosion. By the second week of May 2010 we had to go on additional breathing support, and the doctor has doubled Noah's asthma medication ... During the spill we were both doing breathing treatments every four hours ... Since this began, we have been on antibiotics and steroids back and forth and I believe it compromised our immune systems." (Lorrie Williams, 5-7)

"[A good friend of mine] has Crohn's disease but it was dormant for 20 years before the spill. Then, after the spill took place it became real bad; he had chronic bloody diarrhea for over 45 days. He would get skin rashes, and he had to use a nebulizer to breathe properly." (John Gooding, 8)

"For the first time in my diving career I had a burning sensation that felt like chemical pneumonia in my chest. After each dive I began having chest colds, a burning throat, migraine headaches and itchy skin rashes. A lot of it has continued to this day ... After each dive my chest would feel worse. At that point it took five to six days to get rid of the burning in my throat, but I stayed sluggish and lethargic and also had migraines." (Scott Porter, 12-13)

"I just found out my liver is partially damaged due to exposure to oil and I suffer from chronic dermatitis on my face. My face is the only part of my body that was exposed while I was diving." (Steve Kolian, 6)

"Prior to the exposure we didn't have any eye problems; my husband and I both always have been healthy people. Now his whole eye is messed up, completely irritated and red ... I used to have migraines. These weren't like migraines; they were just horrible headaches where you hurt bad and get nauseated ... I have thrown up more in the last year than I probably have in the last 20 years ... [Y]ou're just completely drained for no reason at all. You wake up more tired than when you went to sleep." (Shirley Tillman, 9)

"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 their skin, severe headaches, dizziness, stomach pain and nausea." (A.C. Cooper, 3-4)

"Several patients also had a unique neurological disorder that one victim coined, 'Stuck Stupid.' This 'condition' consisted of the patient being cognizant of his or her surroundings, but unable to move or to speak. My first encounter with this phenomenon was in the summer of 2011, when a patient described sitting on his porch while facing his truck. The truck door was open and the motor was running. He could not walk, talk or otherwise move. He described this episode as lasting for about two hours. His memory of the entire event was quite vivid. He later experienced similar problems in different settings." (Dr. Michael Robichaux, 4)

"When I was working on the VoO program my mentality was, 'I have a family. I need to take care of the kids. Don't worry about the health effects ... ' However, when I was sick I had a list of problems that ultimately inhibited me from taking care of my family ... After I got sprayed by the Corexit, within 24 hours I had boils on my neck. They looked like a cluster of zits, but when I squeezed them blood and black puss would come to the surface ... I lost over 45 pounds in three months. In September, 2011 I weighed 185 pounds and it steadily declined to 139 pounds within three months. I couldn't gain back weight for 10 months ... Around September, 2010 I felt like something was neurologically off track, but I didn't realize what it was. I was cognizant of my surroundings,

and could feel, hear and touch, but I was lost -- what I call 'stuck stupid.' I lived with abdominal pain for months, and I couldn't figure out why. It felt like someone had stabbed me in my side and poured alcohol over it, and the pains were sporadic. I lived with paranoia; my kids' bus stop is 15 feet from the front door, and I wouldn't let them go to the bus stop until I could see the bus ... I had difficulty sleeping and often only slept two hours a night. When I exerted myself even slightly or sweat, my skin would flare up and would get red bumps all over my body. I couldn't be in the sun or even mow the lawn for more than a few minutes without dropping to my knees. To this day I am still experiencing the skin problems and I feel easily fatigued from minimal exertion." (Jorey Danos, 4)

"On April 26, 2010 I was working on my shop in Pass Christian. It is about six miles from the coast. I was working 26 feet off the ground on a ladder, and I got a whiff of the chemicals from the oil spill ... My whole body started shaking from the smell, and my eyes began to hurt. My throat swelled up and I could barely breathe. I did a few jobs since then in an effort to accomplish something, but my health problems escalated until it got to the point where I would pass out in the shop when I was around chemicals ... I don't know when [the seizures] are going to occur. Sometimes when I have seizures I turn blue because I am not getting oxygen. It concerns my wife and me, because she works during the day and I am often alone ... I have probably had over a hundred seizures since February 2011 ... I had never had any seizures in my life until the oil spill took place ... The less energy I exert the better I feel. This has completely affected my lifestyle and sense of purpose. I used to work 10 to 15 hours a day on historic restoration projects, and now I spend most of the day sitting." (John Gooding, 1, 7)

"In addition to this gentleman's seizure disorder, he also has developed multiple chemical sensitivities (MCS), a condition in which a large number of chemicals can cause exaggerated and severe symptoms in response to their exposure. This disorder is well recognized in individuals who have experienced contact with toxic chemicals. People with MCS are often hypersensitive to household cleaning products and many other materials that contain even small amounts of aromatic chemicals. Additionally, these patients often have adverse reactions to products they commonly used prior to their toxic exposure, such as scented soaps or common household cleaning products like Windex." (Dr. Michael Robichaux, 5)

"[My husband] 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." (Betsey Miller, 4)

"Before the spill my health was generally fine ... Since I was sprayed in August 2010 I have developed sensitivity to regular smells, like our Lysol house cleaners. I have used Dial soap since I was a baby, and I can't use it now. It causes my throat to close up like an asthma attack." (Lori Bosarge, 2)

"Right around the time I got sick on the barge in June 2010 is when I started noticing my memory loss ... It gradually progressed into severe problems ... In December 2010 I left my house with no pants on; I was going to work with a shirt, drawers, and no pants, until I got half way down the road in my car and realized. I laugh because it is funny, but it's not funny. I have lived in Houma for six years. In the summer of 2011 I went to Houma and got lost, for four and a half hours. I couldn't remember why I went to Houma, or where I was ... I went to school for music, and part-time I taught singing and piano until the oil spill happened, from age 22 to 32. Now I can't remember how to play the piano. I sit at the piano and I cry, because I know that I should know how to play it but I can't remember." (Jamie Griffin, 9)

"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." (Anonymous #2, 6)

"Our friend stated that she had been quite ill, and doctors at a local charity hospital thought that she had leukemia. Her husband is a fisherman who worked the VoO program ... It was immediately apparent that she had been washing her husband's work clothing and was exposed to toxic chemicals through this route...Interestingly, while he had worked for 95 days with his boat, his location had little oil present ... However, he explained that he saw planes releasing dispersant throughout the time that he worked on the VoO program ..." (Dr. Michael Robichaux, 5)

"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 ... I had a shortness of breath. I could tell I had to take a break, and that's not me; I never take breaks ..." (Anonymous #1, 3)

"The BP medics told me it had to be heat related ... My wife got scared because I was losing weight; I lost 15 pounds in three weeks ... My breathing has been messed up since I started working on the cleanup ... 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 fried food ... 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." (Anonymous #1, 4)

"Before I saw Dr. Mike for treatment, I had consumed almost nothing for two weeks. I went from 320 to 280 lbs, and eventually I lost 70 pounds. I couldn't hold down food, I puked vile ... 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." (Jamie Griffin, 2, 9)

"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 ... 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 ... That lasted about six months, even after he stopped working." (Betsey Miller, 2)

"I woke up one morning in November 2010 and my eye was swollen shut from puss. I stayed almost blind from one eye for almost a year ... I went to the retinal specialist in December 2010, who said there was good news and bad news. The good is that there was no damage to the eye itself. The bad is that because I couldn't see out of it, it means it's neurological." (Jamie Griffin, 7-8)

"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' ... 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 ... [T]he instructor told him that he needed to see a detox specialist because he believed that James had been chemically poisoned." (Betsey Miller, 3-4)

"Since the oil spill, we also get calls from scores of sick residents that mirror the health problems reported by workers. Based on my experience with cancer alley, this was not surprising, and I am



concerned about future cancer rates among gulf residents who have been impacted by the spill. The more vulnerable populations in any toxic environment are the elderly and the children.” (Dr. Wilma Subra, 8)

“My daughter had a baby, Avereigh, on June 7, 2010. Before I realized how dangerous the air was and that young people with compromised immune systems shouldn’t be outside, we would take her on the porch with us every morning. Since Avereigh was born, she has been to the pediatrician at least two to three times a month. She has hand-foot-and-mouth disease, a respiratory condition known as croup, upper respiratory infections and sinus infections, ear and eye infections, and yeast infections in her mouth and private parts.” (Lorrie Williams, 6)

“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 ... 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 ... If I’m overheated, I will suffer ... 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 ... My four year old ... 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.” (Anonymous #2, 5)

“I put the website [[www.truthoutonbpillnesses.com](http://www.truthoutonbpillnesses.com)] 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 ... The symptoms were more subtle, such as cold and sinus symptoms, low energy and loss of appetite that progressed into more severe symptoms later ... It was one month before my son’s second birthday ... Recently he was diagnosed with asthma ... 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.” (Christina Tillman, 2, 5)

“When [the national director of [The Children’s Health Fund] went to Boothville Elementary in Plaquemines Parish and they opened the medical closet, it was full of nebulizers ... Where’s the red flag? What is causing that many breathing problems with that number of kids? That is abnormal. At Boothville Elementary we have sick kids all over the place who are suffering from upper respiratory infections, severe asthma, skin infections, blisters in between their fingers and arms and on their legs and their feet. Some kids have blisters all around their mouths and their noses. These kids were perfectly fine before the spill and the spraying of Corexit began.” (Kindra Arnesen, 7)

“A lot of workers did not even have a day to vent or off gas the volatiles from their bodies. They should have been educated that ethylbenzene and other organic compounds are small molecules that get into bloodstreams and mimic hormones. When they get in the bloodstream they can block Estrogen or Testosterone from getting into a receptor site. In effect, the body starts to age faster.” (Scott Porter, 15)

“Before all of this, he was as healthy as a horse, as strong as could be, hardly ever ever went to the doctor ... 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.” (Betsey Miller, 7)

“In November 2010, I began writing a paper on our health problems ... I had previously asked Marylee Orr ... if I could reference [LEAN] to assist divers that may be suffering from the same symptoms. After she read the paper, she asked if she could put it on her website. It focused on our

symptoms and exposure. I provided a link to the videos of what we saw when diving, and explained 'If you think you were in this, you better get your blood tested.'" (Steve Kolian, 6)

"In response to a letter I wrote the CDC about health problems associated with the spill, the CDC wrote back on June 15, 2011 that there are no trends in illness identified by the multiple surveillance systems used, and that there have been no approved dispersant applications since the summer of 2010. These assertions need to be supported with facts." (Dr. Michael Robichaux, 14)

*b. Is the Gulf Toxic?*

"Based on our findings for approximately 100 surveys, in addition to approximately 800 interviews, individuals reported being ill often, on an ongoing basis, everyday and daily ... The routes of exposure identified by all of the individuals surveyed consisted of contaminated air, contaminated water, contaminated wetlands and beaches and contaminated tissue." (Dr. Wilma Subra, 9)

"We went up North Mississippi in the summer of 2011, and this stuff cleared up. We came home and the health problems immediately returned. Three weeks later we went to Arkansas for a week, and all the congestion and stuff went away. We come home, and two days later it was back. This pattern continues." (Donald Tillman, 10)

"[My sick granddaughter, Avereigh, and her parents] moved to St. Augustine, Florida for two months and her infections cleared. They returned in March 2012 and Avereigh's problems have returned. When they were in Florida, [we] visited them for six days, and during that time we all felt better. We had our life force back. Then when we returned to the Gulf our health symptoms began to repeat themselves." (Lorrie Williams, 6)

"On February 15, 2011 I went to Atlanta, Georgia to see my grandchildren. I was gone for ten days, and during that time I did not experience health problems. I came home on February 25 ... When I woke up the following morning I had a severe cough with bloody mucus balls larger than the size of a quarter. I was wheezing and could barely talk. I started to run a fever as well." (Lori Bosarge, 3)

"Within a week of leaving Venice, my mom was fine. Every time I took [my daughter] out of Venice her skin would clear up. Then when I brought her back, she would break out in a rash again." (Kindra Arnesen, 5-6)

"I won't let my son go back to the Gulf beaches ... 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." (Anonymous #3, 5)

"Everyone who goes to my house on the beach in the bay then has problems with their eyes or sinus. I took Al Jazeera reporters to the bay, and they got sick. They told me they felt irritation in their eyes and sinuses, flu-like symptoms. It is toxic down there ..." (John Gooding, 3)

"Noah stopped going to the beach in July 2010, after he woke up one morning and his nose was gushing with blood. He won't go outside anymore; he says when he does, it makes him sick. It is a horrible way for a kid to live, but we live on a corner so the side road is a direct shot to Lake Mars. There is nothing to obstruct the chemical smell." (Lorri Williams, 6)

“I haven’t been to the beach in awhile, because every time you go down there, for the next two or three days it’s like you pay for it with bad headaches, nausea or respiratory problems. But I decided in early August 2011 that I was going to go down there to Pass Christian Harbor and take more pictures. And then the very next morning I woke up and a vessel in my eye burst again for the third time.” (Shirley Tillman, 10)

“We have stopped even walking on the beach because it tends to exacerbate our symptoms. However, in March 2012 we took a journalist to the beach. Immediately after going out there, Bubba was sick for three days, I got sores in my mouth and my throat was sore. It used to be that if you had a head cold and went to the beach, the salt water would clear up your sinuses. Now it doesn’t do that, it has the opposite effect.” (Lorrie Williams, 7)

“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 ... Just before Thanksgiving of 2010 Marylee sent us to Dr. Mike Robichaux 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 ... 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.” (Anonymous #3, 3)

#### *a. Chemicals in the Blood*

“LEAN and I, working with Dr. Michael Robichaux, have taken excess of 100 whole blood samples on workers and residents who have reported health problems in the aftermath of the spill. The blood samples have analyzed for VOCs, the compounds found in the crude oil and dispersant. The results demonstrate an increase in the blood concentrations of those chemicals as a result of being exposed to the crude and dispersants ... When levels exceed the 95<sup>th</sup> percentile, it exceeds the level that the general population range is, so it clearly shows that exposure occurred.” (Dr. Wilma Subra, 8)

“As I observed these patterns in my patients I was also able to see a positive correlation between their symptoms and blood test results that I had been obtaining through the generosity of LEAN. At this point my feelings went from being skeptical to being extremely alarmed, and I began seeing these patients in a somewhat different light. I learned what questions to ask so that I might obtain information that they wouldn’t necessarily associate with their illnesses.” (Dr. Michael Robichaux, 4)

“When you look at the overall data from the blood testing, the highest concentrations were in current workers, and former workers who could not have had current exposure; they are in excess of the 95<sup>th</sup> percentile. The divers are just below that; they actually went out and dove through the slick when it was in the gulf, and in the marshy areas. The populations living and recreating along the coast are still in excess of the 95<sup>th</sup> percentile, because there is still ongoing exposure through their environment.” (Dr. Wilma Subra, 8)

“Even though it is expensive, the easiest approach was to test for the VOCs. Critics of this test, such as the CDC, argue that the volatiles disappear quickly. If that is the case, there is real cause for alarm. The crude supposedly stopped flowing in the middle of July 2010, but exposure is continuing to this day. *Either they don’t disappear, or the oil is still contaminating the region ...* Because we are testing for VOCs, the government agencies are going to be constantly pushing back on us and saying bad things about our data based on the aforementioned reasons. Yet they’re not coming in and

taking over. Traditionally I help get testing off the ground in affected communities, and then the CDC and state department of health services get involved to help implement the response on a larger scale. That was not the cases in the aftermath of the BP oil spill.” (Dr. Wilma Subra, 9 - 11)

“[Certain VOCs] are known suspected cancer causing agents ... For those who are living a normal life but not cleanup workers, the two ways that you can be most exposed to VOCs are from filling your car with gas and smoking. However, that exposure is much smaller than what we were finding in the blood tests. In fact, we have five and six year old children who had high levels of VOCs in their blood, and they don’t go out and fill their car with gas, or smoke.” (Dr. Wilma Subra, 10)

“In January 2011 I had a VOC blood test performed to identify chemicals from the oil and Corexit. The test results found concentrations in my blood one to three times higher than the 95th percentile for ethyl benzene ... My dive partners, who never wore dry suits, also took the VOC blood test in January 2011. Their blood levels turned out higher than mine. There are chemicals in the water and now we are finding the same chemicals in our bloodstreams in novel levels.” (Scott Porter, 14)

“We tried to get the medical labs interested in doing analysis of the blood for the PAH, since it is a major component of the crude oil. To this day we have been unable to find a lab willing to provide the analysis, although PAHs are known and suspected cancer causing agents, and these are the components that last a long time in the environment ... The PAHs that form the dispersant and crude oil will be present for decades.” (Dr. Wilma Subra, 11)

“My blood was tested January 21, 2011 and levels were extremely high. The [VOCs] entered through our skin when we dove ... The test screens for the lighter organic compounds, such as benzene, toluene, ethylbenzene and a few others. Research shows dermal exposure symptoms correlate with the symptoms I documented: the VOCs got into our liver, kidney and fat cells.” (Steve Kolian, 6)

“In January 2011 my husband and I got Volatile Solvent Profiles. By then it was several months after we had been working on the cleanup, however, the test still found traces of chemicals in our body. Were we continuing to be exposed somehow? ... We didn’t become mad about how the spill has been handled and our health problems, until our two year old grandson’s blood test came back positive for four chemicals found in the oil and Corexit: hexane, 2-methylpentane, 3-methylpentane and isooctane. His exposure surprised us, because since the spill he did not go to the beach or eat any seafood. However, when he began getting sick in September 2010 his life force left him ... We felt like ‘Damn you BP,’ because we knew by then that BP had done this to our grandson ... our mentality shifted to, ‘We’ll do whatever is needed to raise awareness around the public health impact from the oil spill.’”(Shirley Tillman, 10)

“The week after I returned from the hospital, in mid-August 2011 I got a call from the Blue Cross Blue Shield representative ... [S]he asked me, ‘Have you always had allergies and rashes?’ I told her no, and gave her the history of my exposure, and told her that the Metamatrix Test found I was positive for compounds present in the oil spill. She said that she saw the test in my charts, and then she read ‘Benzene, it is consistent with the problem.’ I said, ‘Would you repeat that please?’ She said, ‘I read Benzene is consistent with the problem, but I can’t give any more information. That is all it says.’ I was so shocked that there was actually something in my charts mentioning Benzene ...” (Lori Bosarge, 8)

“Dr. Mike had not made that connection when I was first seeing him. However, he began finding high levels of chemicals from the oil and dispersant in people’s blood, and they were having the

same health problems. I went back to Dr. Mike, and he reminded me I was constantly exposed to the oil and dispersant chemicals when working on the barge. At first I said no, even though I touched their clothes and mopped the floors. I kept telling him that at age 32 I'm just getting old, until I saw my blood test results ... Out of the 10 chemicals they tested me for, I was positive for seven ... When I looked up how they affect health it looked like reading my medical records. Almost all of the health symptoms associated with exposure to the chemicals in my blood test has happened to me. Most prominent, with toluene, it listed blindness, seizures, nausea, vomiting, skin rashes and neurological problems." (Jamie Griffin, 9-10)

"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 ... 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 ... [and] 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 ... Dr. Soto's main concern now is my son's immune system, seeing what's been depleted ... I feel like basically now we're just sitting ducks" (Christina Tillman, 2, 5, 8)

"We love Dr. Mike, because he's the only one who is willing to help ... Dr. Mike drew James' blood for a volatile solvent profile test ... [H]e tested high positive for six of the compounds that comprise the oil and dispersant ... 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." (Betsey Miller, 5)

"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." (Betsey Miller, 6)

"I called LEAN on February 1, 2011 and I had my blood tested two days later on February 3, 2011. LEAN paid for the test and [Dr. Mike] drew the blood. Dr. Mike is one of the few physicians to my knowledge who was willing to draw blood for the test. He is the nicest man; he opened his doors an hour early so my friend and I could meet him. He took us to the hospital to have our blood drawn ... I was shocked by how easy it was. Prior to that experience, I often called doctors who would put me off for three months before I could see them. That is what the power of LEAN is doing for us here in Mississippi. Now LEAN and Dr. Mike are providing a detoxification program for people impacted from the spill. I don't have any faith in the doctors around here, but I do have faith in Dr. Mike." (John Gooding, 6)

"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' ... 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 ... Everyone in our group had health concerns, and at the [final] meeting we went around the room sharing them ... 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.” (Anonymous #3, 4)

## 5. Seeking Medical Help

*“It’s been really hard to get an accurate diagnosis or treatment, because none of the local doctors will even admit there is a problem ... There’s one friend of mine who happens to be a doctor, and he’s very well aware of what’s going on but is afraid to take a hard stand on it.”* – Shirley Tillman, Mississippi Resident, Cleanup Worker

The health impact from combined exposure to Corexit and oil was unprecedented in the Gulf, and the medical industry’s response has proved woefully inadequate to meet the needs of those sickened by the disaster. BP, the government and hospitals across the Gulf exacerbated the dearth of relevant medical expertise, by diagnosing the health problems as mere heat stress or anecdotal individual symptoms. While heat stress was certainly a contributing factor to many workers’ health problems, it did not explain chronic unrelated symptoms, or the identical health problems with residents living in communities along the Gulf. Unable to get straight answers, workers and coastal communities were left feeling helpless, confused and scared about their impaired health or that of their loved ones. LEAN and a brave Louisiana physician have tried to fill the vacuum left by the official disaster response and hospitals, through a treatment program tailored toward chemical exposure, in effect providing a model for treatment programs throughout the Gulf.

Of GAP’s witnesses, nearly 86% were told by a medical professional that there was no relationship between their health problems and spill-related chemicals, or that the professional recognized the relationship but refused to document it. Over 42% of witnesses reported that they were scared to ask their physician about a relationship between their health and the spill. More than 70% reported that they did not have medical insurance, or that it would not cover their BP spill-related expenses. Everyone who underwent the Gulf Coast Detoxification Program reported that symptoms subsided or cleared after undergoing treatment.

### **BP Official Position**

BP continued to highlight its government partnership in ensuring worker health and safety. According to a company press release, “We worked closely with contract providers, local parishes counties, and the U.S. Department of Health and Human Services to develop the means to respond to medical and health needs of response workers.” This was done through a network that purportedly provided emergency medical services, and risk-based exposure control programs with an emphasis on heat stress management.<sup>110</sup> BP also took credit for extending medical services to “individuals in the affected communities who sought help with complaints related to the disaster’s impacts.”<sup>111</sup>

BP set up a private medical service that cleanup workers were *required* to use when they fell ill on the job, before they could go to a public hospital or see their regular physician.<sup>112</sup> Coined “BP Emergency Medical Services” (BP EMS), clinics were only equipped to provide basic first aid.<sup>113</sup> Medical staff working under BP’s oversight reported being extremely frustrated by their inability to provide workers adequate care. One nurse, after being told by BP that she could only provide aspirin and band aids to a sick individual, reported her frustration that the company “service” actually was blocking victims from getting needed medical care. “BP is running its own Emergency

Medical Service and...the sickest people are being taken there and avoiding the parish emergency center.”<sup>114</sup> This would prove to be a problem throughout the BP spill, as even government medical units were housed within BP’s compounds.

### **Government Official Position**

One month into the BP spill response, HHS Secretary Kathleen Sebelius sent a letter to BP asserting, “We are all aware of the potentially serious health consequences of the Deepwater oil spill,” and called for appropriate clinical services for those sickened by exposure to chemicals from the oil or dispersant, heat, or other work related causes.<sup>115</sup> Her letter closed, “I am committed to ensuring this effort is conducted responsibly, compassionately, and with absolute scientific integrity. I am asking BP to pay for it.”<sup>116</sup> Shortly thereafter, HHS opened a government mobile medical unit in Venice, Louisiana, one of the coastal parishes closest to the disaster. The purpose of the medical unit, according to HHS, was to “provide additional basic medical care for responders and residents of coastal communities affected by the oil spill[,]” working in partnership with the local medical community.<sup>117</sup> The government mobile unit was housed in a private BP compound guarded by BP security, making it impossible for workers to anonymously seek medical assistance, as some workers sought due to fears that they would be retaliated against for reporting health problems. This fear was exacerbated by BP health waivers that workers were required to sign early in the response.<sup>118</sup>

Worker medical logs kept throughout the response recorded individual symptoms, such as ear, nose, throat and respiratory complaints. The NIOSH Health Hazard Evaluation associated “nonspecific signs”, such as dizziness and headaches, as “early signs of heat-related disorders,” declining to acknowledge that those symptoms were also early signs of chemical exposure, as were the other specific symptoms recorded in the logs, including flu-like symptoms.<sup>119</sup> According to the HHE, about 70% of the infirmary visits it examined by sick workers resulted in on-site evaluation by emergency medical technicians and treatment with over-the-counter medications.<sup>120</sup> It added that “[m]edical support staff was available at many sites where workers were required to wear PPE. This staff played an important role in monitoring possible health effects and providing on-site medical assessments with referral for higher levels of care as needed.”<sup>121</sup> According to GAP witnesses, however, referrals were rare, and workers had to break ranks or wait to see a physician outside of BP EMS before receiving additional medical care.

The government’s assertion that no trends in illnesses were identified was undercut by state hospital records.<sup>122</sup> The Louisiana Department of Health and Hospitals reported that from April to September 25, 2010, Louisiana received 415 reports of health complaints “believed to be related to exposure to pollutants from the oil spill,” 329 which involved workers, 86 which involved the general public, and 18 which resulted in hospitalizations.<sup>123</sup> A doctor at a Louisiana hospital – who treated several of the patients for what he referred to as “a pattern of symptoms” such as respiratory problems, headaches and nausea – concluded that this mass sickness may have been caused by the noxious fumes from the dispersant and oil during the controlled burns.<sup>124</sup> His perspective was the exception within the medical community, however, which raises concerns over the number of misdiagnosed or unreported chemical exposure cases. With BP and the government’s unwillingness to identify chemical exposure as a possible contributing factor to BP spill-related



health symptoms, sick individuals failed to receive the appropriate immediate medical care, much less be prepared for health problems that could manifest years later, such as cancer.

Instead of educating Gulf clinicians on the most severe health hazards associated with the BP spill, the government launched a counter-campaign to neutralize community efforts to sound the alarm. When CDC got word about the growing use of blood tests to identify chemicals from the oil and Corexit, the agency created a fact sheet for clinicians stating that it did not recommend the use of VOC blood tests either to “determine exposure or guide delivery of clinical care.” It explained that, due to the very short “half-lives” of these compounds, they tend to leave the body within hours to days and are very difficult to identify through laboratory tests.<sup>125</sup> The clinician Fact Sheet concluded: “No treatment to ‘remove’ the VOC chemicals is recommended[.]”<sup>126</sup>

### **Independent Position**

BP and government methods to limit medical treatment to basic primary care left sick workers and residents desperate for professionals who would at minimum recognize the severity of their health problems, and at best help them to get better. According to LEAN’s health survey, a total of 48 percent of the individuals interviewed had access to health care, while 35 percent had medical insurance. Of the total individuals participating in the survey, 20 percent were unemployed as a result of the BP spill, thus (likely) lacking medical insurance.<sup>127</sup> Insurance or no insurance, the overwhelming majority of witnesses participating in GAP’s investigation reported that BP EMS and hospitals completely failed to address their BP spill-related health problems.

LEAN again filled the void, this time through access to medical treatment for chemical exposure. While hospitals across the Gulf were turning a blind eye to the health problems associated with the BP spill, Dr. Michael Robichaux, an ear nose and throat doctor with a private practice based out of Raceland, Louisiana, was seeing patients *pro bono* around the clock. After drawing blood from sick workers and residents in 2011 at the request of LEAN, he quickly saw the patterns between their health problems, their descriptions of exposure to oil and/or dispersant, and the chemicals found in their blood. While the mention of BP made other physicians close their doors on sick individuals, Dr. Robichaux went on a crusade to try and get his patients properly treated. After tireless appeals to the state and federal government to take action in the midst of what had become the Gulf’s greatest public health crisis, LEAN and Dr. Robichaux teamed up to take matters into their own hands, through the creation of the Gulf Coast Detoxification Project (GCDP).<sup>128</sup>

The GCDP, run out of Dr. Robichaux’s home, was modeled after a popular detoxification program used for sick 9/11 first responders. It employed basic exercise, saunas, a fresh produce diet and Vitamin B to help expel chemicals from the body. Akin to the blood tests, LEAN raised money with the support of Jim Woodworth, head of a successful 9/11 first responders detoxification program, in order to offer the treatment at no cost. LEAN also secured a respite house for patients, allowing sick individuals outside of Louisiana to undergo the treatment. The GCDP shut down in the fall of 2012, after having exhausted its funding to treat over 50 patients with remarkable results. Patients reported that their chronic symptoms, such as skin rashes, headaches and short-term memory loss largely had subsided since undergoing treatment, allowing them (in the short-term) to be functional again. Unfortunately, the long-term impacts of chemical exposure are still unfolding.

## **Whistleblower Record**

### *a. Medical Response by BP, Government and Hospitals*

“BP had a release form for health effects related to the spill. It essentially stated that if we got sick BP had personnel at headquarters to get us evaluated. If they didn’t find anything wrong then we would be on our own to seek medical attention.” (Jorey Danos, 2)

“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.” (Anonymous #2, 5)

“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 ... It was obvious that they were checking workers for symptoms of chemical exposure, but we were regularly diagnosed with seasickness or dehydration ... Most of the guys have worked on boats since we were young; we weren’t buying into the false diagnoses.” (Anonymous #2, 2-3)

“It was advertised as an independent US government mobile medical unit where workers and residents could access freely and anonymously. However, that was not the case. When I went to Venice to survey the medical unit, it was located at a BP compound ... It took me 30 minutes to get in. I had to indicate who I was and where I was going, waded through Louisiana state police, Plaquemines Parish police and BP security. Then two BP representatives escorted me to the US government mobile medical unit ... 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.” (Clint Guidry, 6-7)

“I went to the Bethel Free Health Clinic, located in Biloxi, MS. While I was in the waiting room a staff member from the clinic came in and announced that the clinic had received a check from BP for \$15,000. She proceeded to show us a giant sized check. The clinic is receiving money from NIEHS as well, in order to treat people who are sick from the spill. When I saw the doctor at the clinic he wanted me to take anti-depressant pills ... I never went back to the clinic, because it felt like a scam.” (John Gooding, 5)

“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.” (Clint Guidry, 4)

“It’s been really hard to get an accurate diagnosis or treatment, because none of the local doctors will even admit there is a problem. So we have not been able to consult with a doctor candidly about the prospect of our illnesses being connected to the chemicals from the oil spill ... There’s one

friend of mine who happens to be a doctor, and he's very well aware of what's going on but is afraid to take a hard stand on it." (Shirley Tillman, 10)

"More than anything at that time I wanted to have peace of mind and to know from the [VOC] 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 ... 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." (Anonymous #3, 3)

"When I've inquired about the possibility of these sudden health problems being related to my work on the VoO program, doctors have not made any connection to the oil spill. They treat each symptom independently, but the problems tend to persist." (Sydney Schwartz, 4)

"I know people in this area that have had these health problems, too, and the hospitals have not been responsive to discussing a possible connection to toxic exposure from the spill. Folks would tell me that the doctor would tell them they have an upper respiratory problem, give them antibiotics and steroids and send them home. I had heard this time and time again by people on the coast." (Lori Bosarge, 3)

"In September 2010 I had to go to a charity hospital in Houma, Louisiana. They told me that I had bronchitis and a chemical cough or cold, but they were not able to help me treat any of the symptoms. I was diagnosed with bipolar disease, schizophrenia, chronic bronchitis, and when I took a CT scan I was told I had gastrointestinal problems. However, all of the tests for these diagnoses came back negative." (Jorey Danos, 5)

"Shortly after I went to the ER, in June 2010 the medic on the job site, Katie, told me I ate too many pickles and had digested too much potassium. I am guessing Katie worked for BP, because she was located at the front of the barge where BP staff was stationed. I quit eating pickles, but my muscle spasms didn't stop" (Jamie Griffin, 6)

"When I first got sick, before I knew the cause of my problems, I called and asked to see Dr. Hutchinson at Lady of the Sea, in the fall of 2010. I asked if they were taking new patients. She said yes and took my personal information. Then she asked me what the reason for the visit was and I said, I'm not positive but I think it could be related to my time on the BP job." She said to wait, put me on hold for about two minutes, then came back and said "We are not taking new patients" and she hung up." (Jamie Griffin, 8)

"I saw the [Internal Disease] doctor for a follow-up appointment ... She told me ... 'There hasn't been enough medical research for the Corexit.' Whatever the problem is, I felt validated to a degree. I have been reaching out to the medical field to help the people that I knew were sick, before I was sick, and that was the first time that I heard a medical professional even say Corexit." (Lori Bosarge, 7)

"My family recommended a doctor they have been treated by during the past 20 years ... He tested me for petrochemicals and identified a correlation between my health problems and chemical exposure from the spill ... [H] wrote a letter on my behalf that states, 'It is my professional opinion that Mrs. Bosarge's health problems began when the chemicals were used during the oil disaster. They caused her to have an allergic reaction and variety of health problems since she was continually exposed to these agents.'" (Lori Bosarge, 8)

“I was particularly concerned with the plight of a three year old child. In June 2010 he and his family went on vacation to Orange Beach, Alabama. He had been swimming in an outside pool that was beachside, while workers were cleaning oil soaked booms on the beach. When he returned home he became violently ill, and was rushed to a hospital in Baton Rouge. The doctors at first believed that he was suffering from a severe urinary tract infection, and they even performed surgery on this three year old when they suspected he had kidney stones. After a week or so in the hospital, his father asked the doctors if they would draw blood to see if his trip to Orange Beach might not have exposed him to chemical compounds resulting in his illness. They flatly refused to do so, and abruptly discharged him without a final conclusive diagnosis.” (Dr. Michael Robichaux, 3-4)

“After the incident I took my son to a local clinic to see a pediatric urologist ... I explained to the urologist, ‘Maybe we should do a blood test for VOCs’ 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. He made that evaluation after only meeting my son for less than one minute.” (Anonymous #3, 2)

“[W]e 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’ ... 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.” (Christina Tillman, 6).

“I have worked with doctors for three years, and I have never witnessed the treatment that we endured while we tried 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” (Christina Tillman, 1)

“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.” (Betsey Miller, 6)

“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 ... 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." (Betsey Miller, 6)

*b. Gulf Coast Detoxification Program*

"As an individual who has been a physician for over 40 years, I haven't seen miracles very often. However, the detoxification program has provided health improvements that have been truly amazing. Some of our more affluent patients, those with insurance and other resources, have described seeing ten or more physicians in their quest to obtain relief from their illnesses. The time and money spent in these quests have been as impressive as the predictable failures of their treatments. Few physicians, myself included, understand the mechanisms of toxic exposure and the manner in which we become ill from these disorders. Even more alien to our conventional thinking is the manner in which people with toxic disorders are treated. Few, if any, groups have seen and treated as many individuals as we have at our modest detoxification clinic in Raceland." (Dr. Michael Robichaux, 9)

"I was one of the first people to go through the detox program. It was my last resort; conventional medicine had failed me. My routine during the program was very basic and natural. My diet included all fresh vegetables. I took Niacin, a type of B vitamin, used the treadmill for 20 to 30 minutes, got in a 180 degree sauna and sweat out the toxins. Old folks always say 'If you have a fever you have to sweat it out.' BP was the fever and I sweated it out." (Jorey Danos, 5)

"By the second week [of the detox program] I began to realize that I may have to live with residual effects from the damage already done, such as my skin rashes, but my attitude was changing. I was beginning to sleep and relax, my paranoia was decreasing and my earlier symptoms, including abdominal pains and seizures, were subsiding. I was gaining my weight back, and by the third week I was feeling noticeably better. I was eating healthy and could sleep again and do a lot of things I couldn't since the job. I could do some yard work again. I was getting better ... The detox program has a different phenomenon for each person ... It taught me how to focus on what is in my control, through the way I eat and exercise, while expelling as many of the toxins from my body as possible. If it is natural, it puts a sense of well being back in the body compared to where it was during the spill ..." (Jorey Danos, 5-6)

"On the successful side has been the observation that memory loss, headaches, irritability and fatigue experienced by a large percentage of our patients have improved amazingly. Having been a physician since 1971, I never have had a patient tell me that my treatment made them 'Happy.' Yet, one of the most common descriptions of well-being that our patients have expressed to us is that by the time they complete their treatment they are genuinely happy. Speaking to family members has confirmed great improvement in irritability, memory, energy levels and overall disposition." (Dr. Michael Robichaux, 8-9)

"One of our most amazing experiences involved a patient with multiple sclerosis, who was exposed to the toxins through her job supervising the feeding of hundreds of workers assigned to clean contaminated boats. When she first began the program, she could barely walk into the detox facility ... However, when she finished the program she was on the treadmill and walking fast for over 35 minutes. Her recovery was nothing short of amazing." (Dr. Michael Robichaux, 9)

"[T]here are those individuals who, although much improved, still suffer with significant problems from long term medical damages that are difficult to treat and equally difficult to understand. Additionally, many of our patients have had to return to contaminated environments, and are

experiencing problems in those settings. One female boat captain can no longer work on her boat, and her husband and fishing partner must now run their vessel alone.” (Dr. Michael Robichaux, 8)

## 6. Ecological Impact

*“As an environmental scientist, I look at the way the government and BP are handling, describing and discussing the spill ... [T]he government did not account for the increased toxicity of the combined oil and Corexit.”* – Scott Porter, Diver, Marine Biologist

Throughout the BP spill, the company and government justified dispersant use by stating it would reduce the disaster’s overall environmental impact.<sup>129</sup> Their hypothesis, however, was based on the pretense that crude oil mixed with Corexit was no more toxic than oil alone. That condition would be conclusively rebutted two years after the disaster, once the more toxic mixture had already coated the Gulf seafloor and permeated the Gulf’s rich ecological web and food chain. Empirical evidence has shown far greater damage than the government predicted at the time of the BP spill, when it authorized unprecedented dispersant use. Coral, which are sensitive to environmental changes and play a central role in the Gulf ecosystem, are experiencing widespread damage and unprecedented mortality in the wake of the event. BP and the government have poured millions of dollars into research to assess the impacts of its environmental experiment on the Gulf. Meanwhile, Gulf fishermen, divers and coastal residents continue to witness the devastation on a daily basis. Corexit not only disrupted an entire ecosystem, but a way of life for coastal communities that recreate in the Gulf and survive on seafood for commercial and subsistence fishing.

Of GAP’s witnesses, an eye-opening 76% expressed concern over the quality of government seafood testing, and almost 60% reported seeing new seafood *deformities* firsthand. Nearly 80% of fishermen reported that their catch has decreased significantly since the spill.

### **BP Official Position**

“Dispersants are used to minimize the environmental impact of an oil spill,” according to a BP fact sheet on Corexit use.<sup>130</sup> One month into the disaster, BP announced that it would launch a \$500 million, 10-year “open research program” to study the event’s impact and response efforts on the Gulf marine and shoreline environment.<sup>131</sup> Then-BP chief executive Tony Hayward remarked, “There is an urgent need to ensure that the scientific community has access to the samples and the raw data it needs to begin this work.”<sup>132</sup>

According to BP, the research would examine key questions about the dispersant impact on the environment, such as: What are the impacts of the oil, the dispersed oil, and the dispersant on the biota of the seabed, the water column, the surface, and the shoreline? What is the impact of dispersant on the oil? Does it help or hinder biodegradation?<sup>133</sup> These were all significant questions that should have been addressed prior to the Unified Command’s use of Corexit.

In response to public concerns around contaminated seafood, BP acknowledged: “Potential effects on humans theoretically could occur ... through consumption of seafood that is tainted with oil and dispersants.” It added, however, “measures are being taken to ensure that human health impacts are minimized.” BP explained that “taste, odor and chemical risk thresholds” were being applied to determine whether seafood is safe – a statement that would quickly be undercut by cursory government testing methods.<sup>134</sup> In response to warnings on the manufacturer’s Material Safety

Data Sheet for Corexit about potential bioaccumulation, BP responded that “the known components of this dispersant are not expected to have a significant bioaccumulation risk, particularly given the rate at which dispersants are being applied in the Gulf.”<sup>135</sup> This offered little reassurance, since an unprecedented amount of Corexit was being used – and through novel subsurface application – in the BP spill response. To date, BP’s website states that “Gulf seafood is among the most rigorously-tested sources of seafood on the market today,”<sup>136</sup> citing government testing as it heavily promoted Gulf seafood during the 2012 Winter Olympics.<sup>137</sup>

### **Government Official Position**

Throughout the BP spill the EPA maintained that it had the authority to stop the use of Corexit if it found that the environmental impact outweighed the benefits. This applied to the novel subsurface application of Corexit as well, which the EPA website still asserts, as of April 2013, “has had no significant ecological impact.”<sup>138</sup> The government argued that Corexit use was necessary to protect wildlife, fragile wetlands and Gulf shorelines from the oil. The National Oceanic Atmospheric Administration (NOAA), while recognizing that coral reefs could be harmed by dispersed oil, explained that “dispersant used in the vicinity of coral reefs is usually restricted to areas where dispersed oil is unlikely to contact coral.”<sup>139</sup> Addressing the future impact of Corexit on Gulf organisms, Administrator Jackson stated: “The long-term effects on aquatic life are largely unknown and we must ensure that the dispersants that are used are as nontoxic as possible.”<sup>140</sup> Subsequent findings that the combination of Corexit and crude oil is more than 50 times more toxic than the oil alone poses new questions about long-term effects on aquatic life, while shedding light on the documented short-term impact.<sup>141</sup> Furthermore, a GAO study on dispersant use concluded that more research is needed to quantify the rate at which the chemicals biodegrade in the environment, and cautioned that “little is known about the application and effects of dispersants applied subsurface.”<sup>142</sup> Despite clear unknowns, the government remains resolute about the environmental benefits of Corexit, as well as the safety of Gulf seafood.

More than one month before the well was capped, with oil still spewing into the Gulf, President Obama posed for photos while eating Gulf seafood.<sup>143</sup> Later that day the President announced a “comprehensive, coordinated and multi-agency initiative to ensure that seafood from the Gulf of Mexico is safe to eat.”<sup>144</sup> A week after the well was capped, NOAA began reopening Gulf waters for fishing, and state fisheries were required to follow its lead. Then-NOAA administrator Jane Lubchenco announced, “NOAA is working to protect public safety while minimizing harm to the fishing industry. We are confident that seafood caught in this area is, and will continue to be, free from contamination.”<sup>145</sup> The Food and Drug Administration (FDA) commissioner Dr. Margaret A. Hamburg added, “[T]he testing that has been done as part of the agreed upon protocols has not indicated any level of concern.”<sup>146</sup>

The criteria for NOAA to open an area for fishing first required “visible oil to be gone for two weeks,” and then samples would undergo sensory testing, or a “smell test” to inspect Gulf seafood.<sup>147</sup> Senator Barbara Mikulski (D-MD), after learning that the government was not chemically testing Gulf seafood for dispersant, retorted: “if you disperse the oil but we’ve replaced it



with another substance that has toxicity levels that impact that seafood, that's something that we all need to be concerned about."<sup>148</sup>

While agency heads announced their confidence in Gulf seafood, government scientists were joining the senator in sounding the alarm – only their warnings didn't make it into the public domain. CDC staff declined to sign-off on EPA assertions that dispersants did not bioaccumulate, explaining: "Since we (CDC) were not privy to any information to substantiate [that the dispersants used to date do not bioaccumulate], we cannot concur with this statement."<sup>149</sup> FDA standards for seafood testing – based on a healthy 176 pound individual consuming approximately four shrimp a week – prompted concerns by an EPA staffer that the FDA underestimated the risks for Gulf residents and frequent seafood consumers: "I am not sure these data capture the population we would be concerned about ... [D]o we have language about the resulting level of protection for the higher consumer in the Gulf?"<sup>150</sup> Despite more conservative estimates that were considered valid by the government, it continued to use the lower, outdated criteria for the seafood risk assessment while avidly promoting consumption.<sup>151</sup>

The government continues to actively promote Gulf seafood, and is working in partnership with the Louisiana Seafood Promotion and Marketing Board to purchase Gulf seafood for the U.S. military.<sup>152</sup> The Board, which received \$30 million from BP and millions more from the government to promote Gulf seafood consumption, is hoping to expand its reach throughout the public domain, "whether it's the military or prison systems or school systems."<sup>153</sup> Conversely, just months before the government rolled out its plan to purchase Gulf seafood with taxpayer dollars, Senator Mikulski was warning that Gulf seafood safety is a nationwide concern: "The impact of this oil spill is not only in the Gulf states. And the consequences of safety issues – like safety of the seafood and the food goes far and wide." An example of this would be the senator's own state's reliance on the Gulf to supplement popular Maryland Blue Crabs.<sup>154</sup> Underscoring the importance of the region to the rest of the country, over 70 percent of the nation's shrimp catch, and 60 percent of its oysters are from the Gulf.<sup>155</sup>

### **Independent Position**

Over the past several years, the scientific and environmental community has substantiated the Senator's warnings with sound science and analyses absent from government protocol. More telling, the empirical ecological impact of the disaster could not be reversed by BP propaganda and government reports. Nearly three years after the explosion, it is increasingly clear that BP's reassurances are flunking the reality test. While BP's open research program promises answers on dispersant use within the next decade, independent science already has found unprecedented damage to our nation's most precious ecosystem. The most prevalent impacts, largely foreshadowed by GAP witnesses, include: record deaths of deep sea coral<sup>156</sup>; increased bacteria in Gulf waters<sup>157</sup>; an alarming increase of oil-based chemicals on the Gulf seafloor; tarballs on gulf beaches with contamination levels in excess of the carcinogenic exposure limit<sup>158</sup>; high mortality rates for dolphins, whales and turtles<sup>159</sup>; wetland erosion at historic rates and a permanent loss of salt area marshes<sup>160</sup>; a dramatic impact - including massive die-offs - on microscopic life, which are the base of the food chain<sup>161</sup>; disturbing numbers of mutated seafood, ranging from eyeless shrimp



Photo by GAP witness. Alabama catfish with lesion

to fish with lesions<sup>162</sup>; and sharp declines in seafood catch, by as much as 80 percent in some regions.<sup>163</sup> Furthermore, research has found that Corexit use has actually made it more difficult for the oil to biodegrade, by inhibiting the microbial degradation of hydrocarbons in the crude oil.<sup>164</sup>

In effect, chemical concentrations remain above levels considered carcinogenic by government standards.<sup>165</sup> By dispersing the oil, rather than allowing it to remain concentrated through floating surface oil slicks, chemicals can contaminate a much greater volume of

water – harming more marine life.<sup>166</sup> Experts warn that the degradation of the base of the food chain, resulting from Corexit use, will cause larger problems in the long run for wildlife such as birds that were supposed to be spared through the dispersing of oil.<sup>167</sup>

While NOAA was eager to reopen waters for fishing, seafood industry leaders were advocating for more prudent measures in effort to ensure the integrity and longevity of their product. The Louisiana Shrimp Association, concerned about the impact of Corexit on the fishing industry and the health of fishermen working on the cleanup, adamantly challenged the use of Corexit during the disaster.<sup>168</sup> Unable to halt its use, they then cautioned against opening waters for fishing within the first year of the Macondo well being capped so that the catch would have time to recover and repopulate. The government insisted on proceeding without delay, causing alarm within the fishing, environmental and public health communities.

Corexit caused the dispersed oil to enter the water column or settle on the seafloor, where crustaceans or “bottom feeders” live, possibly explaining the dramatic drop in shrimp, oysters and crabs.<sup>169</sup> In regions that were not heavily impacted by the BP spill, their catch has not been impacted to the degree of areas hit hardest by the oil. Further, there is hope that annual crops such as shrimp, which spawn each year and live only about that long, will be able to recover in the years to come (a primary reason the Louisiana Shrimp Association wanted to delay openings during the first year). However, in areas where seafood catch remain low, fishermen can’t afford to wait years for a recovery. According to a survey conducted by LEAN, fisher families reported losing \$80,000 to \$530,000 as a result of the BP spill, and fishermen who were surveyed estimate 60 to 70 percent loss in the quantity of seafood harvested in the next 10 years.<sup>170</sup>



Photo by EcoRigs. Dispersed oil “mucus like” strands

The same study that found oil mixed with Corexit to be over 50 times more toxic than the oil alone cautioned that the mixture will likely have a large impact on the planktonic food web.<sup>171</sup> Mere years out of the BP spill, we are already witnessing these impacts. Corexit decreased the size of the oil droplets, making the highly toxic oil-dispersant mixture more “bio-available” to small organisms.<sup>172</sup> A study by University of South Florida (USF) released in April 2013 revealed that the underwater plumes from the BP spill resulted in a “massive die-off” of tiny foraminifera, microscopic life that form the basis of the marine food chain.<sup>173</sup> Additional research has found that dispersants may have killed plankton – small organisms that live in the water column – while increasing bacteria in Gulf waters.<sup>174</sup> Meanwhile, zooplankton have accumulated polycyclic aromatic hydrocarbons (PAH) derived from the BP spill, and have entered into the marine food chain.<sup>175</sup> That finding is particularly alarming given that PAHs are known carcinogens and developmental toxicants.

LEAN, having detected PAH levels during its monitoring of the environment and seafood in Louisiana coastal estuaries and wetlands,<sup>176</sup> is working in partnership with the University of Texas Medical Branch at Galveston to examine the extent and impact of Gulf seafood contamination, with an eye on human health.<sup>177</sup> According to LEAN, the results will be presented in a fashion that allows community partners to make informed decisions on a) where to collect seafood that they will feed their families, and b) how frequently to provide the seafood for consumption by their families without resulting in increased risk.<sup>178</sup>

The additional research is urgently needed, after a 2011 study by NRDC found that the FDA grossly misrepresented its analysis for Gulf seafood safety, which could result in long-term health impacts undetected by government testing standards.<sup>179</sup> Refuting FDA Deputy Commissioner for Foods Michael Taylor’s claim that “Gulf seafood is safe to eat, and it is safe to eat for everyone,”<sup>180</sup> NRDC found that FDA’s flawed assumptions and outdated risk assessment methods failed to identify risks for pregnant women and children, and allowed up to 10,000 times too much contamination in Gulf seafood according to NRDC’s standard, which was designed to be protective of vulnerable populations. Miriam Rotkin-Ellman, co-author of the report, cautioned, “We must not wait for people to get sick or cancer rates to rise, we need FDA to act now to protect the food supply.”<sup>181</sup>

The impact of the BP spill on coral should be given careful consideration, since those organisms play a unique role in the Gulf ecosystem. Deep-sea coral provide habitat for many other life forms, including fish and invertebrate communities.<sup>182</sup> Further, corals, comprised of hundreds of individual animals known as polyps, are sensitive to environmental changes and help to assess the full impact of the disaster. Like other marine life, coral often prey on microscopic organisms found in the water column such as the contaminated zooplankton. Surveys conducted by the nonprofit organization EcoRigs found that of 125 coral colonies collected in June 2011 off the coast of Grand Isle, Louisiana, 60 percent showed visible signs of polyp mortality. Two months later, 70 percent of coral colonies collected from the same location showed visible signs of polyp mortality.<sup>183</sup>

Findings published in the Proceedings of the National Academy of Science reported that the BP spill and its underwater plumes were responsible for the widespread damage and slow death of a deep-sea coral community, based on devastated deep-sea coral collected in late 2010 six miles from the

Macondo well.<sup>184</sup> The report concluded: “Our findings underscore the unprecedented nature of the spill in terms of its magnitude, release at depth, and impact to deep ecosystems.”<sup>185</sup> In 2011, video footage by divers from EcoRigs revealed that the rich biodiversity and white sands that once defined the Florida Panhandle were replaced by deserted waters and a dark seafloor. Those observations were supported by the USF study, which, in addition to the die-off, found sediment on the Gulf seafloor a mile deep that had *300 times* the normal amount of oil-based particles.<sup>186</sup> The EcoRigs’ divers warned that future storms would wash the sedentary oil onto the shores for the unknown future – a predication that came true during Hurricane Isaac in September 2012 (see: Oil Not Gone).<sup>187</sup>

Whether through the food chain or a toxic environment, public exposure to the chemicals found in Corexit and the crude could continue for decades. Experts argue that the Gulf would have been better preserved had the response employed traditional mechanical cleanup methods such as oil



Photo by EcoRigs. Diver taking sample of Florida Panhandle seafloor (Jul. 2011)

booming and skimming, while allowing natural bioremediation projects and Mother Nature to work.<sup>188</sup> However, by treating chemicals with chemicals that exponentially increase the overall toxicity, the Unified Command has magnified the largest environmental tragedy in U.S. history. Environmental and public health groups, including LEAN and the Louisiana Shrimp Association, have filed a lawsuit against the EPA under the Clean Water Act for its use of Corexit during the BP spill, in an effort to force the agency to develop more robust standards for future dispersant use.<sup>189</sup> A

press release by the groups states: “The [National Contingency] Plan governs responses to discharges of oil and hazardous substances. But the use of toxic dispersants in response to the Gulf oil disaster was implemented without prior understanding of the effect on the Gulf of Mexico marine ecosystems and human health,” and caution that the EPA has yet to create a new rule to ensure that dispersants are used safely in a future disaster.<sup>190</sup>

## **Whistleblower Record**

### *a. Environmental Damage*

“The spill happened in the worst place, because east of the river is where most of the oil came inshore and damaged some of the most pristine reefs. Then it happened in deep water where oil and dispersed oil [are] virtually impossible to recapture and could potentially destroy living creatures from 5,000 feet down and up ... When the spill occurred, these offshore reefs were the first organisms to come in contact with the dispersed oil. Fish can swim away, coral reefs can’t...The first reefs to be affected were the corals and oysters on the platforms scattered across the continental slope and shelf ... Ultimately the dispersed oil made its way into the inshore oyster reefs in the coastal zones ... My greatest critique with how the federal government has responded to the spill is that agencies are not examining the reefs in the locations that were first and worst hit by the

dispersed oil.” (Scott Porter, 3-4)

“The most startling observation throughout my Gulf dives in the aftermath of the blowout is the toll of the spill on coral. I observed what appeared to be greater than 70 percent mortality in the offshore barnacle reefs in Louisiana, down to at least 20 feet below sea level.” (Scott Porter, 17)

“Six scientists, including myself and EcoRigs staff ... submitted a report ... [which] concludes that the levels of contaminants in water, seafood, biota, and sediments are all higher than previously announced levels by NOAA and other federal agencies and universities.” (Steve Kolian, 7-8)

“We went back to the same area four and six weeks later with Discovery Channel Canada and the plume was over 30 feet thick. At that point my outlook had changed from ‘this is something we can handle,’ to ‘we actually have an environmental disaster of unprecedented magnitude.’ The plume had magnified itself to three times the amount of oil, and it was thicker, more viscous ... We still experienced dispersed oil plumes as large as 40 feet deep and an algae plume. The algae plume was so thick that it blocked out most of the light in the shadow of the platform at the depth of 60 feet. It was so dark that underneath the rig at high noon I could not read my SCUBA gauges at 60 feet. Normally it would be clear blue and light enough to read a book.” (Scott Porter, 10, 13)

“One of the community’s main concerns has been the protection of our estuaries. A lot of people don’t understand how important the estuary is. Estuaries are the kidney of the United States; it is where all the pollutants go through, and your estuaries clean all of that out before it goes into the Gulf or whatever body of water the estuary borders ... It’s important for the whole gulf because a lot of juvenile fish come into the estuary to mature ... [I]n mid-May the oil was projected to hit the west side of the peninsula so several fishermen and I went out there. Within a 35-mile span, which is the distance of the coast line between Venice and Grand Isle, there was not one response boat or piece of boom ... They had a month to prepare before the oil was projected to hit one of the largest estuaries in southeast Louisiana, and they did nothing other than place 150 feet of sandbags.” (Kindra Arnesen, 11-12)

“Before the spill, the water was typically cobalt blue and some of the most pristine reefs were located there. When we dove, we could see all kinds of living organisms, such as sea turtles, manta rays, angelfish and sharks. After the spill the water became pastel green or brown, like a tan tint color ... The contrast is shocking. By August 2010 I was noticing an absence of damsels, blennies, and gobies near the surface during our Louisiana dives.” (Scott Porter, 3)

“A week after the oil hit, only 200 feet of donated boom was deployed over two miles of beach. For a week in August 2010 the beach was lined with thousands of baby dead crabs that looked like they had been soaked in bleach...In 2011 we reported a total of three dead sea turtles and a dead dolphin; Bubba has been crabbing his whole life and he has only seen dead sea turtles once or twice, before the spill. In August we found a dead sea turtle at Lake Mars for the first time.” (Lorrie Williams, 1-2)

“In April 2011 I documented 39 dead turtles, and from January through April 2011 I documented 57 dead turtles ... In the spring of 2011 I found a dead armadillo on Long Beach. In May 2011 I found a dead raccoon in two to three inches of water, muskrats, possums and one wild pig in Hancock County. In September 2011 after tropical Storm Lee there were places on Pass Christian beach where I couldn’t walk within 10 feet without witnessing a dead bird. I heard from friends that it was that way everywhere along the coast. Maybe we would see an occasional dead bird before storm, but after the storm the tide washed up their bodies and they lined the beach ... What was peculiar is that all these animals lived in the marshes. It was unusual to see these dead out there. I

am concerned that the spill has also affected the wildlife that lives around the bayous in the marshes.” (Shirley Tillman, 13)

“When the oil spill occurred, most of the local Gulf scientists were employed by universities and had limited scientific freedom, because their findings needed to be approved by their institutions. At EcoRigs we wanted to study reef samples, sponges, oysters, barnacles, but NOAA did not express interest ... In October 2010 we conducted [a remotely operated vehicle] examination of the rig legs on the Grand Isle blocks’ platforms. That location was supposed to be clear and clean. Rather than dive, I snorkeled to study the barnacle reef populations that live at the first five meters of water depth and found an extremely high rate of mortality in the barnacles and reduced populations of blennies and cowfish[,] which are sensitive to environmental changes over 80 miles to the southwest of the Deepwater Horizon site.” (Scott Porter, 5, 13)

“When controlled burns take place, TPHs and volatile compounds become airborne in large quantities and therefore are dispersed into the atmosphere. There is little doubt that burning fresh crude oil at the surface releases toxic compounds into the environment, but TPHs and PAHs become even more dangerous when you put dispersants on them.” (Scott Porter, 6).

“EcoRigs later analyzed surface water samples from some of our NRDA dives for PAHs and biomarkers specific to the MC 252 blowout crude oil. Concentrations of PAHs were found to be up to a thousand times greater than the EPA water quality benchmarks for human exposure.” (Steve Kolian, 5)

“Other EcoRigs divers and I went diving in the Florida Panhandle in July 2011, to collect samples for the Surfrider Foundation. That area is known as the Emerald Coast, for its crystal clear water. When we went diving, however, the water had a brownish white haze that resembled what we saw in offshore Louisiana at 30 feet below sea level. When we dug into the sand in the Florida Panhandle we found anomalous material that resembled tar patties and oil ... I have never witnessed anything like that since I began diving in the Emerald Coast 20 years ago. The seafloor is typically white sand.” (Scott Porter, 17)

“In the areas where the seafloor [in the Florida Panhandle] was covered with the tarlike substance, we noticed much less sea life. There were hardly any sand dollars or crabs and only some fish, whereas we would normally see an abundance of organisms. It was desolate, and reminded me of noticeable drop in sea life during our 2010 and 2011 Louisiana dives.” (Scott Porter, 17)

“There are still tar balls and mats and strings washing on shore every single day all along Louisiana, Mississippi, Alabama and the panhandle in Florida. Grand Isle, Louisiana gets bowling ball size tar bars, and is still full of oiled birds that are dead and dying. If you open a tar bar that washed on shore, the volatiles are still being released.” (Dr. Wilma Subra, 10)

#### *b. Seafood Safety*

“[T]he 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 175 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?" (A.C. Cooper, 8)

"NOAA and the FDA relied on sensory testing – or a sniff test – to support its position that gulf seafood is safe for consumption. As an oyster biologist and forensic scientist, I know that a sniff test means you don't want to find any contamination ... Even people trained to smell for these chemicals cannot detect them at low levels. The aromatics may evaporate and dissipate rather quickly in air, but when ingested they tend to get stored in fatty tissues and biologically accumulate ... NOAA seemed to only be sampling the organisms that were healthiest and still living, and even those could have unsafe contamination levels that would pass the government's primary testing method." (Scott Porter, 7-8)

"The FDA developed criteria for specific PAHs in shrimp, crab and oysters. Their findings were based a 175 pound person. They ignored the vulnerable populations – the young, the elderly, the people on chemotherapy and HIV patients. They also based their conclusions on an average consumption rate of the United States, of four shrimp for one meal a week. No one along the coast only eats four shrimp. And they don't eat one meal a week of it; they eat it on a very frequent basis." (Dr. Wilma Subra, 12-13)

"FDA and local and state wildlife and fisheries use that data to establish when they can reopen a fishing ground, and they work with the state agency to determine what kind of buffer zone from the marsh; how much of the water should be closed versus the rest of the lake estuaries open. In fall 2010 I was standing in this very oily marsh, and there was a shrimp boat right offshore trawling for shrimp. The shrimper didn't know what the buffer zone was; he was right up against shore ... To this day, if you talk to the fishermen they will talk to you about bringing up trawls and nets and cages full of oil. But they don't want to speak about it publicly, because the rest of the community is going to be screaming at them and saying that 'you are destroying our livelihood' by raising concerns about the safety of Gulf seafood." (Dr. Wilma Subra, 13)

"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 ... 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 ... 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." (A.C. Cooper, 7)

"[W]e have stopped crabbing due to concerns with the chemical contamination of the crabs resulting from the oil spill, as well as the dramatic decline in the catch. Our catch fell by more than 50 percent from 2009 to 2011 ..." (Lorrie Williams, 1)

"Through EPA conference calls that I participated in on an ongoing basis, I knew that early in the spill [NOAA] took a few samples for Corexit. Shortly thereafter to my knowledge they dropped it. After the well was plugged they stated that the final Corexit application was July 19, and treated the testing of Corexit as a nonissue. They didn't establish criteria for the dispersants, only for PAHs in specific seafood..." (Dr. Wilma Subra, 12-13)

“I have a crabbing license for our crabbing boat and we sell to processors. Some of the crabs would have black thick stuff on them. When they reopened crabbing we pulled a few crabs and brought them home. We wanted to know what the conditions of the crabs were. Our attorney told us to open them, see what is inside and video tape it. When we did, we smelled petroleum and there were hundreds tiny pink two headed creatures eating crab lungs from inside of the crab’s body out. Since then we have opened several oiled crabs with parasites. We never saw parasites in our crabs before the spill ...” (Lorrie Williams, 3)

“In the Gulf crabbing industry, about 75 % of the catch is shipped to the East Coast and West Coast ... We sell the Blue ‘Jimmy’ Crabs to Maryland and they are sold as Maryland Blue Crabs ... This raises serious questions as to whether contaminated Gulf crabs are currently being shipped to the East Coast and other parts of the country.” (Lorrie Williams, 1-2)

“During the 2011 season offshore fishers were catching amberjack, king mackerel, and mangrove snapper with holes in the walls of the stomach, and black sludge in their stomach that appeared to be leaking into the meat. We’re catching fish with lesions and growths that looked almost like a miniature brain. One of the fish looked like the growth was from his eye to his nose. We’re catching shrimp with no eyes, and crabs that have black all inside of them.” (Kindra Arnesen, 3)

“When crabbing was re-opened in 2010 we would not crab, because we had too many food safety questions. Mississippi Governor Barber was adamant that everything was fine, and a public panic was not necessary ... On September 10, 2010 during a public meeting for fishermen, I asked [the director of the Department of Marine Resources] about the prospect of our catch being chemically contaminated from the dispersant Corexit. He explained that they were not testing for dispersants in the seafood. This greatly concerns me, because people are still pulling out crabs with orange brown substances. It is normal for crabs to have mud on them, but this is something different. When I was crabbing I could scrape this substance off the shell. When I tried with a hot knife it scraped off like wax.” (Lorrie Williams, 3-4)

“What is really disgusting is that the government is pushing the Gulf seafood onto our soldiers all across the country at the military commissaries. I saw it on the news as part of a public campaign to feed Gulf seafood to these soldiers and their families.” (John Gooding, 8)

“My local supermarket has fresh seafood catch. During my most recent trip in February, 2012 the shrimp sold in the market had no eyes. I have seen photos of shrimp with no eyes since the spill, but not in person. I know what to look for on shrimp; their eyes grow on their sides. However, these shrimp didn’t even have the eye sockets. The red snappers for sale had black fungus looking spots and lesions all over their scales, right here in Thibodaux. Before the spill I used to catch red snapper; it should be a solid pink color ... I have never seen anything like that before.” (Jorey Danos, 7)

“Before the oil made it to the shores, I went fishing three times under the Bay Bridge. It was supposedly still safe according to government officials to be in the water during that time. During one of the trips I caught a big red fish and I grilled it. It was a healthy looking fish – no mutations or lesions. I ate it and went to sleep. When I woke up I was in a pool of blood from rectal bleeding. After that experience I decided I would not eat any more fish. I also told a good friend of mine that he needed to stop eating shrimp and seafood ... After he got real sick he also became concerned that the seafood was not safe, because when he ate it he observed that his Crohn’s disease would get worse. It’s difficult to know what is and isn’t safe, but after my body responded adversely to the fish, I cannot take any more risks.” (John Gooding, 8)



“[A] lot of the coastal community populations depend on fishing both for a livelihood and to feed their families. You have the Vietnamese, the Native Americans and the African Americans along the coastal areas. Before they had the ability to feed their families based on what they harvested. Now suddenly they don’t. A lot of the organisms have been depleted and contaminated as a result of the spill. In a lot of cases these people are hungry, because they can’t eat the seafood or they don’t want to poison their family by eating it, and they have no other source of food. Fishermen have shared these concerns with me directly. (Dr. Wilma Subra, 8)

“I know personally [crabs] 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.” (Betsey Miller, 8)

“On top of the FDA’s flawed assumptions, BP is giving huge monies to the seafood industry in each state to promote seafood. The federal government is a cheerleader for this false advertising. NOAA Administrator Dr. Jane Lubchenco stood at a press conference on September 15, 2010 in Kenner with all of the seafood bigwigs standing up behind her, and she said, over and over and over again, ‘The seafood is not contaminated, the seafood is not contaminated, the seafood is not contaminated’ ... After that event, I sent Dr. Lubchenco a message that stated ‘The seafood is contaminated with PAHs, and according to the FDA’s calculations it is below the acceptable level you have established; your own data shows that 40% to 60% of the oysters are contaminated and the shrimp are contaminated.’ Shortly thereafter NOAA changed its message to ‘The seafood is contaminated but it is below the levels we have established as unsafe.’ However, Dr. Lubchenco’s first message was the message that BP and the seafood industry wanted to hear, and that was the message delivered in a public forum, and that continued to be repeated for the world. She knew better.” (Dr. Wilma Subra, 13)

“After we received some of the results back from our samples, in August 2011 during a meeting with the GCCF I tried discussing our findings. The first thing that then-GCCF Administrator Kenneth Feinberg said was, ‘How do you know it was Macondo oil?’ When we showed Feinberg videos of the underwater clouds of dispersed oil he responded that NOAA was not reporting those results to him. He asked a group of seafood lawyers in the meeting why the state would spend \$250 million dollars on its seafood program if the seafood was not safe?” (Scott Porter, 7)

“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.” (A.C. Cooper, 7)

“The community is struggling at this point to even survive ... I’m so mad, because if the government handled the cleanup properly and responsibly ... 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 Government 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 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." (A.C. Cooper, 6-7)

"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. 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." (A.C. Cooper, 7)

"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 ... 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." (Betsey Miller, 7)

"Several of the oyster, water and coral samples that we collected matched the Macondo fingerprint, BP MC 252 oil. Oysters are big water filters, so whatever they pick up can remain in their shells and skeletons. In September 2011, I collected oysters 30 to 40 miles north of MP 311, or approximately 80 miles north of the Macondo well. We sent the tissue in for the testing and it came back high in TPH ... Of public concern is the fact that NOAA allowed BP to choose where the samples would be taken from and then allowed BP to hire a laboratory on a contractual agreement to test the samples. Throughout the oil spill, VoO captains would take scientists to collect samples for BP. Several of the VoO captains informed me and other scientists that BP instructed them away from the oil to take the samples, and in turn they rarely encountered fresh oil. Captains told us that this happened frequently from Louisiana through Mississippi." (Scott Porter, 7-8)

"We have done a large amount of testing of the seafood. The minute we get our results, within three to four hours that information is available to the community through the LEAN website and provided to the federal and state agencies. The PAHs that we are finding in the seafood actually match the fingerprint of the BP crude, so it's clearly from the BP spill ... [F]our universities received these community involvement grants, one of which was University of Texas Medical Branch in Galveston (UTMB). They have developed the analytical method, similar to the Metamatrix blood test, used to look for the PAHs in the blood and the urine of the people that they're going to be covering in their study; the people who live in the coastal areas and consume seafood from the coastal areas. We are going to be assisting UTMB and sampling the seafood to be analyzed for the PAHs. We're going to be able to test for the PAHs in what they eat, and in their body and in their blood and their urine. These are going to be the PAHs that gulf coastal residents are bioaccumulating." (Dr. Wilma Subra, 12)

"A UV light is like a metal detector for potential hydrocarbon contamination ... [T]he light can be used to identify hydrocarbons from the oil and dispersant that have washed up onto the beaches, have attached to reef corals, or are in seafood ... [M]any of the oyster shells are glowing pastel

yellow, orange and tannish brown. They are the same colors that I am seeing in the fresh tarballs that continue to surface in fisherman's nets ... As an environmental biologist, I have to address the potential of seafood contamination from the nation's largest oil spill in history. As an oyster biologist, I am telling people not to eat the oysters." (Scott Porter, 16)

"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." (A.C. Cooper, 8)

## 7. Retaliation

*“[W]hen a BP representative came up on the speedboat and asked if we need anything, I again explained my concerns about breathing in the Corexit and asked him for a respirator ... He explained ‘If you wear a respirator, it is bringing attention to yourself because no one else is wearing respirators, and you can get fired for that.’” – Jorey Danos, Cleanup Worker*

The culture of silence behind the Deepwater Horizon explosion suppressed free speech and threatened worker health throughout the BP spill response. On paper, BP takes immense pride in a safety culture that encourages employees to speak up when they have concerns. However, workers who wanted to keep their jobs knew that their own health, and that of the public, would have to take a backseat to a paycheck. Workers trying to protect themselves through respirators or additional safety equipment frequently faced threats of termination, while the government defended BP’s actions through an OSHA policy based on questionable air quality data. Again placing public perception before health and safety, BP and the government acknowledged that allowing workers to wear respirators would look bad in the public’s eye. However, images from the cleanup were rare. As journalists, community leaders and activists tried to document the impact of the BP spill, they also became targets of retaliation.

Of GAP witnesses, more than 46% reported that they were threatened with termination when they tried to wear respirators or additional safety equipment on the job. The same percentage reported that they received early termination after raising safety concerns on the job. More than 50 % reported unusual phone and/or computer malfunctions when they engaged in BP spill-related communications.

### **BP Official Position**

BP’s Code of Conduct encourages workers to speak up and ask questions if they fear for their safety or that of their peers: “All of us at BP, without exception, are duty bound to follow and uphold our Code of Conduct – and we must all remember that failure to do so can put BP and ourselves at risk.”<sup>191</sup> According to the company’s stated policy, it is vital that workers who are ever concerned that the Code is being violated “speak up and ask a question or share your concern straightaway.”<sup>192</sup> On paper, BP is almost sanctimonious about its anti-retaliation policy, stating: “Our zero tolerance policy on retaliation goes hand in hand with our belief that speaking up is always the right thing to do. If you voice a concern or report misconduct in good faith – or take part in an investigation of an ethics and compliance matter – you are following our Code. Under no circumstances will BP tolerate retaliation against you.”<sup>193</sup>

The Code’s broad free speech mandate does not mention a significant, invisible exception – communications with the public. Belying the company’s encouragement for employees to “speak up” when a concern arises, early in the response cleanup workers were required to sign contracts with BP stating that they would not speak to the media.<sup>194</sup> In an effort to suppress any information that would alert the public to the impact of the disaster, BP set up private security forces around affected shorelines, beaches and BP compounds to keep out the media and organizations that were documenting the BP spill.<sup>195</sup> After critique by news media that BP security was blocking public

knowledge about the worst environmental disaster in history while gagging workers, BP chief operating officer Doug Suttles sent a letter to news outlets, stating that BP “fully supports and defends all individuals’ rights to share their personal thoughts and experiences with journalists if they so choose.”<sup>196</sup>

In March 2012, GAP and LEAN reported to the BP Ombudsman that workers were threatened with termination and other forms of retaliation when they attempted to wear additional PPE during the cleanup, including respirators.<sup>197</sup> BP responded that it was unaware of any instances where workers were threatened with retaliation if they chose to use PPE. During the release of this report, the BP Ombudsman is preparing to conduct an investigation into the alleged misconduct.

### **Government Official Position**

While BP was denying retaliation against workers who tried to protect themselves on the job, the government was excusing its conduct. In response to concerns from the American Lung Association over an alert it received from LEAN, “*BP Tells Fisherman Working on the Spill that they will be Fired for Wearing a Respirator*”<sup>198</sup>, an internal dialogue ensued between EPA and OSHA over the alert. Surprisingly, however, the government’s focus was on justifying the threats, rather than holding the company accountable.

The director of EPA’s National Response Team remarked: “When we bring this article to the attention of OSHA, it should be pointed out that the headline doesn’t match the story. Headline states ‘fired for wearing’, article states ‘fired for wearing respirators not provided by BP’ which is correct for them to do since they are responsible for the safety of the crews.”<sup>199</sup> The government, sticking to its position that heat stress was a greater threat to workers than chemical exposure, argued that it was “correct” for BP to terminate workers who tried to wear respirators. After consulting OSHA, the director of EPA’s National Planning Preparedness Division weighed in, this time with concern over the public perception of respirator use: “OSHA says that there is really no air data that demonstrates the need so BP is not providing respirators. The question would be that if the workers had their own respirators that they are already fit tested for, could they wear them. However BP is concerned about the perception of any workers wearing respirators would depict when there is no documented threat.”<sup>200</sup> The government dialogue did not consider whether BP was right about no threat, whether there were safer ways than respirators to protect workers, whether workers could sign insurance waivers, or generally that there was any valid issue when workers inhaled chemicals from Corexit or the crude oil.

Meanwhile, government officials and local police worked with BP to prevent a public record, often joining BP private security as they patrolled beaches and areas impacted by the BP spill.<sup>201</sup> Coast Guard officials went so far as to threaten a *CBS News* team with arrest when they tried to take footage of an oil covered beach in Louisiana, explaining that the Coast Guard was acting under BP’s authority. The *CBS News* team reported that one official told them after threatening arrest: “This is BP’s rules, not ours”.<sup>202</sup> In Admiral Thad Allen’s first press conference as the National Incident Commander, he stated: “BP is the responsible party, but [as] the federal on-scene coordinator, I, now as the national incident commander, am the accountable party.”<sup>203</sup> Blurred lines between BP and the government’s roles left workers without a safe outlet to report health and safety concerns.

Media and residents were confused about what to do, or where to turn, when they had threatening encounters related to the BP spill.

### **Independent Position**

After LEAN learned that workers were being threatened with termination for wearing the additional PPE that it distributed, the organization sent out an alert – the same one that got the government’s attention – admonishing BP for its actions: “It is only prudent that these fishermen be provided respiratory protection and encouraged to use it. Instead, they have not only NOT been provided respiratory protection, they have been threatened with being fired for using their own respiratory protection.”<sup>204</sup> Workers confided in LEAN and GAP that they were afraid to come forward about the lack of PPE on the job, as well as the health problems that they were experiencing, out of fear that they would be fired if they spoke up. During its coverage of the BP spill, Time magazine observed, “Workers also may fail to come forward out of fear of losing their job – they’ve already shown reluctance to talk to the press for the same reason.”<sup>205</sup> The chilling effect of gag orders was heightened by direct threats that workers received on the job, or retaliation witnessed against coworkers who blew the whistle.

Throughout GAP’s investigation, workers explained that while concerned about their own well-being during the cleanup, it was not an option to put their health before their job. Workers who reported health problems or protested safety conditions were put on BP’s “rotation”<sup>206</sup> system, and never called back for work. When workers tried to obtain respirators for themselves or their crews, they were told directly or more disingenuously warned that doing so would result in their termination. The reasons echoed the internal EPA dialogue: it would send the wrong message to the public, and there was no documented threat to justify respirator use.<sup>207</sup> Even when the government recommended it for workers on in-situ burn teams due to the increased likelihood of chemical exposure, workers reported being denied respirator use by their employers – BP contractors.<sup>208</sup>

Regardless of rationale or circumstance, workers felt they had to swallow hard or risk being replaced. Due to closed fisheries and the moratorium, there were few sources of income and jobs on the cleanup were competitive. With unenforceable workplace rights and families to feed, workers felt they could not afford to “speak up” – the invitation in BP’s Code of Conduct. Only then, they didn’t know the severity of their exposure or that it could also be reaching their families and neighbors, resulting in long-term health problems that posed more dire consequences than being jobless.

BP’s actions have long belied its zero-tolerance policy for retaliation. Weeks before the Deepwater Horizon oil rig exploded, according to *The New York Times*, a confidential survey of workers on the rig showed that “many of them were concerned about safety practices and feared reprisals if they reported mistakes or other problems.”<sup>209</sup> About half of the workers surveyed feared that they would be retaliated against for reporting actions that could lead to a “risky” situation.<sup>210</sup> On another front, press accounts indicated an employee from BP’s Gulf Coast Restoration Organization, tasked with developing plans to clean up the oil, disclosed that BP ordered him to falsify data about the remaining locations that needed to be cleaned, in an effort to “more quickly transition to a new plan for cleanup and oversight that would be beneficial to BP stock prices.”<sup>211</sup> After he blew the whistle,

the employee reported that BP used scare tactics in effort to silence him, such as telling him that he was being watched. Within months of going public, he was fired.<sup>212</sup>

Reports of retaliation and fear tactics have extended beyond the workplace.<sup>213</sup> Both whistleblowers and activists vocal about impacts from the BP spill have reported: death-threats;<sup>214</sup> being tailgated by police cars or unmarked vehicles; being escorted by BP private security or local police off of open public beaches after taking photos of oiled shorelines and dead wildlife; having their homes broken into without attempted property theft; having phone calls suddenly drop or a hearing a clicking noise during phone calls that involve the BP spill; having computers malfunction and email boxes emptied; being placed under surveillance by the government;<sup>215</sup> being escorted out of a public fairness hearing for the Deepwater Horizon class action settlement, based on unsubstantiated allegations of “live streaming”;<sup>216</sup> and being subjected to harassment by “trolls” on the BP America Facebook page, including threats of physical violence and discriminatory remarks.<sup>217</sup>

Tireless Gulf organizer and freelance journalist Cherri Foytlin – who walked from New Orleans to DC to raise awareness around health and environmental problems emerging from the spill – captured the efforts to silence whistleblowers after she was escorted out of the Deepwater Horizon Fairness Hearing without justification: “I’m a citizen, I’m a journalist, I was sick [from BP’s oil and dispersants]. I had a right to be in that courtroom. They target people who speak up and tell the truth. It’s supposed to make you scared, but it ought to make you mad.”<sup>218</sup>

### **Whistleblower Record**

#### *a. Workplace Chilling Effect*

“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.” (A.C. Cooper, 3)

“BP and BP contractors were not providing workers with respirators, or allowing them to wear additional safety equipment on their own accord. The workers would go out, and Marylee instantly ordered protective gear ... However, workers told us they were not allowed to use them ... [W]e were informed on several occasions by workers that BP officials would threaten, ‘You’re fired if you wear the respirators’ ... The wives started speaking out and the workers were told if their wives don’t shut up, then they were going to be fired. This was shared with me repeatedly along the coast. LEAN did convey the information to state and federal government agencies. The agencies listened to the information, but did not provide responses.” (Dr. Wilma Subra, 4)

“Initially, LEAN – the oldest and largest environmental group in the state of Louisiana –purchased boots, gloves, Tyvek suits and respirators to be worn by individuals working the spill. Amazingly, BP company policy resulted in the boat owners and workers being threatened with loss of their jobs should they wear respirators while working for the company. Even BP employees working the oil spill site were denied the usage of these protective devices. This was shared with me on several occasions by my patients.” (Dr. Michael Robichaux, 3)

“I had a two-hour conversation with the Coast Guard Deputy Safety Officer. I asked him about the use of respirators for workers ... I asked him about OSHA’s right to wear voluntary respirators. He said, ‘Without the air sampling exceeding the limits, the workers still fell under BPs rules. As long as

BP says they can't wear respirators, then they don't have a job if they wear respirators.'" (Kindra Arnesen, 14-15)

"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...The in-situ team informed me that after the safety man got sick on the job, BP fired him along with the whole company." (Clint Guidry, 3)

"[A] month and a half into the job, in June 2010 when a BP representative came up on the speedboat and asked if we need anything, I again explained my concerns about breathing in the Corexit and asked him for a respirator. He started laughing and said, 'What do you need it for, that stuff isn't bad; we breathe it in all day and it isn't doing anything to us.' He explained 'If you wear a respirator, it is bringing attention to yourself because no one else is wearing respirators, and you can get fired for that.' (Jorey Danos, 2)

"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." (A.C. Cooper, 4)

"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." (Anonymous #1, 3)

"In hindsight, I realize that BP paid us to keep our mouths shut about any health problems. If we could make \$3,000 every ten days, should we pay attention to the health effects or risk termination by asking for additional PPE? People around here don't make that kind of money." (Jorey Danos, 1)

"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. The jobs were scarce and competitive. Of course no fishermen wanted to lose their jobs." (Betsey Miller, 1)

"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.” (Betsey Miller, 2)

“If any of the workers claimed they were sick, their employers would send them to a first aid station, or if they were severely ill they would send them to a hospital. However, after they became really sick and couldn’t work anymore, they would be laid off. When they were still employed they would call us discreetly at night to report their health problems, but then they really started to speak out when they realized there no longer was anything to lose since they had been fired for being victims. They were too sick to work, and had no medical or disability benefits.” (Dr. Wilma Subra, 7)

“Mr. Craig had held a morning meeting, and said that if anyone who worked on the oil spill felt that they needed to see a doctor, they first have to see the [company] doctor or else they will be terminated. He also said that if anyone went into litigation with BP, they would lose their jobs. Then he asked if anyone felt they needed medical attention, and no one said anything because of course they were scared ...” (Jamie Griffin, 11)

“When I went to the BP Incident Command Center in August 2010 to drop off more samples, I asked one of our NOAA contacts if they found any oil in the last samples. He said that the samples came back negative for oil. I pressed him on it further, and asked if they found any hydrocarbons or contamination in the samples. He replied that they did not find anything; the samples came back clean. I explained to him that was surprising, because we had sent samples from the same diving trip to [Arkansas State University] and they found contamination. He responded, ‘Oh, you’re having them analyzed by a second source?’ Shortly thereafter, NOAA didn’t want to work with us.” (Scott Porter, 11)

#### *b. Strange Encounters*

“Mississippi announced on July 2, 2010 that all beaches were open to the public ... I went to Rock Jetty at Lake Mars to take pictures of oil. It was a thick nasty orange and brown rainbow colored oil. Everything it touched it killed. I have been walking this beach for 20 years and I have never seen anything like it. I was approached by BP and Coast Guard officials. The BP representative approached me and asked what I was doing. I told her I was documenting the oil spill and she asked, ‘Are you finding anything?’ I said, ‘Yes, there is oil all over the place.’ She left to speak to a Jackson County worker in a truck. Within minutes an officer with the Jackson County Sheriff’s Department told me that it was closed and I couldn’t be there. It always seemed like when I took photos either the Mississippi Department of Environmental Quality, the Coast Guard, BP or the sheriff’s department showed up.” (Lorrie Williams, 8-9)

“In July 2010 my husband and I ... drove down to the BP command cleanup center in Bayou La Batre. A Bayou La Batre police officer pulled out behind us. It was odd, because I had never seen the police leave the command post. The police officer followed us real close for four to five miles, and I thought he was going to pull us over. He eventually turned around.” (Lori Bosarge, 8)

“If someone gets on the [BP America] Facebook page and says ‘I am sick from the spill,’ a handful of people attack that person. They have made comments that the people who claim they are sick or who take the Volatile Solvent Profile blood test are trying to make money off of the spill. I have a friend with a young son who has fallen sick since the spill. He got on the BPA Facebook page and wrote that he and other people are sick, and he was attacked. One attacker looked at his profile, identified his friends and family and sent them nasty messages. Based on other people I have

compared experiences with, anyone who takes a stand against BPA Facebook page is attacked.” (Shirley Tillman, 14)

“At one point the BPA Facebook page was promoting Gulf seafood. I made a comment that I choose not to eat it. One of the trolls replied that the FDA has tested the seafood and found that it is safe for consumption. I responded that the last time I saw that FDA had only tested for 16 out of 60 compounds, and I choose not to eat the seafood. The next day I was blocked form the BPA Facebook page ... When I was removed from the page, all of my posts were deleted as well.” (Shirley Tillman, 14)

“From December 2011 through March 2012, my phone started to make a clicking noise. Then the call would hang up when I would discuss specifics about BP, about 20 percent of the time ...” (Lori Bosarge, 9)

## 8. Ongoing Threat Versus The Marathon Public Relations Blitz

*“Every time I check, there is still oil on the beaches and in the estuary systems and in the wetlands and the marshes. People go to the beaches and swim in the gulf, and report to me that they still come up stained with a brownish tan color that they believe is oil.”* - Dr. Wilma Subra, Chemist, MacArthur Genius Award Recipient

The government opened Gulf beaches and fisheries within weeks of BP’s Macondo well being capped. Rather than dealing with the damage, it joined BP in a massive, misleading public relations campaign to lure tourists back to the Gulf. At first, advertisements featuring pristine white beaches and fresh seafood, designed to attract tourists, contrasted sharply with news reports and films of oil spewing into the Gulf for a consecutive 87 days. Eventually, however, relentless propaganda overwhelmed our memory. Mainstream media provided virtually no coverage of health problems emerging from the BP spill. The government’s failure to report on the ongoing threats in the Gulf, paired with media’s continued radio silence on the health crisis in the Gulf, has put tourists directly in harm’s way – especially children and other at-risk populations most sensitive to chemical exposure. Meanwhile, residents already stricken by severe illness after the BP spill are getting sicker from continued exposure to a toxic environment. Dormant oil continues to be unearthed in the aftermath of storms and hurricanes. However, images of the ongoing damage are quickly drowned out by a public relations strategy that serves as a smokescreen for the growing health crisis.



Photo by Scott Porter. Oil on public Louisiana beach after Hurricane Isaac (September 2012)

Of GAPs witnesses, 62% reported that they found evidence of oil or oil debris after BP and the Coast Guard announced that clean up operations were complete. Sixty-seven percent reported that they primarily depend on social media to obtain and/or share spill-related information.

### **BP Official Position**

After the disaster, BP launched a multimillion dollar ad campaign that saturated the nation’s television, radio and social media with Gulf tourism ads. The ads, highlighting 2011 as “the best tourism season in years” for the Gulf and reaching more than 50 percent of the U.S.

population, featured families on pristine white beaches and eating fresh seafood.<sup>219</sup> BP representative Iris Cross exclaimed: “I’m glad to

report that all beaches and waters are open for everyone to enjoy!”<sup>220</sup> Mike Utsler, head of BP’s Gulf Restoration Organization, boasted: “We are pleased to be able to expand the reach of these ads to the entire country and by doing so hopefully encourage even more people to vacation along the Gulf.”<sup>221</sup> The ads pose questions ranging from “What’s the best part about a Gulf Coast vacation? Is it the great outdoors of Mississippi? The fresh seafood in Louisiana? The pristine beaches of

Florida? Maybe it's the beauty of Alabama." BP has produced a series of video vignettes, providing Gulf residents "an opportunity to share their personal story about what makes living on the Gulf Coast so special for them." The videos are then promoted on the BP America Facebook page.<sup>222</sup>

Government studies are currently assessing the long-term health and ecological impact of the BP spill.<sup>223</sup> However, once the well was capped and after months of the nation watching closely as oil spewed into the Gulf, BP didn't wait for scientific support. The company immediately launched an unrestrained campaign with an undisguised goal: restore public confidence.

### **Government Official Position**

The government is also invested in public perception of the Gulf Coast, which generates nearly \$20 billion in tourism annually.<sup>224</sup> Visits by government officials to the Gulf were frequent in the months during and after the BP spill to generate positive media coverage and sound bites to accompany BP messaging. In August 2010 during President Obama's fifth visit to the Gulf since the well exploded, and one month after it was capped, he announced: "Now, as a result of the massive cleanup operation that has already taken place, a recent report by our top scientists found that the majority of oil has now evaporated or dispersed, or it's been burned, skimmed, or recovered from the wellhead."<sup>225</sup> The president continued, "[A]s a result of the cleanup effort, beaches all along the Gulf Coast are clean and safe and open for business."<sup>226</sup> Later that day, in an act of reassurance, the White House released a photo of the President and his daughter Sasha swimming off the coast of Florida.<sup>227</sup> Contrary to public perception, independent reports later revealed that the photo was not taken in the Gulf of Mexico, but rather an inner bay.<sup>228</sup> Through photo-ops of elected officials eating Gulf seafood and swimming in "Gulf" waters, the government joined BP's public relations campaign to replace images of oil gushing into the ocean and dead sea life with cobalt blue waters and family fun.

In November 2011 the Coast Guard announced the Shoreline Cleanup Completion Plan, an agreement to wind down the BP spill cleanup effort, after declaring that nearly 90 percent of the Gulf coast was clean.<sup>229</sup> The plan relieves BP of responsibility for cleaning up oil on Gulf Coast shores unless Coast Guard officials can prove it is BP Macondo oil.<sup>230</sup> All government officials and Gulf states agreed to the plan, with the exception of Louisiana, which raised concerns that BP would not be held accountable for the continued oiling of marshes and beaches, or long-term monitoring of the BP spill's impact.<sup>231</sup> The government contended that the plan would allow BP to transition into restoration efforts, and it took effect irrespective of Louisiana's protests.<sup>232</sup>

In July 2012 the President signed into law the Resources and Ecosystem Sustainability, Tourism, Opportunities Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The act established the Gulf Coast Ecosystem Restoration Council (Council), which is chaired by the Secretary of Commerce and comprised of Gulf state governors and agency heads from the U.S. Departments of Interior, Commerce, Agriculture, Homeland Security, the Army and the EPA. The RESTORE Act designates 80 percent of BP spill-related penalties under the Clean Water Act to the Gulf region for ecological and economic recovery efforts.<sup>233</sup> According to the Council, the penalties will likely be used to "generate investments in economic development, tourism promotion, and

science-based natural resource restoration” in the Gulf.<sup>234</sup> Those priorities do not include the ongoing public health threats facing the Gulf.

### **Independent Position**

Less than a year after the government transitioned from “clean up” to “restoration,” Hurricane Isaac swept across the Gulf, unearthing large amounts of dormant BP oil resting on the seafloor. Days before the hurricane hit, LEAN released an alert, cautioning the public: “The BP Crude Oil contains residual levels of toxic Polynuclear Aromatic Hydrocarbons. Pathways of exposure to humans consist of absorption through skin contact, ingestion and inhalation of the toxic chemicals.”<sup>235</sup> The oil, arriving in tar mats (thick mixtures of heavy hydrocarbons) as large as 30 feet by 30 feet and tarballs small enough to get wedged between a child’s toes, tested positive for BP Macondo oil, forcing re-closures of public beaches and fisheries.<sup>236</sup> More startling, the amount of oiled material that washed up on Louisiana shorelines in the aftermath of Hurricane Isaac – about 565,000 pounds - was greater than the amount of oil collected during the previous eight months.<sup>237</sup> Louisiana Coastal Protection and Restoration Authority chair Garret Graves testified before the U.S. Senate: “Some of the areas that experienced extensive re-oiling during the hurricane are the same areas that BP was pushing to remove from active cleanup operations just prior to the storm.” This statement is consistent with warnings by a whistleblower from BP’s Gulf Coast Restoration Organization that the company was trying to wipe its hands clean of the BP spill and shut down cleanup operations prematurely.<sup>238</sup>

The onslaught of oil did not surprise monitoring groups and concerned citizens. In 2012, LEAN members from Coden, Alabama identified what resembled dispersed oil foam washing up on their shorelines. Samples tested by LEAN came back nearly identical to the chemical fingerprint of BP oil, prompting concerns around fresh oil surfacing in the Gulf.<sup>239</sup> In 2011 and 2012, the nonprofit organization On Wings of Care, which is dedicated to the protection and preservation of wildlife, wild habitat, and natural ecosystem, documented extensive subsurface plumes and some oil surface sheen around the Macondo well.<sup>240</sup> Fresh oil slicks around the well, as late as December 2012, stirred fears by Gulf residents and Congress that the impact of the BP spill has been compounded by fresh oil coming from the site of the blowout.<sup>241</sup> In a letter to BP CEO Robert Dudley, Representatives Edward Markey (D-MA) and Henry Waxman (D-CA) wrote, “This recent report of a new oil slick from the Deepwater Horizon’s riser raises questions about BP’s efforts to stem the long-term impacts of the 2010 oil spill.”<sup>242</sup>

Even in the wake of mounting evidence that oil and dispersed oil continue to plague the Gulf, BP ads flood the nation while the growing health crisis remains unreported in mainstream media. This paradox does not surprise Gulf residents, who have observed a dearth of media coverage around the human cost of the disaster from its beginning. With the exception of a handful of publications and online news outlets that have provided consistent coverage,<sup>243</sup> the human health impact has been “one of the most under-reported aspects of the ongoing tragedy in the Gulf,” reported Antonia Juhasz, author of Black Tide: the Devastating Impact of the Gulf Oil Spill.<sup>244</sup> Gulf activist and musician Drew Landry, at the BP 2013 Annual General Meeting, commented, “[W]hat happened from there on was not really a cleanup effort, it was a PR campaign designed to limit liability ... The

human health issues have been completely ignored by our government and by people within BP.”<sup>245</sup> The havoc that the BP spill wreaked throughout the Gulf remains a distant memory, at most, to the rest of the nation. NRDC media associate Rocky Kistner – one of the few reporters to provide hard-hitting coverage from the frontlines of the disaster – reflected on the spill’s two-year anniversary: “As the second memorial to the country’s greatest oil disaster comes and goes, the stories of thousands of lives still struggling in these once-thriving Gulf fishing communities will fade even further from media attention.”<sup>246</sup>

Frustrated by the lack of urgency to denial by government officials and hospitals, residents and community organizations created their own support networks to cope with their health impacts and educate the public about the growing health crisis in the Gulf, employing Facebook groups<sup>247</sup>, online videos<sup>248</sup> and personal blogs.<sup>249</sup> Their individual efforts are bound together by the shared experience of encountering BP spill-related health and environmental problems, while serving as resources for the greater public. Their grassroots media reports continue to disclose ongoing medical impact felt most severely by cleanup workers and coastal communities who were initially hit by the onslaught of oil and dispersant chemicals, and who continue to be exposed on a daily basis through contaminated air, water and seafood. However, they also include repeated warnings from public health experts and scientists that Gulf tourists are susceptible to contamination as they swim Gulf waters and enjoy Gulf seafood.

Dispersed oil has settled into shallow water, contaminating shells and possibly beachgoers, according to a study by The Surfrider Foundation – a non-profit organization dedicated to the protection and enjoyment of oceans, waves and beaches.<sup>250</sup> Through ultraviolet light, dispersed oil chemicals can be seen in Gulf waters as far as Florida’s panhandle, a premiere tourist destination.<sup>251</sup> A study published in November 2012 found that Corexit caused chemicals from crude oil to penetrate beaches more deeply while expanding the lifespan of PAHs in the marine environment.<sup>252</sup> While BP ads inquired “what your favorite Gulf beach is,” geologist James Kirby posed a more relevant question for tourists: “[W]ould you let your kid play in the shallow water and absorb toxic tar product? Wouldn’t you rather have a sign that told you the beach was hazardous in certain spots?”<sup>253</sup>

Belying BP’s ads of Gulf fisherman rejoicing over the rebound of their fisheries, record low catches are leaving fourth generation fishers unemployed as fisheries struggle to survive.<sup>254</sup> Referring to the BP ads as propaganda, Louisiana Shrimp Association President Clint Guidry cautioned: “When you have a lot of money, you can pretty much get any point across. It’s kind of like indoctrination.”<sup>255</sup>

Corexit’s camouflage of ongoing oil in the Gulf has been matched by a corporate-government public relations campaign to camouflage its ongoing consequences. Both have invested heavily in an advertising blitz for false appearances. All is *not* well. Speculation over the BP spill’s long-term impact is being replaced with empirical research and continued human suffering. The public has a right to know the real cost and threats from Corexit and other dispersants that put forth the illusion that the oil disappeared. For this to occur, the government must shift its primary goal from maintaining appearances to protecting public health. While BP’s bottom line may be profit, the

words of Franklin Delano Roosevelt remind that *“the state’s paramount concern should be the health of its people.”*<sup>256</sup>

### **Whistleblower Record**

#### *a. Oil Not Gone*

“In February, 2012 I received a phone call from a neighbor ... She had identified a foam like substance washing up on the shore at Bayou La Batre. After the oil spill, BP set up a boat decontamination site at Bayou La Batre, which is also where Corexit containers were stationed during the spill. On February 27, 2012 I went down to the location that my neighbor told me about, and took pictures. The city of Bayou La Batre was digging up around the boat launch, most likely to get it ready for beach traffic that we get during spring break. As they dug, a thick looking foam was oozing out of the sand ... Marylee Orr, Director of the LEAN, called me and asked me if I would be willing to take samples. I agreed to, and she put me on the phone with a chemist, Dr. Wilma Subra, to make sure that I collected the samples correctly. I went back to the location and collected foam, water and sediment samples ... The test results from the samples were almost identical to test results for BP fingerprinted oil from March 2011.” (Lori Bosarge, 9)

“[O]n June 23, 2012 ... while we were out there [in the Gulf] collecting tar logs, I saw this same foam substance and a C 130 plane fly over us. I also witnessed this foam in the mouth of the bay when I took two people from Washington state to Cat Island on July 11, 2012. During that trip, I collected a 5 gallon bucket of tar logs ... After Hurricane Isaac on September 6, 2012 I walked along the beach and I found thick rubbery tar logs and what looked like oil sheen. I could see what looked like Corexit foam flowing through the water. There was a heavy smell from the dead animal carcasses; I saw dead birds and nutria on the beach. My symptoms got worse immediately after that. I had a seizure that night, and I was incapacitated for a few days. Since then, the tumor in my mouth has started hurting real bad. The pain in my throat is extremely painful; similar to having strep throat, it feels raw ... What concerns me most is that since Hurricane Isaac a lot of people I know have become sick with symptoms characteristic of strep throat or the flu.” (John Gooding, 4, 11)

“Every time I check, there is still oil on the beaches and in the estuary systems and in the wetlands and the marshes. People go to the beaches and swim in the gulf, and report to me that they still come up stained with a brownish tan color that they believe is oil.” (Dr. Wilma Subra, 10)

“Anyone who recreates, fishes, is in the marsh and hunts or traps in the gulf, is still coming in contact with the crude on an ongoing basis. I did Mobile Bay sampling in July 2011, and the whole time we were out the fishermen on the various radios were calling in about the oil. The water there was like 85 and 88 degrees, so there was constantly oil coming up and making a sheen. There were constantly mats and tar balls and oil washing in to the barrier islands. But fishermen were really concerned about that sheen, because anything they harvested and picked up through it became contaminated with the oil. It’s still very prevalent.” (Dr. Wilma Subra, 10)

“In August 2011 there were several reports of oil slicks from the Macondo well. Regardless of the source, we knew there was a lot of fresh oil. On August 18, 2011 a captain took me to collect samples from Ship Island, Mississippi, 103 miles north of the Macondo well. We saw stretches of fresh oil. I also saw what looked like dispersed oil ... Pilot Bonny [Schumaker] with On Wings of Care is conducting flyovers and documenting large fresh oil plumes close to the Macondo well ...” (Steve Kolian, 7)

“In addition to the resistance surrounding medical problems resulting from the spill, we still have oil washing up. To this day, there is oil out by Cat Island, Ship Island and Hound Island. In Bay St. Louis you can go on one of the bridges right now. When the tide is running in and out you can still see the oil slick. Where are the people who are supposed to be protecting us from all of this?” (Donald Tillman, 14)

“Before I experienced it firsthand, I would have never believed that you could pollute the northern Gulf so much that it would be dangerous for me to swim in it ... I am concerned because we are still seeing dispersed oil at the surface of the northern Gulf on a consistent basis ... After Hurricane Isaac came through, I went with Steve Kolian and another individual to Louisiana’s southernmost port, Port Fourchon. When we first got out there I didn’t see any large tarballs in sight. However, as we walked to the northern end of the beach the sand got darker ... I could see sheen and a dark red precipitate settling out of the water running off of it, which resembled the tar patties we encountered during the spill ... New data shows that the latest oil washing up on the Gulf shorelines is in fact BP MC 252 oil.” (Scott Porter, 16-17)

*b. Media Blackout*

“I spoke with about 40 people. As soon as I would share a list of the symptoms I had, almost all of them would say they had similar problems or knew someone from the cleanup who had them. The scope of associated health problems is not well known, because the media and local government are not discussing it.” (Lori Bosarge, 5)

“Nearly two years after the oil spill we don’t hear anything in the media about the health effects. Why isn’t the current public health crisis along the Gulf on Channel 4, AC 360 or Fox News? You have to go to the internet to learn what is taking place. I have to go on YouTube to see Gulf activist Cherri Foytlin, who walked from New Orleans to DC to make a point about the health of the Gulf. Kindra Arnesen has been vocal about the health problems since the dispersant spraying began in her community in Venice. Why do they have to go to Facebook and YouTube to get their stories out? Why isn’t Channel 4 interviewing them and airing this coverage during the soap operas when every grandparent in the bayou is watching?” (Jorey Danos, 6)

“My best friend’s six-year-old went to the beach in Biloxi in 2010. The commercials said, ‘The beach is fine, you all come down.’ Four days after they left the beach her daughter slowly broke out in blisters all over from her knees to the ends of her toes, between her fingers and the mid-section on her arms ... She still has scars all over and broke out in blisters all over her face.” (Kindra Arnesen, 6-7)

“The first time that I met with [Coast Guard] Lieutenant Commander Eiland, I went to the morning meeting and they were showing me all of these maps on the wall. Then this young Coast Guard member walked in, threw his hands up in the air and shouted ‘Ponies and Balloons, Ponies and Balloons’ ... I did not understand what he meant by Ponies and Balloons, until I witnessed the staged response for President Obama’s flyover the following day ... [W]hen I flew there was response everywhere; boats everywhere, boom everywhere, people everywhere. I later found out that I flew at 10:00 am that morning, and President Obama flew at 2:00 pm that afternoon ... The day before President Obama and I flew, there was no response ... [T]he more I saw, the less likely I was to be an ‘appeased community member.’ ... Everything that I saw when I was out there was ponies and balloons, a big show for the politicians. It was a show for the media as well; BP set up a spot at the end of South Pass, Louisiana to take the media. A lot of the pictures look the same because they were all staging areas that BP would fly media over and take them to.” (Kindra Arnesen, 13-14)



“Despite our thorough coverage of the impact from the spill ... the large news broadcasters did not provide EcoRigs credit for the footage that we provided. Further, mainstream news media would not report on the questions we raised about dispersants. In my interviews, news stations consistently edited the portions of the interview where I mentioned dispersant or Corexit. I believe it is because they did not want to tell the whole story, which was a disservice to their viewers.”  
(Scott Porter, 15-16)

## 9. Inadequate Compensation

*“Most of our members right now who are sick are in litigation ... 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.” - A.C. Cooper, Vice President, Louisiana Shrimp Association*

BP’s compensation process to make individuals “whole again” was as disingenuous as its free speech policy and Gulf tourism campaigns. The Gulf Coast Claims Fund (GCCF), mandated under the Oil Pollution Act to compensate individuals and businesses impacted by the BP spill, denied all health claims during its 18 months of existence. Sick residents, many of whom are fishermen and had lost their source of income, found themselves accepting a nominal one-time GCCF check that cost them their right to later sue BP. When the Deepwater Horizon class action was negotiated, an unprecedented medical compensation program was included in the final settlement. Although the settlement was a significant precedent that underscores the human health impacts of the BP spill, countless of sick individuals have found themselves ineligible under the settlement, due to their prior dealing with the GCCF or as a result of the settlement’s narrow terms. Further, the settlement does not account for the most serious health impacts resulting from dispersant and oil exposure, such as cancer or birth defects, and the maximum award is not proportionate to cost of medical care. The settlement also fails to provide treatment for those rendered ill by the BP spill.

Of GAPs witnesses, more than 60% of GAP interviewees reported that the GCCF and/or Deepwater Horizon class-action settlement made them an offer. Of those witnesses, 100% reported that compensation was nominal compared to their medical and economic damages incurred from the spill.

### **BP Official Position**

In June 2010, BP created a \$20 billion Deepwater Horizon Oil Spill Trust, designed “to provide a faster and more fair way to pay damage claims for individuals and businesses harmed by the Gulf Oil Spill,” as required under the Oil Spill Pollution Act.<sup>257</sup> The escrow fund, established during a meeting between President Obama and BP, would be used for individual compensation, natural resource damages, and state and local response costs, and was not a cap on BP liabilities.<sup>258</sup> President Obama appointed Kenneth Feinberg, previous administrator of the U.S. government Agent Orange Settlement Fund and September 11<sup>th</sup> Victim Compensation Fund, to administer the \$20 billion fund.<sup>259</sup> In August 2010, BP created an “independent” Gulf Coast Claims Facility to process individual and business claims, overseen by Mr. Feinberg.<sup>260</sup> Claimants who received a “Quick Pay” or final payment from the GCCF were required to sign a release that waived their right to sue BP.<sup>261</sup> Having paid approximately \$6.2 billion in claims, the GCCF closed in June 2012, giving way to the Deepwater Horizon Court Supervised Settlement Program.<sup>262</sup>

In March 2012, BP and the Plaintiffs Steering Committee (PSC)<sup>263</sup> agreed to the largest class action settlement in the history of U.S. oil spill cases. The class action, overseen by U.S. District Judge Carl Barbier, included a medical benefits dimension that is unprecedented in the history of oil spill cases. The settlement does not have a cap, but BP projects that it will pay approximately \$7.8

billion.<sup>264</sup> In a BP statement, following the Court's final approval of the settlement, the company stated: "BP is pleased that the Court has granted approval to the PSC settlement resolving the substantial majority of legitimate medical claims stemming from the Deepwater Horizon accident."<sup>265</sup> BP continued: "[T]oday's decision by the Court represents yet another critical step forward for BP in meeting its commitment to economic and environmental restoration efforts in the Gulf and in eliminating legal risk facing the company."<sup>266</sup>

During our July 2012 meeting at BP Headquarters in Houston, BP was very clear that while the settlement includes medical claims, BP disputes the position that health problems are a result of exposure to oil and dispersants.<sup>267</sup>

### **Government Official Position**

Following Mr. Feinberg's appointment to administer the \$20 billion escrow fund, President Obama announced, "I'm confident he will assure that claims are administered as quickly, as fairly and as transparently as possible."<sup>268</sup> In spite of the President's confidence, in response to claimants' complaints about the initial BP's claims process overseen by Mr. Feinberg, and in anticipation of the GCCF, the House Judiciary Committee held a hearing with Mr. Feinberg as the sole witness.<sup>269</sup>

During the hearing, Representative Jerry Nadler (D-NY) asked probing questions pertaining to Corexit use; covering issues that BP and the government had been mum about throughout the affair, and that sick Gulf residents want answers to. Drawing stark parallels between the false safety assurances surrounding Corexit to those about Ground Zero after 9/11, the New York congressman identified the dangers of misleading the public:

We now know that some of the information, such as the purported safety of the dispersants being used, was demonstrably false. It's deja vu all over again. A decade ago – or less than a decade ago – EPA Administrator Christine Todd Whitman falsely assured the public that the air near Ground Zero was safe. We are still paying the price for that deception. Some people are paying with their lives.<sup>270</sup>

Having witnessed his constituents, 9/11 first responders, suffer from the impact of toxic exposure, Nadler inquired how Mr. Feinberg and the GCCF would handle medical claims, specifically those related to dispersant exposure:

Will injuries caused by dispersants be covered by the compensation fund? ... [G]iven that the long-term effect of the oil spill and use of dispersants could be at least a 10- or 20-year event, what provisions will be made for claimants who may, for example, seek compensation for economic loss but whose medical conditions resulting from exposure may not become manifest for five or 10 or 20 years?<sup>271</sup>

Representative Nadler zeroed in on a component of the GCCF that would leave thousands of claimants strong-armed – the requirement to waive their right to sue later, in exchange for initial damages through the GCCF: "I do not want to see the taxpayers on the hook or this damage, and I do not want to see people with serious but not-yet-evident injuries have their rights and legitimate claims nullified in the future."<sup>272</sup>

Mr. Feinberg, in response to concerns about medical claims being processed, stated that “I do believe that the final protocol that I will administer will cover physical injury claims.”<sup>273</sup> However, exception for injury claims by workers on the Deepwater Horizon rig, the GCCF failed to process *any* claims for medical compensation.<sup>274</sup> In April 2012, a Justice Department audit found that the GCCF made “significant errors” and owed an additional \$64 million to approximately 7,300 claimants who received less than their entitlement.<sup>275</sup> The Justice Department announced:

While there’s no question that the independent GCCF labored under extremely challenging circumstances to get a huge number of payments processed successfully, the fact that this audit has resulted in tens of millions of dollars being made available to claimants who were wrongfully denied or shortchanged underscores the importance of the audit.<sup>276</sup>

Unfortunately, the audit also skipped the unprocessed claims filed with the GCCF for medical compensation.<sup>277</sup>

### **Independent Position**

Public health activists and community organizations were livid that the GCCF, by employing an unprecedented requirement of medical proof for BP illnesses, failed to account for the human costs of the BP spill. A report by the public interest law firm Advocates for Environmental Human Rights found that Mr. Feinberg’s requirement of the difficult standard, “medical proof of causation,” broke from his past practices:

Feinberg did not require medical proof that a claimant’s illness or disability was caused by being exposed to toxic air pollution resulting from the September 11, 2001 terrorist attacks or the toxic chemicals in Agent Orange sprayed during the Vietnam War. These disaster fund programs paid claimants based on a showing that they were in the vicinity where harmful chemicals were present and had a medically diagnosed illness or disability.<sup>278</sup>

The report concluded that the significantly higher burden of proof standard for illness claims by people exposed to toxic chemicals during from the BP spill “effectively denies all damage claims for illnesses associated with exposure to the toxic BP crude oil and/or toxic chemical dispersants that were applied to the oil spill.”<sup>279</sup>

Sick workers and residents, unable to meet the GCCF medical burden of proof and already economically devastated from the BP spill’s impact, frequently succumbed to the GCCF quick pay or final payment option.<sup>280</sup> The nonprofit Operations People for Peace documented how GCCF failed in particular to address the needs of historically underserved populations left in poor health and without income or a food supply as a result of the BP spill.<sup>281</sup> Ultimately 95,000 claimants accepted the quick payments of \$5,000, and 45,000 claimants accepted payments that averaged \$15,000.<sup>282</sup> However, as witnesses would share repeatedly during GAP’s investigation, the payments barely dented their already accumulated medical bills and cost them the opportunity to bring a future lawsuit against BP for medical damages. Adding insult to injury, a ruling by U.S. District Judge Barbier found that, contrary to assertions by BP and the administration, Mr. Feinberg was not

independent of BP, because he is acting for and on behalf of BP in fulfilling its requirement as the responsible party under the Oil Pollution Act.<sup>283</sup> That determination raised questions about the overriding agenda of the GCCF, which intercepted potentially tens of thousands of lawsuits against BP in the Deepwater Horizon class action settlement or individual lawsuits.

The class-action settlement should be given credit for its inclusion of medical claims. However, the terms of this significant precedent may prevent it from helping those most impacted by the BP spill. During the July 2012 meeting at BP headquarters, company lawyers and a physician provided a presentation of the medical claim process, highlighting the settlements “universe of benefits.” However, after rigorous questioning it became clear that the settlements “universe of benefits” is prohibitively narrow in application. At the meeting with BP, our participants pointed out that individuals sickened by the Deepwater Horizon are desperately in need of medical experts and treatment. After vigorous questioning, BP confirmed that neither is provided by the settlement<sup>284</sup>

The Gulf is home to 21 million people. Yet, only the 110,000 residents that live within one-half of a one mile distance of the coast, or live in marsh areas, qualify under the medical settlement.<sup>285</sup> Of the estimated 140,000 qualifying cleanup workers, 90,000 are covered under the medical settlement.<sup>286</sup> The settlement includes a short list of specific health conditions ranging from certain eye, skin, respiratory, neurophysiological and gastrointestinal conditions. However, it does not account for the most severe health problems resulting from oil and dispersant exposure, including cancer, neurological disorders and birth defects, among others.<sup>287</sup> The settlement’s Gulf Region Outreach Program provides primary care services for Gulf residents; however, similar to the BP EMS that sick workers were required to use, it does not provide treatment for sick individuals or medical experts in chemical exposure.

The medical portion of the settlement offers *up to* \$60,700 for eligible parties, which is contingent on medical documentation and the extent of their illnesses.<sup>288</sup> For plaintiffs who receive an award, even the maximum payment is woefully inadequate to cover current and future medical bills, and individuals who accept the settlement are unable to sue BP for punitive damages later. If terminal cancer or another deadly illness struck them later, their heirs would also be ineligible to sue BP at a later time.<sup>289</sup> In turn, eligible parties who opted out of the settlement and ineligible parties have been left to pursue individual litigation that likely will result in years of expensive litigation, if they can afford that option. Meanwhile, individuals already sick from the disaster are praying that the latent illnesses of which Representative Nadler warned will not be their fates.

## **Whistleblower Record**

### *a. Gulf Coast Claims Fund*

“I first met Kenneth Feinberg on August 23, 2010 at a public meeting about the GCCF. I explained my existing lung disease and how it was exacerbated by the odor from the oil spill. He told me that I had a legitimate claim, along with people who have asthma or breathing problems. He said that I just needed to prove it through doctor’s verification ... My wife encouraged me to go to the hospital that night, because my insurance was going to run out. I went to Gulfport Hospital at 8:00 pm, and I saw a doctor at 1:00 am ... He only looked once at my throat very briefly and said he couldn’t see anything that was wrong ... [B]efore leaving I asked for a note saying I had an existing lung disease.

I further explained that my throat has been raw since I went fishing on June 13, and I believe it is related to the BP oil spill. He responded that he would not write a note or get dragged into a BP lawsuit.” (John Gooding, 5, 6, 10)

“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.” (Betsey Miller, 5)

“I again saw Mr. Feinberg at a public meeting on January 10, 2011. There were about 300 people in the audience. Feinberg said that the GCCF had only received approximately 480 health claims by January 10, 2011. At that meeting I read him a note about how his process excludes the poor, sick and handicapped. I asked why the GCCF provides an attorney, but not a doctor. I explained that the government had neglected the damages caused by the BP syndrome ... [A] lot of people started standing up and saying they were having the same problems filing a medical claim with the GCCF. I met a lot of other sick people, and we started getting together and organizing ... All I have anymore is time and I’m glad to share it. Time well spent if you’re holding the government accountable.” (John Gooding, 10)

“I used to make on average \$650 day; my hourly rate was \$65.00 an hour and I worked on average 10 hour days. Now it is not possible for me to do that work due to my health. I don’t make any money. Before my wife lost her job this year, she was making minimum wage and didn’t have any benefits. They sent my wife and me a check for \$11,000 and a final settlement offer for \$25,000 if we would accept it. However, if we settled then I would waive my rights to take future legal action against BP. I went around and around with the GCCF trying to explain that their calculations were incorrect, but their offer did not change. I made in five months what they want to pay me for 24 months. We finally reached the point where it was necessary to cash out the \$11,000 check ... We did not accept the final settlement check, but I was still denied disability. I would rather get my health back and return to work than take BP or government money.” (John Gooding, 10)

#### *b. Deepwater Horizon Class Action Settlement*

“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.” (Clint Guidry, 8)

“[M]y understanding of the settlement between BP and the PSC is that it leaves many deserving victims of this tragedy without any legal remedy or financial compensation for illnesses I know they are experiencing ... The first problem involves the Zones designated to recognize non-workers who were exposed to noxious materials and became ill ... To qualify as a non-worker entitled to compensation, two major zones of residence were established. The first zone, ‘Zone A,’ was defined as ‘certain beachfront areas in Louisiana, Mississippi, Alabama, and the Florida Panhandle within at least 1/2 mile of the water.’ Out of the estimated 105,000 people who qualified under this

designation, only 1,600 were from Louisiana, or approximately 1.6% of the qualified population ... Zone B's parameters are unclearly defined as 'certain wetlands within at least 1 mile of the water.'" (Dr. Michael Robichaux, 10- 11)

"The next question that begs an answer is how does an individual qualify for the benefits included in the medical settlement? With reference to the 'Chronic Conditions' category the claimant must submit – 'A declaration under penalty of perjury setting forth the condition and the location and time of exposure; *AND* medical records supporting the claim and ongoing care for the asserted condition' (emphasis added). Since a large portion of the people adversely affected by the oil spill have no medical insurance, they also have few, if any, medical records to qualify in this area." (Dr. Michael Robichaux, 12)

"The second travesty in the settlement involves the definition of chronic illnesses associated with relevant chemical exposure. The list of chronic systems that qualify for this more significant designation concerns me because, while there is some overlap, it is not representative of the symptoms that I have repeatedly observed with my patients impacted by the spill ... [W]ith the exception of skin disorders, [they are] not among the major problems experienced by the more than 100 patients that I saw during the course of our treatment program. Nor were these problems frequent in the 100 or so other patients who I questioned following the oil spill." (Dr. Michael Robichaux, 12)

"[T]his designation does provide some major benefits to BP. By avoiding recognition of the actual long-term consequences of these toxic exposures and by minimizing the significance of the illnesses actually being experienced, BP gets to avoid taking responsibility for the far more significant symptoms that truly exist in a chronic setting, such as memory loss, fatigue and severe headaches. In other words, if the actual long-term symptoms were included in this category, BP would have to acknowledge that these problems actually existed. Understandably they were unwilling to do so. Additionally, these chronic symptoms would certainly qualify for more compensation to the victims of this crisis." (Dr. Michael Robichaux, 12 -13)

"The last aspect of the medical settlement with which I take issue is the provision for the 'Gulf Coast Region Health Outreach Program.' Over \$100 million dollars is being put aside for research and clinics, supposedly to study and treat the general population of the Gulf States. However, to my knowledge, not a nickel of that money is designated to either study or treat the people who were rendered ill by exposure to the gumbo of chemicals resulting from the spill. Workers and residents impacted by the spill require health clinics that specialize in chemical exposure. However, the outreach program focuses on primary care, which is a fine service for the general population but does not address the victims of this spill." (Dr. Michael Robichaux, 13)

"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." (A.C. Cooper, 8)

## 10. Recommendations

*“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.”* – Clint Guidry, President, Louisiana Shrimp Association

### i. Provide Medical Treatment

The greatest priority must be medical treatment for individuals sickened by the BP spill. The government has launched the largest oil spill health study in history. Known as the Gulf Long-term Follow-up (GuLF) STUDY, over a 10-year period it will assess the short-term and long-term health impact of the BP spill on cleanup workers.<sup>290</sup> While the research is certainly valuable, due to the absence of medical care it does not address the current health crisis unfolding in the Gulf. As the nation witnessed through the delayed treatment for 9/11 first responders that only came after their rising health toll, those impacted by their toxic environments cannot afford to wait a decade to receive medical treatment.<sup>291</sup> This could be accomplished through legislation, similar to the 9/11 Health and Compensation Act, that mandates medical monitoring and treatment for those rendered ill by the BP spill.<sup>292</sup>

### ii. Fill the Research Gap

Independent studies must also be conducted, in addition to the government’s GuLF STUDY, to assess the Deepwater Horizon’s health impact and document effective treatment programs. Its findings should inform BP spill medical treatment programs and future oil spill response plans. Those most familiar with the impact of the BP spill should be consulted in any measures taken to remedy the health crisis, along with medical experts such as toxicologists, who are trained in chemical exposure. To date, no organization or physician has been more involved in educating the public on the health problems associated with the BP spill and treating individuals with BP spill-related illnesses as LEAN and Dr. Michael Robichaux.

### iii. Ban Chemical Dispersants

The government must take measures to prevent this health crisis from recurring by banning chemical dispersants, in particular Corexit. The more fundamental reform is to control and prevent future damage until the research on dispersants is in. Representatives Nadler and Tim Bishop (D-NY) introduced the Ban Toxic Dispersants Act of 2011, which would require a temporary moratorium on the use of dispersants until rulemaking and a study to ensure their safety is complete.<sup>293</sup>

Toxicologist Riki Ott, who documented the impact of Corexit use during the Exxon Valdez spill through her book Sound Truth and Corporate Myth, is spearheading a campaign calling for coastal municipalities to ban dispersants within their jurisdictions.<sup>294</sup>

### iv. Reform Dispersant Policy

For starters, the government must reform dispersant policy so that we are not faced with the same



public health dilemma during the next oil spill. Administrator Jackson, in a Senate hearing on dispersant use, conceded: “As we emerge from this response, I believe we need to revisit the contingency plans and the product schedules that preauthorize dispersant use.”<sup>295</sup> The former administrator concluded: “We need more information on all dispersants, and that is not only a B.P. problem.”<sup>296</sup> It is not only reckless but unethical to continue allowing the use of dispersants without knowing the harm that their use can result in.

The EPA relies solely on the manufacturer’s testing, and does not independently assess human health and environmental impacts of the dispersant before it is approved. Dated dispersant policy makes the public vulnerable to industry standards that would be unacceptable in other contexts. The FDA is required to independently test pharmaceutical drugs before approving them for commerce, and the United States Department of Agriculture (USDA) does not take a slaughterhouse owner’s word that meat is free of contamination. However, there is no requirement for independent data or government testing in the case of dispersants.

It has taken an oil spill of epic proportion, and the health and livelihoods of a whole coast, for this topic to even enter the public debate on dispersant use. Disclosure is a necessary first step. Concluding the hearing on dispersant use, Senator Lautenberg stated “[I]t’s very obvious ... that the law ought to be changed to give the public the right to know about health and environmental effects of chemicals in the dispersants.”<sup>297</sup> He proceeded to introduce the Safe Dispersants Act, which would require more robust testing, approval, and disclosure of the health and environmental effects of dispersants used under the National Contingency Plan.<sup>298</sup>

In response to dispersant legislation introduced in the 111<sup>th</sup> Congress, Administrator Jackson recognized the need for reform and the current legal constraints that the EPA is operating under: “I also believe the law would give us critical transparency and openness protections that right now EPA cannot provide by law.”<sup>299</sup> Legislation, while desperately needed, takes time to pass. In the interim, the EPA can demonstrate its commitment to dispersant reform through agency policy.

v. Hold Congressional Hearings and Investigations on Public Health Impact of Corexit

Congress has a responsibility to expand the public record surrounding health impacts associated with dispersant use. It can begin by holding hearings to investigate the link between the growing public health crisis throughout the Gulf and Corexit use.<sup>300</sup> There are a litany of categories to cover, ranging from the health impact on susceptible populations such as children, to the toll that the Deepwater Horizon has taken on its first responders – from cleanup workers to the coastal residents whose health symptoms persist and are getting worse.

This report should also serve as a beachhead for congressional investigations into the health problems resulting from chemical exposure linked to the BP spill. Chairman Daryl Issa (R-CA) of the House Oversight and Government Reform Committee released a 2011 investigative report on the BP spill that highlighted Dr. Robichaux’s early findings of health symptoms associated with the event, such as seizures and severe stomach pains. It is time for Congress to tap into the accumulated wealth of knowledge by Dr. Robichaux, Dr. Subra and other experts who are familiar with the Gulf’s health problems since the BP spill, which are likely to continue for generations to come.

vi. Implement Public Notification Policy for Dispersant Use

If dispersants continue to be used, the public has a right to know when and where through public notice and warnings. Many residents and workers believe that dispersant use continues today. As long as it remains a legal option for industry, those fears are warranted. There is currently no requirement for the government or oil companies to notify the public when a dispersant is used. During the meeting at BP headquarters, BP stated that they will continue to use Corexit provided the government's authorization to do so. However, BP Vice President Keller stated that BP would consider a public notification policy that GAP and LEAN have proposed. To date, the company has not tangibly followed through on this step despite numerous requests to the BP Ombudsman for progress reports. Adopting such a policy would support BP's claims that it is not currently using Corexit on the BP spill.

vii. Enfranchise the Public

In March 2012, NOAA and the Coastal Response Research Center released the Dispersant Use Initiative, a document intended to guide planning and decision making in future oil spills based on observations and science from the BP spill. Among other findings, it stated that key needs include "establishing factual information synthesis (e.g., dispersant components, understanding effects, worker safety), establishing hazard identification and exposure scenarios, understanding risk to workers and public safety, and communicating the risk successfully, and understanding the trade offs of using dispersants with respect to human health."<sup>301</sup>

Whistleblowers should be the pioneer witnesses providing a foundation for this effort. Throughout GAP's investigation they provided clear warnings and practical solutions that could have greatly reduced the disaster's health and environmental impact. They began by warning not to treat chemicals with chemicals, a premise that was ignored. It is not too late to employ recommendations such as those below to prevent a tragic rerun of Deepwater Horizon when the next oil spill occurs.

**Whistleblower Record**

"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 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." (A.C. Cooper, 8-9)

"We are a coastal parish and we have marsh and tons of mosquitoes, so mosquito control sprays by truck. When it gets really bad a federal plane comes in to spray. We worked with the Parish to the point where they now notify all of the sensitive populations before they spray, so that they can chose to leave the area. Further, they put it in the newspaper, so the broader population can know when they are going to spray from the planes. It's not dispersant but it's very toxic. Until this is implemented at the federal level, it is only a partial solution ... The problem is worse with dispersant use, because there is no requirement that BP has to record where it sprayed ..." (Dr. Wilma Subra, 15)

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“During our lunch, the main issue [OSHA director David Michaels] pushed back on involved the use of respirators ... I have organized a lot of emergency response activities, and I know that if the wearing of a respirator induces heat stress then alternatively you put the body in a cool air system suit. This way the workers do not get overheated, and they do not breathe in the dangerous chemicals that are in their workplace environment.” (Dr. Wilma Subra, 5-6)

“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.” (Clint Guidry, 8)

“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?” (Anonymous #3, 3)

“Unfortunately the impact on the community from cancer alley has not been sufficiently tracked, and it is important that the same mistake is not made with those impacted by the oil spill ... [M]ost of the impacted communities are comprised of poor and minority populations, with a lack of access to health care...[A] lot of these people can’t even go to the doctor because they don’t have money for the gas to get to the doctor ... I sat in on the conference calls that were developing the scope of the NIEHS Gulf Study to examine the health of people who helped clean up the oil spill ... I responded to their proposal, ‘You were going to ask people what health symptoms they had but you weren’t then going to say, ‘we’ll get you to the doctor and get you medical care.’ I said, ‘It’s completely inappropriate to ask them what their health symptoms are, but then to not get them medical care.’” (Dr. Wilma Subra, 6, 7, 11, 12)

“In September 2011, Dr. Kaye Kilburn, an 80 year old physician and scientist, came to Golden Meadow, Louisiana and conducted studies on 14 people who had a history of exposure to BP’s toxins. Dr. Kilburn is a distinguished physician and scientist, and since 1982 he has investigated chemicals and the human brain. He has published over 250 scientific papers and three books. When he left to return to his home in California, he said, ‘Mike, I have been doing this my entire professional career, and this is the greatest public health crisis I’ve encountered in my lifetime.’ Since that time Dr. Kilburn, LEAN chemist Dr. Wilma Subra, and I have been attempting to obtain funds to perform objective studies on the victims of the spill and to document the success of various treatment endeavors...There is an enormous need for us to be able to use this tragedy to obtain information on the cause and treatment of the health problems we have been observing.” (Dr. Michael Robichaux, 13)

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<sup>1</sup> United States Coast Guard, On Scene Coordinator Report Deepwater Horizon Oil Spill (2011), *available at* [http://www.uscg.mil/foia/docs/dwh/fosc\\_dwh\\_report.pdf](http://www.uscg.mil/foia/docs/dwh/fosc_dwh_report.pdf).

<sup>2</sup> For example, Dr. Riki Ott, in her book Sound Truth and Corporate Myth\$: The Legacy of the Exxon Valdez Oil Spill, systematically investigates the impacts of Corexit use on the Exxon Valdez oil spill.; Riki Ott, Sound Truth and Corporate Myth\$: The Legacy of the Exxon Valdez Oil Spill (Dragonfly Sisters Press 2005).

<sup>3</sup> *Id.*

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<sup>4</sup> Marine Management Organisation, Oil Spill Treatment Products Approved for Use in the United Kingdom, [http://www.marinemanagement.org.uk/protecting/pollution/documents/approval\\_approved\\_products.pdf](http://www.marinemanagement.org.uk/protecting/pollution/documents/approval_approved_products.pdf) (last visited Apr. 14, 2013); Bonn Agreement, Counter Pollution Manual (Bonn Agreement, 2012) (1999), available at [http://www.bonnagreement.org/eng/html/counter-pollution\\_manual/chapter23\\_dispersants.htm](http://www.bonnagreement.org/eng/html/counter-pollution_manual/chapter23_dispersants.htm).

<sup>5</sup> U.S. Fish and Wildlife Service, FWS National Contingency Plan, [http://www.fws.gov/contaminants/FWS\\_OSCP\\_05/fwscontingency/8-ICManagementStructure-05.htm](http://www.fws.gov/contaminants/FWS_OSCP_05/fwscontingency/8-ICManagementStructure-05.htm) (last visited Apr. 14, 2013).

<sup>6</sup> This report does not cover the full range of BPs alleged misconduct or ongoing public conflicts. To illustrate, it does not cover the Justice Department's prosecution to date. However, with remaining questions around how much oil was actually released during the BP spill, and Clean Water Act fines ranging from \$1,100 for each barrel of oil spilled to \$4,300 (if BP is found to be grossly negligent), the costs of unaccounted for oil could fall on taxpayers.; Michael Muskal, *UC Expert Questions BP Management's Role in Gulf Oil Spill*, Los Angeles Times, Feb. 26, 2013, <http://articles.latimes.com/2013/feb/26/nation/la-na-nn-expert-questions-bp-managements-role-in-gulf-oil-spill-20130226>.

<sup>7</sup> For clarification, we have omitted citations from the original affidavits within the report. Acronyms are frequently used for terms included in the glossary.

<sup>8</sup> Louisiana Environmental Action Network Home Page, <http://leanweb.org/> (last visited Apr. 14, 2013).

<sup>9</sup> A small portion of statements were provided as non legal statements, due to conflicting circumstances by the witnesses.

<sup>10</sup> BP Meeting Agenda, July 10, 2012 (on file with Government Accountability Project)

<sup>11</sup> <http://www.youtube.com/watch?v=t6rvkMie22s>

<sup>12</sup> Clifford Krauss, John Broder, *Deepwater Oil Drilling Picks Up Again as BP Disaster Fade*, N.Y. Times, Mar. 4, 2012, <http://www.nytimes.com/2012/03/05/business/deepwater-oil-drilling-accelerates-as-bp-disaster-fades.html?pagewanted=all&r=0>.

<sup>13</sup> U.S. Environmental Protection Agency, Oil Pollution Act Overview (2011), <http://www.epa.gov/osweroe1/content/lawsregs/opaover.htm>.

<sup>14</sup> Press Release, U.S. Senator Barbara A. Mikulski, Mikulski Chairs Hearing on Environmental Effects of Dispersants Used in Gulf Oil Spill Cleanup (Jul. 15, 2010), <http://www.mikulski.senate.gov/media/record.cfm?id=326554>.

<sup>15</sup> James Nachtwey, *The Agent Orange Syndrome*, Vanity Fair, Jul. 24, 2006, [http://www.vanityfair.com/politics/features/2006/08/nachtwey\\_photoessay200608#/intro](http://www.vanityfair.com/politics/features/2006/08/nachtwey_photoessay200608#/intro).; University of Virginia Health System, Gulf War Syndrome, [http://web.archive.org/web/20081011144938/http://www.healthsystem.virginia.edu/UVAHealth/adult\\_environment/gulf.cfm](http://web.archive.org/web/20081011144938/http://www.healthsystem.virginia.edu/UVAHealth/adult_environment/gulf.cfm) (last visited Apr. 14, 2013).; Susan Q. Stranahan, *The Valdez Crud*, Mother Jones, Mar. 1, 2003, available at <http://www.motherjones.com/politics/2003/03/valdez-crud>.; Shari Roan, *Health Problems Linger in 9/11 First Responders*, TakePart, Sept. 11, 2012, <http://www.takepart.com/article/2012/09/11/health-problems-linger-9/11-first-responders>.

<sup>16</sup> Kate Sheppard & David Corn, *Hey EPA: How Are Those Dispersant Tests Going?*, Mother Jones, Jun. 23, 2010, <http://www.motherjones.com/environment/2010/06/epa-bp-toxic-oil-dispersant>.

<sup>17</sup> BP p.l.c, Gulf of Mexico Restoration: Offshore, <http://www.bp.com/sectiongenericarticle800.do?categoryId=9036585&contentId=7067606> (last visited Apr. 14, 2013).

<sup>18</sup> BP p.l.c, Bob Dudley at the Chief Executives' Club of Boston, <http://www.bp.com/genericarticle.do?categoryId=98&contentId=7061937> (last visited Apr. 14, 2013).

<sup>19</sup> U.S Department of Commerce, National Oceanic and Atmospheric Administration, Coral Reefs and Oil Spills, [http://coralreef.noaa.gov/aboutcrp/news/featuredstories/may10/oilspill\\_coral/welcome.html](http://coralreef.noaa.gov/aboutcrp/news/featuredstories/may10/oilspill_coral/welcome.html) (last visited Apr. 14, 2013).

<sup>20</sup> BP, Dispersant Background and Frequently Asked Questions (Jun. 19, 2010), available at [http://www.bp.com/liveassets/bp\\_internet/globalbp/globalbp\\_uk\\_english/incident\\_response/STAGING/local\\_assets/downloads\\_pdfs/Dispersant\\_background\\_and\\_FAQs.pdf](http://www.bp.com/liveassets/bp_internet/globalbp/globalbp_uk_english/incident_response/STAGING/local_assets/downloads_pdfs/Dispersant_background_and_FAQs.pdf).

<sup>21</sup>*Id.*

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- <sup>22</sup> BP p.l.c, Offshore, <http://www.bp.com/sectiongenericarticle800.do?categoryId=9036585&contentId=7067606> (last visited Apr. 14, 2013).
- <sup>23</sup> *Id.*
- <sup>24</sup> U.S. Environmental Protection Agency, Alphabetical List of NCP Product Schedule Products with Links to Technical Product Summaries, [http://www.epa.gov/osweroe1/content/ncp/product\\_schedule.htm](http://www.epa.gov/osweroe1/content/ncp/product_schedule.htm) (last visited Apr. 14, 2013).
- <sup>25</sup> U.S. Environmental Protection Agency, National Contingency Plan Product Schedule Toxicity and Effectiveness Summaries, [http://www.epa.gov/emergencies/content/ncp/tox\\_tables.htm](http://www.epa.gov/emergencies/content/ncp/tox_tables.htm) (last visited Apr. 15, 2013).; Paul Quinlan, *Less Toxic Dispersants Lose out in BP Oil Spill Cleanup*, N.Y. Times, May 13, 2010, <http://www.nytimes.com/2010/05/13/business/energy-environment/13greenwire-less-toxic-dispersants-lose-out-in-bp-oil-spil-81183.html?scp=5&sq=Corexit%20BP%20Oil%20Spill&st=cse&r=0>.
- <sup>26</sup> Directive from EPA to BP on Using Less Toxic and More Effective Dispersants (May 20, 2010), *available at* <http://www.epa.gov/bpspill/dispersants/directive-addendum2.pdf>.
- <sup>27</sup> David Biello, *Is Using Dispersants on the BP Gulf Oil Spill Fighting Pollution with Pollution?*, Scientific American, Jun. 18, 2010, <http://www.scientificamerican.com/article.cfm?id=is-using-dispersants-fighting-pollution-with-pollution>.
- <sup>28</sup> Directive from EPA and the Coast Guard on Reducing the Use of Dispersants to BP (May 26, 2010), *available at* <http://www.epa.gov/bpspill/dispersants/directive-addendum3.pdf>.; “We are going to continue to use those two DOD C130s and we will fly and deliver dispersants whenever we have the weather to do it. We have a significant stockpile of dispersants and we’ve gone back to the supply chain to make sure they are ramping up. They were not producing any and we we’re relying on stock at the start of this, but going back to the supply chain through British Petroleum, they’ve increased their production to 70,000 gallons a day.”; Pursuant to FOIA Request # HQ-FOI-00645, HQ-FOI-00646, and HQ-FOI-00647, E-mail from Joint Information Center to Steve Mason, Region 6, U.S. Environmental Protection Agency, Subject: Transcript from press briefing on ongoing response to oil spill (May 1, 2010, 19:25:21 CST) (on file with Government Accountability Project).
- <sup>29</sup> U.S. Environmental Protection Agency, National Contingency Plan Product Schedule toxicity and Effectiveness Summaries, [http://www.epa.gov/emergencies/content/ncp/tox\\_tables.htm](http://www.epa.gov/emergencies/content/ncp/tox_tables.htm) (last visited Apr. 15, 2013).; Paul Quinlan, *Less Toxic Dispersants Lose out in BP Oil Spill Cleanup*, N.Y. Times, May 13, 2010, <http://www.nytimes.com/2010/05/13/business/energy-environment/13greenwire-less-toxic-dispersants-lose-out-in-bp-oil-spil-81183.html?scp=5&sq=Corexit%20BP%20Oil%20Spill&st=cse&r=0>.
- <sup>30</sup> Pursuant to FOIA Request # 12-00369, Memorandum from team member at Centers for Disease Control, Agency for Toxic Substances and Disease Control, to Carol Selman, Centers for Disease Control, National Center for Environmental Health, Subject: Comments on NOAA/FDA Protocol (Jun. 2, 2010) (on file with Government Accountability Project).
- <sup>31</sup> Jonathan Capehart, *Gulf Oil Spill and Use of Dispersants*, The Washington Post, Jun. 3, 2010, [http://voices.washingtonpost.com/postpartisan/2010/06/gulf\\_oil\\_spill\\_and\\_the\\_use\\_of.html](http://voices.washingtonpost.com/postpartisan/2010/06/gulf_oil_spill_and_the_use_of.html).
- <sup>32</sup> Statement by EPA Administrator Lisa P. Jackson from Press Conference on Dispersant Use in the Gulf of Mexico with U.S. Coast Guard Rear Admiral Landry (May 24, 2010), *available at* <http://www.epa.gov/bpspill/dispersants/transcript-may24.pdf>.
- <sup>33</sup> U.S. Coast Guard, Deepwater Horizon Oil Spill Incident Specific Preparedness Review Final Report 43 (2011), *available at* <http://www.uscg.mil/foia/docs/dwh/bpdwh.pdf>.
- <sup>34</sup> *The BP Oil Spill: Responsive Science Supports Emergency Response*, Science Matters Newsletter (U.S. EPA, Washington, D.C.), Apr. 2012, *available at* <http://www.epa.gov/sciencematters/april2012/spill.htm>.
- <sup>35</sup> Roberto Rico-Martinez et al., *Synergistic Toxicity of Macondo Crude Oil and Dispersant Corexit 9500A to the Brachionus Plicatilis Species Complex (Rotifera)*, Environmental Pollution, Feb. 2013, at 5, *available at* <http://www.sciencedirect.com/science/article/pii/S0269749112004344>.; Julia Whitty, *Chemical Dispersant Made BP Oilspill 52 Times More Toxic*, Mother Jones, Dec. 4, 2012, <http://www.motherjones.com/blue-marble/2012/12/chemical-dispersant-made-bps-gulf-oilspill-52-times-more-toxic>.
- <sup>36</sup> Committee on Understanding Oil Spill Dispersants: Efficacy and Effects, National Research Council, Oil Spill Dispersants: Efficacy and Effects 23 (The National Academies Press, 2005).
- <sup>37</sup> Douglas Main, *Dispersant Makes Oil 52 Times More Toxic*, LiveScience, Nov. 30, 2012, <http://www.livescience.com/25159-oil-dispersant-increases-toxicity.html>.

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- <sup>38</sup>Dr. Susan D. Shaw, Marine Environmental Research Institute, Consensus Statement: Scientists Oppose the Use of Dispersant Chemicals in the Gulf of Mexico (Jul. 16, 2010), *available at* <http://www.meriresearch.org/Portals/0/Documents/CONSENSUS%20STATEMENT%20ON%20DISPERSANTS%20IN%20THE%20GULF%20updated%20July%202017.pdf>.
- <sup>39</sup>*Id.*
- <sup>40</sup>Natural Resources Defense Council, Disaster in the Gulf, <http://www.nrdc.org/energy/gulfspill/belowsurface.asp> (last visited Apr. 15, 2013).
- <sup>41</sup>Seth Borenstein, *Looking for the Oil? NOAA Says It's Mostly Gone*, Associated Press, Aug. 4, 2010, *available at* <http://phys.org/news200145684.html>.
- <sup>42</sup>Christine Dell'Amore, *Giant Underwater Plume Confirmed—Gulf Oil Not Degrading*, National Geographic News, Aug. 19, 2010, <http://news.nationalgeographic.com/news/2010/08/100819-gulf-oil-spill-bp-underwater-plume-science-environment/>.
- <sup>43</sup>National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Oiled Shoreline, <http://www.oilspillcommission.gov/media/restoration/ecological-toll-oiled-shoreline.html> (last visited Apr. 15, 2013).
- <sup>44</sup>Committee on Understanding Oil Spill Dispersants: Efficacy and Effects, National Research Council, *Oil Spill Dispersants: Efficacy and Effects 56* (The National Academies Press, 2005).
- <sup>45</sup>Elanor Schor, *Ingredients of Controversial Dispersants Used on Gulf Spill Are Secrets No More*, N.Y. Times, Jun. 9, 2010, <http://www.nytimes.com/gwire/2010/06/09/09greenwire-ingredients-of-controversial-dispersants-used-42891.html>.
- <sup>46</sup>U.S. Coast Guard, Deepwater Horizon Oil Spill Incident Specific Preparedness Review Final Report 43 (2011), *available at* <http://www.uscg.mil/foia/docs/dwh/bpdwh.pdf>.
- <sup>47</sup>OSHA's participation in the Unified Command allowed it to operate beyond its normal jurisdiction which extends only three miles offshore.; Sasha Chaukin, *OSHA Director: Offshore Cleanup Workers Will Get More Training*, ProPublica, Jun. 21, 2010, <http://www.propublica.org/article/osha-director-offshore-cleanup-workers-will-get-more-training>.
- <sup>48</sup>National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Vessels of Opportunity, <http://www.oilspillcommission.gov/media/response/response-actions-vessels-of-opportunity.html> (last visited Apr. 15, 2013).
- <sup>49</sup>U.S. Environmental Protection Agency, Odors from the BP Oil Spill, <http://www.epa.gov/bpspill/odor.html>, (last visited Apr. 15, 2013).
- <sup>50</sup>Press Release, B.P. p.l.c, BP Provides \$10 Million to Support Study of Health Issues to Gulf Oil Spill, (Sept. 7, 2010), <http://www.bp.com/genericarticle.do?categoryId=2012968&contentId=7064912>.
- <sup>51</sup>BP p.l.c., BP Took Steps to Safeguard the Health and Safety of Thousands of Individuals Involved in the Deepwater Horizon Response, <http://www.bp.com/IntermediateSearchAction.do?url=http%3A%2F%2Fwww.bp.com%2Fsectiongenericarticle800.do%3FcategoryId%3D9048926%26contentId%3D7082616&kw=worker+safety&currentPage=1&scope=BP&resultNumber=3&type=search&Host=http://www.bp.com&homeId=1> (last visited Apr. 15, 2013).
- <sup>52</sup>BP, On-Shore PPE Matrix for Gulf Operations (Aug. 14, 2010), *available at* <http://www.osha.gov/oilspills/gulf-operations-ppe-matrix.pdf>.
- <sup>53</sup>Occupational Safety and Health Administration, Deepwater Horizon Oil Spill: OSHA's Role in the Response (2011), *available at* [http://www.osha.gov/oilspills/dwh\\_osa\\_response\\_0511a.pdf](http://www.osha.gov/oilspills/dwh_osa_response_0511a.pdf).
- <sup>54</sup>Louisiana Environmental Action Network, BP Tells Fishermen Working in the Oil Spill That They Will be Fired for Wearing a Respirator (Jun. 1, 2010), [http://leanweb.org/index2.php?option=com\\_content&task=emailform&id=145&itemid=50](http://leanweb.org/index2.php?option=com_content&task=emailform&id=145&itemid=50).
- <sup>55</sup>Elana Schor, *New BP Data Show 20% of Offshore Responders Exposed to Chemical that Sickened Valdez Workers*, N.Y. Times, Jul. 9, 2010, <http://www.nytimes.com/gwire/2010/07/09/09greenwire-new-bp-data-show-20-of-gulf-spill-responders-e-82494.html>.
- <sup>56</sup>Occupational Safety and Health Administration, Hazard Communication Guidelines for Compliance <http://www.osha.gov/Publications/osha3111.html>, (last visited Apr. 15, 2013).
- <sup>57</sup>OSHA emphasizes that workers must have direct access to the MSDSs.; *Id.*
- <sup>58</sup>*Id.*

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- <sup>59</sup> During the Exxon Valdez oil spill, OSHA's standard 24-hour HAZWOPER training was replaced by a four-hour training for post-emergency cleanup workers. Despite widespread critique that the abridged training is outdated and inadequate, it was widely adopted during the BP oil spill cleanup.
- <sup>60</sup> Letter from David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, to Eula Bingham, PhD, Professor, Department of Environmental Health University of Cincinnati (Asst. Secretary of Labor for OSHA, 1977-1981) (Dec. 1, 2011) (on file with Government Accountability Project).
- <sup>61</sup> *Id.*
- <sup>62</sup> U.S. Environmental Protection Agency, Odors from the BP Oil Spill, <http://www.epa.gov/bpspill/odor.html>, (last visited Apr. 15, 2013).
- <sup>63</sup> U.S. Environmental Protection Agency & Centers for Disease Control, Government Response to the BP Oil Spill: Odors from the BP spill, Jun. 2010, *available at* <http://www.epa.gov/bpspill/reports/odorfactsheet.pdf>.
- <sup>64</sup> Occupational Safety and Health Administration, Frequently Asked Questions on Health Hazards and Protections (Jul. 2, 2010), *available at* <http://www.osha.gov/oilspills/interim-guidance-qa.html>.
- <sup>65</sup> One exception to the respirator policy involved the in-situ burnings (burning of the oil). According to OSHA, respirator access was recommended for workers in close vicinity to the burns, and air quality was monitored to ensure worker safety.; Occupational Safety and Health Administration, Deepwater Horizon Oil Spill: OSHA's Role in the Response 9-10 (2011), *available at* [http://www.osha.gov/oilspills/dwh\\_osh\\_response\\_0511a.pdf](http://www.osha.gov/oilspills/dwh_osh_response_0511a.pdf).
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- <sup>67</sup> *Id.*
- <sup>68</sup> The National Response Team, *Guidance for Managing Worker Fatigue During Disaster Operations* 50 (Apr. 2009), *available at* [http://www.nrt.org/production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/SA-1049TADFinal/\\$File/TADfinal.pdf?OpenElement](http://www.nrt.org/production/NRT/NRTWeb.nsf/AllAttachmentsByTitle/SA-1049TADFinal/$File/TADfinal.pdf?OpenElement).
- <sup>69</sup> PowerPoint: Worker Education and Training Program, National Institute of Health, U.S. Department of Health and Human Services, *NIEHS Oil Spill Response Training Tool: Oil Spill Cleanup Initiative, Safety and Health Awareness for Oil Spill Cleanup Workers* (May 2010), v2 (on file with Government Accountability Project).
- <sup>70</sup> National Institute of Environmental Health and Sciences, Worker Education and Training Program, Improving Safety and Health Training for Disaster Cleanup Workers: Lessons Learned from the 2010 Deepwater Horizon Oil Spill 22 (Feb. 2012), *available at* <http://tools.niehs.nih.gov/wetp/newsbriefs/index.cfm?issue=Feb12/nb24Feb12>.
- <sup>71</sup> Letter from David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, to Eula Bingham, PhD, Professor, Department of Environmental Health University of Cincinnati (Asst. Secretary of Labor for OSHA, 1977-1981) (Dec. 1, 2011) (on file with Government Accountability Project).
- <sup>72</sup> Louisiana Environmental Action Network, Fishermen Win Another Round (May 10, 2010), <http://leanweb.org/our-work/water/bp-oil-spill/fishermen-win-another-round>.
- <sup>73</sup> *Id.*
- <sup>74</sup> Gina Solomon, BP Coughs Up Another Drop of Air Quality Data: Not Reassuring, Switchboard/Natural Resources Defense Council Staff Blog (Jun. 10, 2010), [http://switchboard.nrdc.org/blogs/gsolomon/bp\\_releases\\_another\\_drop\\_of\\_ai.html](http://switchboard.nrdc.org/blogs/gsolomon/bp_releases_another_drop_of_ai.html)
- <sup>75</sup> Independent air monitoring by the LEAN found that Hydrogen Sulfide concentrations exceeded the Physical Reaction Symptoms concentrations by a factor of 100 to 120 times. VOC concentrations may have exceeded the Louisiana Ambient Air Standards for specific VOCs and may have exceeded the highest concentration of Annual Average Standard by as much 50 times.; Louisiana Environmental Action Network, Evaluation of EPA Air Monitoring (May 10, 2010), [leanweb.org/our-work/air/evaluation-of-epa-air-monitoring](http://leanweb.org/our-work/air/evaluation-of-epa-air-monitoring).
- <sup>76</sup> Government Accountability Project, BP Ombudsman Correspondence, [www.whistleblower.org/action-center/know-your-rights-campaign/the-gulf-coast/bp-resource-manual](http://www.whistleblower.org/action-center/know-your-rights-campaign/the-gulf-coast/bp-resource-manual) (last visited Apr. 15, 2013).
- <sup>77</sup> Letter from Tom Devine, Legal Director, Government Accountability Project, and Marylee Orr, Executive Director, Louisiana Environmental Action Network, to Judge Stanley Sporkin, Ombudsman, BP America Ombudsman Program (Mar. 2, 2012), *available at* <http://www.whistleblower.org/storage/documents/GAPLEANletter.pdf>

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## Glossary

**Acute effects:** Effects having a sudden onset and lasting a short time

**Acute hazard:** A hazard that can have either an immediate or delayed effect (with short-term or prolonged consequences) due to a single exposure to an accident or a release of acutely toxic materials

**Aromatics:** Hydrocarbons characterized by unsaturated ring structures of carbon atoms. Commercial petroleum aromatics include benzene, toluene, and xylene

**Bioaccumulation:** A general term describing a process by which chemicals are taken up by aquatic organisms from water directly or through consumption of food containing the chemicals

**Biomarker:** In general a substance used as an indicator of a biological state

**BOEMRE:** The Bureau of Ocean Energy Management, Regulation and Enforcement

**Boom:** A temporary floating barrier used to control the spread of oil to reduce the possibility of polluting shorelines and other resources, as well as to concentrate oil in thicker surface layers, making recovery easier

**C-130:** A four-engine military transport aircraft, used to spray dispersants during the BP spill response

**CDC:** Centers for Disease Control

**Chronic:** Involving a stimulus that is lingering or continues for a long time; often signifies periods from several weeks to years

**Contingency plan:** A document that describes a set of procedures and guidelines for containing and cleaning up oil spills

**Crude oil:** A fossil fuel that comprises organic compounds built up from hydrogen and carbon atoms

**Decontamination:** Also known as “decon”, to make safe by eliminating poisonous or otherwise harmful substances, such as noxious chemicals

**Detoxification:** Also known as “detox”, the physiological or medicinal removal of toxic substances from the human body

**Dispersant:** Chemicals that are used to break down spilled oil into small droplets

**DHS:** U.S. Department of Homeland Security

**EPA:** U.S. Environmental Protection Agency

**FDA:** U.S. Food and Drug Administration

Federal-On-Scene Coordinator (FOSC): Coordinates all federal containment, removal, and disposal efforts and resources during an oil or hazmat incident

GAO: Government Accountability Office

HAZMAT: An abbreviation for hazardous materials

HAZWOPER: Hazardous Waste Operations and Emergency Response

HHS: U.S. Department of Health and Human Service

Hydrocarbons: A large class of organic compounds containing only carbon and hydrogen

In-situ burning: the ignition and controlled combustion of oil

Louisiana Sweet Crude: The type of oil released during the BP spill

Macondo well: The BP-owned well that oil flowed from during the spill, located 41 miles off the Louisiana coast

Material Safety Data Sheet (MSDS): An important component of product stewardship and occupational safety and health, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner

Metamatrix test: See "Volatile solvent profile"

National Contingency Plan: The federal government's blueprint for responding to both oil spills and hazardous substance releases

National Oil Spill Commission: A bipartisan presidential commission, established by Executive Order 13543 to examine the root causes of the Deepwater Horizon explosion and develop options to guard against, and mitigate the impact of, future oil spills associated with offshore drilling

National Institute of Environmental Health and Sciences (NIEHS): A research institute housed under the National Institute of Health, HHS

National Institute for Occupational Safety and Health (NIOSH). Housed under the CDC, it is the federal agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness.

NOAA: National Oceanic Atmospheric Administration

Natural Resources Damage Assessment (NRDA). Housed under NOAA, it is a legal process to determine the type and amount of restoration needed to compensate the public for harm to natural resources and their human uses that occur as a result of an oil spill incident or a hazardous substance release

**Oil plumes:** Underwater globules of oil that do not float to the surface of the ocean. The heavy use of chemical dispersants, which breaks up surface oil, is said to have contributed to the formation of these plumes

**Oil Pollution Act (OPA):** A law designed to prevent oil spills, ensure cleanup if they happen, and restore natural resources injured by these spills

**OSHA:** Occupational Safety and Health Administration

**Polycyclic aromatic hydrocarbons (PAH):** A family of chemical substances that are found in many types of oil, and include known carcinogens

**Personal protective equipment (PPE):** Equipment worn to minimize exposure to a variety of hazards

**Plaintiffs' Steering Committee (PCS):** A court-appointed group of attorneys representing private claimants in the Deepwater Horizon class action settlement

**Sediment:** Loose particles of sand, clay, silt, and other substances that settle at the bottom of a water body

**Sheen:** A very thin layer of oil floating on the water surface

**Skimmer:** A machine used to remove oil floating on the water

**Slick:** The common term used to describe a film of oil on the water surface, which is thicker than sheen

**Tar balls:** Dense, black sticky spheres of hydrocarbons; formed from weathered oil

**Tar mats:** a dark brown to black, thick, semisolid to viscous mixture of heavy hydrocarbons

**Total petroleum hydrocarbons (TPH):** A term used for any mixture of hydrocarbons that are found in crude oil, such as hexane, benzene, toluene and xylenes

**Toxicity:** The inherent potential or capacity of a material to cause adverse effects in a living organism

**Tyvek suit:** A suit used to protect people from chemical hazards and contamination

**Unified Command:** The BP spill command structure, which integrates BP and federal agencies to respond to the spill

**Volatile organic compounds (VOCs):** Include a variety of chemicals that evaporate quickly and can cause nerve damage and behavioral abnormalities in mammals when inhaled

**Volatile solvent profile:** A blood test used to help identify a patient's prolonged exposure to the most commonly found volatile solvents that have been shown to cause serious health problems

Vessels of Opportunity (VoO) Program: Created to employ local boat operators during the cleanup, it extended to near shore and offshore activities such as identifying oil, working with boom and skimming.

Water column: A conceptual column of water from surface to bottom sediments

Worker Education and Training Program (WETP). Housed under NIEHS, the program encourages innovation for training difficult-to-reach populations by addressing issues such as literacy, appropriate adult education techniques, training quality improvement, and other areas un-addressed directly by the private sector.



# **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.<sup>1</sup>

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

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<sup>1</sup> *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.<sup>2</sup> 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

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<sup>2</sup> 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 its 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. Kratoch  
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 DRC<sup>1</sup>. 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.

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<sup>1</sup> <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. 2<sup>nd</sup> 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 Metametrix 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](http://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.

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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

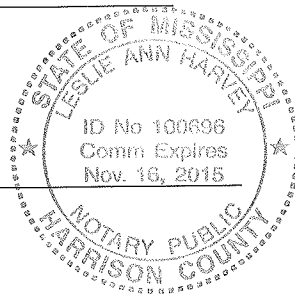
*A. Tillman*

Subscribed and sworn to before me  
this 2<sup>nd</sup> 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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

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 H<sub>2</sub>S 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.

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<sup>2</sup> 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 H<sub>2</sub>S 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.<sup>3</sup> 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

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<sup>3</sup> 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.

Cindy Smith

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

  
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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.



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## 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

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(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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Hospital. When I arrived, a GIS representative was present and the first thing he made me do was take a drug test. He also had me fill out a safety report and sign it. However, I didn't know that it was due to chemical exposure at that time; they told me I had a panic attack. The ER did an electrocardiogram (EKG) to test the electrical activity of my heart, and it gave a normal reading. Then the ER doctor, Dr. Krenshaw, asked if I was under a lot of stress and I told him yes, I have a stressful job, and he concluded that I had a panic attack. I guess it is possible, but I never had a panic attack before then, and I don't normally crack under pressure. The GIS representative then told me to take two days off and follow up with the company doctor, Dr. Blanchard, on Monday. Dr. Blanchard asked if I had chest pains, and told me to return back to work.

At first I was working straight with no days off. Then after I returned from the hospital in mid June the other head cook, hereinafter referred to as "Ms. Betsy" for purposes of this statement, was hired. I was recently informed by a co-worker that Ms. Betsy is now having severe health issues. In addition to Ms. Betsy, eventually I had ten additional employees to help run the barge after I returned from the ER. Despite the additional help, my health problems progressed. I had dizziness and confusion. The week before I went to the ER, I forgot to make a grocery order. I thought I was just forgetting because of stress. In June 2010 I began experiencing the initial symptoms, such as memory losses, cramps, nose bleeds, cramps and eye problems. The symptoms were so bizarre and such a broad range that I never thought one thing could be causing all of it. Then I started forgetting really important stuff like paying my light bill, which is not like me because I had money and am conscientious about my finances. So I asked my aunt to take my checkbook and pay the bills. I was having muscles spasms so bad that I couldn't get out of bed. I was having charley horses but even the muscle in my lip cramped up, which is odd, and continues to this day.

Shortly after I went to the ER, in June 2010 the medic on the job site, Katie, told me I ate too many pickles and had digested too much potassium. I am guessing Katie worked for BP, because she was located at the front of the barge where BP staff was stationed. I quit eating pickles, but my muscle spasms didn't stop. Last weekend I had them so bad that I had to lie in bed for two hours and not move. I couldn't unbend all of my fingers, and I looked like an 80 year old woman with arthritis. On the side of my calf, you could see the indent where it was happening. And I had cold sweats, so I had to walk around the room to try to get it to stop. My ribs hurt from it. Sometimes days and days after I get these spasms I'm tender and it feels like someone beat me up. On the barge it happened frequently, then when I got home I would get it about once weekly, and now I get it once month.

I believe in early August 2010 Ms. Carol sent one of her girls to work with us for a day to witness the conditions. She nearly had a break down by the time she left. She said "That is the most insane job that Jamie and Susie have to do, they are crazy. I would have left." I let her go home early; she had tears running down her cheeks and said she couldn't do it. She was stuttering, beside herself by how hard it was. I found out that she had to take three days to calm

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herself down and lay on a heating and ice pad. I said, "See, I'm not being unreasonable." Ms. Carol told her boss Mr. Craig that the working conditions weren't realistic, and he said, "Well, if they don't want their job they can leave." That whole episode was after I went to the ER, and they had hired additional workers.

In late May 2010 and early June 2010, a woman who worked for Miller was placed in our barge, because they thought it would be better to put her with us since there were females. She kept complaining about the living conditions and nose bleeds, and Mr. Curry said, "What do you think this is, a Holiday Inn? You're out here to work, and in a man's world." Instead of fixing the conditions, they made her move out and made a rule that only GIS personnel could live on the barge, because it was GIS property. As GIS employees, we were told we couldn't complain.

My symptoms continue to this day. Sometimes I feel like I ate razorblades, as if I would have swallowed something with a lot of sharp edges. My throat is severely irritated and burns with fire if I try to drink something with too much acid, such as coke or anything spicy. Then two days later I am completely hoarse. Then it goes away and I am back to this cough. It is like a constant vicious cycle. It got progressively worse and worse and worse. Before I went to sleep I would be in socks, and now I have a foot that looks like fish scales. I began getting these rashes on my feet around December 2010. I've been to two podiatrists. One tried to tell me it was athletes' foot, another said it was swelling (detailed below). The podiatrists have done all of the tests and said that there is no explanation. My foot's exposure to these chemicals is that I walked on the galley floors that still had dispersed oil remnants regardless of how much I mopped.

I am the kind of employee who will do the job I need to do until I die. I have never been late and never failed to have a meal ready on time. I will get a job done under any circumstance you have. Susie is the same way, a very dedicated employee. But I could no longer function, so in October 2010 I called Ms. Carol and said, "I need to come home." I explained that I didn't feel well enough to work. I kept missing more work, and I was the person who never missed work. She said I could go back to my normal location in Galliano, Louisiana. At that point they had called in a catering company for the site I had been working at, because the numbers got so big that two of us couldn't feed all of them.

#### 4. DOCTOR VISITS

I went back to a normal location in Galliano at the Logistics Center. We house 80 to 250 people there. It is less stressful, less work. I thought my health problems would settle down, but they stayed bad. The galleyhand asked me what was wrong, and I told her I didn't know but I hadn't been myself. She said I was always sick and look like I'm going to die, but I kept pushing off going to the doctor. I got through Christmas and then in January 2011 I couldn't do it anymore. I started going to doctors.

The problems with my eye became more severe in October 2010. It was more aggravating than painful. Then I woke up one morning in November 2010 and my eye was swollen shut from

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puss. I stayed almost blind from one eye for almost a year. I went to work then I left to see the eye doctor employed by GIS told me I had conjunctivitis, which is pink eye. I could see people but not make out details. I did not gain sight back fully, but the eye doctor gave me an antibiotic drop that helped some. He never said, "Jamie, you need to see another eye doctor or run a test." The extent of his concern was, "Huh, I'll be damned."

I went back to work the following day. I put in my eye drops faithfully, but it didn't clear up. A few weeks later, I saw Dr. DeBellevue, an eye doctor at Walmart. He referred me to a retinal specialist. I was in the process of a treatment with Dr. Michael Robichaux ("Dr. Mike"), an ear nose and throat doctor whom I have been going to since I was a baby, and he cleared it up within days. However, the sauna was a component of the treatment, and it made me feel sick so I stopped doing the treatment and slowly the eyesight problems returned. Then I went to the retinal specialist in December 2010, who said there was good news and bad news. The good is that there was no damage to the eye itself. The bad is that because I couldn't see out of it, it means it's neurological. Odd that when I went through Dr. Mike's treatment, the two things that cleared up were my eye sight and memory at the same time, and this was further confirmed by the retinal doctor's analysis.

When I first got sick, before I knew the cause of my problems, I called and asked to see Dr. Hutchinson at Lady of the Sea, in the fall of 2010. I asked if they were taking new patients. She said yes and took my personal information. Then she asked me what the reason for the visit was and I said, "I'm not positive but I think it could be related to my time on the BP job." She said to wait, put me on hold for about two minutes, then came back and said "We are not taking new patients" and she hung up.

I then saw the neurologist. Most problems are on my right side; if the left part of the brain is damaged, it would be the right side of your body that is damaged. Since April 2011 Dr. Mike, another doctor, my lawyer and the social security office have called and faxed the GIS company eye doctor who treated me for conjunctivitis and told him they need the medical records. However, to this day he won't release them. I personally called and asked how to get them and did what they instructed, and they still wouldn't hand the records over. When my lawyer and I called around November 2011 the receptionist said, "Jamie's medical file is in a lawyer's office, because the doctor is getting a divorce and we need to figure out how much money he made." My medical file should have nothing to do with his divorce. Regardless, since then nothing been handed over. GIS operates this way; they are very quick to pass the buck onto someone else.

On July 1, 2011 a podiatrist out of Ochsner Hospital New Orleans also told me she didn't think my foot swelling could be due to my exposure. She told me that there were only two things that could cause it; a blood clot in my leg, or a mass or tumor that could be putting pressure on the nerve. However, the podiatrist's office called to tell me that both tests came back negative. I asked, "What do I do if both of the tests came back negative, and my foot is still swelling?" The

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receptionist said they would call me back, but they never did. To this day my foot continues to swell.

The things I remember and don't are weird. Right around the time I got sick on the barge in June 2010 is when I started noticing my memory loss. I didn't really notice it was a memory problem until I started writing things down on calendars and making lists. Then I realized this was more than me being too busy. It gradually progressed into severe problems. People I knew I would forget. And then some days I could remember everything. In December 2010 I left my house with no pants on; I was going to work with a shirt, drawers, and no pants, until I got half way down the road in my car and realized. I laugh because it is funny, but it's not funny. I have lived in Houma for six years. In the summer of 2011 I went to Houma and got lost, for four and a half hours. I couldn't remember why I went to Houma, or where I was. I had to call my little brother and ask. Then my aunt asked me why I didn't use my OnStar GPS, and it didn't even occur to me.

We make a lot of jokes to try to keep on the upbeat side, but it gets really frustrating. I call my aunt and tell her I'm losing it, because I'm not used to this. I used to be able to tell you the vehicle identification number of the first car I ever owned. Numbers are how my brain works, and now I can't tell my eyes from my head sometimes. I went to school for music, and part-time I taught singing and piano until the oil spill happened, from age 22 to 32. Now I can't remember how to play the piano. I sit at the piano and I cry, because I know that I should know how to play it but I can't remember.

## 5. CHEMICALS IN BLOOD

I didn't report my memory lapses when I was working on the barge. I never put it together that this was related to the BP job, until the summer of 2011. I had gone to Ms. Carol's office privately, because we were close and friends. I told her I needed time off to see a doctor to figure out what was wrong with me. She told me to take the time to figure out what is wrong, and that she would cover for me and find someone to fill in if I needed more time. All of my problems were so far off from each other, who would have thought that my foot, eye and memory problems could all be related?

I contacted my aunt and she saw an article that said Dr. Mike thinks there is a connection to the spill. Before I saw Dr. Mike for treatment, I had consumed almost nothing for two weeks. I went from 320 to 280 lbs, and eventually I lost 70 pounds. I couldn't hold down food, I puked vile. A photo of my bloody vomit is included in this affidavit as Exhibit 1. My blood sugar was so low I was about to pass out. Dr. Mike had not made that connection when I was first seeing him. However, he began finding high levels of chemicals from the oil and dispersant in people's blood, and they were having the same health problems. I went back to Dr. Mike, and he reminded me I was constantly exposed to the oil and dispersant chemicals when working on the

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barge. At first I said no, even though I touched their clothes and mopped the floors. I kept telling him that at age 32 I'm just getting old, until I saw my blood test results.

They tested me for a Volatile Solvent Profile test, which identified the chemicals used in the oil spill in my blood. An copy of my test results is included in this affidavit as Exhibit 2. Out of the 10 chemicals they tested me for, I was positive for seven. The other three were in me, but below the detection level which meant that, while exposed, they would not harm me. My benzene level was in the 90<sup>th</sup> percentile and toluene was in 95<sup>th</sup> percentile, which are harmful levels. When I looked up how they affect health it looked like reading my medical records. Almost all of the health symptoms associated with exposure to the chemicals in my blood test has happened to me. Most prominent, with toluene, it listed blindness, seizures, nausea, vomiting, skin rashes and neurological problems.

The Material Safety Data Sheets (MSDS) for Corexit list several of the health problems I am now having, and they still used over two million gallons of it throughout the Gulf. However, when I saw doctors they denied that I was exposed. I am a music teacher and a chef. I didn't work in conditions that would expose me to these levels of toxicity, until working on the barge. When I lived on the barge, for 24-hours a day I was exposed. I would be outside too, breathing in what they were burning, without a respirator or a Tyvek suit. I had an apron, a hairnet, a spatula and some rubber gloves, and they told me to go in the midst of this dangerous chemical environment. Yet they were willing to tell me that the dispersant mixed in with the oil I was cleaning was as safe as touching Dawn dishwashing soap? Then a year later I have health problems that I have never had before working on the barge, and my employer had the nerve to tell me that my work environment didn't do that to me.

After Dr. Mike helped me make the connection between my exposure and my health problems, I called Ms. Carol and told her, "I just saw the doctor, and he thinks that the reason I'm sick is from the chemicals from the oil spill." We hung up and I went to see my first lawyer, Theo Nugent. I didn't know at the time but he owned a company that was contracted out by BP, so I ended up leaving him. I took a week off and got by blood tested.

## 6. RETALIATION

From May 2011 until November 2011, after my boyfriend moved in with me, I had weird things happen at my house. Someone had been there several times. After I met with Dr. Mike, he told me to start keeping a journal to catalogue my health problems. Nothing was stolen but someone ripped out the beginning pages from my journal and rearranged things in my house. One time I came home and my trash was folded neatly in my garbage bag. Someone dug through my filing cabinet and went through my night table drawer, because papers were scatter and items and rearranged. They glued down the lose tiles on my floor. I think someone was trying to mess with my head, because how are you going to call the cops and report these instances? One time I came

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home and my tea candles were lit. However, tea candles only burn for four hours, and I had not been home for 20 hours.

The first week of April 2011 I was at Dr. Mike's, and I spoke with a reporter. She wrote an article that quoted me and was later posted on Yahoo News. I didn't even know at that point I was on the Yahoo News. However, Ms. Carol called me on April 12 and said, "Mr. Craig questioned me and I wouldn't tell him anything." He kept asking where I was and why I was out and what kind of medications I was on. He was harassing her about me and she said, "You will have to ask Jamie." She felt it wasn't right for him to be harassing me, because I was sick. She warned me, "Jamie, if he finds out that you are raising concerns, you will be fired." She told me, and it was later confirmed by several of my girls, that Mr. Craig had held a morning meeting, and said that if anyone who worked on the oil spill felt that they needed to see a doctor, they first have to see the GIS doctor or else they will be terminated. He also said that if anyone went into litigation with BP, they would lose their jobs. Then he asked if anyone felt they needed medical attention, and no one said anything because of course they were scared. I said to Ms. Carol, "Well, I guess he will have to fire me, because it's too late, I can't go back to the doctor and say 'Can you unsee me?'" I was sick and missed two weeks of work, but I had doctor's notes.

I can't imagine having to go through this without medicine or rest. I don't know how the others do it. Susie and another former coworker who worked on the barge, "Ms. Cindy," refuse to go to the doctor, because they are both scared of losing their jobs. They both worked in Grand Isle when I did. Susie, who was my assistant and did almost everything I did, constantly has respiratory problems and is always with flu like symptoms, but she doesn't have the flu. Her ankles were swollen to the size of melons when we were running the barge. She would put pillows at end of the bed to prop her foot up, and we thought it was due to her being on her feet for so long and they continue to swell, just like mine. I am beginning to think it's something else, because I'm not working currently and my ankle still swells. It can't be fluid, because the rest of my body is not swollen. It puffs up and hurts so bad, because the pressure is on it and I limp. If I stay off it for days I am ok, but I can't live the rest of my life in bed because of my foot.

One of my high school friends contacted me in September, 2011 because her mom works for a motel, which is located on Grand Isle and housed the BP cleanup workers. She was changing their beds and washing their clothes, which is part of her job at the hotel, and she ended up with the same list of symptoms as me; blind in one eye, one swollen foot, and memory loss. When people that she knows started getting sick and coming forward, she wondered if it could be related and if she should try to get the blood test that I took. I arranged for her to get the blood test and it came back highly positive. She is in the 95<sup>th</sup> percentile for ethylbenzene, hexane, 2-methylpentane, 3-methylpentane and isooctane. Her benzene is in the 90<sup>th</sup> percentile.

Ms. Cindy also felt sick around the time I did, and is still in bad shape. She didn't start working in Grand Isle until late summer. She cleaned the office buildings and trailers that the clean-up workers stayed in. She has a rash all over her body that comes and goes. After she washes a

batch of dishes her arms will flare up in red patches. When we were working back at the barge together, one day she showed me her back and it was covered in these small red rashes of pumps. But after Mr. Craig held the meeting that all employees had to see a company doctor, Ms. Cindy grew scared. She is in her late 50's and so gullible it's not funny. She is mild tempered, meek, trusting and would never do anything to hurt anyone, and he scared the heck out of her. She was crying, she said she knew she was sick and could not pay the bills without a job. I understand that, I need my job too, but someone needs to hold them accountable. I'm not going to compromise the life of myself or others. Just as I'm not going to watch a lady get mugged, and not chase down the mugger. I always stand up for what I believe.

When I returned to work on April 30, 2011 it was a hostile environment and everyone was walking on eggshells. There were more cameras, and they started timing our breaks. Two days later Ms. Carol was fired. Mr. Craig and Eric Callais from Human Resources went straight to Ms. Carol's office. No one knew what was going on, but she started to box stuff up. Then she came into the galley and was crying. She said "Bye all, they are letting me go." Mr. Craig and Mr. Callais had her by her elbow and escorted her out of the building; they wouldn't let her stay to say goodbye.

Then Mr. Craig told me, "I want a meeting with all of the employees now." I rounded up the crew of 13 that I supervised. I got everyone in the galley and we were all crying because we loved Ms. Carol. "It is nothing personal; we are eliminating her position due to cutbacks and unfortunately sometimes it starts at the top." Then he looked at me, because she was my immediate supervisor, and I was second in command. Ms. Carol ran the bunkhouse and I ran the galley. After her firing he was in charge, so if I called in sick I had to report to him. I always had a doctor's excuse by Dr. Mike. Mr. Craig started making more new rules. He told us if we left work and arrived in the middle of the day we had to fill out an accident report, because GIS was tracking employee illnesses. Before if you were sick and got a replacement, they didn't care. As long as the position was covered and the jobs got done they were lenient. I asked him why and he said, "We're tracking the wellness of our employees." Then he gave a drawn out lecture about loyalty.

The day after Ms. Carol was fired I confronted Mr. Craig about the article I was quoted in. He said he didn't know what I was talking about. But I said, "If you read it, I want you to know I am the one who got sick." I said "I didn't look for this. I am a faithful employee, for six years I've done it all until the point of impossibility. I work until I bleed. If you feel I hurt GIS by my making statement to the press, I'm sorry. I never said anything about GIS, I said something about BP." We're in a small town and everyone knows who I work with, but I didn't say anything about my employer in the article. I asked him to be patient with me about my doctor's appointments until I figured out what was wrong. I said, "If you need to fire me, do it. It's not my fault I'm sick, I didn't ask you for this. I had no idea I was sick from the oil spill, and that is what the doctor found. If it was you sick or someone in your family you would have a different attitude." He didn't look at me while I was telling him this.

He went on a mission to drug test me, and I told him he could. I told him "I'm not a drug addict, I've been with the company for years and I have never failed a drug test." When you get hurt on the job they test you right then and there. He also made a rule that we had to have doctor notes if we were sick. He knew I couldn't afford to always go to the doctor, but that I needed to stay in my bed. Still, I was fine with this rule until I found out it only applied to me. I came back and the dispatcher, the bunkhouse's secretary, asked me if I had a doctor's excuse because she didn't want to be questioned. So I gave it to her. Two days later the night cook needed time off and couldn't come in. When she later came in I asked if she had a doctor's excuse, and she said she didn't and I asked if she was asked for a doctor's excuse and she said no, they never do ask her. It upset me that it only applied to me. So the next time they asked me for a note, I said, "Why don't you ask the night cook for hers?" I think they caught on that I had caught on, because they stopped asking me for doctor notes.

Then Mr. Craig started requiring the accident reports. When I got sick they wouldn't let me leave and go home until I got an accident report filed out. It's ridiculous, because the flu or other symptoms are not accident related. When I questioned it he said GIS is starting a new thing and tracking the wellness of their employees. A few weeks after they put the policy in place I wanted to know if they were only tracking our wellness, since we were the department that went to Grand Isle, or if there were tracking other departments as well. I have a friend who works in the main office. I asked if they have new rules put in place and have to fill out an accident report when they get sick and have to leave. She said "No, I've never heard of that. Who told you that?" I said no one and left it alone. They really wanted me to quit.

Mr. Craig tried everything he could to find a reason to fire me but he couldn't, because I do my job. I was with the company for six years, I know the boss personally, I helped organize his kid's baby showers and weddings, yet he stopped talking to me and ignored the fact that anything was going on. I'm the only one treated this way, because I was the only one who came forward that I was sick. "

In November 2010 I was at work and I wasn't feeling well and went to the bathroom. I didn't come back after several minutes. My galleyhand came knocking on the door and found me and I woke up, confused. She asked if I was ok and I asked why and she told me I had been in there for 45 minutes. The last thing I remember was sitting down to pee. Dr. Mike explained that I must have had a seizure. After that, Dr. Mike felt strongly that I needed to stop working. I refused for a long time. As my symptoms progressed and I realized that I couldn't continue to work, in June 2011 Dr. Mike put me on medical leave, and I provided GIS the doctor's note. However, in the beginning of August 2011 I got a termination letter that stated I did not have a doctor's note.

## 7. THE CHASE

Shortly before I was terminated, in late July 2011 I was driving to New Orleans to visit my aunt and noticed a truck driving through traffic like a maniac. It was weaving through traffic for about

10 minutes, and was approaching me. When it closed in the driver stopped weaving and followed me really close for 15 to 20 miles. Then he sped up next to me. I didn't recognize the guy driving the truck, until I saw the logo. It said GIS, and I recognized it as one of our four company trucks. I tried to speed up ahead to pass him but he sped up too, and wouldn't let me get around him. He made me nervous so I called my aunt and said, in case something were to happen to me, truck number 162 has been following me and is driving like an idiot. When I hung up the phone with my aunt he drove into my lane and actually tried to run me off the road. I called my friend and made it obvious that I was writing his license plate down and showed him I was reporting him. Then he finally left me alone.

All of our vehicles have GPS locators, and this was after I was publicly sick. I think he followed me from home. I live only a few miles from the GIS office. It's a small town and everyone knows what everyone does and drives. I wasn't watching to see if anyone was following. At first I felt threatened when he tried to push me off the road. Then I felt like "Really, after everything you tried to do to me GIS, now you are going to try to run me off the road?" Then I was angry. After the incident I called my lawyer and asked if he thought the incident on the road was a coincidence. Lately I have been paranoid, because I have so much going on. He said if I feel like I'm being threatened, I need to report it. That same day, after the chase stopped, I called the company and repeated the truck number, time and place and told them my name. If they sent him after me, they will know that I reported him. If not and it happened to be a coincidence, then he is reported for bad driving and I am hoping he got reprimanded.

#### 8. WILL NOT BE SILENCED

I don't know what they think they are going to get by watching me, because I am not doing anything that I'm not supposed to. I am a single parent of a child that is not even mine; he is my nephew. My parents adopted him, but my mom was too sick to watch him so I raised him since he was 10 weeks old and took care of her too. My mom died when he was 11, so I finished raising him on my own. His name is Daniel. I am doing the best I can. They can try to run me off the road, but they aren't going to stop me from talking about the dangerous environment that my coworkers and I were forced to work in. All they are going to do is make me fight harder if they try to keep scaring me. When we stand together, we're not as weak as they think we are. Alone I am weak, but against a united voice they are in trouble.

It's not about the money. I don't want one penny, because it is dirty money. If I win my lawsuit, the money can go to charity. All I want is to go back to work so that I can take care of my life and Daniel like I used to. I can sing in six languages, I got a scholarship in music, but now just to be able to sing along with a choir in church is painful. What BP and its contractors took from me is more than they can give me back in any amount of money. My culture, my talent, is God-given. God gave me that voice and they stole it from me.

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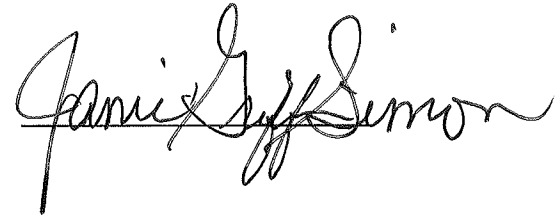
Sometimes it gets really frustrating to think that they had total control to stop this. I understand what happened. If what happened after the spill were an accident, I would be the first to say it happened, and it is God's will to take life as it comes. But they did know that these chemicals were unsafe and still allowed people to handle them and breathe them. BP can't use Corexit in its own country, but our government allowed BP to come into our country and harm so many of us. That is why they need to pay for what they did, or else they will do it again knowingly. They have blatant disregard for human life. I am Native American, and we are taught to respect all of God's life. To subject kids to this is unbelievable, and generations of these children will suffer from this. The satisfaction of them having to get up and admit they are wrong, to say, "We're sorry, this is our fault and we have taken responsibility for our actions," will be good enough for me.

There is nothing I have said that I would take back. I am not the type to regret things. I do what I do because I feel it is right. I'm faithful and I will stand up until the day I die. I wrote a letter to BP that I plan on reading in court, because they should know what I went through. A copy of the letter is included in this affidavit as Exhibit 3. I am not just a number, I am a person. What they did was wrong. If they didn't want people to know, they shouldn't have done it.

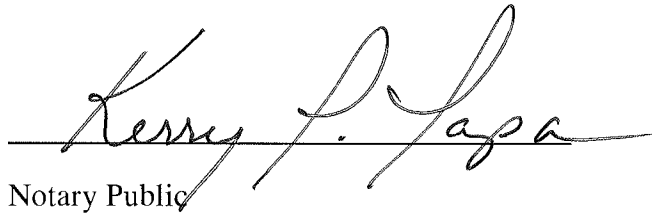
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I have read the foregoing 15 page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on February 28, 2012.



Subscribed and sworn to before me  
this 10<sup>th</sup> day of April, 2012

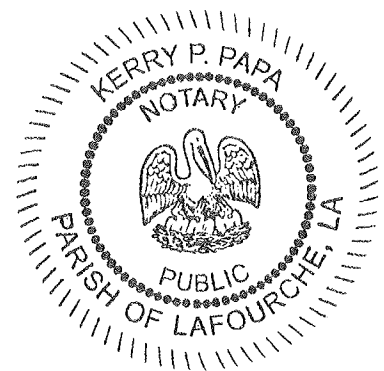


Notary Public

My Commission expires on: w/ life

KERRY P. PAPA  
NOTARY PUBLIC  
PARISH OF LAFOURCHE, LA  
COMMISSION IS FOR LIFE

NOTARY ID NUMBER  
026361



John

## AFFIDAVIT

My name is John Gooding. 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 48 years old. My wife and I lived in Mississippi from 1989 until 2005. We almost lost our home in Bay St. Louis, Mississippi during Hurricane Katrina, and I did extensive repairs to make it livable again. I was near finished renovating our home when the Deepwater Horizon exploded. I have a history of lung disease. However, the symptoms were dormant over the last decade. After the spill my respiratory problems came back and I began to experience new symptoms, such as seizures and sensitivity to seafood. I live near the coast and a landfill where the oil waste is being dumped. I periodically took my boat into the bay after the spill, when waters were reopened for public use.

Due to my health, we could not live at our home on the bay after the explosion. I have run my own cabinet business since 1991 in Pass Christian, Mississippi, and that is where we now live. It is approximately 86 miles from where the Deepwater Horizon explosion occurred, and six miles from the coast. However, my business and capacity to work has declined sharply since the spill. It has been a nightmare trying to receive compensation from BP for my health and business losses. I am not afraid to speak out about the problems with BP's Gulf Coast Claims Fund (GCCF), or about how the process discriminates against the poor, handicapped and sick.

### 1. BACKGROUND

I grew up in Hagerstown, Maryland. I was 12 years old when I moved to Mississippi. I went to college for music education at the Houston Community College. It is a music conservatory branch of Rice University. I had seven years of architectural drawing and design from general schooling. After the storm, I spent August 30, 2005 through thanksgiving in my truck helping my neighbors recover. My wife asked me to help a few neighbors, and within four days I was helping 42 families. I provided all of our local hospitals, church groups and all the military camps ice with my truck.

My home is two football fields off of the coast, in Bay St. Louis. In 1980 I developed lung disease, which is why I am multi-chemical sensitive. I had over 20 lung surgeries, with over 100 metal staples inserted from 1980 to 1987. During that time I spent over one years in the hospital. They eliminated my pleuritis, which would cause my lungs to inflame. Now my lungs are glued to my ribcage. I don't have any pleura, which is the membrane of tissue that envelops lungs. The staples are supposed to hold my lungs in place. I was still able to build and run my cabinet business, but I was always cautious as to what I was exposed to. I didn't know there was a name to my chemical sensitivities until recently, after the spill. I could never be around strong smells, such as women with perfume or laundry detergent. Since the spill my sensitivity is drastically

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greater.

I built another house in Pass Christian to run my business out of. In 1991 I began my cabinet shop at that location. After the spill I had a financial advantage over my friends, because everything I own is paid for, whereas others were losing their possessions. Right before the oil spill I was down to the finishing touches on my home that had been damaged by Katrina. My wife and I were living there again. It was approximately two football fields from the coast. Since the spill I have not stayed in my house on the Gulf due to fear of exposure.

On April 26, 2010 I was working on my shop in Pass Christian. It is about six miles from the coast. I was working 26 feet off the ground on a ladder, and I got a whiff of the chemicals from the oil spill. After April 26 I started to smell burnt oil anytime the wind was coming from the south; however, I didn't learn until later that it was due to the burning from the oil spill. My whole body started shaking from the smell, and my eyes began to hurt. My throat swelled up and I could barely breathe. I did a few jobs since then in an effort to accomplish something, but my health problems escalated until it got to the point where I would pass out in the shop when I was around chemicals.

## 2. SURROUNDED BY CHEMICALS

When the oil landed on the Mississippi shores on July 1, 2010 BP and BP contractors started dumping the oil waste four miles north of the shop, at Pecan Grove Landfill.<sup>1</sup> The county supervisors eventually made them stop doing that. But after the initial dumping I was sandwiched. It didn't matter which way the wind was blowing, because I would either get chemical exposure from the land grove or the beach. From July 1 through July 19, 2010 when I tried to work from my shop, I would go in at 6:00 am and work until Noon, at which point it would be 120 degrees inside. I did it for 19 days, and I finally realized that I didn't know I was breathing in the chemicals because I had become acclimated to the odor. The burning was continuous but once the oil approached, I had constant exposure to the smell. Before then I would notice the smell, because it would come in waves; you could only smell it if the wind was blowing toward us. By July it became a consistent smell that permeated everything, from the air to the upholstery of my furniture.

I would work 10 to 15 hour days. Sometimes I would take a break and go fishing at the end of the day. I had a truck permanently hooked up to one of my boats, so it would only take me 15 minutes to go fishing. I had a boat launch at the end of my street. Life was great before the spill. As a tradition, on June 13 a few friends and I went fishing. We were sitting under the Bay Bridge and I smelled a chemical scent, which was the oil closing in. We were trying to get a fishing trip

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<sup>1</sup> Molly Hennessy-Fiske, *Oil Spill Waste Raises Concerns in the Gulf*, Los Angeles Times, Jul. 30, 2010, available at <http://articles.latimes.com/2010/jul/30/nation/la-na-oil-spill-waste-20100730>.

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in before the oil came in. I smelled it the whole time and after that my throat felt raw; it was real sore and sensitive and had a constant burning feeling. It stayed that way and has not gotten better. My lungs started hurting as well, and several health problems followed such as seizures, mouth sores and Multiple Chemical Sensitivity (MCS) (detailed below). At the time, I thought that I had a chemical burn.

Everyone who goes to my house on the beach in the bay then has problems with their eyes or sinus. I took Al Jazeera reporters to the bay, and they got sick.<sup>2</sup> They told me they felt irritation in their eyes and sinuses, flu-like symptoms. It is toxic down there, but there is widespread denial by media and local politicians from the Gulf that there are health problems associated with exposure from the oil spill.

### 3. "VICTIMS OF OBSERVATION"

On June 13, 2010 when my friends and I went fishing we were out there for eight hours. My friends had traveled a long distance to fish, and we stayed because there was no oil yet, but the Vessels of Opportunity (VoO) workers – vessel owners and fishers hired by BP to clean up the oil - were already in the Gulf. We were fishing around the booms that the VoO workers had placed in the water to clean the anticipated oil. They were riding around in riverboats, which didn't belong in the Gulf, because the boats would split or capsize if the weather got bad and there was a large wave, for instance. I have two boats called "unsinkable boats," because they can handle big waves.

I have claimed the phrase, "Victims of Observation" for the VoO workers, because all they did was ride in their vessels. I was personally familiar with seven boats in a row riding back and forth for a few months, from June through August 2010, rarely collecting oil. I had a few friends who are older fisherman. They worked on VoO and were told a lot of troubling things. For example, they would be fined \$150,000 if they rescued an animal. If they saw oil, they were instructed to tell their supervisor, but not report it over the radio. If they wanted to wear a respirator, they would be fired. One of my good friends who worked on the VoO program had to have his ears operated on afterward, and another had to have his gallbladder taken out. They did not have these health problems prior to working on the cleanup.

### 4. DISPERSED OIL ENCOUNTERS

I went in my boat on August 13, 2010. By that point the local news, government and Coast Guard said it was safe. However, when I went in the bay I saw oil. I noticed my boat made its own scum line when I put it in idle and turned it in a circular motion. My prop was stirring up

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<sup>2</sup> Dahr Jamail, *Sick Gulf Residents Continue to Blame BP*, Al Jazeera, Sept. 11, 2011, <http://www.aljazeera.com/indepth/features/2011/09/201191716821664814.html>.

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whatever was in the water and creating an orange foam substance that looked like the soap from a dishwasher. I believe it was a mixture of Corexit and oil, because I had never seen anything like it before. When I looked in the water there were countless little white specks which would coagulate and make the foam. There were BP workers at Henderson Point, MS, so I went to them and pointed out the oil. They gave me a zip lock bag and asked me to get samples and bring it back to them. I tried to get a sample, which was near impossible; I scooped up what I could of the foamy oil with the bag. I always have a container of fresh water in my boat to wash my hands, so I washed my hands and took the sample to them. From there on out I noticed that when I or other boat owners drove our boats in the shiny spots of the oil, that foam substance would develop.

By the summer of 2012 I had been in my boat several times to take reporters to Cat Island, Mississippi, which was affected heavily by the oil spill. I took reporter David Clow out on June 23, 2012 and while we were out there collecting tar logs, I saw this same foam substance and a C 130 plane fly over us. I also witnessed this foam in the mouth of the bay when I took two people from Washington state to Cat Island on July 11, 2012. During that trip, I collected a 5 gallon bucket of tar logs.<sup>3</sup>

According to the Mississippi Department of Environmental Quality (MDEQ), Corexit is no more dangerous than Dawn dishwasher soap, and it was supposed to dissipate and be environmentally safe within seven days. On October 23, 2010 my wife and I went out on our boat. We saw a dolphin cough seven times, and it sounded like an old man with a smokers cough. We went to a nearby fishing pier and saw a large crab floating on the water. Normally a crab will see you and go away. This crab was alive and just floating around in a circle. We went further past the Pass Christian side of the bay and saw a white foam substance. A large Albatross was in the middle of the foam, barely moving.

We stayed in that location for 45 minutes waiting to find out what to do with the bird. My wife called WLOX, the local news station for south Mississippi, to report the bird for rescue. They gave her a BP phone number, and when she called it BP gave her a phone number to an animal rescue service, which instructed us to retrieve the bird and cover it up. We were informed that someone would contact us to retrieve the bird. My wife used fishing net to retrieve the bird and covered it up with her jacket. She washed her hands right away. However, after that incident her hands stayed red for two days. We took the bird home and put it in the bike shed until the next day. No one contacted us; we had to find someone to take the bird for us. It was a long process and then a big joke. I thought, "Gee, they are saying it is safe to be in the Gulf, but we are finding this oiled bird and we can't even get it help." You would think that our local media

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<sup>3</sup>Joshua Guerci. "Storm Surge: Cat Island." YouTube. Sept. 5, 2012.  
<http://www.youtube.com/watch?v=0m5eZHxM2JA&list=UU02CdzXBFSQqEkPdQW4QJZA&index=1&feature=plcp>.

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would want to cover the incident, but no one seemed to care when my wife contacted WLOX about the situation.

On November 10, 2010 I put my boat in the water again. I saw oil in the water and I called BP to report it. I was in front of a children's catholic school in Bay St. Louis. I went to the pier with some glass jars and took samples of the water. They are currently in the fridge of my house on the bay. While I was there the Department of Marine Resources came up in a boat and asked what I was doing. I told them I was taking samples of the water. I showed them what I collected, which included the white foam dots in the water. I contacted the MDEQ when I got home and a representative came to my house. He took samples from the water I collected that day in order to test it. He asked me if I could take him out on my boat the next day, November 11.

I took him out for approximately four hours, and we collected water samples. I showed him how I could find the oil just by seeing the shiny spots. The first time he took a sample he had gloves on and put a GPS log in his book and wrote it down the chain of custody. He did this twice. Each time he took a sample I took one as well; however, I observed that I had twice as many particulates in my jar as he did. He told me that he would share the test results from those samples and from the samples he collected from me on the previous day, but he never did.

## 5. HOSPITAL VISITS, CHEMICALS IN BLOOD

On November 11, 2010 I went to the Bethel Free Health Clinic, located in Biloxi, MS. While I was in the waiting room a staff member from the clinic came in and announced that the clinic had received a check from BP for \$15,000. She proceeded to show us a giant sized check. The clinic is receiving money from the National Institute of Environmental Health and Sciences (NIEHS) as well, in order to treat people who are sick from the spill. When I saw the doctor at the clinic he wanted me to take anti-depressant pills. He did tell me that I have hundreds of lumps called muscle tumors, however, the clinic only prescribed me anti-depressants for treatment. When I asked for throat spray and antibiotics the clinic gave me a referral for a pulmonologist and told me to apply for social security. I never went back to the clinic, because it felt like a scam.

More than six months later I was still experiencing severe health problems, and I was not receiving proper treatment because I did not have a reliable doctor. On August 23, 2011 I attended a public meeting that Kenneth Feinberg, administrator of the Gulf Coast Claims Fund (GCCF), was speaking at. I asked Mr. Feinberg about the process to file a medical claim. He said I needed a note from the doctor to be eligible. My wife encouraged me to go to the hospital that night, because my insurance was going to run out.

I went to Gulfport Hospital at 8:00 pm, and I saw a doctor at 1:00 am. He didn't have my

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medical files in his hand when he saw me, and he didn't seem interested in my health. He only looked once at my throat very briefly and said he couldn't see anything that was wrong. Once he said that, my wife was stunned. She told the doctor that I had agreed to see him, because she was so concerned about my throat. My throat was continuously sore, and I would wake up in the middle of the night from pain. However, the doctor continued to assert that he didn't see anything and asked if I had a history of mental illness, as if implying that I was imagining the problem. At that point, I looked at my wife and suggested we leave. However, before leaving I asked for a note saying I had an existing lung disease. I further explained that my throat has been raw since I went fishing on June 13, and I believe it is related to the BP oil spill. He responded that he would not write a note or get dragged into a BP lawsuit. He told me to see a pulmonologist and get a biopsy for a tumor that I had on my tongue.

I am not fond of hospitals and I avoid going. However, since the spill my wife has had to call the ambulance several times when I am on the floor from a seizure (detailed below). If I am able to communicate, I refuse to go. I have learned that it is a waste of time as soon as I mention that my health problems are related to exposure from the oil spill. My whole way of life has been affected since the spill. I am supposed to eat small portions several times a day to keep my blood level under control. I cannot eat after 3:00 pm because of the acid reflux problems that I have been having since the spill. That is supposedly what is wrong with my throat; repeated acid reflux – which consists of heartburn, regurgitation and stomach discomfort - causes a chemical burn. I understand that it is a common symptom for people with exposure from the oil spill to have acid reflux, because as my doctor explained to me, the endocrine system is affected by the chemicals and burned. The toxins store in your fat cells and the brain is 70% fat. That is why I am now having the seizures. I took a Metamatrix blood test for the chemicals found in the dispersant and oil, and I tested for one of the highest levels of contaminated blood at that time. My blood test is included in this affidavit as Exhibit 1.

My friend told me that the Louisiana Environmental Action Network (LEAN) was paying for people to take the Metamatrix blood test. I called LEAN on February 1, 2011 and I had my blood tested two days later on February 3, 2011. LEAN paid for the test and Dr. Michael Robichaux (“Dr. Mike”) drew the blood. Dr. Mike is one of the few physicians to my knowledge who was willing to draw blood for the test. He is the nicest man; he opened his doors an hour early so my friend and I could meet him. He took us to the hospital to have our blood drawn. Out of everyone we passed, all the nurses would hug him, and the men would shake his hand. He is a former Louisiana state senator. He walked us back and drew our blood. I was shocked by how easy it was. Prior to that experience, I often called doctors who would put me off for three months before I could see them. That is what the power of LEAN is doing for us here in Mississippi. Now LEAN and Dr. Mike are providing a detoxification program for people impacted from the spill. I don't have any faith in the doctors around here, but I do have faith in Dr. Mike.

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In June, 2011 I tried to see lung doctors, but they would not see me unless I went through the Emergency Room (ER) proxy. It is about a \$2,000 per hospital visit, because you have to get several tests done before they will even see you. However, these lung doctors were the only options in Mississippi. In September 2010 my health insurance ran out, because my income basically ended in April, 2010 and we couldn't afford to keep paying the premiums.

## 6. HEALTH SYMPTOMS

In late February 2011 I blacked out on my floor for an hour. At noon I was cooking something, then I lost consciousness and woke up an hour later on the floor and my food had burned. A couple days later I was talking to my friend on the phone. We were discussing the results of my blood test for the first time. During our conversation I went into a seizure. I blacked out and my friend told me he could hear me flopping on the floor. Another time I was talking to my daughter, and I got a really bad headache. I sat down and blacked out and then apparently had a seizure. I don't know when they are going to occur. Sometimes when I have seizures I turn blue because I am not getting oxygen. It concerns my wife and me, because she works during the day and I am often alone.

Dr. Mike and a neurologist I am seeing explained that I have different kinds of seizures. Pseudoseizures are when I'm unconscious. Sometimes I am aware, sometimes I am not, but I can't do anything. I have had six grand mal seizures in a row, which are the most intense seizures; you have violent muscle contractions and a loss of consciousness. My heart rate drops really low to 36 beats a minute. Then I go into a grand mal seizure and my heart rate jumps from 36 to 140. When I come out of it I am extremely disoriented. In December 2011 I injured my knee from having the seizure. I have probably had over a hundred seizures since February 2011. In one week I had four seizures. I had never had any seizures in my life until the oil spill took place.

For a long period after the spill my throat constantly hurt, my ears would itch and my sinuses would act up. When I looked in my throat I could see blisters and yellow puss sacks which the doctors are calling cysts. I have developed a tumor on the side of my tongue.

The less energy I exert the better I feel. This has completely affected my lifestyle and sense of purpose. I used to work 10 to 15 hours a day on historic restoration projects, and now I spend most of the day sitting. Before the oil spill I rebuilt and restored our historic home on the bay. It was completely gutted after Hurricane Katrina, and I rebuilt all of the windows and the entire back half of the building and raised it up. I did the electrical, plumbing and brick work. Now I can't do anything without putting myself or someone else in jeopardy. I have accepted no longer being able to drive, because I don't know when a seizure will occur. My greatest fear is hurting someone else by blacking out and crashing my truck.

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## 7. SEAFOOD

Before the oil made it to the shores, I went fishing three times under the Bay Bridge. It was supposedly still safe according to government officials to be in the water during that time. During one of the trips I caught a big red fish and I grilled it. It was a healthy looking fish – no mutations or lesions. I ate it and went to sleep. When I woke up I was in a pool of blood from rectal bleeding. After that experience I decided I would not eat any more fish. I also told a good friend of mine that he needed to stop eating shrimp and seafood. He loves seafood, so he kept eating it until the end of the summer. But then he started getting sick.<sup>4</sup> He has Crohn's disease but it was dormant for 20 years before the spill. Then, after the spill took place it became real bad; he had chronic bloody diarrhea for over 45 days. He would get skin rashes, and he had to use a nebulizer to breathe properly. After he got real sick he also became concerned that the seafood was not safe, because when he ate it he observed that his Crohn's disease would get worse. It's difficult to know what is and isn't safe, but after my body responded adversely to the fish, I cannot take any more risks.

According to the FDA if you eat five Gulf shrimp a week, there is a 1 in 100,000 chance that you will develop getting cancer. Of course you won't get it right away, but what could happen years down the road? If you smoke cigarettes you won't get lung cancer that day but if you keep smoking it is possible to develop cancer. When that happens, it is going to be too late; this is going to be a cancer belt from Florida to Louisiana. What is really disgusting is that the government is pushing the Gulf seafood onto our soldiers all across the country at the military commissaries. I saw it on the news as part of a public campaign to feed Gulf seafood to these soldiers and their families.<sup>5</sup>

## 8. ANIMALS IMPACTED

My dog Blue started having seizures in November, 2010. They started off real small. She would drop to the ground and start acting funny. We took her to the veterinarian and they put her on medicine twice a day. It got progressively worse, and she began having the grand mal seizures that I am now having. We lost her on May 12, 2011 at 12:34 am. It was very sad. She was my best friend; she was the dog that always was with me. Before that we lost BeBe around the same time when all of the dead dolphins were washing up. One day she was bouncing and playing. The next day I saw her go to where my dogs normally go to have puppies. I saw half a puppy sticking out of her. I went up to her and put her in the shop. I pulled the puppy out and it was

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<sup>4</sup> Jason Berry. "Charles Taylor of Bay St. Louis discusses health problems from the BP oil spill." Vimeo. Oct. 6, 2011. <http://vimeo.com/30157895>.

<sup>5</sup> Kari Huus, *Panel challenges Gulf seafood safety all-clear*, MSNBC.com, Dec. 27, 2010, [http://www.msnbc.msn.com/id/40494122/ns/us\\_news-environment/t/panel-challenges-gulf-seafood-safety-all-clear/](http://www.msnbc.msn.com/id/40494122/ns/us_news-environment/t/panel-challenges-gulf-seafood-safety-all-clear/).

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dead. I came out the next day and her whole uterus had come out and she had died. She only had the one puppy in her and her entire uterus came out. It was very peculiar, because one day she was playing and two days later she was dead. Two photos of the dead puppy and my dog's uterus are included in this affidavit at Exhibit 2.

Their exposure was the same as mine; they were with me every day. A few times they joined me on the boat after the spill and sometimes they would swim at the dock of the bay. Blue would alert me before I had a seizure. She did it the day before she died. She had a certain sound she made and then a few times I remember waking up from a seizure and she was licking me, trying to wake me up. Almost every night from November until she died I had to get up and tend to her because of her seizure. I would nurse her, but in the end it was terrible.

## 9. MEETING WITH GOVERNMENT OFFICIALS

On August 23, 2011 gulf activist Cherri Foytlin arranged for a group of Gulf residents impacted by the spill to go to Washington DC and meet with government officials. We met with a contact from a government agency that has oversight responsibilities pertaining to the oil spill health response. We met in the cafeteria of the Ronald Reagan Building. We discussed our blood test results with the government contact, and she said that there is little that can be done after exposure to these chemicals.

Another contact from the same government agency told us "You all are being asked to prove something that cannot be proven; you cannot prove you're exposed or that oil went into your body." In the end, the officials that we met with explained that the government is going to run a 10 year study, the Gulf Study, to evaluate our health. However, they proceeded to share that our medical problems boiled down to the issue of health care, and their agency is not in the health care business. They stressed that we need to contact our congressional members about our concerns, because they could not address this issue alone.

In January 2011 I sent a letter to my congressman and several other government officials regarding the widespread health problems in the Gulf following the spill. The only response I got was from Louisiana Governor Bobby Jindal's office, which recommended that I get an attorney. I called the officials' respective offices and got the runaround. When I called Attorney General Jim Hood's office his staff told me that it is a problem for the Mississippi State Department of Health (MSDH). I spoke with a top official at MSDH who said, "I am the right person to talk to, but we only deal with syphilis and gonorrhea."

Attorney General Hood's staff also instructed me to contact Dale Sandler, principal investigator and chief of the epidemiology branch at the National Institute of Environmental Health and Sciences (NIEHS). She is in charge of the Gulf Study. When I spoke with her she explained that

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the Gulf Study was only about to begin and it was a study, not a medical treatment program. A few days later a representative of SRA International called me. SRA International is a professional health research firm that NIEHS is collaborating with to conduct the Gulf Study. The representative recommended I go to the Bethel Free Clinic.

## 10. CLAIMS FUND

I first met Kenneth Feinberg on August 23, 2010 at a public meeting about the GCCF. I explained my existing lung disease and how it was exacerbated by the odor from the oil spill. He told me that I had a legitimate claim, along with people who have asthma or breathing problems. He said that I just needed to prove it through doctor's verification, which I later submitted. The doctor verification is included in this affidavit as Exhibit 3.

I again saw Mr. Feinberg at a public meeting on January 10, 2011. There were about 300 people in the audience. Feinberg said that the GCCF had only received approximately 480 health claims by January 10, 2011. At that meeting I read him a note about how his process excludes the poor, sick and handicapped. I asked why the GCCF provides an attorney, but not a doctor. I explained that the government had neglected the damages caused by the BP syndrome. I read, "After today, if you don't fix it, you and your process will be neglecting the suffering from the BP syndrome." After I read that aloud, Mr. Feinberg did not respond, however, a lot of people started standing up and saying they were having the same problems filing a medical claim with the GCCF. I met a lot of other sick people, and we started getting together and organizing. When I got home I wrote a letter to state and federal officials detailing my concerns. All I have anymore is time and I'm glad to share it. Time well spent if you're holding the government accountable.

I used to make on average \$650 day; my hourly rate was \$65.00 an hour and I worked on average 10 hour days. Now it is not possible for me to do that work due to my health. I don't make any money. Before my wife lost her job this year, she was making minimum wage and didn't have any benefits. They sent my wife and me a check for \$11,000 and a final settlement offer for \$25,000 if we would accept it. However, if we settled then I would waive my rights to take future legal action against BP. I went around and around with the GCCF trying to explain that their calculations were incorrect, but their offer did not change. I made in five months what they want to pay me for 24 months. We finally reached the point where it was necessary to cash out the \$11,000 check. It was not a final settlement but we may be fixing to settle up, because we can't stretch out money that far. I can't qualify for social security due to my prior income. If we accepted the settlement check, I wouldn't qualify for social security again.

We did not accept the final settlement check, but I was still denied disability. I would rather get my health back and return to work than take BP or government money. Under social security I filed for disability. I have learned that they deny most people the first time. There was no reason

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stated for denying me disability; I was just denied. Similar to the predicament with accepting the settlement check, I wouldn't qualify this time around for disability because we had to cash the check for \$11,000.

## 11. DAILY STRUGGLE, HURRICANE ISAAC DEJA VU

My friend and I last went fishing on June 13, 2010. We were trying to get in fishing before all the seafood became contaminated from the oil and dispersants. I had no idea I was going to get this sick. I thought I had chemical burn from breathing the burnt oil, but that it would go away once I took medicine and life would get back to normal. My main worry at that time was that my business would collapse, because I wasn't receiving any phone calls for contract work. Everyone I know, from brick layers to carpenters and other specialists who I have trained are in dire straits. Their families are falling apart. They are losing their property, one item at a time. My friend explained that he is watching his entire retirement savings funnel through an hour glass. About two months ago I told him he could take my 3.4 ton truck and a ladder rack and start working for himself. He has not been well enough to get the ladder rack onto the truck and work. I understand, because when there is something that I desperately have to do, I now pay for it physically.

After Hurricane Isaac on September 6, 2012 I walked along the beach and I found thick rubbery tar logs and what looked like oil sheen. I could see what looked like Corexit foam flowing through the water. There was a heavy smell from the dead animal carcasses; I saw dead birds and nutria on the beach. My symptoms got worse immediately after that. I had a seizure that night, and I was incapacitated for a few days. Since then, the tumor in my mouth has started hurting real bad. The pain in my throat is extremely painful; similar to having strep throat, it feels raw. Sometimes I lose my voice. If I am irritated and raise the level of my voice then I sometimes lose my voice in the middle of a word and I have to stop and drink water.

Fortunately in the weeks since going onto the water after Hurricane Isaac, my symptoms have let up some. I still feel weak and tired all the time, and I have difficulty sleeping. But those have been chronic problems since I got sick after the spill. For almost a year I have been sleeping in a reclining chair, because due to my respiratory problems it is too painful to lie all the way down. What concerns me most is that since Hurricane Isaac a lot of people I know have become sick with symptoms characteristic of strep throat or the flu.

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I have read the foregoing 11 page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed September 13, 2012.



Subscribed and sworn to before me  
this 14 day of October, 2012



Colin T. Bourgeois  
Notary Public

My Commission expires on: \_\_\_\_\_

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## AFFIDAVIT

My name is Jorey Danos. 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 31 years old. I am originally from Galliano, Louisiana which is 30 minutes north of Grand Isle. I currently live in Thibodaux, Louisiana, which is over 100 miles from the Deepwater Horizon site. I worked on BP's Vessel's of Opportunity (VoO) program as a deckhand from May 2010 through August 2010. Throughout that time, the dispersant Corexit was sprayed heavily in the locations where we were supposed to be cleaning up oil. When I requested a respirator, a BP representative told me that wearing one could result in my termination. I subsequently got very sick, and high levels of chemicals from the dispersant and crude oil were found in my blood. I have not worked for 30 months due to my medical condition. However, some of my acute health problems subsided after going through the Gulf Coast Detoxification Program (detox program). I still don't know what the long term damage will be to my health.

### 1. MONEY TOO GOOD TO PASS UP

Before I worked on the cleanup I was in the fabrication industry. The fabrication industry fluctuates; you have work at some periods and then it gets slow and you look for additional employment. A friend of mine was working on the VoO program, and they needed an extra deckhand. He told me the pay was \$300 a day and I accepted. During the spill I worked my uncle's company, Danos & Curole Marine Contractors, which was contracted by BP for the VoO program. For two months I worked in Venice, the closest job site to the Deepwater Horizon. During my final month on the VoO program they transferred us to Grand Isle, which is 50 miles from the Deepwater Horizon.

I experienced health symptoms while I was on the VoO program. However, during the time I thought that maybe it was just a cold. I had an ongoing cough and respiratory problems; it was difficult to breathe (detailed below). In hindsight, I realize that BP paid us to keep our mouths shut about any health problems. If we could be make \$3,000 every ten days, should we pay attention to the health effects or risk termination by asking for additional Personal Protective Equipment (PPE)? People around here don't make that kind of money. I like to work and do whatever is necessary to provide for my family. In July, 2011 when I lost my ambition to work, I knew something was really wrong and started paying closer attention to my health.

### 2. INADEQUATE TRAINING AND EQUIPMENT

Before we began work I took a three-hour shoreline basic cleanup course administered by the company Falk Alford in Houma, Louisiana. However, it was about beach cleanup and our objective through the VoO program was to clean up the oil offshore, before it hit the beach. The course explained that we would be working with regular crude oil and the PPE would be given to us. I was not offered any additional courses.

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In May, 2010 the first time we went offshore basic PPE was on the boat, including one box of Tyvek suits, latex gloves and rubber boots. After that we had to ask for more equipment if we needed anything. BP wouldn't provide PPE on its own until images showed up in the media of cleanup personnel without protective clothing. The latex gloves were so cheap that they would rip, and we would be touching the dispersed oil barehanded; it would get into my skin and burn. After my exposure to the dispersant I would develop bumps that within 24 hours turned into sores, like a blister or boil. Our rubber boots often didn't fit so we couldn't wear them. During the cleanup BP had speed boats that checked on us and asked if we needed anything. When we did ask the BP representatives or contractors for better equipment, they would tell us there were going to get them, but they would never return with the equipment.

I realized how pungent the Corexit was and wondered why I didn't have a respirator or the right equipment. I asked a BP representative or contractor – I don't recall which – and he told me that if I had one, all of the workers would want one, and it would look bad for BP if the news coverage caught footage of a bunch of workers with respirators. Then, a month and a half into the job, in June 2010 when a BP representative came up on the speedboat and asked if we need anything, I again explained my concerns about breathing in the Corexit and asked him for a respirator. He started laughing and said, "What do you need it for, that stuff isn't bad; we breathe it in all day and it isn't doing anything to us." He explained "If you wear a respirator, it is bringing attention to yourself because no one else is wearing respirators, and you can get fired for that."

### 3. BP PAPER TRAIL

BP controlled the oil spill cleanup through a series of release forms that shifted the responsibility from BP to the workers if we signed them. Each time a specific issue came up, such as when the environmental groups raised concerns about the turtles and birds getting sick, BP would respond with an optional release form for us to sign. If we did sign it, we did not receive a copy of the form for our own records; rather, we were just told to sign in several places and they would keep the forms for their records. We were supposed to then call a specific number if we saw any sea life in distress. The only literature or paperwork our boat received was a brochure that explained how to respond to sea life in distress. In addition, we had invoices on the boats to calculate the amount of time we worked for our payroll checks. We did not receive any literature on health. I signed a consent form for the sea life. Then we were informed, "If you need anything, we need to know who you are." However, when I or other workers witnessed distressed sea life and tried to follow BP's response guidelines, we couldn't reach anyone or would get the run around when we did. The system was so unresponsive that I refused to sign additional paperwork.

BP had a release form for health effects related to the spill. It essentially stated that if we got sick BP had personnel at headquarters to get us evaluated. If they didn't find anything wrong then we would be on our own to seek medical attention. A BP representative told us, "If you have someone sick you have to report here and call this number and someone will come get you and

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we will take care of it.” He went on to explain that if someone were seriously ill, we should call the Incident Command Center, run by the Coast Guard and BP. The very ill person had to acknowledge that he or she wanted to receive medical attention before someone else could report the problem. However, I repeatedly heard about stories when people who tried to get taken care of weren’t helped.

In July, 2010 a friend of mine who worked on the same boat as me in the VoO program was having upper respiratory problems, and he couldn’t breathe. He was an older gentleman in his late 50’s, and he thought he was having a heart attack. He was airlifted from the boat with a chopper and taken to a BP clinic. However, they released him the next day. He was told it must have been upper respiratory problems. After that experience, they asked me to sign the health release form during my last month on the job and I refused.

Once the oil was out of sight and out of mind, the cleanup personnel’s well being was disregarded. I get mad, because I felt blindsided by the health effects from working on the VoO program. In hindsight I realize that since BP covered its tracks with release forms, if workers later raised issues regarding health problems, such as reactions from the exposure to Corexit, BP could point to the form that most of the workers signed and say, “You’re on your own.” I don’t know from direct experience because I did not sign the form, but a lot of people that I know who worked on the VoO program and are now sick and have not been able to receive medical help.

#### 4. SPRAYED BY COREXIT

When they started spraying the Corexit we didn’t know what they were doing, because the dispersant planes would fly by at odd hours during the night or day, and we were not given information about the spraying. However, we quickly learned the days that they did and did not spray. The Incident Command Center provided coordinates for our vessel to go to. Each day they would give us the same marine chartplotter, a GPS used to navigate waters, with a longitude and latitude grid that would direct us to our cleanup location. We could track our different locations daily because when we typed our new coordinates into the chartplotter, it left a fingerprint of where we had previously been. We would be in miles of thick tar ball oil one day, and the next day they would slightly tweak our location. As we went to our new location, we would pass the location from the previous day and see and smell the dispersed oil (detailed below). This happened routinely.

When I was working on the VoO program, I was sprayed with Corexit four times in June and July, 2010. When they sprayed the dispersant it would break up the oil and leave sheen and weird metallic colors on the water. The increased sightings of dispersed oil corresponded with our health symptoms. There was an ammonia-like odor that would take our breath away. The dispersant was sprayed heavily – like when you spray a water hose into the wind, it will mist and spray back on you. I don’t remember the exact dates, but twice I saw C130’s that flew directly

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over us and then we entered a cloudy haze, even though it was a bright sunny day, and the oil looked like sheen. During those instances the dispersant directly hit me, including my face.

## 5. ADVERSE HEALTH EFFECTS

When I was working on the VoO program my mentality was, "I have a family. I need to take care of the kids. Don't worry about the health effects. I am making \$3,000 every ten days. I'm not going to find that kind of money anywhere else. Look beyond BP and the health effects." However, when I was sick I had a list of problems that ultimately inhibited me from taking care of my family. I am still fighting the residual effects of the chemical exposure today.

After I got sprayed by the Corexit, within 24 hours I had boils on my neck. They looked like a cluster of zits, but when I squeezed them blood and black puss would come to the surface. In September, 2010 I really began to notice my health problems. I lost over 45 pounds in three months. In September, 2011 I weighed 185 pounds and it steadily declined to 139 pounds within three months. I couldn't gain back weight for 10 months and I stayed at 139 pound until I went through the decon program. I had difficulty sleeping and often only slept two hours a night. When I exerted myself even slightly or sweat, my skin would flare up and would get red bumps all over my body. I couldn't be in the sun or even mow the lawn for more than a few minutes without dropping to my knees. To this day I am still experiencing the skin problems and I feel easily fatigued from minimal exertion.

I can't remember when my seizures began. Short term memory loss is one of the worst problems from my exposure. However, after I stopped working the seizures would come and go every other week. I did not know they were seizures at the time. Around September, 2010 I felt like something was neurologically off track, but I didn't realize what it was. I was cognizant of my surroundings, and could feel, hear and touch, but I was lost -- what I call "stuck stupid." I lived with abdominal pain for months, and I couldn't figure out why. It felt like someone had stabbed me in my side and poured alcohol over it, and the pains were sporadic. I lived with paranoia; my kids' bus stop is 15 feet from the front door, and I wouldn't let them go to the bus stop until I could see the bus, with a loaded 380 pistol behind my back.

I had to lie to my mom for three months while I was working on the spill, and tell her that I did not take a cleanup job. Margaret Curole is my mother, and she is the North American coordinator of the World Forum of Fish Harvesters and Fish Workers, an NGO that works with the UN's Food and Agriculture Organization to protect the rights of fishing communities around the world. She would educate me on the health effects that cleanup workers from Exxon Valdez experienced and everything that she shared I was actually experiencing at the time, such as skin rashes and respiratory problems. I also saw that being away from my home was taking a toll on my kids. My seven year old son was in bad health, and I needed to be with my family.

I quit the VoO program in August, 2010. My son passed away on November 16, 2011, two days after I finished the Gulf Coast Detoxification Program, due to health implications unrelated to

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the cleanup. After I stopped working on the VoO program I started seeing doctors. In September 2010 I had to go to a charity hospital in Houma, Louisiana. They told me that I had bronchitis and a chemical cough or cold, but they were not able to help me treat any of the symptoms. I was diagnosed with bipolar disease, schizophrenia, chronic bronchitis, and when I took a CT scan I was told I had gastrointestinal problems. However, all of the tests for these diagnoses came back negative.

## 6. GULF COAST DETOXIFICATION PROGRAM

Even with my mother's warnings, I was not convinced that my health problems were directly associated with my exposure. I needed more proof. However, in July, 2011 I found out that the Louisiana Environmental Action Network (LEAN) was paying for sick cleanup workers to get their blood tested for chemicals. I took a Volatile Solvent Profile, which tested for volatile organic compounds (VOCs) in my blood. The test showed that I had high chemical levels in my blood that are found in the crude oil or Corexit, including 95th percentile benzene and 95th percentile ethylene glycol. A copy of my test results is included in this affidavit as Exhibit 1.

Dr. Michael Robichaux, LEAN and Jim Woodworth, the former head of a 9/11 first responders detoxification program, began offering the Gulf Coast Detoxification Program in the fall of 2011. I went through the program for 38 days, from October 8 through November 14, 2011. I was one of the first people to go through the detox program. It was my last resort; conventional medicine had failed me. My routine during the program was very basic and natural. My diet included all fresh vegetables. I took Niacin, a type of B vitamin, used the treadmill for 20 to 30 minutes, got in a 180 degree sauna and sweat out the toxins. Old folks always say "If you have a fever you have to sweat it out." BP was the fever and I sweated it out.

When I began the detox program I still only weighed 139 pounds. The first week of the detox was miserable, because I had reoccurrences of my symptoms; I had paranoia and I couldn't asleep. However, I knew something good had to come out of it, because I was taking vitamins, sweating, eating well and exercising. By the second week I began to realize that I may have to live with residual effects from the damage already done, such as my skin rashes, but my attitude was changing. I was beginning to sleep and relax, my paranoia was decreasing and my earlier symptoms, including abdominal pains and seizures, were subsiding. I was gaining my weight back, and by the third week I was feeling noticeably better. I was eating healthy and could sleep again and do a lot of things I couldn't since the job. I could do some yard work again. I was getting better.

The detox program has a different phenomenon for each person. It not only helped me to accept the residual effects of my exposure, but educated me to live a better life. It taught me how to focus on what is in my control, through the way I eat and exercise, while expelling as many of the toxins from my body as possible. If it is natural, it puts a sense of well being back in the body compared to where it was during the spill. It opened my eyes to an experience I had never had

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before; I went from a living hell into an attitude that I could accept it is ok to be affected by these chemicals, but I can continue living. Despite the residual effects and unknown long term health consequences, I am feeling much better now.

There are ways to help manage the effects of the exposure. As an alternative to detoxification, there is chelation therapy, or IV therapy. It also uses vitamins to dilute the chemicals in your system and help your body expel them. It is important that anyone who is having health problems comes forward; stop worrying about what doctors and lawyers have to say and get yourself better before you're six feet under. I have perceived a climate of silence, where a lot of people are remaining silent about their effects because they either don't know why they are sick, or they are sick and think they will get compensation if they remain silent. What is the money if you're dead? The more people that come forward will help demonstrate the scope of the health effects from the spill.

## 7. PUBLIC HEALTH CRISIS, MEDIA BLACKOUT

A lot of the chemicals from the spill became airborne, turned into condensation and precipitation. Consequently, children and people throughout the Gulf Coast are affected, in addition to those working directly on the cleanup. A friend of mine worked on the cleanup, and he was having a lot of health problems, such as skin irritations and high blood pressure. However, he had no idea what was wrong with him. He had to take a test for diabetes, because the doctors thought that could be the problem. However, the test came back negative. His blood pressure is so high that now he can't get a job. Before the spill he didn't have any blood pressure problems; high blood pressure is a common health affect from the chemicals we were exposed to.

Nearly two years after the oil spill we don't hear anything in the media about the health effects. Why isn't the current public health crisis along the Gulf on Channel 4, AC 360 or Fox News? You have to go to the internet to learn what is taking place. I have to go on YouTube to see Gulf activist Cherri Foytlin, who walked from New Orleans to DC to make a point about the health of the Gulf. Kindra Arnesen has been vocal about the health problems since the dispersant spraying began in her community in Venice. Why do they have to go to Facebook and YouTube to get their stories out? Why isn't Channel 4 interviewing them and airing this coverage during the soap operas when every grandparent in the bayou is watching?

The media blackout is my greatest concern, because if people are not educated about health symptoms that could be a result of chemical exposure from the oil spill, then it is easier for BP and the government to ignore the scope of the medical impact. In February, 2012 Cherri Foytlin, musician and activist Drew Landry, and I We went to Lucedale, a small black community in Mississippi, to have a community meeting about health problems associated with the oil spill and cleanup. In preparation, Cherri contacted the local media and newspaper about it, and it was supposed to be more publicized then it ended up being. Only two people showed up; no one knew about it. Why can we turn on the TV and watch coverage about the Syrian dictator killing

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his people but there is not coverage about how BP is killing us out here and what we can do to help one another?

The meeting in Lucedale was held at a community park. Once word got around about why we were there, a handful of people showed up during the day that were involved in the cleanup and experiencing health effects. Before I said a word about my health problems, several former cleanup workers shared the same symptoms that I have: a cold year-round, shaky and paranoia. These workers were so poor that after the spill began and cleanup jobs were advertised, they traveled 50 miles from their house to work for \$12 dollars an hour. They get contaminated and sick like we did in Louisiana. There is a list of classic BP symptoms. If you fall into that category, stand up for yourself to get yourself better and stand up for the next person in line to get them better. My public relations campaign is to get this information out. The BP commercials are constantly running, "Come to the Gulf Coast and eat seafood." Where is the BP commercial about the health effects?

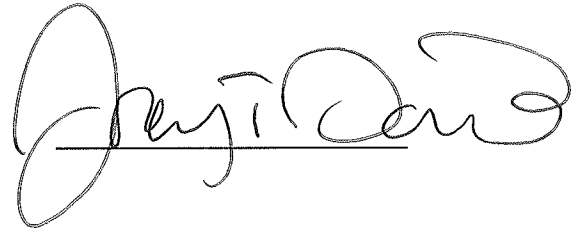
#### 8. DISFIGURED SEAFOOD AT MARKET

My local supermarket has fresh seafood catch. During my most recent trip in February, 2012 the shrimp sold in the market had no eyes. I have seen photos of shrimp with no eyes since the spill, but not in person. I know what to look for on shrimp; their eyes grow on their sides. However, these shrimp didn't even have the eye sockets. The red snappers for sale had black fungus looking spots and lesions all over their scales, right here in Thibodaux. Before the spill I used to catch red snapper; it should be a solid pink color. The salesman behind the seafood counter asked me if something was wrong, and if I had any complaints. My wife told me to let it be before we got frustrated with the situation, so I left it alone. However, I have never seen anything like that before.

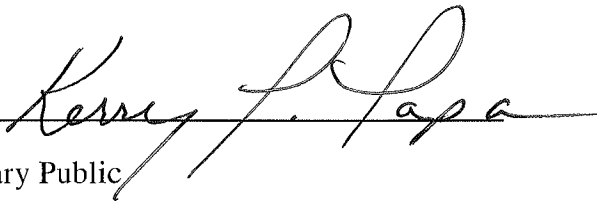
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I have read the foregoing seven page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on February 26, 2012.



Subscribed and sworn to before me  
this 10<sup>th</sup> day of April, 2012

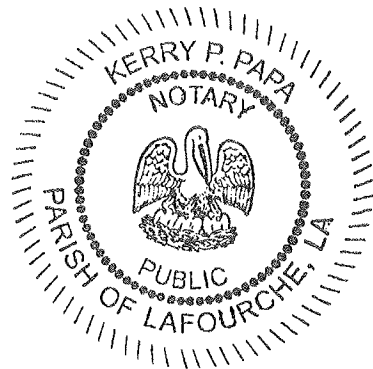


Notary Public

My Commission expires on: w/ life

KERRY P. PAPA  
NOTARY PUBLIC  
PARISH OF LAFOURCHE, LA  
COMMISSION IS FOR LIFE

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AFFIDAVIT

My name is Joseph George. 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 was a deckhand for the Vessels of Opportunity (VoO) program at three different sites in Alabama from May through August 2010. I started having health problems about two weeks into the job, but they progressed to the point where it hurt my throat to even speak. On September 5, 2011 I was diagnosed with throat cancer. I am 49 years old.

I have lived in Mobile Alabama since 1975. I have been a shrimper for 25 years. In May 2010, I worked with the VoO program as a deckhand in the Gulf side of Dauphin Island, approximately 100 miles from the spill. I took two courses on maintaining the boom and setting the boom. The VoO program did not provide any safety training. We didn't even have masks or a pair of gloves when we were out on the water. The oil by sight was about half a mile wide and eight miles long and two to three inches thick on top of the water.

Each day I had to arrive around 4:30 am to sign in. I was on the water from 6:00 am to 3:30 pm. We were told to ride around on the boat, look for oil and provide the lead boat coordinates for where oil was located. We would not lay boom, however. We would just watch the oil until it was time to go back to the dock. As I arrived for work, I would always see a Coast Guard plane fly over us toward inland right before daylight. I believe the Coast Guard took the coordinates during the day where oil was spotted and sprayed the dispersant on it at night, because we would go back to the same locations that we spotted oil at the day before and the oil would be gone for miles. By the time we got the boat out of the water and trailed it back to the departure location, it would be getting dark and we would see the Coast Guard C130 planes heading back offshore. I never saw them spraying dispersants directly, but the oil always would be gone the next day.

We asked my supervisor every day at Dauphin Island for safety equipment. We were only given boom and very few materials to work with. We wanted to pick the oil up, because those were our waters getting ruined. We need to make a living out there. The people in charge at the docks had an 18-wheeler with safety equipment but they told us it wasn't for us, it was for people on the beach who were walking. There was boom, garbage bags, latex gloves, Tyvek suits, rain suits and water boots. We just wanted to have it on the boat in case we did find some oil and could contain it. In late June 2010 VoO discontinued the boat I was working on at Dauphin Island. It was the draw of the hat; your boat comes up and you get laid off. However, I couldn't figure out why they laid us off at Dauphin Island. There was still oil out there, including tar balls washing onto the beaches.

I transferred from Dauphin Island to Dog River. I finally received gloves, garbage bags and boom. We patrolled the western part of Dog River. I saw slicks like oil sheen, whereas at Dauphin Island I saw crude oil. The sheen looks as if you took diesel fuel and poured it in the

water. Mother Nature basically heals herself with the sheen, because eventually it will evaporate. If we saw oil on the eastern shore, we couldn't go out there and give them coordinates on it. A different company was running the eastern shore, but it was still VoO personnel.

I was at Dog River for 28 days, and then our boat got laid off and I went to Bayou La Batre at the end of July. I was not offered safety equipment, and I didn't see any equipment there. They gave us a roll of garbage bags and gloves and that was all, but we were told we could not pick up the oil. I continued to provide coordinates when I spotted oil. After three weeks my boat was laid off. For all three sites that I worked at in the morning I just signed in and in the evening I signed out. I did not sign any forms or provide contact information when I was hired. The man on the boat would pay me directly, and he was employed by the VoO program. All I had was a badge that the VoO supervision gave me, and the boom certification. They dismissed the boat I worked on and it wasn't under contract anymore, but by that time the shrimp season waters were closed. In the summer of 2011 I began shrimping again, but I have had to stop since I was diagnosed with throat cancer.

My health wasn't as bad during the VoO program as it is now, and I didn't know at the time that some of my symptoms could be related to the spill. My health problems started progressing three months ago. My esophagus swelled up, and it would hurt to speak. My voice was scratchy. It was hard for me to even eat or swallow and I would spit up yellow mucus looking stuff all day. My ear hurts too, all the time. In the morning it is worse. Now I have to wear sunglasses if I go outside. Otherwise my eyes will burn when I am exposed to bright light. With the exception of being diagnosed with throat cancer, I don't know what these other problems are due to, but I didn't have any of these problems before I worked on the VoO program.

In the summer of 2011 I went to two doctors and spent \$400, because I don't have insurance. However, it didn't do any good. I went to the Family Medical Clinic in May 2011. The second doctor I saw in July 2011. Both doctors prescribed me the same thing, and unfortunately my health has only gotten worse since taking the medicines. The first doctor gave me two shots in my hip and put me on antibiotics. I reckon he just thought I had an infection, because he put me on amoxicillin. The clinic went out of business, so I went to another hospital in Mobile since my health was declining. I told the second doctor that I was prescribed amoxicillin already and it didn't help. He prescribed the same thing still, but gave me two shots. I have not been back to those doctors, because I was paying out of pocket and I only got worse after I saw them.

In September 2011 I was diagnosed with throat cancer and in April 2012 I had surgery for my cancer. I lost my ability to speak from my mouth and now I wear a devise from my throat to help me communicate. While I did not think to make the connection previously, no doctors have discussed a possible link between my health problems and my work on the VoO program.

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

Executed on June 28, 2012.

*Joseph Deerg*

Subscribed and sworn to before me  
this 27 day of July, 2012

*F. Vickers*

Notary Public

**F. Vickers**  
Notary Public  
Alabama State At Large  
My Commission Expires  
March 21, 2016

My Commission expires on: \_\_\_\_\_

My name is Kindra Arnesen. I am submitting this statement on August 15, 2011, 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 34 years old. I'm a resident of South Plaquemines Parish Louisiana, which is at the mouth of the Mississippi River. When BP's Deepwater Horizon exploded, I lived in Venice so I was one of the closest residents to the site of the spill, approximately 70 miles from the Deepwater Horizon explosion. I have since moved to a house that we've been rebuilding for six years, since Katrina. I moved in the first week of May 2011, and "For Sale" signs are still in the yard. The reason that the "For Sale" signs are in the yard is because of BP's negligence. I am very well aware of what oil spills can do to the unity of a community, to individuals, to children, to food sources, and everything that they touch and destroy. If sharing my experience can educate and help others, then I've done what I can do. I want people to understand what we're dealing with.

## 1. BACKGROUND

I was born in California but raised in Plaquemines Parish since I was nine. My step dad was a commercial fisherman, so I have been on the water on and off since I was 12. I have done every kind of fishing you can do other than long lining. I know the area, I know the water, and I know the people. I've been on my own on and off since I was 14, so my community helped raise me. They are my extended family, so we worry about each other. After Katrina we all helped each other clear the yards and rebuild houses. If someone is trying to add skimmers on the boat, we get out of the truck and help them. If the boys go out and kill hogs, they butcher them and bring them to the old people. We help and take care of each other.

My son was five and my daughter was eight when the spill began. After I learned about the public health threats of Corexit, I had to evacuate both of them. My daughter was already getting rashes within the first few weeks after the spill. Separating from them was the hardest decision I have ever had to make in my life, but I felt I responsibility to stay in my community and continue to try and get us help. Because I was an involved community member, I was given special VIP access as a volunteer community liaison to the Venice Operations Section of the Command Post in and the Incident Command Center in Houma, Louisiana.

Money has been real tight since the spill. My husband is a fisher and not only is our catch over 50 percent lower than it was this time before the spill, but we don't want to sell what we're catching; it's coming back with oil in the meat of the seafood and even deformities. I've spent most of my life on the water, helping catch. My step-father was a fisher. I know what healthy seafood looks like, and I have never seen anything like our current catch. As another source of revenue I owned a BBQ restaurant, but I could not afford to stock it and pay our bills, so I left it closed this year.

## 2. JUST ANOTHER SPILL, OR NOT?

My brother works offshore at times, so when the spill first took place our first concern was whether anyone was hurt. The workforce in Plaquemines Parish Louisiana is fisherman, oil field workers, and oil field support company workers. It is a very intertwined community. With some families, two brothers own a boat and have the same deckhand and alternate the captain job and the oil field job. So our first concern was where were the people on the rig, how many were killed, how many were hurt? We were talking about the families, too. Could we put any support groups together for them?

We have ongoing oil spills here, nonstop. There have been six or seven around this peninsula in the last 17 months. They are not all massive. For example, a barge hit a well during the spill, in June or July, 2010 around Barataria Bay and it was spewing oil into the air. The spill was large enough to require a cleanup crew. Discharge of oil into the water is an ongoing issue here. We'll go out there fishing, and there will be a 30 mile slick. If you go to the rig where the oil is pouring out the side like a black waterfall, call the Coast Guard, and go back two weeks later and it may still be discharging oil.

The Deepwater Horizon spill wasn't just another spill, though. It affected parts of our environment that are normally protected from oil. The Mississippi River is our source of drinking water. After the spill, they were allowing normal boat traffic to go through the oil and travel up the river without decontamination ("decon") until after the cleanup was said to be finished. In effect, we were concerned that our drinking water was contaminated but the parish never confirmed it. At first there were not decon stations, but there should have been because the boats were exposed to dispersed oil. After we raised concerns about the lack of decon stations, BP put stations in to make it look like they were cleaning the boats, but they were not. They did not use the stations until the end of a boat's job, if they even went to decon then. Many vessels were not cleaned by the decon stations at the end of the contract.

My husband David is a commercial fisherman, in both state and federal fisheries. He fishes red snapper, mangrove snapper and lane snapper, beliners, king mackerel, grouper, pompano, blue fish, blue runner, shark, mullet, white shrimp and brown shrimp. David has been fishing throughout the northern Gulf since January 2011. He said there is broken up oil floating everywhere. This is not surprising because oil reached the marshland in Bay Jimmy and Barataria Bay. The marshes are the most important part of our estuary. The estuary is the nursery to the aquatic species in the Gulf, the estuary acts as a filter. Also, a large percentage of birds migrate through the estuary each year. However, instead of cleaning and removing the oil, after the spill BP started using barges with a backhoe to dig up the oiled marsh, place it in rollup dumpsters, and dump the contaminated marsh offshore in the Gulf.

During the 2011 season offshore fishers were catching amberjack, king mackerel, and mangrove snapper with holes in the walls of the stomach, and black sludge in their stomach that appeared to be leaking into the meat. We're catching fish with lesions and growths that looked almost like a miniature brain. One of the fish looked like the growth was from his eye to his nose. We're catching shrimp with no eyes, and crabs that have black all inside of them.

I was raised to think spills were normal. When the Deepwater Horizon explosion happened, I figured the rig went down and they will clean it up, then we will move on with business. I'm ashamed of that, because I had no idea how much damage was really being done until I started researching this last year. It's truly, truly sad what they have allowed to happen to the northern Gulf.

### 3. WARNINGS FROM EXXON VALDEZ

The first few days we were just worried about the people who were actually on the rig. Then we were upset when we saw that the media was invading personal privacy by trying to climb over fences toward the family members who were waiting for news about their loved ones who worked on the offshore rigs. The first week after the spill I met Riki Ott, a toxicologist who worked closely with workers and communities after the Exxon Valdez spill. She came to Venice and we had a very small intimate meeting with only commercial fisherman and their wives. It was at the local council woman's restaurant for District 9, Marla Cooper. She is also the wife of the Vice President of the Louisiana Shrimpers Association, Mr. AC Cooper. At this meeting Riki started telling us the health symptoms to look out for. She explained how people from the Exxon Valdez spill had gotten really ill, that this was not a game or something to take lightly, and that we should demand respirators for the cleanup workers.

At one point during the talk Riki said that the Exxon Valdez workers got sick, and then she jumped to a different topic. I raised my hand and asked her, "Well, what do you mean they got sick?" She started to explain the things that they ended up with and the medications they ended up on. It's in the film *Black Wave: The Legacy of the Exxon Valdez*. She gave us a copy of the documentary and we took it home and watched it. It shows former Exxon Valdez workers with pill bottles all over the counter. I began to realize this isn't a quick death or something that you are going to die from in five to ten years. This is going to be a long, drawn out, medically expensive ordeal. I knew early on that BP, the contractors and the government weren't going to be providing respirators because none of the workers were wearing them. I have been pretty good at convincing people to do what I want them to do in my life, so I decided to get involved.

Right after meeting with Riki, on the ninth day of the cleanup I went out to Breton and Chandelier Islands with a camera documentary crew and a local charter fisherman. That's where



we first located dispersants, and then the first area that we located oil was about 15 miles from the islands. You can clearly see where the plane comes through and the strips where they sprayed the dispersant. There is no oil 15 miles anywhere in the area; it's just dispersants in the water. My friend Sarah Cury had a friend who worked at Louisiana State University (LSU), so we took samples of the dispersant in the water and Sarah took them to LSU. Shortly after, we heard announcements that LSU was getting a lot of money and around the same time the samples disappeared. Sarah kept trying and trying and trying and trying to get a hold of her contact that she provided the samples to, but there was no response. This stuff got sticky quick; people were spooked, I guess.

#### 4. EVACUATE THE VULNERABLE

After Hurricane Katrina, I had to live separate from my husband with my children. He came to Venice with a camper trailer. We were under martial law. At 5:00 pm there was curfew; no one was allowed to be on the roads. Emotionally we went through a lot. When you separate a family that is used to being together every single day - I fished with David every day for two years before we had Aleena - it really does something; I don't know how David and I are still together. Once I started researching the health problems associated with the dispersant that was being sprayed, I realized that at some point I was going to have to take my children and separate them from their dad. Aleena was already starting to break out in rashes (detailed below). I knew David wasn't going to leave; he was trying to get a job on the oil spill response, and I understood why. We had a family to look out for and figure out what we were going to do, and there was an opportunity to support us.

From May through mid-June I would wake up every morning crying because I knew I was going to have to leave, and then I would finally get mad. I would stop crying and go out and do what I had to do. Then, at night when I slowed down I would cry again, because I knew we had to leave. My friend was expecting a baby, so I sent her a lot of literature about the public health threats from the dispersant, anything I could get. I didn't want her on the Gulf Coast while she was pregnant. She was high risk and miscarriages were occurring more frequently during the oil spill, so I was persistent about her needing to leave. The second week of June my friend called me. I was standing on a dock waiting to board a boat to Barataria Bay. She said, "I'm taking my girls and I'm leaving." I said, "Can you do me a favor? Can you go to my house and get my kids and take them with you?" That was the hardest decision I have ever had to make in my life, but I knew at that point in time I couldn't leave. Because of the role that had dropped in my lap, I felt a responsibility to the people in my community.

My friend went to my house, packed up my screaming children, forced them into her car and left. David and I fought about it the whole night. He was really upset with me that I didn't leave with them, but there were several reasons and I felt I could send them with her and they would be ok.

People don't realize what kind of problems a disaster of this scale causes. I felt so torn over it, but so obligated to my children's wellbeing that I felt they needed to leave. I wanted to send them to a healthier environment even earlier during the spill, but we couldn't afford to.

We were in a trailer in Venice at the time of the spill. Katrina destroyed our home, but we didn't settle with our insurance until August 2009. Right before the spill happened we bought everything to reconstruct our home. Then BP happened and it shut the project down. David has been working on it for six years, and redid it completely. We were finally able to move back this summer and now we need to sell it, because we can't stay in this environment. We still aren't over Katrina; we still have stuff we're rebuilding. I had a BBQ restaurant, and we built my restaurant twice in two months. Because of the seasons I would only open it from the beginning of May until the second week of October after 2009. The first three years after Katrina was a false economy, because we had all of the cleanup crews and people rebuilding in the area. After Katrina, I realized I could open it in mid-March and close in mid-October, make good money, and then be off most of the winter which freed me to be mom during the winter. So I had the best of best worlds. The restaurant didn't pay my bills; it allowed us to go on vacations, shop and so forth.

After the spill, I had a choice. I could either pay that month's bills or I could stock the restaurant. I decided not to stock the restaurant; I left it closed. It is a good thing I did, because my mom manages the restaurant. I had to evacuate her with my kids the second time that my kids left Venice. My mom is 58, and she couldn't breathe after they started spraying the dispersants. During the spill, when we walked outside of my house in Venice, 50 feet from my front door there was a gray haze from the top of the trees to the ground. She lived in a FEMA trailer, and it was around 200 feet from her dwelling to our mobile home. She would walk into the door and be completely out of breath, heart racing, sweating and completely white in the face. Before the spraying started my mom was working hard and was generally in fine health. She smokes, but she used to go back and forth to my house 20 times a day and would walk perfectly fine without breathing problems. She's not the only one; there are other adults in our community who had no problems before the BP disaster and are now on rescue inhalers

My friend that had our kids went into premature labor after only having the kids a few weeks, so I picked up the kids on July 4, 2010 and came back down to Venice with them. I only remember it was July 4 because as we were driving down the road, BP was throwing a big firework display at the local lodge for BP personnel, contractors and responders. They also invited the local public. Five days later I called our timeshare and said, "Where do you have a condo that you can send me?" On July 9 we pulled into Branson, Missouri. We stayed for a week, and then I called the timeshare again and asked, "Where can you send me?" We had enough money for gas and food. I had no choice; my mom couldn't breathe and my daughter was breaking out in rashes, so I left. Within a week of leaving Venice, my mom was fine. Every time I took Aleena out of

Venice her skin would clear up. Then when I brought her back, she would break out in a rash again. She had little red dots, some were bigger than the others but it looked like something bit her. When it first happened I didn't think too much about it, but it was all over her torso and not on the bottom of her legs or her arms where a mosquito would bite.

The first week of the spill, we weren't knowledgeable about what was going on and I still let my kids go outside to play. Then by the end of the second to third week I had read enough and started to get concerned. I put the bikes in the shed and drained the pool. When I found out chlorine was a binding agent with other chemical compounds, I decided it wasn't a good idea for the kids to swim. I basically locked them up in our mobile home. [PlaqueminesParish.gov](http://PlaqueminesParish.gov) would send out automatic emails for the air sampling. The emails said "unusually sensitive people should refrain from exertion." At the local town hall meetings officials told us to stay inside and turn our air conditioning on recirculation.

## 5. OFFICIALS WARN, "STAY INSIDE, BUT EVERYTHING IS OK"

On May 13, 2010 in Port Sulphur, Louisiana we met with Darryl Willis, BP's public relations spokesperson for the spill, and representatives from the Occupational Safety and Health Administration (OSHA), the National Oceanic and Atmospheric Administration (NOAA), the Environmental Protection Agency (EPA) and the Coast Guard. One of the representatives told us to refrain from exertion if we got headaches or nausea. I asked, "How do we do that?" AC Cooper asked the same thing. We, the community, were really upset at that meeting.

At the meeting I asked Captain Stanton with the Coast Guard, "Don't you think the squalls forming over the Northern Gulf are going to pick up some of these chemicals, bring them inland and dump them on people?" He replied, "Oh, no, we're not spraying anywhere within 30 miles of land. We're spraying 30 miles and further offshore." We know they sprayed closer than that. But it wouldn't matter anyway if they were only spraying 30 miles out, because the rain clouds form over the northern Gulf outside of the peninsula during the mid-summer and into the fall; anything sprayed within 70 miles of the coast could be swept inland. We warned the representatives that we would be exposed to the pollutants from the spill, and they were less than unconcerned. At that meeting I was in tears, I feared for my kids. I came to the realization of how bad the situation was and that we couldn't rely on our government or the responsible party to recognize the problem, much less respond. When I walked outside Channel 10 asked me, "What are you going to do?" and I said, "I guess I am going to have to get my kids out of here, I have no choice."

My best friend's six-year-old went to the beach in Biloxi in 2010. The commercials said, "The beach is fine, you all come down." Four days after they left the beach her daughter slowly broke out in blisters all over from her knees to the ends of her toes, between her fingers and the mid-

section on her arms from right behind her wrist up to the middle of her arm. She still has scars all over and broke out in blisters all over her face. She had a pre-existing skin problem. The people who have pre-existing conditions seem to be ten times worse than anyone who was what I would call normal before this happened. That's the thing; parents knew their children's health, and for us all to be talking now and seeing the same problems after the spill is alarming. When the kids went back to school this year they were breaking out in the same rashes, over a year and a half later.

## 6. KIDS SICK, CAN'T GET TREATED

Frank Wesley, the national director of The Children's Health Fund based out of New York, came to speak with our community after the spill. During his visit another resident and I pushed for a medical unit. After the spill a lot of people lost their livelihoods, and a lot of people never got hired for the cleanup, so their income was shut down and I was concerned that a lot of parents would not have the money to see a pediatrician. In Venice, it is a seven and a half hour round trip to take a child to see a pediatrician because the closest one is in the West Bank across from New Orleans. Once you arrive, you have to sit there for three hours in our pediatricians' offices because they are all overbooked since Katrina. The gas is expensive and time adds up. I was concerned that a lot of people would have to make the choice to not take their child to see a physician because they were not in a position to pay for it.

After the Children's Health Fund investigated the situation more, it brought in a pediatric medical mobile unit in Port Sulphur in October 2010. They started examining the kids in the community, having meetings with parents, and realized there was definitely a need for a medical unit to examine and treat the kids. When Frank visited he conducted a tour of the schools and met the principals. When he went to Boothville Elementary in Plaquemines Parish and they opened the medical closet, it was full of nebulizers. A nebulizer is a device used to administer medication into a mist, which is then inhaled into the lungs to help with breathing. We have 400 children in Boothville Elementary. How many nebulizers should we have? Where's the red flag? What is causing that many breathing problems with that number of kids? That is abnormal. At Boothville Elementary we have sick kids all over the place who are suffering from upper respiratory infections, severe asthma, skin infections, blisters in between their fingers and arms and on their legs and their feet. Some kids have blisters all around their mouths and their noses. These kids were perfectly fine before the spill and the spraying of Corexit began.

We went to the EPA, we went to the Food and Drug Administration (FDA), we went to Gulf Coast Claims Fund Administrator Kenneth Feinberg, we went to BP, we went to our local officials, and no one cares to admit just how bad things really are. We were glad to get the medical mobile clinic, and I even went to the ribbon cutting. However, I spoke with Frank early on about the need to put the unit on the front road where people could see it so that it would be

utilized. It wasn't being utilized for a long time, because they first placed it on a back road and parents didn't know about it. Now the medical unit pulls out in front of the school.

I will go through a few examples to demonstrate the scope of the problem, but there are many more. One of my neighbors has two grandchildren that she has helped raise. Both ran sports and were perfectly healthy before the spill. Now the oldest child has heart palpitations and his heart races. He has chest pains, and the younger one has bald spots all over his head where his hair is actually falling out, and he has frequent nose bleeds. In another family where the grandmother has raised her three grandchildren, the eleven-year old was just put on medication because she couldn't stop throwing up. The doctors can't figure out what is wrong with her; it's been going on for months and months and months since the spill. They finally put her on some kind of stomach medication to control the nausea. The middle child is four years old; he has blisters from head to toe and upper respiratory infections. Before the spill, he was on antibiotics once in his entire lifetime. Since the spill he's been on antibiotics fifteen times.

My nine year old Aleena was a healthy, beautiful, vibrant, straight-A student, great kid. Now she is constantly sick, but in the last two months it has subsided some and I finally am at the point where I can talk about it. So far my six year old isn't as bad as her, but he's sick on a more regular basis than what he was before this happened. The government reported that the oil was gone and that Corexit had not been sprayed since July 2010. We believed them, so we brought Aleena and David back in August 2010. She has been sick with high fever, upper respiratory issues, and sinus infections every four to six weeks like clockwork, from September 2010 until two months ago. Now she complains every day and every night that her stomach hurts, "Mommy I'm nauseous, I feel like I'm going to throw up."

They gave Aleena treatment last week at school, because she had an episode; she could not breathe due to the chest pain. She went from perfectly fine to getting winded and chest pains from limited exertion. One day she took off trying to fly a kite and dropped to her knees with chest pains. We were in a Girl Scout trip in north Louisiana in March 2011. These were flat roads, and we were just walking. She started having chest pains 15 minutes into the hike. The doctors have her on Flonase to treat nasal congestion and a rescue inhaler. We finally had her diagnosed at Children's Hospital. They ran an EKG, which is a test that checks for problems with the electrical activity of your heart. It came back abnormal, so they called us back to see a pediatric cardiologist.

The cardiologist did the ultrasound on her heart and lymph nodes. A week later they called and told me she is ok. As far as her heart, they don't know what the chest pains are due to and want to send her to a pulmonary specialist. Last week when she had the episode at school I brought her into the mobile medical unit. The doctor said he doesn't think it is asthma. He thinks it's an anaphylactic reaction, which is a life threatening type of allergic reaction. However, months ago

when I took her to him, he said it was anxiety attacks. A lot of people in my community are having breathing problems since the spill, however, the doctors keep saying that it is due to anxiety attacks. If they are having stomach issues and throwing up, the doctors say it is acid reflux. If they are having skin issues the doctors say it is scabies. Aleena's breathing problems and chest pains may not have anything to do with BP, but it seems awfully convenient to me that she has gotten so ill repeatedly since I've brought her back to Venice. The doctors around here don't make a connection, though.

## 7. BP AND GULF DOCTORS IN DENIAL

Originally we were told and it was announced in the media that a medical mobile unit, separate from the pediatric mobile medical unit, was being brought into Venice by Health and Human Services (HHS). The media and local politicians announced that it would be for residents and workers. People who used it had to be triaged and sent in to see their doctor behind a security gate with BP security officer's line. The medical mobile unit was located in a BP compound.

In mid May 2010 I began breaking out in bumps that would turn into skin lesions. It continues to this day, though it is not as bad now. Two skin disease doctors told me it is staph, but the doctors at local medical clinics and at the medical unit insist it is scabies. I've been in Venice most of my life and scabies don't run rampant down here, yet the local doctors and medical unit continue to diagnose people with scabies. If it is scabies, it isn't BP's problem because it is a parasite. It started in my eyes in the middle of May 2010. It went from my eyes to little blisters on my neck, my chest and my shoulders. Two months later, at the end of July I woke up and found three knots in the back of my right leg. Within 24 hours it was nine knots and within 48 hours it was 27 knots. .

On July 26, 2010, the second day after I broke out with these knots on my leg I went to a skin disease specialist in Hammond, Louisiana who diagnosed me with staph. I asked the specialist "Can this be from scabies?" because I wanted to get rid of it. It was horrible huge holes. He told me, "Kindra, you don't have scabies." I asked, "How can you be sure?" He showed me a book with an adult's arms that show where the scabies looks like something goes into the skin and makes a tunnel. Later I went to an infectious disease doctor in New Orleans because I needed surgery on my back, and I had to be cleared for the staph before the surgery. They said it was staph too, and that it couldn't have anything to do with scabies. I had two specialists telling me it was not scabies at the same time people from our area was breaking out in the same type rashes and being diagnosed with scabies.

On July 27, 2010 I was in the heat all day passing out gift cards to people who didn't have a job and needed food money. By 5:00 pm I went to my house in Venice and told my husband something was wrong. I asked him to pull my jeans off because it hurt, and there were 27 knots

when he counted. The knots were really hard. The biggest one went from the tips of my fingers to the back of my palm, and was on the very top of my left leg right below my buttocks. It was horrible, the worst thing I've ever had to deal with. I have had adult acne since I'm 19. This is nothing like acne. It was so painful, and still is. When they first started there was no break in the skin; I thought something bit me, just as I had thought with Aleena at first. They itched and were the size of a green pea, but by the first night the knots on my leg swelled rapidly and it continued to escalate.

The night that it turned into 27 knots I went to the Plaquemines Parish Medical Clinic in Port Sulphur. I asked for a white blood cell count, and to test my thyroid because I had lost 33 pounds in six weeks. The doctor gave me a shot of antibiotics, did tests, came back and told me, "You have scabies." I told her, "I don't have scabies. I am aware that you and the medical mobile unit that are behind secure lines down at the BP operation section are diagnosing people that have skin problems with scabies. That is why I went to a skin disease specialist in Hammond and was diagnosed with staph." I asked her, "Why are you diagnosing people with scabies? You're asking them to put 5 percent Elimite cream on their bodies which is a pesticide. They already have all of these chemicals in their body, and you are misdiagnosing them and treating them for something that they don't have, while not treating them for the real ailment."

I guess she was mad and decided to hit me in the pocket, because I went to check out and it was over \$290. I asked what the codes were for and the assistant said that it was a liver and kidney test, thyroid test, glucose test, and a test for bacteria in my blood. I had bacteria in my blood, but it couldn't be identified until it went to the main lab for further testing. They took all of these extra panels that I didn't ask for or authorize. The doctor came out after I questioned the charges and said to me, "You asked for the test; you get what you ask for," and walked into the back. It's an embarrassing situation when you pay a physician to do a job and they do something like that; I felt helpless. It feels like we've been scoped out and lied to, and at this point who can we trust?

When I got home from the clinic I soaked in two pounds of Epson salt and two pounds of baking soda and hot water, every two to four hours. It basically stopped the break out. When I got out of the bathtub I sprayed it with peroxide, then alcohol, then benodine and triplot antibiotic cream and covered it with big bandages for the seepage because some of the knots burst and big chunks of rotten meat came out. Once I started the baths I didn't break out with more. Then I broke out again with one knot on September 27, 2010. It was my husband's birthday; we buried his dad that morning, and I broke out with staph that night.

To this day, when I get the blisters on my shoulders, they are little blisters that come up and turn green within a couple of days and pop. When they pop sometimes other ones will break down around it and it gets worse. I usually wipe my legs all day long with alcohol. It hurts like somebody has really, really, really cut you or it's a burn, and it doesn't go away like a pimple

would. These little spots will stay on my arm for about four or five weeks until they will go away and then all of a sudden the other arm will pop up with them all over the place.

The workers had skin issues too, and breathing problems and headaches. My husband is 44 years old. He was perfectly fine before this happened; he was the type of guy who would get sick once every couple of years, and now he's sick all the time. He wakes up, and the first thing he says when he starts to get sick is "I'm dizzy." Since the spill he has had high fever and upper respiratory infections, to the point where his ears get blocked up and brown liquid starts flowing down his ears. I know of a worker who went blind, had kidney failure, was passing blood and had rectal bleeding, and a lack of muscle control. I know another girl whose face and hands began jumping after the spill, as if she had an involuntary twitch, but it was the muscle in her face and hands. Now it is common for people around here to have muscle spasms, and for people to hurt from head to toe for no apparent reason all of a sudden. I went through that right before I broke out in staph.

## 8. BP AND GOVERNMENT TOWN HALL

On May 24, 2010 we had a town hall meeting. It was announced that Captain Roger Laferriere would replace Captain Edwin Stanton for the Coast Guard. At that meeting I stood up and got into a combative conversation with an EPA representative. On May 20 the EPA had issued a directive to BP to consider less toxic dispersants than Corexit, so at the meeting I asked if the EPA now endorsed the dispersant? He kept trying to talk around the question and I said, "No sir, this is a yes or no answer. Does the EPA currently endorse this dispersant, or does the EPA not endorse this dispersant." I finally got him to say "Yes, the EPA does endorse it..." The crowd cheered, because it took about ten attempts to get him to answer the question.

Then the floor was handed to the BP representative and I asked him, "BP says that you are going to be in this long-term, what is long-term and are you willing to put it in writing?" He kept saying, "Well, long-term is long-term." I said, "No sir, is it going to be six months, one year, five years?" He said, "When the federal government tells us that we fulfilled our responsibility then that will be long-term, however, BP has many assets in the northern Gulf and we have been here for 30 years." I responded, "No sir, the federal government doesn't have anything to do with this. Our trip tickets will tell you when we can make 100 percent of our income; that is when your responsibility will be fulfilled." Then I talked to Captain Stanton a few minutes and asked him questions.

One of the community's main concerns has been the protection of our estuaries. A lot of people don't understand how important the estuary is. Estuaries are the kidney of the United States; it is where all the pollutants go through, and your estuaries clean all of that out before it goes into the Gulf or whatever body of water the estuary borders. There are tens and thousands of acres of



estuaries; it looks like a lot of water, but it's really a lot of land broken up. It's important for the whole Gulf because a lot of juvenile fish come into the estuary to mature.

After the spill, the local fishermen sat down with me and we took several nautical maps and said "OK, they have a lot of current that comes in and out of this pass for tide, no current here, this is closeable, this is closeable..." and marked up the map for estuaries that needed to be preserved. A week before the town hall meeting, in mid-May the oil was projected to hit the west side of the peninsula so several fishermen and I went out there. Within a 35-mile span, which is the distance of the coast line between Venice and Grand Isle, there was not one response boat or piece of boom. There was one spot with 150 feet of sand bags dropped off to close one gap. They had a month to prepare before the oil was projected to hit one of the largest estuaries in southeast Louisiana, and they did nothing other than place 150 feet of sandbags.

Toward the end of the meeting I was talking to Plaquemines Parish President Billy Nungesser, and Captain Laferriere approached me and introduced himself. He shook my hand and said, "You seem like you're really involved with your community, we would like to give you a citizens tour." I said, "Really, that sounds cool. Why don't you step into the backroom for a second? Since you're taking over, I want to show you something from our perspective." The Captain and Darren Angelo, Billy Nungesser's right hand man throughout the spill response, came in the backroom of the gym. There was no table, so I spread the nautical maps on the floor. I explained that we wanted them to close off as much of the estuary as possible to protect it from oil; we wanted them to close the whole coastline in that area. We knew that it was possible because we have seen projects of that scale take place; since Hurricane Katrina the government has come up with a lot of money and built levees out in the water along the coastline.

After looking at the maps, I also told the Captain that I knew people on the land and peninsula who were getting ill, and that there were several issues I wanted to address with him. He said, "OK, we want you to come down to our base of operations in Venice and meet with our lieutenant commander and we'll move forward from there, but we definitely want to put you on a chopper and give you a tour." I guess at that point he didn't realize how much of this area I really do know, because he tried to send me locations that were not heavily impacted by the oil spill.

## 9. VIP ACCESS AND BP OPERATIONS

After the town hall meeting my family and I were gone for six days. We returned, and the first week of June 2010 I went down to the Operations Section on Coast Guard Road in Venice and met with Coast Guard Lieutenant Commander Pat Eiland for the first time. He brought me into the office and told me I needed to come down the next morning at 10:00 am to the local heliport in Venice to meet him to have my first flyover. I asked if I could bring a video camera and camera, and he said yes. He brought me out there, put me on as a "BP Volunteer and Operations

Section” and gave me an ID card. I didn’t know if I was legally bound; I was not fully informed at that point, and I didn’t really know what was going on.

They flew me out of the west side of the peninsula over Barataria Bay. What they didn’t realize at the time is my husband was not just a bird boat; David was *the* bird boat to pick up oil birds. He had a 34 foot crusader with tarp pulling in from the front of the cabin all the way to the stern, so the veterinarian liked his boat for bird transport. The whole thing was covered and the veterinarians would not put the birds on anybody else’s boats. The little boats went out and caught the birds, brought them to the veterinarians in Grand Isle, and then David went and picked them up with his boat and brought them to Port Sulphur. When he went from Venice to Grand Isle he would come through the Gulf side if it wasn’t rough, or else he would have to go through Barataria Bay. The day before I flew, it was rough and he went through Barataria Bay. The next day when I flew there was response everywhere; boats everywhere, boom everywhere, people everywhere. I later found out that I flew at 10:00 am that morning, and President Obama flew at 2:00 pm that afternoon.

The day after I flew, it was rough and David had to go back to Barataria Bay. I asked him “What is the clean-up response in Barataria Bay look like today?” He said, “Kindra, there is no response.” The day before President Obama flew and I flew, there was no response as well. I had an open door invitation to go into the 8:00 am meetings at the Venice Operations Section. At the morning meeting they discussed logistics for the following 24 hours. I observed that the meetings moved really fast and there were a lot of people crammed into one room. There was a u-shape of tables put together; two on each end, the long white six-foot tables and then a table in the middle. There were representatives from BP Logistics, BP Safety, Plaquemines Parish, Plaquemines Parish Sheriff Office, EPA, weather monitoring, several Coast Guard members, HHS, contractor bosses, what seemed to be all of the head honchos.

The first time that I met with Lieutenant Commander Eiland I went to the morning meeting and they were showing me all of these maps on the wall. Then this young Coast Guard member walked in, threw his hands up in the air and shouted “Ponies and Balloons, Ponies and Balloons.” When he turned and noticed that I was sitting in the other chair, he had an awkward expression and quickly walked out. I did not understand what he meant by Ponies and Balloons, until I witnessed the staged response for President Obama’s flyover the following day. You stage a response on the ground, a politician flies through and says “good job fellas,” flies out and then they pick up the operation, move it somewhere else and continue to spray the area with dispersant, rather than mechanically clean the oil through boom and skimmers.

After the first helicopter trip, I asked Lieutenant Commander Eiland, “Do I have to keep these photos and video to myself, or can I give them to anyone?” He said, “Kindra, I don’t care what you do with them.” I was like, “Hmm, well maybe this isn’t such a cover-up after all.” I left, and

that night Captain Laferriere called me and asked “Hey, how was the flight?” I said “The flight was good, but I know this area Barataria Bay is a very small part of it and I know what your aim is.” He replied, “Really, what’s that?” I said, “Your aim is to convince a community member that you guys are doing a superb job. The only way you are going to get me to convey that back to our community is if you show me the entire situation. I want to see it all.”

Throughout June, 2010 they granted me clearance, and basically anytime I wanted a boat, I got a boat. If I wanted to get on a chopper, I got to go out on a chopper. At one point I got in a Coast Guard plane with a media tour and flew out to the Deepwater Horizon and viewed it. For the most part, they tried to do the things that would appease me. The boat was the easiest thing to get. Usually I would have to wait a few days for the flight, and I would have to have a special Coast Guard escort with me everywhere I went.

During the first few weeks that I was in there, I was quiet. I felt like it was a learning experience and I needed to keep my mouth shut; be like a fly on the wall and not say anything. I was just learning their process and what different terms meant that they would say. However, the more I saw, the less likely I was to be an “appeased community member.” I was disgusted by everything I was seeing. After about a week into my access, I was very disappointed. During the flights I didn’t see any hard boom. There was a little absorbent boom that was rotten and broken loose. From what I saw, the boom was never positioned where the oil was hitting. These were huge bays with some scattered boom and about 10,000 feet gaps in between these pieces of soft boom. It was so pathetically handled that it’s not funny. Everything that I saw when I was out there was ponies and balloons, a big show for the politicians. It was a show for the media as well; BP set up a spot at the end of South Pass, Louisiana to take the media. A lot of the pictures look the same because they were all staging areas that BP would fly media over and take them to. I was taken there once, and I asked not to be brought back again.

## 10. INCIDENT COMMAND POST Q&A

I went to one meeting at the Houma Incident Command Post. We flew out of there to go to the Deepwater Horizon site. Before the meeting, I had a two-hour conversation with the Coast Guard Deputy Safety Officer. I asked him about the use of respirators for workers, and he told me the following key points: A respirator should be used as the last resort; if workers start to feel sick, evacuate the area and also request evacuation of the area; air monitoring is being done and the tests are coming back well below dangerous levels of volatile organic compounds; if workers to get respirators, they have to first fill out OSHA medical questionnaire; everyone filling out the questionnaire, before they can retain a respirator, had to have an evaluation with physicians; physicians were only looking for healthy people to wear respirators; lungs may be compromised; it is hazardous to wear masks; and asthma patients, people with chronic obstructive pulmonary disease (a type of lung disease), emphysema and enlarged hearts couldn’t wear respirators. I

asked him about OSHA's right to wear voluntary respirators. He said, "Without the air sampling exceeding the limits, the workers still fell under BP's rules. As long as BP says they can't wear respirators, then they don't have a job if they wear respirators."

Two days later I went to the Incident Command Center in Houma. When I first went in, they had to give me my Operation Section Clearance. However, the Coast Guard Deputy Safety Officer was assigned as my escort around the facility, and when he looked down at my ID he said, "Operation Section? You don't have to have an escort, you can go anywhere." I walked off and started looking around. I didn't know what I was looking for, but I was trying to obtain whatever information I could. I toured the facility and went out to get on the plane, but my escorts weren't ready to meet so I toured the facility further. Most of what I observed was just crazy numbers and a lot of maps all over the walls.

I met with my escort, BP safety officer Rusty Thibodaux and OSHA representative Dean Wingo. I sat down at a table with them that evening, and went over the same health concerns that I discussed with the Coast Guard Deputy Safety Officer a few days earlier. Every time I asked a question, depending on who the question was about, one of them would pop in with a response. They were polite, and we sat there for a while discussing my concerns, but we did not get anywhere. The OSHA representative wanted to know, "If your kids are breaking out in rashes and children and adults are having respiratory issues, for the rashes have you guys changed your laundry soap, etc." I said, "We've changed nothing. The only thing that has changed in our environment is BP." I discussed the fact that when we come out of our front door, there is a gray haze from the top of the trees to the ground. I said, "Something is not right."

I went to our local representatives Billy Nungussar, Marla Cooper, the EPA representative, BP's offshore head of cleanup Fred Lamond, and Lieutenant Commander Eiland, about the health of pregnant women, children, the elderly and anyone with a preexisting condition. I got next to nothing back from BP and the government, other than explanations for why they were taking the approach they were, and not evacuating people.

I asked Lieutenant Commander Eiland over and over again, "If you lived here, would you evacuate your family?" He said, "Well, Kindra, I guess that I'm not in that position so I can't make that choice for you." I asked him, "Well, what should I do? What would you do in my position? Talk to me, tell me." He always diverted, did anything he could do not to talk about it, and then something happened. The day after I evacuated my kids the first time I had to deliver paperwork for a special boom to the BP Operations Section. The problem with boom is that it is never high enough and the skirts are never long enough. I found a system where the boom sits three to four feet off the water; it is filled with the same foam that the unsinkable boats are filled with. The skirt can be 12 to 16 feet long, and it is linked together with cable and anchored down with really heavy anchors every 12 foot links. I found a man in Florida who sold this stuff; what

I call super boom.

The man who sold the super boom drove from Ft. Lauderdale to Venice, and I drove him to the BP Operations Section, walked in, and met with Lieutenant Commander Eiland, BP's Mr. Lamond, and two contractors I wasn't familiar with. They looked at the product in the parking lot and agreed to buy 3000 feet of it for a trial, at \$75 a foot. I was responsible for bringing the documentation back to Lieutenant Commander Eiland, so that they could handle the paperwork with BP. I looked at him and said, "I evacuated my kids yesterday." He looked at me right in the eyes and said, "You are smarter than the average bear," and went right on to talking about something else. What did they know that we didn't know?

## 11. LESSONS LEARNED, CONGRESSIONAL BRIEFINGS

I've been burnt plenty of times over the years trying to work with difficult people, but I've opened my door and worked with just about anybody who walked through it. All I wanted was for the truth to come out, and that's all I still want; to hold BP accountable and pay the people who were hurt, take care of the people who were poisoned. What have we learned as a country from this situation moving forward? The Norwegian company that investigated the blowout preventer found that it is engineered to only work 65% of the time. When I went to Washington, DC and met with congressional members and participated in a Senate briefing, that was one of the issues that I brought up repeatedly, "How can we move forward using the same blowout preventer in future leases and drilling? Why can't we newly engineer a blowout preventer and minimize that 35 percent gap with the technology we have?" They are using a blowout preventer that cannot withstand the pressure, but they continue to use it because it meets industry standards. The standard needs to change. In response, all I have gotten from officials is some variation of "protect the oil company, protect the oil company."

I went to Washington, DC for a Congressional briefing to meet with elected leaders, including Representative Steve Scalise (R-LA), Representative Jeff Landry (R-LA) and a few Senate offices. I walked into Representative Landry's office with Ryan Lambert, Vice President of the Louisiana Charter Boat Association, and Regan Nelson, a Natural Resources Defense Council (NRDC) lobbyist. The Congressman was late for the meeting, then all of a sudden he blew through from his office into the foyer area into the other office and slammed the door. A few minutes later he came out and said, "I'm real sorry you all, I have a committee meeting to go to, I won't be able to sit with you today." As he turned, our eyes were locked and I looked at him and said, "Congressman, I flew all the way here from Venice, Louisiana for five minutes of your time. I expect five minutes of your time." He looked me and said in a loud voice, "You have five minutes."

We walked into his office, leaned on his desk, crossed his arms and bowed up at me. I said, "I

know you're a busy fellow, I appreciate your time and I'll make this as quick as possible." That's all I got out of my mouth before he started screaming at us and talking about how educated he was. Then he started telling me all this stuff about the history of oil companies and the mistakes they made and that everything was still fine, including the shrimp. A few times I tried to get my point on the blowout preventer in and the importance of making sure the fishermen got paid and others who were affected, but he just kept screaming at me. He also kept pointing his finger at Regan and said to me, "You come in here with these people trying to shut my oil industry down; I don't think so."

I looked at him and finally said, "Congressman, why are you screaming at me?" When I said that I felt my voice crack and he continued raising his voice. I finally said, "That's it, I'm done" and I went to walk out the door. He said, "Oh, no man" and I said "Yes, sir" and slammed his door. It sounded like a bomb went off; I made sure it was loud, I was mad. We had the Senate briefing that morning and everyone was civil. I cried through the earlier meeting because they showed the StoryCorp video that NRDC helped produce with of all of my friends and family in the Gulf who were torn up and sick, and of the fish dying.

## 12. WHOLE WAY OF LIFE AFFECTED

This isn't just about money for us. This isn't just about an income. This is a whole way of life; we depend on the Gulf for everything. We depend on the Gulf to water our plants, we depend on the Gulf for our recreation, we depend on the Gulf for our income, and we depend on the Gulf for our social life. People go all over the place on the fourth of July. However, we would always go up to a private beach that no one can access unless they have a boat and know how to get there. It is all locals, and we set up tents and fires and BBQs. Before the spill we did everything on the water. We can't do that now.

My family and I have gone to check out the fisheries in North Carolina, because we are hoping to move. Normally we would stop in Destin and the Emerald Coast in Florida, but we spent all of our time in North Carolina. I'm torn, I don't know what is and isn't safe and I can't trust anything that our government says. I am a very different person than I was a year ago. I used to think that we could pay our taxes, work hard, be productive members of society and raise our children to be productive members of society as well. We would work hard and be able afford to give them something we never had. David and I both came from nothing; we built everything we have, twice in twelve years.

## 13. CONCLUSION

Given the state our government and society are in, how are we doing our part to raise our kids to be productive members of an unproductive society? I feel obligated to do whatever I can do to

try to make some kind of change but before the spill I had no clue how bad things were; I thought I lived in the best country in the world. I still think that to a large degree but the politics are so corrupt.

I don't want to be in Venice anymore. Everywhere I go people call me the BP kid or the BP girl, "Hey, what's BP doing today that you're pissed off about?" After fixing the house, now we have to sell it, because I can't stay in the Gulf anymore. I don't want to sell seafood; I don't want to sell a product that I won't put in front of my own children. I cannot see staying here waiting for things to completely fall apart. Hopefully the Gulf will bounce back, but as oil spills continue I just don't see how it is possible. I hope that this never happens to a community again. Change must happen.

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AFFIDAVIT

My name is Lorinda ("Lori") Bosarge. 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 Coden, Alabama (AL), which is a quarter mile from the shore of Portersville Bay about 100 miles from DWH.

In August 2010 I was sprayed by the dispersant Corexit, in Bayou La Batre, AL at the boat wash decontamination booth. The mist came off the sprayers as the wind blew from the Gulf. In September 2010 my health began to rapidly decline. Chemicals from the crude oil and Corexit were found in my blood. Most doctors that I spoke with couldn't figure out what was causing my health problems. An infectious disease (ID) doctor explained to me that there is not enough information about Corexit to conclusively say that it is the reason for my symptoms. However, a kinesiologist and naturalist doctor later attributed my health to chemical exposure from the spill.

Health problems are widespread throughout South Mobile County, but people are not receiving help. I am not from here, but I have lived in the house my husband grew up in for 11 years. The people keep to themselves; they are humble and proud, but they're being treated wrong. I am providing this statement, because I care about people's health and if I have information that can provide answers for those in my community who are suffering, I want to share it.

1. BACKGROUND

From May through August 2010 there were five airboats with dispersant tanks that would run up and down the Bay from Bayou La Batre to Dauphin Island, AL. I could hear the boats from my house. They would stay far enough offshore so that you couldn't see where they were spraying the dispersant, but you would smell the sweet citronella chemical smell. As I stood on the Coden waterfront my throat would start closing up. We would notice this black saw dust looking stuff, and a whitish foam would wash up on the shore hours after they would spray.

Another unusual thing I noticed is that from May through September 2010 in the Bayou we did not have mosquitoes, yellow flies or gnats. In our area we have these pests daily, but much worse in the summer. We never left our doors or windows open, but we could tell when there was a southwest wind because the strong smell of the crude oil and dispersant would seep into our house. From May through October 2010 C130 planes and big green military choppers, usually two planes at a time, would fly very low over our house above the tree tops. On August 21, 2010 I was sprayed by the BP decontamination boat wash in Bayou La Batre. The wind came off the Gulf and the mist from the decontamination booth covered my face and arms. At the time I wasn't too concerned and did not think it was dispersant, because we were told that the Corexit wasn't being used as of July 2010. However, by that afternoon my face was red as if I had been sunburned.

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Before the spill the only planes we used to see were small private ones or planes going to the oil rigs. Smaller aircraft continue to fly over frequently and run grids over Portersville Bay at night. I have been told by two individuals that ~~periodically~~<sup>once</sup> in the past six months they have seen a big aircraft flying with no lights on, with a smaller craft with one red light on following very low flying east to west across Portersville Bay. They usually go out in the evening and return a different route.

Before the spill my health was generally fine. I once had vertigo in 1992 after an ear operation, and one other time I had an allergic reaction to Monosodium glutamate (MSG), but that was the extent of it. Then I started to get vertigo in September 2010. The vertigo comes and goes even now in 2012, but it hasn't been as severe as in 2010. In October 2010 my left eye started running. There was no itching, it wasn't like pink eye. I would put saline drops in it and keep it washed out. Then from October to November 2010 I started breaking out in hives, mainly on my face, including my mouth and lips. At first I thought it was due to something I had eaten, but it would come out of nowhere. I would get dizzy, lightheaded and experience short-term memory loss. I would be at an interview talking about my health symptoms, and my mind would go blank.

Since I was sprayed in August 2010 I have developed sensitivity to regular smells, like our Lysol house cleaners. I have used Dial soap since I was a baby, and I can't use it now. It causes my throat to close up like an asthma attack. In January 2011 there was a meeting at the Coastal Response Center in Coden, AL. I listened for two hours and took notes, and I drank two bottles of water. When I went to leave, I couldn't talk; my throat was almost completely closed up. However, I wasn't aware that my throat was swelling up, because it has never happened to me before. I went home, took Benadryl and kept drinking water and juice. I survived the night, but remained hoarse for about two weeks. My health issues sometimes just level off. I may have the fatigue, and the dizziness remains. I don't use drugs or smoke, but it's almost as if you inhaled helium and feel light headed.

## 2. BLOOD TEST

In November 2010 I began looking for a doctor in Mobile County who would run the Volatile Solvent Profile test by Metamatrix Lab. The test identifies levels in the blood from chemicals that are found in the crude oil and dispersant from the spill. I called the Local Bayou Clinic, and they told me they didn't do the lab work. I called Mostellar Medical Clinic in Bayou La Batre, and they told me that they did not perform that blood test. I called the Mobile Health Department and asked them if they were treating people for chemical exposure from the oil spill. They acted like I was from a foreign planet and said they were not treating for this, as if they had no idea that the chemicals from the oil spill were affecting anybody's health. I had hit another wall; I couldn't locate any doctors who would run the test.

In January 2011 I sent a letter to Alabama Governor Robert Bentley requesting help in Bayou La Batre for awareness of the chemical toxins and treatments. I also stated that I was concerned that

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the insurance did not cover the cost of the Metamatrix test or treatment. From what I understand, the only way to treat for chemical toxins is by natural detoxification, which is not covered by my insurance. During the summer of 2010 there were at least 200 to 300 small boats from Coden and Bayou La Batre to do spill cleanup on a daily basis. I was very concerned about sick workers not having access to medical treatment. In my letter to the Governor I pointed out that the local Bayou Clinic is run by Alabamian and U.S. Surgeon General Dr. Regina Benjamin. Dr. Benjamin is recognized for helping the poor and allowing people to swap chicken and shrimp for medical treatment if they can't pay. She stood down here, day 52 into the oil gusher, and publicly stated, "I am the voice in Washington DC for the Bayou." To my knowledge, the Bayou Clinic is not providing the test, and there is still no treatment for chemical exposure in Mobile County. I have never heard back from either of them.

On February 15, 2011 I went to Atlanta, Georgia to see my grandchildren. I was gone for ten days, and during that time I did not experience health problems. I came home on February 25. It is hard to believe that chemicals can do to the body what I am going to describe. However, I have read about it and understand now. When I woke up the following morning I had a severe cough with bloody mucus balls larger than the size of a quarter. I was wheezing and could barely talk. I started to run a fever as well. It was Saturday, so I knew that my only option was the Emergency Room (ER). I also knew that they were not going to consider my chemical exposure, so I held out until Monday. I know people in this area that have had these health problems, too, and the hospitals have not been responsive to discussing a possible connection to toxic exposure from the spill. Folks would tell me that the doctor would tell them they have an upper respiratory problem, give them antibiotics and steroids and send them home. I had heard this time and time again by people on the coast.

Throughout the weekend I continued to cough up the same stuff. Oddly, it went on for two weeks and I went through nine boxes of tissues. Usually when you have a sinus infection you blow your nose for two days, and it becomes sore and red. However, my nose never chapped or dried, and my throat never got sore. I simply ran fever. I have since learned that this reflects the way the chemicals attack your body organ, compared to a regular infection. This was explained to me by a doctor who has an understanding of toxins. She explained when the chemicals get in your bloodstream it usually attacks a weak part of your body and continues to violate all of the organs. Also, once it gets in your fat cells it is also dangerous. This is what I'm suffering with now. Since October 2011, only natural homeopathic treatments have helped mitigate my symptoms.

Instead of going to the ER, I went to the website for Project Gulf Impact, and found a list of doctors in the Mobile area who perform the Volatile Solvent Profile test. On Monday, February 28, 2011 I started calling the listed doctors. The first doctor I called had retired. The second doctor I called had answered her cell phone, but she had closed her practice and was working at Charity Hospital in New Orleans. The phone number was disconnected for the third doctor. At that point I was panicking, because I was concerned there were no doctors that I could go to. The

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fourth doctor was in Gulfport, <sup>MS</sup>AL which is about an hour away. I spoke with his receptionist, and she said, "I am so sorry, we can't help you. The doctor has fallen ill and is closing both of his practices at the end of March." I hung up the phone and just felt alone. It was overwhelming, because I knew this was not a normal case.

Finally I found another doctor in Gulf Shores, AL that did run the Volatile Solvent Profile test. It was 75 miles one way and my husband drove me the same day I inquired, on February 28. They told me I would have to pay for the test up front because insurance does not cover it. It was \$314.00. My insurance is Blue Cross Blue Shield, Individual Blue, AL. That day my fever was almost 103, and the first thing this doctor ran was a flu swap. It came back negative. Then he did a chest x-ray and my lungs came back clear. He said, "Because both of those tests came back negative, you are a candidate for the Metamatrix test." The nurse drew ten vials of blood and as she was doing it, I could actually feel the chills leaving my body. I wondered if some of the toxins that were so built up were leaving me. The doctor gave me antibiotics and a puffer and nose drops. I was not aware the puffer was aerosol steroids. I have had instructions from a French cardiologist and naturalist who told me, "Do not take steroids if you have chemical toxins in your body."

Three days later my symptoms still weren't subsiding, so I took the inhaler and nose drops, which made the problem worse. My body was so exhausted I didn't even want to breathe anymore. When I had that reaction the doctor told me to stop the steroids. I was in really bad health after I returned from Atlanta, throughout March, 2011 and every since. It has been very draining. However, there were three days, March 14 through 16, 2011 when I actually felt ok. All of my flu like symptoms just stopped, but then they came back. Before the spill, I didn't have blood sugar issues and I was not diabetic. However, when the doctor did my other blood work in addition to the Volatile Solvent Profile test, I was diagnosed as diabetic. I told the doctor, my blood level has always been around 120 to 125, but it was skyrocketing then. He put me on 500 milligrams (mg) a day of Metformin, to treat type 2 diabetes. My blood pressure was up so I took something for that, too. Since going to the hospital (detailed below), I am taking 2000 mg of Metformin a day. Since beginning my detox treatments in October 2011, I have been able to reduce the Metformin from 2000 mg to 1500 mg, and the hypertension Licinapril from 10 mg to five mg.

In February, 2011 when I took the blood test, the doctor told me it would take two to three weeks for the results. After three and a half weeks I had not heard from him, so I called and inquired. The receptionist told me the test had not arrived yet. I waited another week, and when I called they told me it was not back yet. It was early April, 2011. At that point I decided to contact Metamatrix Lab directly. I emailed them and gave them my phone number, and I got a call back from them right away. They couldn't discuss my lab work, but they told me that it was sent back to the doctor ten days after they did the lab work, on March 10, 2011. My immediate thought was, where did my test go for three weeks? I have not questioned this doctor, because it doesn't do any good and you do get scared. When I went to the doctor I wanted to ask him if he was

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being funded by BP, but I was afraid he would turn me away and I was so sick. I felt so vulnerable. He finally called and emailed me the results in April 2011. The test results are included in this affidavit as Exhibit 1. I had levels of ethylbenzene, m,p-Xylene, hexane, 2-methylpentane, 3-methylpentane and isooctane, which were compounds found in the crude oil and Corexit.

### 3. HEALTH PROBLEMS WIDESPREAD

On July 18, 2011 we had a funeral for my father-in-law. I was extremely depressed and fatigued. I noticed my leg swell on July 20. I blamed it on me standing up too long and overextending myself. The swelling went down and the following week, on July 25, I noticed that a small bruise on the inside of my calf turned into a blister, the size of a quarter. I showered and it settled down. On July 26 South Bay Community Alliance, a community group that I am a part of, held a small health fair for general care and to bring awareness to people the symptoms of chemical exposure from the dispersants and crude oil. By that point the blister had doubled in size. However, I went to the fair, because I wanted to reach out to people who had exposure from the spill and health problems, and were not aware about a possible connection. I feel like this community has been left behind, not only with Katrina but in regard to the oil spill, too. I spoke with about 40 people. As soon as I would share a list of the symptoms I had, almost all of them would say they had similar problems or knew someone from the cleanup who had them. The scope of associated health problems is not well known, because the media and local government are not discussing it.

For people who were interested, I told them I would keep their information confidential but when I found something out I would be happy to share the information with them. One woman is now almost legally blind in one eye. One lady who worked on the cleanup told me she has had ear infections since October 2010. I asked if the hospital gave her antibiotics and steroids and she said yes, and I asked her if the symptoms come back and she said yes. I told her, "It's probably not just a regular infection." It's not common for adults to get ear infections, but since the spill a lot of people in Mobile County have them. Rashes were another common symptom people shared with me at the health fair. Ear infections, blood draining from ears, rashes, breathing problems were some of the illnesses people spoke about.

When I returned from Atlanta I noticed that my arms felt dry. At the health fair they felt scaly, like a reptile. By July 27 they were starting to turn into blisters. These blisters were a little smaller than a dime, but within 48 hours from when they began they were hideous looking. There were more blisters on my arms than non-blistered areas on my arms. My legs were different, and looked like I had some flesh eating infection. On July 28 my leg wound more than doubled in size, to about four inches wide and six inches long and was draining through the bandages. It did not hurt or burn, but it looked like my skin was rotting off. Clear liquid would pour out of my leg. That same day I found a holistic doctor who said "Yes, come in and we can work on health problems related to chemical exposure." When I arrived and he saw my leg he

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said, "I never thought these words would come out of my lips, but you need to leave and go to the ER." He said, "You have to get this under control" because he was afraid I was going to lose my leg. He said that once I got my health stable he could help me. I choose not to go back to this doctor, because I didn't care for the open workout and treatment areas. It was like a gym.

#### 4. HOSPITAL STAY

On July 28, 2011 I went into Infirmary West Hospital in Mobile, AL. They put me in the ER without making me wait. During that visit I stayed in the hospital for eight days. I requested not to receive steroids; I provided a copy of the Metamatrix test results and explained how I had been exposed to chemicals found in the oil and dispersant. During my time in the hospital I was seeing an ID doctor and an internal medicine doctor. A photo of my leg during that hospital stay is included in this affidavit as Exhibit 2. The internal medicine doctor looked at my leg and immediately diagnosed me with cellulites, which is a skin infection caused by bacteria. Then I showed them my arms and they instantly began antibiotic IVs twice a day. They changed them and increased the dosage. They drew blood just about every other day. They started me on insulin, because my blood sugar was up. The ID doctor explained that whatever infection I had causes my blood sugar to go up. However, the internal medicine doctor explained that I had high blood sugar, because my diabetes was out of control. The leg that they said was cellulites did not hurt or burn. I ran no fever for eight days, and did not have any staph infections.

On August 3, 2011 I asked the internal medicine doctor if he had looked at the Metamatrix Test that I given him in the ER and if he had contacted Dr. Lord, the chief doctor at the Metamatrix lab. Dr. Lord could explain how the chemicals affect the body. He responded, "I didn't see you in the ER," and said that he wasn't aware of the Metamatrix test. That was unnerving for me to hear, because every time this man was in my hospital room I spoke about the symptoms of chemicals, rash, hypertension, blood sugar elevated and headaches. I had seen him and his name was on the medical bracelet that I received when the ER admitted me.

After I inquired, however, he did go into the hallway with my charts, came back in my hospital room and read the bottom of the Metamatrix disclaimer, "Finding a measurable amount of one or more Volatile Solvents in whole blood does not mean that the level of one or more of these causes an adverse health effect. Whether the concentration reported here a cause for health concern is not yet known; more research is needed." He then raised his eyebrows, shrugged his shoulder and that was it. He walked out of my room. I was thinking, "How much more do I need to go through?" On August 4 he told me I was going home the following day. I panicked, because the blisters on my arms were extremely red and infected, and I couldn't bend my arms due to the swelling. I asked the doctor how he could send me home when my arms were actually worse than when I arrived. He said, "Your insurance is not going to pay for you another day, so who is going to pay the bill?"

#### 5. SPECIALIZED DOCTORS CONCERNED

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The ID doctors expressed more interest in examining a causal link to my chemical exposure than the internal medicine doctor. When I was in the hospital they would see me sometimes two to three times a day. I joked that I was their lab rat, but I felt that they were there to really try and better understand my health problems. They continually photographed my rashes and monitored them. On August 1, 2011 my main ID doctor did two biopsies on the backside of my shoulder. I feel she is a godsend, because she loves knowledge and wants to know what is going on. Then she reported to me that through biopsy lab work they could not determine the reason for the rash. On August 4 my arms were more swollen and the internal medicine doctor told me that I was going to be discharged. That same day, the ID doctor told me that what I have is equivocal, meaning that due to my blood sugar levels they cannot say that it is the volatile compounds in my body. From my understanding the internal medicine doctor called the ID doctor due to the leg wound. The ID doctor sent four more biopsies to a derma pathologist who examines skin biopsies. The derma pathologist wanted to call the rash on part of my arm pemphigus, which is a rare blistering autoimmune disease. However, when they sent him the lab work he could not detect that it was pemphigus.

I saw the ID doctor for a follow-up appointment on August 9, four days after I had been released from the hospital. She told me that they sent all of my biopsies to the Mayo Clinic. She said it could possibly take up to two weeks, because they are very thorough. She told me that the derma pathologist couldn't decisively say that it was pemphigus, and then her next comment was, "There hasn't been enough medical research for the Corexit." Whatever the problem is, I felt validated to a degree. I have been reaching out to the medical field to help the people that I knew were sick, before I was sick, and that was the first time that I heard a medical professional even say Corexit. She did her homework with CDC, the Mayo Clinic and the New England journal trying to find more out.

It took almost seven weeks to receive a response from the Mayo Clinic, which came in September 2011. Like the derma pathologist, my ID doctor informed me that the Mayo clinic said they could not determine what my rash was. I have received no further response from Mayo Clinic. When I went home on August 5 they had a PCC line in my arm so that I could have intravenous IVs at home; they wanted me to do it myself, and I was to keep it in for seven days on my own. When I saw the ID doctor on August 9, she noticed that it looked like there was a lot of improvement. She said, "You've been on IVs for 13 days, you don't need this anymore." I was thankful; it scared be to death to use the IV line at home by myself.

Even if doctors don't have knowledge of how to treat chemical exposure, for them to write it off as something else is extremely frustrating. What upsets me most is how children of the Gulf have been medically affected since the spill. Children are having their tonsils removed at record numbers and staying sick with colds. I have a friend who took her two children to the beach in Gulf Shores in the summer of 2011. They didn't go in the water, but after they returned from the beach they all kept getting ear infections. Before that trip, her kids were never sick. At first she thought maybe her health problems were in her head, because she had been following the news

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from the disaster. She had symptoms like memory loss, headaches, sore throat and sinusitis which is inflammation of the sinuses. When she noticed it with her kids she became really concerned, because children couldn't fake these illnesses. However, she asked the pediatrician if he thought it could be from going to beach, and he told her no.

My family recommended a doctor they have been treated by during the past 20 years. He practices kinesiology, (treatment where the doctor tests different vials of allergens and understands the muscle reaction from the vials placed on my body) and nutrmedicine (nutritional and herbal medicines). I went to him on September 28, 2011. He tested me for petrochemicals and identified a correlation between my health problems and chemical exposure from the spill. On December 13, 2011 he wrote a letter on my behalf that states, "It is my professional opinion that Mrs. Bosarge's health problems began when the chemicals were used during the oil disaster. They caused her to have an allergic reaction and variety of health problems since she was continually exposed to these agents." The letter is included in this affidavit as Exhibit 3. I continued to see him to monitor my health, and on February 29, 2012 he wrote an additional letter, stating "It is still in my professional opinion that her problems are a direct result of the oil spill and the chemicals used for cleanup..." The letter is included in this affidavit as Exhibit 4.

#### 6. CALL FROM INSURANCE

The week after I returned from the hospital, in mid-August 2011 I got a call from the Blue Cross Blue Shield representative. I have a case open with them, because I have had home nurses since being out of the hospital. The representative asked me, "Have you always had allergies and rashes?" I told her no, and gave her the history of my exposure, and told her that the Metamerix Test found I was positive for compounds present in the oil spill. She said that she saw the test in my charts, and then she read "Benzene, it is consistent with the problem." I said, "Would you repeat that please?" She said, "I read Benzene is consistent with the problem, but I can't give any more information. That is all it says." I was so shocked that there was actually something in my charts mentioning Benzene, which only came up as "non-detect" in my Metametrix test, and that it was repeated by a representative from Blue Cross Blue Shield. Then I named all of the symptoms that have been occurring since the spill and said "Blue Cross has to have hundreds, even thousands of insurance holders who have been to Gulf hospitals with these symptoms since the spill. I would like to see the company start researching this."

#### 7. UNUSUAL ENCOUNTERS

In July 2010 my husband and I rented a car to travel to Atlanta. It had a Georgia tag on it. Before we left we drove down to the BP command cleanup center in Bayou La Batre. A Bayou La Batre police officer pulled out behind us. It was odd, because I had never seen the police leave the command post. The police officer followed us real close for four to five miles, and I thought he was going to pull us over. He eventually turned around. I know there have been people who were

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very uncomfortable going down to the Gulf with cameras, after they heard that on more than one occasion film crews documenting the oil disaster were searched and questioned in airports.

From December 2011 through March 2012, my phone started to make a clicking noise. Then the call would hang up when I would discuss specifics about BP, about 20 percent of the time.

Beginning in September 2011, sometimes when I go on my Facebook account and try to make a comment about how the cleanup was poorly handled or regarding health related concerns, it will cut off in the middle of what I am writing. As if my computer has a virus, it will start skipping words and operate real slowly. When I log off of Facebook the problem stops, however. This once happened when I left a comment on a BP disaster video on YouTube as well.

#### 8. FRESH BP OIL

In February, 2012 I received a phone call from a neighbor who has lived in Coden for 60 years. She has been skeptical about health problems related to the oil spill and the prospect of oil still washing up. I was surprised then, when she called me and said, "I think this is the stuff you have been talking about for the last two years." She had identified a foam like substance washing up on the shore at Bayou La Batre. After the oil spill, BP set up a boat decontamination site at Bayou La Batre, which is also where Corexit containers were stationed during the spill.

On February 27, 2012 I went down to the location that my neighbor told me about, and took pictures. The city of Bayou La Batre was digging up around the boat launch, most likely to get it ready for beach traffic that we get during spring break. As they dug, a thick looking foam was oozing out of the sand. I put the photos on Facebook. A photo of the foam from that day is included in this affidavit at Exhibit 5. Within hours Marylee Orr, Director of the Louisiana Environmental Action Network, called me and asked me if I would be willing to take samples. I agreed to, and she put me on the phone with a chemist, Dr. Wilma Subra, to make sure that I collected the samples correctly. I went back to the location and collected foam, water and sediment samples. I documented the time, location and date. The following day, a lab sent us a cooler to place the samples in and my husband and I overnight mailed it back to them. The test results from the samples were almost identical to test results for BP fingerprinted oil from March 2011.<sup>1</sup>

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<sup>1</sup> "Sea Foam Contains PAHs Almost Two Years After Oil Spill." Louisiana Environmental Action Network. April 5, 2012, <http://leanweb.org/our-work/water/bp-oil-spill/sea-foam-contains-pah-s-two-years-after-oil-spill>.

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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 April 12, 2012.

Laurela Bosnyo

Subscribed and sworn to before me  
this 12 day of April, 2012

Judy M. Franklin

Notary Public

My Commission expires on: 9-21-13

analyzing 10 sites of deep-sea coral data that we were also asked to examine. LSU received \$430,000 for their part in the project, and NOAA received \$1,500 a day for each personnel. We realized that we wouldn't be funded, because they had already paid someone else for similar work after we had provided the background and proposal for something much larger in scale. Therefore, we made an invoice for the water samples that we delivered and gave it to NOAA.

Their final report, released in September 2011 by LSU, showed that NRDA looked at far less abundant and less productive coral colonies than we had proposed to NRDA. Their proposal included 10 sites where corals can be located; however they only examined the four sites that had the lowest priority on their list to study (the sites farthest from the Macondo well out of the 10 sites). Further, they only searched for the scarce species of coral living on the bottom of the seafloor at 5,000 feet, within 10 to 15 miles of the Macondo well eruption. Looking for deepwater coral is like looking for a needle in a haystack, because few coral species live down there. It's too deep for most reef forming Scleractinians, commonly known as stony corals. They did not look at the reefs or the abundant colonies of stony corals on the platforms. They didn't examine any fish or water samples with the \$4.3 million payment.

#### 5. HEALTH PROBLEMS, BLOOD CONTAMINATED

After our early dives with NRDA, Steve's contact was still telling us the water was fine and the dispersants were safe to dive into. However, I was experiencing health problems, and I thought there was a connection to my diving. When I first began bringing NOAA our samples in June 2010, I told my two NOAA contacts that my skin was breaking out in itchy rashes. I asked if they were aware of other workers in the field who were also experiencing rashes or other health problems. They told me that they were not aware of this happening to other workers. My dive partners at EcoRigs and I didn't know how serious it was at the time, and no measures were taken by government contacts, including within NOAA, to check on our health.

From May to June 2010 I wore a wetsuit while diving. By the end of June I was wearing a dry suit. In June my dive partners were still skeptical about my symptoms; they did not think it was necessarily associated with my diving, and they continued to wear wetsuits. Most divers in the Gulf of Mexico do not have dry suits because it is fairly warm year-round. In a wetsuit they were more likely to have high dermal exposure from the chemicals while diving. While the dry suit kept me relatively dry, my face and ears and hands were still exposed to water. I was diving more than my dive partners and my health problems persisted. For the first time in my diving career I had a burning sensation that felt like chemical pneumonia in my chest. After each dive I began having chest colds, a burning throat, migraine headaches and itchy skin rashes. A lot of it has continued to this day (detailed below).

By July and August 2010 we were diving several times per month from below Mississippi to Cocodrie, Louisiana. We dove August 8, August 21 and August 23, 2010, which impacted my health more severely than the earlier dives. After the dive on August 8, I really began feeling

under the weather and it took over a week to recover. After each dive my chest would feel worse. At that point it took five to six days to get rid of the burning in my throat, but I stayed sluggish and lethargic and also had migraines. By then, I started to get worried about what I was diving in, and I increased efforts to contact any specialists, government officials and politicians who possibly could shed some light on what we were being exposed to.

In August 2010 I called Billy Nungesser, Plaquemines Parish President, to find out if Corexit was still being sprayed in his coastal parish. During that time, I was diving on oyster reefs in the area and wanted to know what I was being exposed to. His secretary claimed that they didn't know anything, and that I needed to call the state or Coast Guard to find out. Then she proceeded to say "I heard you were fine." I wasn't sure what she was referring to, and I responded that I was having health problems for a while after diving into and filming the dispersed oil plumes.

When we went diving on August 21, 2010 we could not dive the northern edge of the MC platforms around MC 194 because the dispersed oil plumes were too thick for filming or safe diving, and there was a thick green plume, what appeared to be an algal plume (a.k.a. algae plume). Since the conditions were not optimal for diving, we went about 15 miles southeast of MC 194 to MC 280A. We still experienced dispersed oil plumes as large as 40 feet deep and an algae plume. The algae plume was so thick that it blocked out most of the light in the shadow of the platform at the depth of 60 feet. It was so dark that underneath the rig at high noon I could not read my SCUBA gauges at 60 feet. Normally the water would be clear blue and light enough to read a book. After that dive I experienced full body cramps and extreme nausea.

We went back and dove on August 23 for Fox 8 local news. I saw extremely thick dispersed oil plumes during that dive. I had a bad reaction that day; I was violently vomiting over the side of the boat 15 minutes after the dive, and I had muscle cramps that became debilitating from 10:00 pm that night until 6:00 am the next day. I also had flu-like symptoms for over a week following this dive trip.

After the August 23 dive I stopped diving in this region for the rest of the year. I did snorkel, however. At the time, I had a BOEMRE grant to look for invasive coral, but I was also trying to locate evidence of effects from the dispersed oil. Paul Sammarco made the executive call on the BOEMRE grant that he would not allow his biologists to scuba dive in the vicinity of the spill, because he did not want to put us at risk from the oil and dispersants. In October 2010 we conducted an ROV examination of the rig legs on the Grand Isle (GI) blocks' platforms. That location was supposed to be clear and clean. Rather than dive, I snorkeled to study the barnacle reef populations that live at the first five meters of water depth and found an extremely high rate of mortality in the barnacles and reduced populations of blennies and cowfish which are sensitive to environmental changes over 80 miles to the southwest of the Deepwater Horizon site.

In the fall of 2010 we had just come in from a day research cruise with BOEMRE through LUMCON. I saw Louisiana Governor Bobby Jindal getting on the helicopter from LUMCON.

He told me, "We will get this area reopened for you." I responded, "If so, they can't be spraying Corexit." He told me to call him if I needed anything. At his office's request, we sent copies of our videos of the dispersed oil plumes. However, we don't know what he did with them, and we never heard from his office. I am a supporter of the governor, but I couldn't even get a response from his office on whether or not Corexit was still being sprayed in Louisiana. I tried to figure out: is Corexit still being used, and how much Corexit was used from May 2010 to September 2010? It was important because throughout that time NOAA said it was safe to dive, so I had continued to dive. However, my health was getting worse.

I stopped diving in *any* of the open Gulf waters from November 2010 through mid-April 2011. In January 2011 I had a Volatile Organic Compound (VOC) blood test performed to identify chemicals from the oil and Corexit. The test results found concentrations in my blood one to three times higher than the 95th percentile for ethyl benzene and above the 85th percentile for Isooctane. The VOC blood test results are included in this affidavit as Exhibit 9. To this day, I speak with divers who are experiencing similar health symptoms. In fact, since 2011 I have received reports from more divers about similar symptoms including skin rashes. My dive partners, who never wore dry suits, also took the VOC blood test in January 2011. Their blood levels turned out higher than mine. There are chemicals in the water and now we are finding the same chemicals in our bloodstreams in novel levels.


#### 6. THE ENVIRONMENTAL PARTITIONING PRINCIPLE: WHY TOXINS PERSIST IN THE ENVIRONMENT

Partitioning, the scientific principle concerning toxins in an environment, governs the movement of organic compounds through soil, water and air. In a broad sense, this concept states that water will hold more toxins than air, and the soil (or reef material in the marine environment) will hold more toxins than water. Also, partitioning explains that environmental toxins such as hydrocarbons are harder to remove from water than they are from air, and they are even still harder to remove from solid substrate. Soil and reef material have the capacity to capture and absorb the toxins, which are then rereleased back into the environment over time but at a slower pace. In effect, they continue to re-contaminate the water column. Based on the partitioning principle, it is not surprising that we continue to find residue of the oil from the Exxon Valdez spill showing up in various samples from Prince William Sound ranging from soil and sand samples as well as birds' eggs.<sup>7</sup>

Another example of partitioning is between oil and water, which don't mix well. Dispersants are used on oil to reduce partitioning and to help the oil dissolve into the water column, or in other words, to help it disperse into the environment. Because dispersants are dissolvable by water and dissolve oil, they break the oil down into smaller pieces of hydrocarbon chains which are then more easily suspended and dissolved into the water column. As a result, more of the hydrocarbon

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<sup>7</sup> *Wildlife Still Exposed to Exxon Valdez 20 Years After Disaster*, Science Daily, Apr. 13, 2010, <http://www.sciencedaily.com/releases/2010/04/100414111018.htm>.



chains dissolve into the water and become more readily available to the food web where it biologically accumulates. Different portions of a plume have thicker or thinner concentrations of micro-droplets of dispersed oil. We witnessed these plumes underneath the platforms in the northern Gulf of Mexico throughout the summer and fall of 2010 and into the spring and summer of 2011.

BP and the government should have told workers that they were breathing in the chemicals every day. A lot of workers did not even have a day to vent or off gas the volatiles from their bodies. They should have been educated that ethylbenzene and other organic compounds are small molecules that get into bloodstreams and mimic hormones. When they get in the bloodstream they can block Estrogen or Testosterone from getting into a receptor site. In effect, the body starts to age faster.

The compounds can also lock up in fat cells. One way you get them out is by exercising to release them. When released, the VOCs supposedly have a half-life of 90 minutes to two days. Therefore, for up to 48 hours, they can either attach to a hormone site or into fatty tissues or, hopefully, lipids in the bloodstream which can then be expelled from the body. This process can be facilitated by eating light unsaturated oil that helps to put more lipids into the blood that are easier to metabolize. The light oil is also available for bad compounds to hook up to in order to pass through blood and get filtered by liver or kidneys or to pass with stool and sweat.

## 7. MEDIA BLACKOUT

On April 8, 2011 I went diving for the first time that year, at MP 311. Rich Matthews from AP took me this time, along with a Texas biologist. The water looked better than my dive trips in 2010; however, there were still big waves of cloudy plumes coming through the reefs under the platforms. Immediately after diving I started throwing up on the back of the boat. I had to dive again after a short 45-minute break because I was the only one with a camera who could film underwater during that dive trip.

When I got back on the boat I overheard the other biologist say to Rich Matthews that everything was fine and back to normal in the aftermath of the spill. I qualified his assertion that the Gulf was fine, and I asked him, "How many times did you dive last year?" He responded that in 2010 he did not dive in the Gulf. He also did not have previous experience in the area we were diving in. I was diving in the same region of the Gulf before the spill, throughout the spill and after the spill with footage that proves conditions are nowhere near normal.

Despite our thorough coverage of the impact from the spill, with the exception of one time, the large news broadcasters did not provide EcoRigs credit for the footage that we provided. Further, mainstream news media would not report on the questions we raised about dispersants. In my interviews, news stations consistently edited the portions of the interview where I mentioned

dispersant or Corexit. I believe it is because they did not want to tell the whole story, which was a disservice to their viewers.

#### 10. SCREENING FOR OIL

An Ultraviolet (UV) light is like a metal detector for potential hydrocarbon contamination. It will make hydrocarbons fluoresce certain color spectrums. The more reputable of these lights come with a spectrum chart that shows the colors that hydrocarbons should fluoresce. For instance, the light can be used to identify hydrocarbons from the oil and dispersant that have washed up onto the beaches, have attached to reef corals, or are in seafood. Photos of oiled oysters under normal light and under the UV light are included in this affidavit as Exhibit 10. I have gear that still has oil on it; I couldn't get it cleaned and now I am able to use it and tarballs that we've collected as standards for screening samples. Everything that matches these fluorescent signatures has a high potential to match the oil produced by the Macondo well. Some of the other fluorescent colors for typical solvents and Corexit are also visible in the spectrum produced by samples in which they are present, but we need more data to understand these color patterns more accurately.

Sponges, corals and oysters are picking up the most hydrocarbons, and many of the oyster shells are glowing pastel yellow, orange and tannish brown. They are the same colors that I am seeing in the fresh tarballs that continue to surface in fisherman's nets. Photos of oyster shells and tarballs under normal light and under the UV light are included in this affidavit as Exhibit 11. As an environmental biologist, I have to address the potential of seafood contamination from the nation's largest oil spill in history. As an oyster biologist, I am telling people not to eat the oysters.

#### 8. CONCLUSION, OIL NOT GONE

Before I experienced it firsthand, I would have never believed that you could pollute the northern Gulf so much that it would be dangerous for me to swim in it. In March and April 2011, I called the governor's office, Plaquemines Parish press office and P.J. Hahn, director of Coastal Zone Management, and I asked them, "Are they still spraying Corexit?" I explained "I heard reports that they are still spraying, and I need to go diving but I don't want to if Corexit is still being used." However, no one could answer my question and I still cannot get a definitive answer to this day. I am concerned because we are still seeing dispersed oil at the surface of the northern Gulf on a consistent basis.

My goal now is to get the word out about that damage that has taken place. Nobody is talking about it right now; however, I cannot remain silent around the impact of the spill. Consider the immense impact of the spill on the ecosystem by looking at Valdez, Alaska, where the 1989 Exxon Valdez spill used a small fraction of the Corexit that we have used in the Gulf. You can't catch significant harvests of herring anymore in Prince William Sound; scientists believe that Corexit affected the reproductive cycle (they think it affects the cell wall of the eggs.) Corexit

might mutate the RNA or DNA. The effects are still unknown to the public and larger part of the scientific community.

After Hurricane Isaac came through, I went with Steve Kolian and another individual to Louisiana's southernmost port, Port Fourchon. When we first got out there I didn't see any large tarballs in sight. However, as we walked to the northern end of the beach the sand got darker, and I noticed these weird looking small mats scattered throughout the sand that look like cooled molten lava spilled onto the beach. They were more like sandy clay, however, when you touched them. Then I realized there were giant mats of this substance further up the beach. When I looked at it closely I could see sheen and a dark red precipitate settling out of the water running off of it, which resembled the tar patties we encountered during the spill. Photos from the oil sheen and tar mats at Port Fourchon after Hurricane Isaac are included in this affidavit as Exhibit 12. New data shows that the latest oil washing up on the Gulf shorelines is in fact BP MC 252 oil. I am not surprised by the presence of oil washing up after storms, based on our earlier dives in the Florida panhandle.

Other EcoRigs divers and I went diving in the Florida Panhandle in July 2011, to collect samples for the Surfrider Foundation. That area is known as the Emerald Coast, for its crystal clear water. When we went diving, however, the water had a brownish white haze that resembled what we saw in offshore Louisiana at 30 feet below sea level. When we dug into the sand in the Florida Panhandle we found anomalous material that resembled tar patties and oil. Photos of the seafloor during that dive trip are included in this affidavit as Exhibit 13. I have never witnessed anything like that since I began diving in the Emerald Coast 20 years ago. The seafloor is typically white sand. There is an area along the Florida coastline that has dark colored runoff (soil that has eroded) from the bays. However, the runoff is normally more isolated and is a black color. What we witnessed during the July 2011 dive was a reddish brown substance on the seafloor that resembled tar and spanned a much larger area than is typical of the natural runoff.

In the areas where the seafloor was covered with the tarlike substance, we noticed much less sea life. There were hardly any sand dollars or crabs and only some fish, whereas we would normally see an abundance of organisms. It was desolate, and reminded me of noticeable drop in sea life during our 2010 and 2011 Louisiana dives.

The most startling observation throughout my Gulf dives in the aftermath of the blowout is the toll of the spill on coral. I observed what appeared to be greater than 70 percent mortality in the offshore barnacle reefs in Louisiana, down to at least 20 feet below sea level. Photos of the damaged offshore coral are included in this affidavit at Exhibit 14. In December 2012, the scientific journal Gulf and Caribbean Research published a paper by Steve, me, Paul Sammarco, and highly respected oyster biologist Ed Cake. It examines BP MC 252 oil found in offshore



coral, and looks at how coral and other filter feeding organisms that live on offshore platforms can be used to determine the breadth and impact of the spill.<sup>8</sup>

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<sup>8</sup> Kolian, S. R.; Porter, S.; Sammarco, P. W.; Cake, E., *Depuration of Macondo (MC-252) oil found in heterotrophic scleractinian corals (Tubastrea coccinea and Tubastrea micranthus) on offshore oil/gas platforms in the Gulf of Mexico*. 25 Gulf and Caribbean Research 99 (2013), Available at <http://www.ecorigs.org/CoralDepurationBPOil.pdf>; EcoRigs Nonprofit Organization "BP\_CrudeOil\_Coral\_EcoRigs2." YouTube. Apr. 2, 2013. <http://www.youtube.com/watch?v=LrvNsJjAzoo>.





I have read the foregoing 18 page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on April 5, 2013.

*Executed on April 15, 2013* 



Subscribed and sworn to before me  
this 15<sup>th</sup> day of April, 2013



Notary Public

My Commission expires on: For Life



Paula Ann Postift  
Notary Public # 49283  
Terrebonne Parish, L.A.  
Commissioned for Life

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## AFFIDAVIT

Our names are Shirley Tillman and Donald Tillman. We are submitting this statement without any threats, inducements or coercion to Shanna Devine, who has identified herself to us as an investigator with the Government Accountability Project. We are married, and have lived since 2006 in Pass Christian, Mississippi, which is located along the Gulf of Mexico, approximately 120 miles from the location of the Deepwater Horizon explosion. The Gulf, the Bay of St. Louis and the bayous and marsh areas that flow into it, surround where we live. We lived in Long Beach, the town over, for over 30 years. We were involved in the BP oil spill cleanup activities through the Vessels of Opportunity Program (VoO) program, which BP created to employ private boat owners and workers to clean up the offshore oil. During that time we were sprayed by what we believe to be the dispersant Corexit. We have since been coping with chronic health problems. Also during the time of the cleanup, we witnessed a lot of unusual activity, some contrary to cleaning up the oil. However, we did not receive cooperation from government officials when we tried to report these concerns. If in sharing our knowledge it would help one person get medical attention that suffered from the oil spill, that's what this is about. We give permission for this statement to be used.

*Donald Tillman (DT):* I'm a contractor for a company that builds waterfront properties. However, after the oil spill the jobs that we had lined up fell through, because no one wants to build waterfront property when you have an oil spill. In order to subsidize my income, my brother, who became ill, asked me to run his boat in the VoO program. Before I become a contractor I was a licensed tugboat captain for 35 years. I have worked in the water all my life. I had an unlimited OUTV (Operator of Uninspected Passenger Vessels) license, which is a Captain's License, for boats up to 1600 tons. My brother was under contract by BP, and I went on there as a captain to run his boat from June 13, 2010 through August 13, 2010. I was a captain for most of the time, however. In late July I got HAZWOPER training, and then cleaned up the oil directly for two months.

*Shirley Tillman (ST):* I would go out on the boat with my husband and work as a deckhand when one of the other deckhands needed a day off. In the beginning when the oil and dispersed oil would get on the boat, I would try to clean it but I could not; it would just smear so I stopped trying to clean it.

### 1 .DAILY ROUTINE

*DT:* My brother had already been working a month or so straight when he started having health problems in June 2010. He had to work every day. That's just like when I took over; at one point I worked 60 days straight, every day for 12 hours a day. I was getting up at 5:00 in the morning to get to work at Pass Christian Harbor. Parsons was the company running the cleanup site for BP that I worked at, and they would hold you at the site until 8:00 am or 9:00 am before you went out. We had morning briefings, where a safety guy would come. But all he talked about

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was drinking plenty of water and dehydrating. Then an official from the Coast Guard provided the weather forecast, and eventually he would tell you when to leave. Sometimes it might be weather related, but for the majority of the time it was to wait for these other boats to clear. They were from 17 to 24 foot skiff style boats. Most were Carolina Skiffs. We didn't ask questions, we thought we're here to clean up the oil and you do what you're told to do.

*ST*: I would occasionally go out with him on the boat, and in August we began noticing these other boats Donald mentioned. They looked like Carolina Skiffs, which are small motor powered boats with tanks on them that were supposed to be skimmers, according to the Coast Guard. A skimmer essentially is used to vacuum oil from the surface water. But if you'd looked at the tanks you would know that they had never skimmed oil, because you could see in the tanks. It was a clear white plastic. You could tell they didn't have oil in them, because once you got the oil on something you could hardly get it off. Also, these spray boats were zigzagging, and in one of the pictures that I took on August 8, 2010 you can see a helicopter directly above one of the boats. That photo is included in this affidavit as Exhibit 1. In the VoO program they would have helicopters go out and spot where oil was collecting, so that they could supposedly have crews go to that area to clean it up. So to me it appeared that the spray boats were just touching up oil areas with dispersant before they came in and we went out. Tanks were located toward the front of the boats. They were nearly clear plastic containers; if a tank had oil in it we would notice.

*DT*: BP would make changes to the rules and procedures daily. We didn't know why or ask why. For example, early in the VoO program we were required to have one HAZWOPER (Hazardous Waste Operations and Emergency Response) certified worker on every five boats, to pick up the contaminated oil. Then it changed to one HAZWOPER certified worker on each boat. Randomly safety representatives would join our boat to make sure we were following procedure, but they were not available until August, 2010. An air quality specialist from a private environmental company took air samples on our boat. He would strap equipment to wires on our boat and check it throughout the day; however, he did not share his findings. August 7 was his last day with us. We got sprayed by dispersant on August 8 (detailed below).

Most captains didn't have HAZWOPER certification, so Parsons bused people in who were certified. They would bus these people in and line them up and tell the captains, "Pick who you want on your boat today." We chose a young man named Eric, and he asked me, "Out of all those people, why did you pick me?" I responded, "Because you're the only one who looks like you didn't just get out of prison." He started laughing and I asked him what was so funny and he said, "Most of those people did; even my supervisor just got out of prison."

We would go out in a task force with a group of 25, and then we would be broken into five groups, with one lead boat in it. You had to have at least one Coast Guard member in your group of at least five boats. Sometimes you would have a national guardsman on the boats too. But the Coast Guard told you when to leave the harbor, where to go, and how fast to go. Often which way they wanted to get you to go depended on which way these other boats were coming, so you

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wouldn't come in contact with them. That's what we determined later on, after we got sprayed and determined the boats were in a local holding location. We also concluded that they were likely spraying Corexit, because we could smell it as we went out. The dispersant was very pungent; it gave off a strong chemical smell. Before the spill, sometimes at Pass Christian Harbor there would be an oil sheen due to boat motors running and so forth, but we have never smelled anything like this.

## 2. INADEQUATE SAFETY EQUIPMENT

*DT:* When we went out in the boats, we had little to no safety gear. In the beginning they told us we had to wear hardhats, and you would move and the hardhat would fall off. If you go to grab your hardhat, were you going to fall overboard with it? Some of the things I could understand, but others were just totally ridiculous. Nobody had respirators; I wouldn't know a respirator if I saw it. We had to wear our life preservers at all time.

I got the HAZWOPER training in late July for three full days. After I received the training I was able to clean up the oil and pull boom. The boom used to clean up the oil before it hits shore is a large absorbent material tied together in sections, with mesh on the outside to keep the oil compacted. Some of the trainings, such as Hazmat, required safety equipment. Parsons should have given you big respirators, we learned subsequently, but they didn't even though we were out in the open and exposed. I brought a couple of paper respirators for myself, but they furnished none, not that I was given. When I was doing the boom, I used the ones I brought. We put on the little rubber gloves, a little suit, and we would tape them - all the stuff you're supposed to do when you're working with hazardous materials.

Parsons rarely had what you needed or were required to have on your boat, such as the boom. In the first week of August, when the air quality safety man was on the boat, there was so much oil that we had to bring boom from Pass Christian Harbor to Long Beach so that they could block areas off; oil mousse was floating into the Long Beach Harbor. However, all five boats had to stay together as a group. In effect, it took an hour for five boats to stay in a group and deliver boom, even though our boat was the only one in the group actually delivering the boom; we loaded 15 bags of boom to take to the harbor. It was a complete waste of time and resources, because the other boats could have been laying and pulling boom and actually cleaning the oil. It was a dog and pony show.

Once the well was sealed it was evident that BP was trying to finish the VoO program. The equipment supplier informed me that the contractors were supposed to furnish all of the equipment, but BP was cutting them back; they couldn't give it to you, such as the boom or duct tape. In effect, we couldn't clean the oil. Following procedure, when we pulled the boom up and placed the contaminated oil in a regular clear garbage bags we put duct tape around the bags and put coordinates on them. There was a supply instructor that had a tractor trailer that would distribute supplies each morning before we went out. However, we had to fight for garbage bags

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to put the contaminated oil in. We had to fight for suits, rolls of tape, rope. In the line at the supply station, they would have too many people waiting. When you got up there you'd tell the guy what you needed and he'd say, "Well I don't have that, you're not getting that, this is all you're going to get." It often happened with Hazmat suits. And sometimes if they had a suit, it wasn't the right size. You can't take and put a 300 pound guy in a medium or small suit. And we had some pretty good sized guys down there.

We even had trouble getting boom. If you go out and use six sets of boom and go back to replace it, they didn't even want to do that half the time. There would be times when they wouldn't even let you pull boom, and you'd ride around with boom on your boat for a week. But you always had to have boom available on your boat. One of the supply guy's positions was, "Well you don't need all that boom on your boat, you're not pulling it." But what if we came across oil we needed to cleanup? How are you going to pull boom if you don't have it? His response would be, "Well, you don't need that."

When we'd have our briefings in the morning workers would ask, "How come there's so much trouble getting supplies?" and Parsons would respond, "Don't worry, we're going to take care of it." But they never did. It was just, "Hurry up and get your stuff, get out of here. The Coast Guard is going to call you when it's time to leave the Harbor."

### 3. VOO INSTRUCTIONS: "DON'T CLEAN THE OIL"

*DT:* When I first started in the VoO program in June 2010 it wasn't quite as bad, because the oil hadn't reached us yet. About the end of June oil started showing up on a regular basis. The water started getting more sheen. It was not big heavy patches of what crude oil normally looks like. Rather, it was like lumped up stuff that already had been dispersed and everything. It looked like patties or tar balls. They call these tar patties, because some would be anywhere from two inches to eight feet wide.

However, the majority of the time throughout the cleanup we were told to just to call in the coordinates from where we identified the oil and keep up surveillance. In total, they probably allowed us to collect about four to five bags of oil, which each weighed thirty to forty pounds. We were told, "Don't touch anything." These instructions came from the head coast guard operation Seahorse. Every time we would call something in, Seahorse would tell us to go the other way.

*ST:* In the beginning in late June and July 2010 when we would go out working and see the oil in the water, it was called either oil moose or oil sheen because it had been dispersed so it wasn't the long strains of oil. Rather, oil would be in clumps and almost looked like rubbery like stuff. People would say, "I found oil, come here" and it would show up on the news; you know, the media would go and try to take it. The Coast Guard and the Mississippi Department of Marine Resources (DMR) would say, "Oh, that's just algae."

After the oil first reached Pass Christian, around late June and early July, its official identity changed from algae to fish oil, instead of oil mousse and oil sheen. Later, on August 1, 2010 we went out to the Gulf Port area and saw oil. Our Coast Guard contact on another boat in our group said, "Don't contain the oil, it is just fish oil." Two photos that I took that day are included in this affidavit as Exhibit 2. After he provided those instructions we were immediately sent back to Pass Christian Harbor. By living here all of our life, we know what we have seen in the past. We've had shrimp boats, we've had oyster boats, and from what you know, through experience, and then all of sudden to see what's washing up and what's floating by the boat, we had never seen anything like that before, stretches of oil the size of football fields. The government's response was insulting because we knew that it was not algae or fish oil, it was dispersed oil.

On more than one occasion my husband just begged to drop boom, but they wouldn't let him. We could smell it - football fields long of oil sheen with clumps of the oil in it. The following day we would be sent to a different location. One day in late July when we went out oil and sheen was everywhere. There was a man close by fishing for pleasure, and he asked us why we weren't cleaning the oil. This is what was so concerning: As happened previously, that day the Coast Guard directed us not to drop boom and instead sent us in the opposite direction of the oil. The following day Coast Guard Admiral Thad Allen stated that there was no more recoverable oil in the Gulf.

*DT:* I think I've got experience enough to know it was dispersed oil, because before I became a contractor I was a licensed tugboat captain for 35 years. I worked in the water all my life; I know what water looks like and what it's not supposed to look like. Boats leak, and sometimes when your engines run it might drip into the water. If you don't have a proper containment on your boat to catch the run off oil, it gets mixed up in the bilge water. Pumps automatically come on and pump the bilge water into the ocean, which can cause an oil sheen. You might be putting a quart of oil or diesel fuel into the water and the Coast Guard, DMR and the Mississippi Department of Environmental Quality will fine you heavily - hundreds or even thousands of dollars. All of the agencies are waiting to get their hands on the fine money. For instance, after the spill a young boy was working on his boat and the bilge pump kicked on and got some oil into the harbor. He had to pay thousands of dollars. So if they are going to fine me for pumping my bilge out, how come they didn't properly identify the oil sheen and dispersed oil and allow us to clean it up?

I spoke with a young man who worked on a skimmer boat and would vacuum the oil by the islands. After he stopped working, he shared with me that in August 2010 they would go out to Cat Island, but if it was too big of an oiled area, they boomed it off as best as they could, they put a bowie in the middle of the oiled location and the next day they would be dispatched out there to pick up the boom and the bowie, and all of the oil would be gone; it would just be foamy stuff.

There were instances when the Coast Guard would tell us, "Put the boom out," and five minutes later they were making us pick it up. What was that all about? Why wouldn't you let us mop up

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what we had here? They would not let us clean up the oil. There were several times when we identified oil in the water, and a lot of the fisherman down there made remarks, "Well, what are we doing down here if they're not going to let us clean up?" Often the Coast Guard would not let you drop boom; they would send you in another direction from the oil that we located.

We always thought when we were working that it was just a very unorganized project. But when you start taking it and adding everything up after the fact, they knew what they were doing. They were keeping us in that harbor for a reason. They were making us go at a certain speed to a certain place for a reason – to not come in contact with the unmarked boats that sprayed dispersant (detailed below). All these things started to add up. And all we wanted to do was clean up the oil. But we were not allowed to do very much of that. I put boom over board and just started to spread it and pull it and they'd say, "abort." Now, why would I put boom out on all this stuff and have to pick it up without collecting oil.

On August 13, 2010 we were one of the last groups to be laid off. I don't know how many hundreds of boats got laid off before we did, but they kept phasing it out until there were no more boats. It wasn't like they just laid us off because we did something wrong or anything like that. When they capped that well they started taking and cutting back on everything and winding it down.

#### 4. SPRAYED BY DISPERSANT

*ST:* Before getting laid off, on August 8, 2010 somebody must have got their connections crossed. As our boat was going out into the Gulf, these spray boats were coming in. But after they passed us I'd been taking pictures of the wildlife and the water, and I happened to zoom in on them and I saw them spraying something on the water. It was coming from a garden type hose but stronger. We were probably two football fields away, so I did not think about it coming back. However, these boats were up wind from us; as we were going west the stuff they were spraying came back on us.

A National Guardsman was on our boat that day. When my husband realized we were getting sprayed he ran into the cabin and closed the windows. Most of the people on the boat, including the National Guardsman, followed my husband into the cabin. I stayed on the deck to try and take pictures. The skiff photos were taken south of the Bay of St. Louis Bridge. The bridge is west of the Pass Christian Harbor. Three photos are included in this affidavit as Exhibit 3. I never would have stood out there to take pictures had I known what I do now about the effects of Corexit and the fact that it has never been tested on humans or animals. I did not think it was a public health threat, because it has been approved for use. I went into the cabin after I sprayed and tried to wash my face and hands but it was already in my eyes, nose and probably lungs by then. My husband immediately contacted the Coast Guard official who was in the group with us that day, but on a separate boat. Within minutes, the Coast Guard supposedly dispatched helicopters and a boat to investigate these boats. Most of the government representatives and

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safety people that rode on our boat were great people, doing their jobs like we tried to do ours. We didn't talk business, such as what the air quality specialist was finding or whether or why the Coast Guard wasn't monitoring the unmarked spray boats more closely. However, the next day after I was sprayed a Coast Guard official asked my husband for copies of the photos that I took. As soon as I handed him disk he told me that the unmarked boat I had identified was in the VoO program and was just rinsing its tank. This didn't add up, however, because the Coast Guard always told us when to leave the harbor, where to go and how fast to go. We had to have flags and transponders to identify us as part of the VoO program. I did not see a flag on the boats that were spraying, and even the Coast Guard officials did not seem to know anything about the boats when we reported them.

*DT:* The captain of that boat that was sent after these unmarked boats is dead now. All I know is that he passed in the summer of 2011. Within thirty minutes of trying to chase the boats he was called back; he couldn't catch up to them. We later discovered that they were going back to their dock at Henderson Point (detailed below), which was located in the direction they were going. We don't know anything about his health or the cause of his death. He got us in touch with Matt Guttman from ABC news. One time I spoke with a supervisor at a staging site for the Carolina Skiffs. I asked him, who originally opened it as a staging site and he said that it was U.S. Environmental Services and an additional company. In August 2010 I saw what appeared to be empty Corexit tanks at the staging site. Two photos of the tanks are included in this affidavit as Exhibit 3. I didn't even know what Corexit tanks looked like until weeks later; I just kept seeing these semi-clear plastic empty tanks.

*ST:* We knew the captain well, we grew up with him. He was a commercial fisherman, and I believe in his 50's. The Coast Guard sent his boat to chase, to try to see where this boat that we reported was going. The boats were zigzagging back and forth by the bridge down here, and when they saw that the Coast Guard sent this captain to turn around and go follow them, they took off. Most of these boats had 150 horsepower on the back. There was no way we could catch them in our boats. When we returned that afternoon from the whole episode, the Parsons supervisor told me that before that event they identified the boats and were trying to catch them, but they could not catch up. He told me one day he would write a book about all he was aware of. He was speaking in general terms, because he too got his orders from the Coast Guard, and they changed orders without reason or rhyme on a daily basis. For example, we would change routes unexpectedly, or be authorized to lay boom one day but not another.

The day that we were sprayed, when the Coast Guard turned us back around to go east you could see the white foam in the water where the spray boats had been. A photo of the white foam is included in this affidavit as Exhibit 5. In fact, the Coast Guard official told us to drop boom over it, but it was useless because we were collecting foam at that point, not oil, so he then changed his orders to just collect the boom. By the time we got in that afternoon, it was all over the harbor that we got sprayed. We would not give interviews for a long time after that, because we felt the government was supposed to be taking care of this and we weren't getting into it. Oddly, our



supervisor at Parson's was unaware of the incident. We informed him of what happened and he shared that he had been trying to identify the unmarked boats as well, but they were too fast and would always get away. I told him I took photos and he asked for copies. About 30 minutes later, after I had returned home, Donald called to tell me that the Coast Guard wanted a disk of the pictures.

#### 5. COAST GUARD "INVESTIGATION"

*ST*: I made the Coast Guard a disk of the photos and took it down the next morning, on August 9. As soon as I handed the disk to the Coast Guard official presiding over the staging site that day, before even looking at the pictures he proceeded to tell me that they had investigated the incident, that the unmarked boats we reported were in the VoO program, that it had just not been documented - although he also stated that it hadn't been verified - and if I had seen them spraying anything into the water they were just rinsing out their tanks.

Why would a supposed skimmer boat be rinsing out their tanks? Were they putting the oil back into the water, because what I saw was not oil coming out of the sprayer, it was just like clear stuff. During that exchange, the Coast Guard official also asked me, "Don't you think that if they would have been spraying dispersants into the water, they would have been wearing safety equipment?" I told him, "From what I've seen around here, no". All they had were box fans on their boat, which meant they had a power source to skim oil or pump Corexit; they didn't have any kind of respirators or anything. That's obvious in my pictures. You know, they were just guys on the boat.

I have spoken to some people since then who did not have safety equipment when they worked and sprayed dispersant. They were working out of Louisiana, and one gentleman in particular was the supervisor on a cleanup crew and firsthand witnessed a lot of things. But most people are afraid to get involved in anything because of repercussions, you know. People were desperate for work. Most of the spray boats and the people who worked in Mississippi on the cleanup were from Louisiana and Alabama. Almost all of the tags were out of state tags for boats at staging sites. My friends from Louisiana told me the same thing; Louisiana workers were from Mississippi and Alabama. Why didn't BP let workers work in their own state? A lot of the beach cleanup crews were from all over the country. I think now, looking back, that these people would go back home, and if they go sick from the oil clean up, how would they know and who would they tell?

My husband and I have not been contacted by the Coast Guard since I provided the photos. And the funny thing was that the Coast Guard official claimed that they conducted an investigation within less than a day. However, they never asked me for a statement or my husband or any of the other five boats working with us that day. I think it's kind of funny that as thorough the government is usually on paperwork, they would have at least had us sign our name to something. So, what kind of an investigation was that?

## 6. HEALTH PROBLEMS

*ST:* Immediately after I was sprayed I started feeling the effects of this stuff. My eyes started watering, my nose was running and I was coughing. My husband's problems began a few days later, and then escalated. To our knowledge there was no kind of medical person at all on site when we returned from the water that afternoon. Our supervisor was not informed by the Coast Guard that we had been sprayed; when we checked out he was unaware of what had happened. Prior to the exposure we didn't have any eye problems; my husband and I both always have been healthy people. Now his whole eye is messed up, completely irritated and red. It wouldn't clear up with eye drops. Finally we broke down and went to doctor and got medication. Usually my eye problems are contained to one side of my eye. We don't even wear glasses except to read.

Before the oil spill I saw the doctor because I was sick maybe one time in five or six years. We had to give up our insurance right before the spill took place, because the premiums went up and we just, you know, couldn't afford them. Since our exposure, both Donald and I have been to eye doctors, because it just doesn't get better sometimes. You have to get antibiotics. The headaches are relentless. Everyone has headaches, but when you go from maybe one, two, or three a year to maybe two or three a week since the oil spill, it's like you know what's normal for you and what's not. I used to have migraines. These weren't like migraines; they were just horrible headaches where you hurt bad and get nauseated.

Two or three days after I was sprayed I had nausea and diarrhea. I couldn't breathe or my nose would run like a faucet; it was continuous. A few days after I was sprayed I developed itchy batches of rashes on my skin. I would have itchy batches on my skin, but I still went to the beach to take pictures. I put topical cream on it, and it would go away. I didn't break out in a bad rash until January 2012. These little fine bumps were all over my face and body. I had to go to a medical clinic, and the doctor told me that it was either an allergic or chemical reaction. I was given steroids and a topical cream. After three days the rash went away. Donald had the rash, too, and my daughter in law had a similar experience in the summer of 2011.

Now I have good days and I have bad days, you never know what you're going to feel like the next day. Donald and I still have upper respiratory and sinus problems. Fog makes our sinuses worse. If we wake up and can hardly breathe, we can tell that it is foggy outside. I have thrown up more in the last year than I probably have in the last 20 years. Some days it's so bad that it happens in not just one or two episodes but goes on all day long. And then other days it's just, you have no energy, you're just completely drained for no reason at all. You wake up more tired than when you went to sleep. Just common, everyday symptoms, but they're not normal symptoms for me, and never have been.

*DT:* The only health problem I had before the spill was your common winter cold symptoms and headaches that you don't normally get in the summer time. And basically all this stuff here is common sense. You know, the doctors want to treat you with antibiotics for cold symptoms that

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you don't have during the summer. We're still all congested now. We went up North Mississippi in the summer of 2011, and this stuff cleared up. We came home and the health problems immediately returned. Three weeks later we went to Arkansas for a week, and all the congestion and stuff went away. We come home, and two days later it was back. This pattern continues.

*ST:* In addition to going on the boat with Donald, I would take pictures on the beach to document the oil spill in June 2010. But I haven't been to the beach in awhile, because every time you go down there, for the next two or three days it's like you pay for it with bad headaches, nausea or respiratory problems. But I decided in early August 2011 that I was going to go down there to Pass Christian Harbor and take more pictures. And then the very next morning I woke up and a vessel in my eye burst again for the third time. And it's taken like three days to get over that.

In January 2011 my husband and I got Volatile Solvent Profiles. By then it was several months after we had been working on the cleanup, however, the test still found traces of chemicals in our body. We're we continuing to be exposed somehow? From what I've learned, our levels are low compared to a lot of people who have fallen ill from the spill but high compared to the average person. In both of us, the test detected chemicals found in the crude oil or Corexit, including ethylbenzene, m,p-Xylene, 2-methylpentane and 3-methylpentane. It's been really hard to get an accurate diagnosis or treatment, because none of the local doctors will even admit there is a problem. So we have not been able to consult with a doctor candidly about the prospect of our illnesses being connected to the chemicals from the oil spill. Our grandson also got really sick after the oil spill, and the doctors ran us in circles trying to determine what the problem was. When his mother brought up concerns about it being related to the oil spill, they would not even consider that possibility. There's one friend of mine who happens to be a doctor, and he's very well aware of what's going on but is afraid to take a hard stand on it. He is an emergency room doctor.

We didn't become mad about how the spill has been handled and our health problems, until our two year old grandson's blood test came back positive for four chemicals found in the oil and Corexit: hexane, 2-methylpentane, 3-methylpentane and isooctane. His exposure surprised us, because since the spill he did not go to the beach or eat any seafood. However, when he began getting sick in September 2010 his life force left him. He went from running all over the place with high energy, to just lying on the floor some days, just so sick. His symptoms included frequent vomiting and ongoing respiratory and sinus problems. We felt like "Damn you BP," because we knew by then that BP had done this to our grandson. Prior to seeing how he was affected, we wouldn't conduct radio interviews or go on film. We wouldn't do any of that, until his test came back. Then our mentality shifted to, "We'll do whatever is needed to raise awareness around the public health impact from the oil spill."

Some people still don't know why they're sick. I mean, even neighbors, you'll be talking to them and they'll go, "I've been sick for months now, it goes away and comes back." And I'll go, "Did you smell a lot of the burning oil during the spill?" and they'll go, "Oh yeah, I smelled that every

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day for weeks” and I’ll go, “Well guess what, you probably have that in your body.” The smell was so bad around here when they were burning the oil for weeks in May and June. We would go outside and turn around and come right back in. I’d think, “Is that smell going to get into our home and in our clothes? How are we ever going to get rid of that?”

*DT:* It got in our bodies instead.

*ST:* Coast Guard Admiral Thad Allen said that the dispersants were only sprayed after July 15, 2010, on a case by case basis. Dahr Jamail of Al Jazeera was down here in October 2010 when we took water samples. The samples came back positive for dispersant and crude oil.<sup>1</sup> If the dispersants only last for 28 days, why was it still showing up in October?

## 7. UNMARKED BOATS AND SURVEILLANCE

*DT:* We didn’t realize odd patterns with these Carolina Skiffs until August 8, 2010, the day we got sprayed. Then, once the Coast Guard told us that we didn’t see what we saw, the very next day we located a staging site about two miles from our house that a VoO captain had told us about. We ultimately found three compounds – or staging sites – that sheriffs of the county would be monitoring heavily. The location close to our house was at Henderson Point. The second location was in Hancock County and the third staging site was located off the interstate in Gulfport, at corner of Canal Road and I-10. At least in Pass Christian Harbor, prior to the spill there was not security watching these boats, much less the sheriff’s department. We started documenting the sheriff’s department and their unusual behavior at these compounds after we got sprayed. From what we observed, the behavior of the boats and sheriffs continued at least from August 8, 2010 beyond September and October 2010.

At all of the locations there were one or more guards by the entrance and a sheriff’s department vehicle from the respective country situated next to the boats. I did not understand why they had this additional security, especially because some of the staging sites were already fenced in. The location on I-10 had an eight foot fence all the way around it. There was a guard at the gate and other guards all over the place, in addition to the sheriff’s department vehicle. What is so unique about these sites that you have to have law enforcement watching the inside of a compound that is already secured?

Throughout the cleanup, these boats were coming back in as we were going out at eight or nine in the morning. It didn’t make a lot of sense until it started occurring all the time. We believe that during the daytime you’d have other boats and helicopters locate oil plumes by stopping bowies and providing locations for them to go back and spray at nighttime. Then planes would touch up with dispersant at nighttime. Then the Carolina Skiffs would go out there and touch up in areas as well with dispersant. One worker who skimmed surface oil explained to me that when an oil

<sup>1</sup> Dahr Jamail & Erika Blumenfeld, *The Tragic State of the Gulf of Mexico: Sampling Reveals Oil and Dispersants on Mississippi Coast*, Truthout, Jan. 12, 2011, <http://archive.truthout.org/the-tragic-state-gulf-mexico-sampling-reveals-oil-and-dispersants-mississippi-coast66726>.

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patch was too large to skim, he and the other workers would be instructed to boom the area and leave a bowie. The following day when they would collect the boom, they would see nothing but white foam, which is a sure tale sign of dispersant. This happened repeatedly. C-130's were spraying Corexit for months out there.

*ST*: You couldn't see anything at night when they'd spray. We tried videotaping them going back and forth in August or September 2010. Before the well was capped, the news reported that they only sprayed by the wellhead through subsurface spraying, which is not the case. They still have C130s at Stennis International Airport in Hancock County, Mississippi and Marine Spill Response Consortium (MSRC) planes, which are strictly for spraying dispersant. We would watch them at night out by the islands, which are about 10 nautical miles from the beach. We would watch them go back and forth and back and forth, flying at low altitudes between islands. On videotape all you could see was this little ball moving around on the tape. Before the spill I had never seen planes flying that low or directly over our heads. They would fly over our home or at the Pass Christian beach. We have pictures of them so low that we could see the people in the planes. A photo of a low flying helicopter is included in this affidavit as Exhibit 6. We are surrounded by water on three sides and we have an airport 15 miles east and another airport 15 miles west. Even now C130s, Coast Guard planes and helicopters continue to make loops repeatedly. It wasn't like this before the spill. To this day there is sheen on the water.

After a tropical storm in August 2010 BP took all of the recognizable spray boats out and moved them to a big staging site in Gulfport. You could recognize the boats, because in front of the consul of the boat there was a big white tank in a little cage structure. It was probably a two hundred gallon tank at least. I do have pictures of tanks at the same staging site with the sheriff's department car sitting right there by the boats. A photo of the sheriff's department car at the staging site is included in this affidavit as Exhibit 7. I've seen the same tanks and they are dispersant tanks. They are the 330 gallon white tanks from Snyder Industries that basically have pictures a friend of mine sent me indicating that's what the Corexit came in - tanks from Snyder's Industry's. Al Jazeera reporter Erica Bloomfield also came in October 2010 and got barcode numbers off of the tanks at the Gulfport staging site. However, when BP started relocating back to the Henderson Point staging site, it was a different type of boat - like pleasure boats and metal oil mop boats.

## 8. GOVERNMENT INVESTIGATIONS

*ST*: In October 2010 representatives from the National Oceanic Atmospheric Administration (NOAA) and the Department of Fishing and Wildlife (DFW) showed up at our door. They had been by earlier in the day and left a card at my door with a message to contact them. Their cards read special agents, and they said they were here investigating the use of Corexit in inland waters. They were very nice, but I believe they were overworked; they are just two agents responsible for three states. They told us that they had recently received complaints of Corexit being sprayed in inland waters. I had been working with other people collecting water samples

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the day before, and there were two identical samples taken from the same spot at the same time. I said to NOAA, "Well here, if you're investigating the use of Corexit, you take this sample with you, and we'll see if your test results come back the same as the other test results." I had to do the chain of custody, and I've got the receipt. They also contacted me about the dead turtles. In April 2011 I documented 39 dead turtles, and from January through April 2011 I documented 57 dead turtles.

After speaking with them for several hours it became clear that they were most interested in the photos I had taken. They were investigating the use of Corexit, and they wanted to see the photos of the spray boats and Corexit tanks and planes. At that time I probably had 5,000 to 10,000 pictures. They were all mixed up because I had no idea this is what they were interested in. I have pictures of the dead birds, marine life and wildlife that are usually only found in the marshes. Six photos that I took of oiled animals are included in this affidavit as Exhibit 8. In the spring of 2011 I found a dead armadillo on Long Beach. In May 2011 I found a dead raccoon in two to three inches of water, muskrats, possums and one wild pig in Hancock County. In September 2011 after tropical Storm Lee there were places on Pass Christian beach where I couldn't walk within 10 feet without witnessing a dead bird. I heard from friends that it was that way everywhere along the coast. Maybe we would see an occasional dead bird before storm, but after the storm the tide washed up their bodies and they lined the beach. Rescue people were swarmed with calls. What was peculiar is that all these animals lived in the marshes. It was unusual to see these dead out there. I am concerned that the spill has also affected the wildlife that lives around the bayous in the marshes.

The special agents and I were talking as I scrolled through the photos for them. They kept saying things like, "We just found out about reports of spraying inland" and so forth. I asked them, "Wouldn't it be easy for you all to get the records from the Corexit manufacturer Nalco for how many gallons BP has bought from them to use to spray down here? Wouldn't that be a lot easier, since they've admitted to spraying 1.8 million gallons?" They responded, "Oh no, we can't do that, it's way too early in the investigation."

From that point on I felt they were just here to see what pictures I had. I would show them a picture of a Corexit sprayer or the skimmer boats, piles of foam from when we were working on the VoO program, which was what the water looked like the day when were sprayed by the unmarked boats. After three hours they had another appointment, so they asked for a copy of some key photos that I agreed to provide them, specifically the Corexit tanks and the boats that contained the tanks. The following day, a friend of mine called me from Ocean Springs and said, "There are big piles of white foam washing up here that look like dispersed oil." I said that I knew just who to call. I called the special agents with NOAA and Fishing and Wildlife a few times and neither contact answered. I called again a little while later to tell them about the fresh samples that they could obtain, but they never called me back. They never followed up to obtain their photos or return my call.

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## 9. FACEBOOK RETALIATION

*ST*: I didn't know a BP America (BPA) Facebook site existed, until a friend told me that lies were being spread about me on the BPA Facebook page. She told me that people were posting comments that the photos I had documented of dead turtles were not authentic, and that I was taking dead turtles to beach and photographing them and trying to make money off of the photos. I went on the BPA Facebook page and confronted the people making these false statements about me, and I also responded that I post my photos for the public for free. In addition to monitoring comments about the spill's devastation on the marine life, the attackers all comment that no one is sick from the spill and Corexit is harmless.

If someone gets on the BPA Facebook page and says "I am sick from the spill," a handful of people attack the individual that person. They have made comments that the people who claim they are sick or who take the Volatile Solvent Profile blood test are trying to make money off of the spill. I have a friend with a young son who has fallen sick since the spill. He got on the BPA Facebook page and wrote that he and other people are sick, and he was attacked. One attacker looked at his profile, identified his friends and family and sent them nasty messages. Based on other people I have compared experiences with, anyone who takes a stand against BPA Facebook page is attacked. The people making these unfounded attacks have Facebook pages but they do not have profiles, so it is unclear whether or not they are real people.

At one point the BPA Facebook page was promoting Gulf seafood. I made a comment that I choose not to eat it. One of the trolls replied that the Food and Drug Administration (FDA) has tested the seafood and found that it is safe for consumption. I responded that the last time I saw that FDA had only tested for 16 out of 60 compounds, and I choose not to eat the seafood. The next day I was blocked from the BPA Facebook page. According to Facebook's own guidelines, someone can be blocked for personal attacks and foul language, but it doesn't list anything about stating one's opinion on seafood safety as grounds for being blocked. When I was removed from the page, all of my posts were deleted as well.

## 10. CONCLUSION

*DT*: In addition to the resistance surrounding medical problems resulting from the spill, we still have oil washing up. To this day, there is oil out by Cat Island, Ship Island and Hound Island. In Bay St. Louis you can go on one of the bridges right now. When the tide is running in and out you can still see the oil slick. Where are the people who are supposed to be protecting us from all of this?

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I have read the foregoing 14 page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on June 14, 2012.

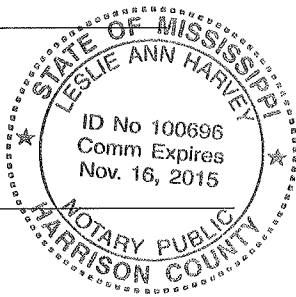
*Donald S Tillman Sr*  
Donald S Tillman Sr.

*Shirley W. Tillman*  
Shirley W. Tillman

Subscribed and sworn to before me  
this 23<sup>rd</sup> day of August, 2012

*Leslie Ann Harvey*  
Notary Public

My Commission expires on:



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## AFFIDAVIT

My name is Steve Kolian. 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 the founder of EcoRigs, a nonprofit group that's mission is to assess the environmental damage resulting from the Deepwater Horizon spill. EcoRigs is composed of a team of divers. We were asked by NOAA to collect water biological samples close to the spill site, in exchange for test results and presumable compensation. NOAA assured me that it was safe for us to dive into the dispersed oil, which we quickly discovered was false. NOAA did not follow through on its end of the bargain, and cut off communication without providing any test results or funds for the sampling trips we had conducted at their request. Once I realized the health threats associated with Corexit, I alerted the diving community, so that other divers would not have to endure what my team and I have been through.

### 1. BACKGROUND

I earned a Bachelor of Arts from Augsburg College in Minneapolis and a Master of Science at Tulane University in environmental science. I was an AAUS (American Academy of Underwater Sciences) diver with scientific diving certification between the years 2004 through 2007. I have been PADI (Professional Association of Diving Instructors) diving certified for 10 years. However, before that I snorkeled frequently for the last 30 years on oil rigs. I grew up in Minnesota, and would come down and shrimp in the Gulf of Mexico during the summers. I grew up as a commercial fisherman; I was a shrimper for seven years off and on, and then I practiced longline fishing for tuna and shark. I have been working as an environmental scientist since 1997 providing environmental and natural resource consulting to the government and private sector. My day to day work focuses on National Environmental Policy Act (NEPA) documentation and modeling environmental events. I am also a water quality and fishery specialist.

I founded EcoRigs.org ("EcoRigs") in 1999. We are composed of a team of scientists and divers whose mission is to save retired platforms from removal for use in sustainable fisheries and renewable energy. However, since the spill we have been collecting and analyzing water samples from the Gulf of Mexico to be "fingerprinted" for biomarkers of BP MC 252 oil. A biomarker is an organic compound used to identify the source of crude oil. Fingerprinting crude oil was necessary to validate the source of crude oil. Crude oil is composed of a diverse mix of organic compounds and the composition of the crude varies from field to field which allows the fugitive oil to be fingerprinted and its source identified.

After the Deepwater Horizon explosion, we were one of the first groups to go offshore and sample the subsurface plume from the MC 252 field. We collected surface and subsurface water samples and marine life that live on offshore oil and gas platforms. The reason that we're interested in those organisms is that they occupy a vertical profile; by analyzing the organisms,

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we can determine the distribution of the oil in the water column from the surface through the subsurface.

From EcoRigs, I dive the most with Scott Porter and Michael Boatright. Scott has over 6,000 dives, and Michael has forensic and safety licenses. Dr. Paul Sammarco from the Louisiana Universities Marine Consortium (LUMCON) is another diver and scientist with EcoRigs whom I work closely with. I have authored or coauthored 15 to 20 publications, some of which are peer reviewed.<sup>1</sup> The self-published EcoRigs reports are doing very well, and often get more exposure than peer review journals do.

## 2. ECORIGS

EcoRigs is a small, self-funded nonprofit. Our main charter is to save some of the 4,000 oil and gas platforms after they retire. There are 4,000 platforms in the Gulf, and 1,200 are going to be removed in the next five years. The government wants to remove the platforms, because they can pose navigational liabilities. However, 20 years ago we started advocating saving platforms and before the spill we were whistleblowers; our position is that when a platform is removed the oil and gas companies are violating the National Environmental Policy Act (NEPA), because protected corals live on the platform pilings. The removal of platforms violates the Magnusson Stevens Act, which protects coral and fish; and the Endangered Species Act, because endangered sea turtles sleep and feed on the platforms.

The platforms' benefits are twofold; they benefit marine life by providing sustainable fisheries, and they offer a platform for renewable energy through wind, solar, waves, and currents.<sup>2</sup> They also make great places to sequester greenhouse gases; Massachusetts Institute of Technology (MIT) identified offshore platforms as the safest place on the planet to store greenhouse gases.<sup>3</sup> To sequester greenhouse gases you would inject them into the vacant geological formations that the well had just produced, and then seal off the well.

We are advocating rebuilding populations of fish in the Gulf of Mexico with the retired platforms because they are excellent nursery habitats. This is especially important now because there will be mass mortalities resulting from the spill. We could help rebuild the habitats by collecting larvae offshore, put them in a tank, grow them until they are large enough to fend for themselves and then release them. Organisms are floating by a platform all the time. We could grow the fish that are very difficult to grow, like the highly protected Blue Fin Tuna. We have not performed any surveys but we have observed lower populations of their prey species and know that their larvae are bound to be affected. All this takes a lot of research we need money.

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<sup>1</sup> Press, Media and Publications – EcoRigs, <http://www.ecorigs.org/Press.htm>.

<sup>2</sup> Alternate Uses of Offshore Oil and Gas Platforms – EcoRigs, <http://ecorigs.org>.

<sup>3</sup> Howard Herzog and Dan Golomb, *Carbon Capture and Storage from Fossil Fuel Use*, Encyclopedia of Energy 277-87 (2004).

We have accomplished a lot and have published numerous articles without receiving government funding or donations from oil companies.

### 3. DIVING IN OIL PLUMES

Our first dive was May 7, 2010. We wanted to see how the oil was impacting the marine life, the corals and other invertebrates such as sponge, tunicates, and hydroids that inhabit the pilings of the offshore platforms. I anticipated that the splash zone (upper 15 feet of the water column) would all be black and the attached organisms would be dead due to exposure from surface oil. We went offshore to Mississippi Canyon Block 194 to look at organisms on the Cognac platform, 26 miles northeast of the spill. On our way we didn't see as much wildlife as we normally do on our offshore trips. We saw a lot of patches of the rusty red floating oil.

The Cognac platform was located in 1,110 feet of water, and we went down to 90 feet below the surface under the platform for 30 minutes. When we arrived we only saw sheen on the water, which is un-emulsified oil. The oil evaporates and the heavier compounds start clumping together, which is pre-tar ball, pre-sinking oil. When we dove into the water we saw a subsurface plume and took video footage.<sup>4</sup> The subsurface plume is composed of small droplets of oil that sink. Their density is slightly greater than seawater. The objective of dispersants is to create small droplets of oil that sink.

The organisms that were on the splash zone of the pilings were not affected, because they were excreting some mucus and preventing the oil from sloshing up and attaching to them and killing them. They were in defense mode. That occurred for the top 15 to 20 feet, so they did not look impaired on our first visit.

CBS News saw our video and asked us to go back out to the same location on May 9, 2010. During the second dive, there was a lot of water with sheen. During that dive, 40% to 50% of the organic compounds had evaporated and the oil was still on the surface, starting to mix with water. We saw a lot of organic materials falling from the surface and subsurface plume, and the subsurface plume was 15 to 20 feet thick.<sup>5</sup>

During those dives we wore standard equipment; air tanks fins, snorkel, gloves, a 2mm wetsuit, and a hood. Even though we had our bodies completely covered, it didn't help protect us from the oil at all because we were diving with a wetsuits going down to 90 feet below the surface. However, we were not concerned about the exposure at the time, because the EPA said publicly that it was ok to dive. After those first two trips I wrote reports and put them on the EcoRigs website and submitted them to NOAA coral listserv and they got a lot of attention.<sup>6</sup>

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<sup>4</sup> Video Data: Surface Oil Slick on May 7<sup>th</sup> – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>.

<sup>5</sup> Video Data: Marine Life on May 9<sup>th</sup> MC 194 – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>.

<sup>6</sup> Report May 7<sup>th</sup> and 9<sup>th</sup>, 2010 – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>.

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Approximately two weeks later the NOAA Natural Resources Damage Assessment (NRDA) contacted us.

#### 4. NOAA: “DIVE IN; ITS SAFE”

I started commercial fishing in the Gulf of Mexico 30 years ago, but I have never seen anything like the conditions we were diving in. Occasionally, I’ve seen small patches of oil and sheen on the surface water, but not the red stuff. They were spraying Corexit around the time we started diving. After those first two dives, I asked NRDA staff specifically if the Corexit was toxic, and they said “Corexit only has a 90 minute half life.” This was reassuring to hear because that meant that the water would not be toxic; as long as we were not seeing any planes flying around we thought we would be ok. On top of that, NOAA told us later in August 2010 Corexit would not be sprayed in the areas where we were conducting our research because the well was capped (July 15, 2010).

I don’t like pointing fingers at NRDA staff. I think management endorsed a policy to deny the toxicity of Corexit, because they didn’t say anything to anybody about the associated risks. In fact, they purposely misled people. NOAA, EPA, FDA and NRDA knew that Corexit and oil was a very toxic combination. There are numerous publications on the subject and there is historical data from the Alaskan Valdez spill. Why they chose to adopt this policy is really confusing. In late July 2010 BP announced that it stopped spraying dispersant for the cleanup. However, we have a video of fresh Corexit in the water from August 21, 2010 and August 18, 2011 (detailed below).<sup>7,8</sup>

I was first contacted by NOAA through an email from a NRDA contact. He asked us to collect samples and submit a research proposal for surface water samples and subsurface water samples, and then a second proposal to collect the marine invertebrates and fish that inhabit oil and gas platforms. We conducted 36 dives for NOAA. During the time that we worked with NRDA we continued to post our material on the NOAA Coral Listserv. We were seeing things that other people were not documenting. Further, I have emails between several NOAA staff, their lab personnel and BP regarding the samples we provided. We collected samples for NRDA from mid-July to mid-September, 2010. After repeated requests, in April 2012 NOAA provided us the Chain of Custody for the samples that we provided them.<sup>9</sup>

Arkansas State University also tested our July 2010 samples for Total Petroleum Hydrocarbons (TPHs) and metals; they could not afford to test Total Aromatic Hydrocarbons (TAHs) or

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<sup>7</sup> Video Data: Subsurface Oil and Dispersant South Pass August 21, 2010 – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>.

<sup>8</sup> Video Data: New EcoRigs Sampling Event 13 miles offshore of Long Beach MS on August 18, 2011 – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>. [Hereinafter Sampling Event 13 miles offshore].

<sup>9</sup> Documentation of federal government correspondence will be provided to responsible, authorized investigators with a need to know the contents.

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Polycyclic Aromatic Hydrocarbons PAHs. TPH is a term used for any mixture of hydrocarbons found in crude oil. NRDA told us they would give us the lab results from our samples. However, they never did.

## 5. NOAA RADIO SILENCE

At first everything seemed to be going fine with NRDA. We sent them two research proposals before we collected samples. They told us they looked good, and to proceed. We were speaking with four to six different scientists. However, when we started producing and sending samples in, the dynamic shifted. In August 2010, we brought about 15 samples from two sampling events to NRDA staff located at the Houma BP Command Center and delivered them by hand. In the beginning they would reply to my email regarding confirmation of the delivery. NRDA told us for several weeks that we were going to receive results. We had two more sampling events in the freezer that we were going to give them. When they stopped giving us results but continued to tell us to go out, we started to hold our samples.

I sent in a written request to NRDA several times for the certificate of analysis. They were testing for PAHs and TPHs and we wanted to know the results. I think they were going to fingerprint biomarkers as well. However, we only received a verbal response that some of the samples were positive for oil, and they did not identify it as BP's MC 252 oil. That was the extent of it. After they did not respond to our written requests, we started to figure that NRDA was going to screw us in some way. It was very very disappointing not to receive more information, after all of the conversations, preparation and dives that we invested in. EcoRigs later analyzed surface water samples from some of our NRDA's dive for PAHs and biomarkers specific to the MC 252 blowout crude oil. Concentrations of PAHs were found to be up to a thousand times greater than the U.S. EPA water quality benchmarks for human exposure. Some samples were fingerprinted and the critical difference analysis of biomarkers showed that the sample correlated with the crude oil from the MC 252 well.

There was one event that foreshadowed how NRDA planned to renege on its end of the deal. In the summer of 2010 they had a meeting in St. Petersburg, Florida to begin funding the main universities in Florida, Alabama, Mississippi, and Louisiana. At the time of the meeting we had conducted three to four sampling events for NRDA, and they did not even bother to tell us about the meeting. After that meeting, NRDA stopped communicating with us, and has not paid us to this day. For the NRDA samples, our invoice is for \$113,000. That includes hazardous pay, such as diving in the oil.

Scott was diving more than me and his health problems began in July 2010; mine began in September 2010. I don't recall if we informed NRDA we were getting sick. At that time we didn't know it was from the Corexit and oil. We were in disbelief; NRDA had told us it was safe to dive. We were suffering symptoms like nausea, headaches, fatigue, memory loss, blood in the

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stool (detailed below). In October 2010 I started to formalize my understanding of the relationship between our health and diving.

## 6. DIVER SAFETY SOS

In November 2010, I began writing a paper on our health problems. On March 11 2011, I submitted it to [offshoredivers.com](http://offshoredivers.com), because I wanted other divers to know what was going on in the Gulf of Mexico.<sup>10</sup> I also submitted it to the Louisiana Environmental Action Network (LEAN).<sup>11</sup> I had previously asked Marylee Orr, the Executive Director of LEAN, if I could reference her organization to assist divers that may be suffering from the same symptoms. After she read the paper, she asked if she could put it on her website. It focused on our symptoms and exposure. I provided a link to the videos of what we saw when diving, and explained “If you think you were in this, you better get your blood tested.”<sup>12</sup>

LEAN paid for Volatile Solvent Profile tests through Metametrix Lab, to test the blood for compounds found in the oil and dispersant. My blood was tested January 21, 2011 and levels were extremely high. The Volatile Organic Compounds (VOCs) entered through our skin when we dove. In effect, we had dermal exposure to the VOCs. The test screens for the lighter organic compounds, such as benzene, toluene, ethylbenzene and a few others. . Research shows dermal exposure symptoms correlate with the symptoms I documented: the VOCs got into our liver, kidney and fat cells. Further analysis shows that they can affect DNA replication, and potentially lead to cancer ten to fifteen years from now, as the evidence from the Exxon Valdez spill confirms. Presently, I just found out my liver is partially damaged due to exposure to oil and I suffer from chronic dermatitis on my face. My face is the only part of my body that was exposed while I was diving.

Also, the exposure has affected my cognitive abilities. I describe the symptoms as “BP on the brain.” I am the scientist. I have to think every day, and it really affects me. I have lost my memory, and it is very, very frustrating. I construct my sentences with the thought in mind that I will not know what I need to say by the time I get to the end of my sentences. If I am thinking about data and expressing references, and calculations in my head, now I prepare myself for my limitations. I noticed in November 2010, that my writing ability, ability to do calculations, and express complicated thoughts was noticeably impaired. I am not as prolific as I was before. I used to work every night and weekend and get a lot done but after being exposed, my

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<sup>10</sup> Posting of BP Oil and Corexit Found in Science Diver’s Blood to [http://www.offshorediver.com/content/index.php?option=com\\_content&view=article&id=1381:bp-oil-and-corexit-found-in-scientific-divers-blood&catid=50:the-stack&Itemid=219](http://www.offshorediver.com/content/index.php?option=com_content&view=article&id=1381:bp-oil-and-corexit-found-in-scientific-divers-blood&catid=50:the-stack&Itemid=219) (Mar. 11, 2011, 7:50 CST).

<sup>11</sup> Steve Kolian, EcoRigs, Gulf Divers Experiencing Health Problems, Blood Contaminated with Petroleum Hydrocarbons (2011), <http://leanweb.org/our-work/community/public-health/gulf-divers-experiencing-health-problems-blood-contaminated-with-petroleum-hydrocarbons>.

<sup>12</sup> Video Data – EcoRigs, <http://www.ecorigs.org/EcoRigsOilSpill.html>.

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productivity declined steadily. I have a difficult time concentrating for any amount of time in the evenings.

## 7. DETOXIFICATION PROGRAM, FRESH OIL

Fortunately in October and November 2011 I went through the Gulf Coast Detoxification Program, which is managed by Dr. Mike Robichaux, LEAN and Jim Woodworth, former director of the 9/11 detoxification program. It has helped clear some of my memory loss, and my writing and productivity is improving although these cognitive symptoms are resurfacing

October 10, 2010 was my last dive of 2010. However, Scott continued to dive throughout the winter. I dove three times in the spring and summer of 2011, and collected corals and surface water samples at the platforms on Grand Isle Block 93. In August 2011 there were several reports of oil slicks from the Macondo well. Regardless of the source, we knew there was a lot of fresh oil. On August 18, 2011 a captain took me to collect samples from Ship Island, Mississippi, 103 miles north of the Macondo well. We saw stretches of fresh oil.<sup>13</sup> I also saw what looked like dispersed oil. I was not diving, but I collected surface water samples; I had taken probably 70 surface water samples since the spill started, and this was one of the best sets. On September 12, 2011 I took samples at the end of the Houma Navigational Channel, 23 miles offshore of South Timbalier Island and about 130 miles from the Macondo well. That slick was seven miles wide, and I don't know how long it was.

Since September 2010, Scott and I have taken many samples and split them. If we had funding, I'd be analyzing those samples now. We went through the detoxification program and are giving our bodies a break. However, evidence shows that the Macondo well, MC 252, is still leaking. Pilot Bonny Shumaker with On Wings of Care is conducting flyovers and documenting large fresh oil plumes close to the Macondo well. I believe that there is a chronic leak that sometimes discharges at an even rate which changes periodically and the rate of discharge significantly increases. I fear that the leak could continue to flow for another 10 to 20 years.

## 8. PUBLICATIONS REJECTED

Six scientists, including myself and EcoRigs staff, including marine scientist Dr. Paul Sammarco, chemist Dr. Wilma Subra, environmental toxicologist Dr. Jennifer Bolin, analytical chemist Richard Warby, biologist Scott Porter, and I submitted a report on the impacts of the BP spill on human blood, seafood, biota, sediments, and water to Science, the Proceedings of the National Academy of Science (PNAS), and Environmental Science and Technology. It was turned down all three publications. The report concludes that the levels of contaminants in water, seafood, biota, and sediments are all higher than previously announced levels by NOAA and

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<sup>13</sup> Sampling Event 13 miles offshore, *supra* note 8.

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other federal agencies and universities. It took PNAS a long time to decide whether or not to publish it.

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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 May 8, 2012.



Subscribed and sworn to before me  
this 18 day of May, 2012



Notary Public

My Commission expires on: at my death

**PAMELA J. BROWN**  
**NOTARY PUBLIC**  
**NOTARY ID # 59733**  
**STATE OF LOUISIANA**  
**PARISH OF EAST BATON ROUGE**  
My Commission is for Life.

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## AFFIDAVIT

My name is Sydney Schwartz. I am giving this statement freely and voluntarily, without any threats, inducements or coercion to Tom Devine, who has identified himself to me as an investigator and the legal director of the Government Accountability Project (GAP).

I was hired through the Vessels of Opportunity (VoO) program out of Dog River, Alabama from May 12 to July 21, 2010. I was the Task Force leader at the time, and I had 25 boats under me. I am giving this statement to make a record of how British Petroleum's (BPs) response to the Deepwater Horizon spill skipped the usual ways to truly clean up oil spills. Despite contrary government reassurances that the oil was being cleaned up, the effort was based on chemical dispersants to make it seem like the oil had disappeared.

I live on the city limit of Mobile, Alabama, and I have worked on shrimp boats since I was three. I am now 51. As a boy, my father would tie me to the mast, the same as I have done with my son and grandson. By the 10<sup>th</sup> grade I was captaining boats. In 2000 I received my captain's license from the Coast Guard. During the past ten years I also have worked for the oil industry during the off season or when shrimp harvests were weak. I also run boats supplying offshore operations with fuel and feed.

### 1. LOCATE OIL, BUT DON'T CLEAN IT

As part of the VoO program, my boat was assigned to do surveillance and locate where there were oil slicks. In May I began as a one man boat with a team leader. It wasn't but a few days until my team leader talked me into being a team leader and then I had several boats under me. Toward the end of June the VoO program tried to create more structure, as opposed to running us out randomly, by adding Coast Guardsmen to the Task Force boats. At that point, we were not even given permission to clean the oil until the Coast Guard was on our boat. When the Coast Guard took over, they made me a Task Force leader. I was suddenly in charge of 25 boats; however, my pay did not increase. When I inquired with the Coast Guard why I did not receive a higher salary, they indicated that was just the way it was, and that I could take it or leave it. I didn't have the option of leaving it, because I was unable to make my livelihood shrimping due to the oil spill.

The VoO program had a morning group and evening group of boats, and each group had three Task Force leaders. I was part of the morning group. We were divided into three zones, and each zone was assigned a fleet of 25 boats. Each Task Force leader had five Strike Force boats, which were in charge of additional boats. If one of the boats under a Strike Force boat found oil, the captain would report it to the Strike Force leader who would then report it to me. I would report it to the Coast Guard and then we would have to report back to my home base leader. It was very frustrating for me to be in the position of Task Force leader, because I was regularly told by the Coast Guard officials that I could not direct the boats to clean up the oil that they spotted.

My zone went south from Dog River and mainly north of Dauphin Island in Mobile Bay. We stayed in state waters in the bay; we never went into the Gulf. To illustrate what I was finding, on June 13, 2010 there was an oil slick three miles long and a half mile wide. We were told not to clean up any oil we reported, however. We didn't have anything on the boat to clean it up. We

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were just spotting oil. I was angry and protested. I knew BP had the equipment - such as boom - but they were not putting it on the boats, because I had seen it on the sites. I raised noise, got other fisherman involved and threatened to contact media if they would not provide us the tools to properly contain and clean the oil.

In response, BP put oil booms and rags on the boat to clean it, but when we went back to clean the stretch of oil that we had previously identified, all we could find were bubbles. The evening before, they had contacted me and wanted a GPS number of each end of the slick. I didn't put two and two together until the next day when we saw the bubbles and realized that they bombed it with the dispersants that night. The next morning I received permission to lay boom, but the oil was all gone despite there being almost no wind. All that could be seen were black bubbles and foam.

## 2. DISPERSED OIL

I almost always saw a lot of sheen and bubbles, but at least five times I saw slicks of heavy weathered oil. The weathered oil is a brownish dark color that puts off a lot of sheen, and it has a gooey peanut butter like substance like a heavy crude oil with water mixed in that makes it. They were different sizes, but the largest slick I saw was on June 13, when I was told not to clean it. Toward July, we began to see less weathered oil and more dispersed oil. I heard from several fishermen that the VoO boats were intentionally placed in the dispersed oil to ride over it and disperse it further. Just at Dog River, there were regularly 150 boats in the water throughout the cleanup, and 170 boats at its peak.

In mid July 2010 one of the Strike Force leaders in Mobile Bay and in my zone reported oil in shallow water. They could see it; it was black in the water but they couldn't get the sorbent boom to hold it or for it to stick. We don't have that problem with undispersed oil, so we figured it was oil that had been dispersed. They could only attain about a bag of sorbent boom from VoO to clean it up. We never did hear any explanation about what it was. Since all we saw were black bubbles, we assumed a plane and some large boats had been spraying a dispersant on the oil. That is why it could not be cleaned normally.

Toward the beginning of the VoO program there was a heavily-attended public meeting at the Mobile, Alabama Civic Center with the Coast Guard. There were people from the Coast Guard, as well as senators and a lot of environmental representatives who were concerned about the use of dispersant. The Coast Guard official said there would be only limited use of dispersants, in the hundreds of thousands of gallons, and only where there would be no human contact. That is not what happened. Other workers in my zone reported to me that they saw dispersant being applied regularly from boats in all areas, and public reports confirm there were millions of gallons used. When they witnessed spraying, I asked them to take pictures so that we could document it. They were never able to get close enough to take pictures, however, because the boats would leave.

BP hired a firm called Sea Tow out of New York to do a lot of the spraying from large aluminum boats. Normally the Sea Tow boats are used as response boats if you breakdown or have an emergency. They are big boats with a lot of horsepower and they have the capacity of carrying tanks and spraying dispersant. These boats were stationed at a compound in Deer River, located

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

Executed on July 6, 2012.

Sidney L Schwartz Sr  
Sidney Lee Schwartz Sr

Subscribed and sworn to before me  
this 7 day of 27, 2012

F. Vickers

Notary Public

**F. Vickers**  
Notary Public  
Alabama State At Large  
My Commission Expires  
March 21, 2016

My Commission expires on: \_\_\_\_\_

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## AFFIDAVIT

My name is Wilma Subra. 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 president of Subra Company, a chemistry lab and environmental consulting firm located in New Iberia, Louisiana. Throughout the BP oil spill cleanup I have advocated for greater worker protections and sound science around the impact of the spill on the gulf ecosystem and public health.<sup>1</sup> I am providing this statement because of the health needs of the impacted communities all along the coastal areas. There are no limitations on the use of this statement.

I was born and raised in Morgan City, Louisiana. I have lived my adult life in New Iberia, Louisiana; however, I work all over the United States and in some foreign countries. I have a master's degree in chemistry and microbiology from the University of Southwestern Louisiana. After I finished graduate school in 1966 I worked for Gulf South Research Institute (GSRI) for 14 years. We conducted cancer studies, and developed toxicology programs and methodologies before they were available in universities. Our programs were eventually developed at the national level. From that aspect I have been practicing toxicology since it was in its infancy.

After working at GSRI I founded the Subra Company in 1981. I created it specifically to provide technical assistance to community groups dealing with environmental issues, and to help them understand what was going on with chemicals to which they were exposed. Since that time I have also worked as a chemist for the Louisiana Environmental Action Network (LEAN). Before the Subra Company was formed, specialists would come into communities and evaluate particular public health threats, and then the communities would be given summaries. But no one would ever be able to sit down with the community and explain, "This is what the data really showed, and this is what you need to be looking into in your community." For thirty years I have been providing that resource.

I received the MacArthur Genius Award in 1999, based on working with, educating and empowering communities with the information they need to address environmental issues. Then they are the ones who make the difference. Since that time I've continued that work night and day, often 7 days a week and sometimes up to 20 hours a day. I was selected in 2011 as one of the 'Lifetime Remarkable Woman,' and most recently I was awarded the 2011 Global Exchange, Human Rights Award for my ongoing work with the BP Oil Spill and the communities affected by it.

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<sup>1</sup> *Local Impact of the Deepwater Horizon Oil Spill, Human Health and Environmental Impacts Associated with the Deepwater Horizon Crude Oil Spill Disaster: Hearing Before the Subcomm. on Oversight and Investigations of the H. Energy and Commerce Comm., 111th Cong. (2010) (statement of Dr. Wilma Subra, Chemist of Subra Company, Louisiana Environmental Action Network and the Lower Mississippi Riverkeeper),*  
<http://democrats.energycommerce.house.gov/documents/20100607/Subra.Testimony.06.07.2010.pdf>

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I recently completed a seven year term as vice-chair of the EPA National Advisory Council for Environmental Policy and Technology, a five year term on the National Advisory Committee of the U.S. Representative to the Commission for Environmental Cooperation and a six year term on the EPA National Environmental Justice Advisory Council (NEJAC) where I served as a member of the Cumulative Risk and Impacts Working Group of the NEJAC Council, and chaired the NEJAC Gulf Coast Hurricanes Work Group.

## 1. LESSONS LEARNED FROM KATRINA

I have a local parish emergency response pass that I acquired as the chair of the Iberia Parish Emergency Response Committee. The pass is valid throughout Louisiana, and in 2005 after Hurricane Katrina I went into the community every day, even when the dead bodies were still floating in the waters, and did damage assessment and needs assessment. I would sample the sediment sludge that was washed in shore as part of the tidal surge from Katrina. I would come back at night and get in touch with LEAN director Marylee Orr and tell her, "This is the place and community and supplies that they desperately need." She would work on getting those supplies into the community. Then I would go into another community and do damage assessment and needs assessment, sampling the sediment and sludge, and repeat the process.

What I found were high levels of heavy metals, organics, Polycyclic Aromatic Hydrocarbons (PAHs), and gram positive and gram negative bacteria (detailed below). When residents were allowed to return they were coming into contact with these chemicals without protection. We had about three million people come into the gulf coast to volunteer after Katrina and Rita, to gut houses and to tear down structures. They were all getting severely contaminated, and then going home without the knowledge of what had happened to them. Then they were sick one year to five years later from the exposure. There was nobody in their community to trace patterns of exposure and identify the cause by asking, "Did you go down to the gulf and volunteer?" Some of the pregnant women who had exposure later had birth defects and there were high miscarriage rates. There were abnormal pre-cancer and cardiovascular impacts.<sup>2</sup>

Marylee and I were out there informing as many people as we could that these are the health impacts associated with your environmental exposure. But how do you protect the people when state and local health agencies said it was safe to go back in to their now toxic communities and homes? We felt that was a huge exposure that occurred and was going to go unrecorded. We were really putting pressure on the federal and state health agencies to monitor what the effects were through long term tracking of the health impacts from this exposure.

## 2. FAST FORWARD TO BP SPILL; EDUCATION AND RETALIATION

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<sup>2</sup> Wilma Subra, Presentation to the Church World Service, Forum on Domestic Disasters Ministry, Princeton Theological Seminary: Environmental and Human Health Impacts of the 2005 Katrina and Rita Hurricane Season (Mar. 26, 2006), <http://data.leanweb.org/katrina/wilmadata.html>.

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The same thing occurred after the BP oil spill, regarding dangerous levels of exposure among workers, volunteers and residents. In late April 2010, before the crude made it to the Louisiana shore, which took nine days, the aerosol came on shore all the way across from Louisiana to Mississippi and Alabama to the Florida panhandle. The aerosol was dispersed crude oil. It came from the slick of the gulf and was dispersed into the air from the heavy winds of the high seas. It caused severe nausea, headaches and respiratory problems.

In May 2010 I went out and started conducting workshops for workers and their wives on health risks associated with exposure to the toxins and fumes. The people knew they were sick but they didn't know what it was from, and the media was reporting, "The oil hasn't hit the shore yet." At first the perception was that there were no health impacts. However, community groups would put the message out that I was providing the workshops, and people would quickly come out to learn what was going on. A lot of larger and national groups need a board to approve these actions, and it goes through a lengthy process which can delay our response time; I have been on boards and experienced this firsthand. Marylee and I get out there instantly. We don't worry about how we're going to pay for it until afterwards. We continue to offer these workshops.

There were two affected populations from very early on: those on the coastal area exposed to the aerosol and then to the crude as it moved in shore, and the worker population who were on the frontlines of the cleanup. The fishers couldn't go back out and fish, because the fishing grounds were closed. So quickly they wanted the jobs with BP, because they felt they knew the marshes and estuaries the best; that was their resource and they thought they could protect it the best. These workers were exposed every day, without proper training or proper protective gear.

Throughout the oil spill cleanup, worker safety trainings were insufficient to protect the health of the workers. The Occupational Safety and Health Administration (OSHA) and BP reduced the 40 hour HAZMAT trainings to four hour trainings for most of the workers. Some workers did not receive any training. Still, as part of the cleanup they came in contact with the oil and often dispersant and put out the booms. They would come home at night very sick, but desperate and needing the work. Then they would go back out in the morning and get sick all over again with headaches, nausea, respiratory problems and skin rashes; these are just some of the symptoms associated with exposure to the crude oil and dispersant. Health problems got worse from there (detailed below).

LEAN attorney Stuart Smith took BP to federal court in early May 2010, and the judge ruled that BP was not providing the cleanup workers with adequate protection and adequate training. BP signed the agreement that it would provide adequate training and adequate protection to the workers.<sup>3</sup> From that point forward the workers and their health should have been protected. BP and the government's ability and responsibility to protect these workers is not anything new. The

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<sup>3</sup> *Fisherman Win Another Round: For The Second Time, Court Requires BP To Amend Its Responder Contract To Protect Responders In Oil Cleanup*, LEAN, May 10, 2010, <http://leanweb.org/our-work/water/bp-oil-spill/fishermen-win-another-round>.

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people in Louisiana deal with chemicals and chemical toxicity in a workplace environment all the time. To allow workers to be exposed and made sick in response to an oil spill is inexcusable. We have rules and regulation on the book. We have requirements, planning, and instructions for worker safety that need to be enforced. However, even after the court ruling to enforce worker safety, as discussed below BP did not comply with the regulations and allowed the workers to be made sick.

BP and BP contractors were not providing workers with respirators, or allowing them to wear additional safety equipment on their own accord. The workers would go out, and Marylee instantly ordered protective gear. She ordered Tyvek suits, gloves, respirators and goggles and started distributing them in May 2010. However, workers told us they were not allowed to use them. When the workers on BP's Vessels of Opportunity (VoO) Program would take them out on the boats, we were informed on several occasions by workers that BP officials would threaten, "You're fired if you wear the respirators." When I was doing the workshops all day long, the wives would come because their husbands were out on the boats, and suddenly they became very concerned because they realized why their husbands were getting sick. The wives started speaking out and the workers were told if their wives don't shut up, then they were going to be fired. This was shared with me repeatedly along the coast. LEAN did convey the information to state and federal government agencies. The agencies listened to the information, but did not provide responses.

On June 22, 2010 Maureen Lichtveld, Chair of Environmental Policy at Tulane University School of Public Health, held a meeting about the health impacts associated with the spill and invited me to give a presentation. The conference was very well attended from experts throughout the country who came to speak and listen. I spoke about the health impacts and the threats to the workers and their wives. I made the statement that it is totally inappropriate for workers in a workplace environment to be made sick in 2010.<sup>4</sup>

### 3. OSHA DIRECTIVES INADEQUATE

On June 22, 2010 before the conference began, I had lunch with Dr. David Michaels, Director of OSHA. I told him about what was happening with the workers, and what the response was from BP and BP contractors. He said, "We have a problem, we have to do something about it," and I said "Yeah, I know we have a problem, and OSHA is supposed to be in charge." He said, "Well Wilma, OSHA doesn't have jurisdiction in the outer-continental shelf, offshore in federal waters. We just have jurisdiction out three miles from the coast, because that is still state waters." In turn, he argued that OSHA was not able to take corrective action where many of the VoO

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<sup>4</sup>Transcript of Presentation by Dr. Wilma Subra at 228-230, *Assessing the Human Health Effects of the Gulf of Mexico Oil Spill: An Institute of Medicine Workshop*, The National Academies, Jun. 22, 2010, available at <http://www.iom.edu/~media/Files/Activity%20Files/PublicHealth/OilSpillHealth/OilSpillHealth%20Day%201%20Transcripts.pdf>.

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workers were exposed to dangerous work environments without sufficient safety equipment. I responded that OSHA still should be protecting the health of the workers.

During our lunch, the main issue he pushed back on involved the use of respirators. He said, "If we make the workers wear respirators, then you, Wilma, will be causing them to have heat strokes." He framed it as if, by my advocating for their use of respirators, I'm causing the workers harm. I responded that the fishers participating in the VoO program said it was much harder on them not to wear the respirator and to breathe the fumes. They were the cleanup workers pulling in the booms loaded with oil that was running down their arms and their suits, and they were inhaling it. I have organized a lot of emergency response activities, and I know that if the wearing of a respirator induces heat stress then alternatively you put the body in a cool air system suit. This way the workers do not get overheated, and they do not breathe in the dangerous chemicals that are in their workplace environment.

A few positive things resulted from my conversation with Dr. Michaels. In July 2010 OSHA finally came out with a directive that the workers near the well site needed to wear respirators when they were spraying the dispersant Corexit. This did not apply to other workers, however. Additionally, in July 2010 the amount of time workers were allowed to work in the sun without a break was reduced. Prior to that directive, some of the workers on the beaches that were required to wear Tyvek suits would get so hot (due to the material, the suits retain heat) that they wore them tied around their waists and some workers didn't have them on at all. But after our conversation OSHA restricted their work time; they could only work 20 minutes out of a 60 minute period and the contractor was required to provide them shade and liquid during the 40 minutes. Sometimes the tents weren't adequate and they would still be exposed to the sun, but the break really helped them work.

OSHA's additional directives were better, but not appropriate for the exposure. Workers still weren't being provided with enough, or in some cases any, protective gear. The crude oil is in the environment, it's on the water, it's in the water column, it's in the sediment sludge, and it's on the beaches as a result. Any worker of BP or a BP contractor is going to come in direct contact with oil because they are out there to "clean up the oil." The routes of exposure of those workers are: inhalation by breathing in the fumes from the crude and/or dispersant if it was applied to the crude; ingestion because they spend their shift out there in contact with the crude and that is when they eat and they drink; and then dermal exposure, or skin contact, because a lot of them were not provided with adequate gloves or suits to cover their bodies, or when their gear ripped it would often not be replaced.

There are companies all along the Gulf coast that deal with oil spills all the time and they know the safety measures that must be taken. The whole process is already set up within these companies, and yet BP was allowed to hire cleanup workers without proper training or protective gear, and put them in harm's way through direct contact with the crude and the crude mixed with

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the dispersants. No matter how “emergency” it was, they knew how to protect those workers and they didn’t.

#### 4. HEALTH IMPACT, CANCER ALLEY FORSHADOWING

Often when you assess a health site there are a particular set of chemicals that you are dealing with and they have specific health impacts that you look at. We learned many lessons from “cancer alley,” which is along the Mississippi River between Baton Rouge and New Orleans, Louisiana. It is important that we learn from cancer alley in our response to communities impacted by the oil spill, because the long term health impacts will be very similar. Cancer alley gained notoriety in the late 1980’s due to abnormally high cancer rates along both sides of the river. The facilities on cancer alley are petrochemical bases, and in 1987 the EPA’s Toxic Release Inventory came out and showed cancer causing agents being released from those facilities, including the PAH and volatile organic compounds, (VOC or volatiles).

A lot of the industrial facilities on cancer alley didn’t have proper worker protections for decades. The petrochemical industry conducted blood and urine tests of workers on an ongoing basis, but never made that data available to the workers. However, someone with a workers union would get local data on urine and blood analysis. Through the union, I had access to the kinds of chemicals that workers were being exposed to. I could match that information with the results in their urine and their blood and it clearly would associate.

To this day, people who live in close proximity to the industrial facilities on cancer alley have increased levels of these chemicals in their blood and health impacts associated with the particular chemicals at those facilities. In Mossville, located in St. Charles, Louisiana they live in close proximity to 14 industrial facilities, the majority which release bino-chloride and dioxins and furans. Residents of Mossville have three times the blood levels of dioxin that the rest of the population in the United States has. This is due to their exposure from the air emissions, from the deposition and from the bioaccumulation, as well as the impact on the aquatic and terrestrial organisms and the fruits and vegetables.

The widespread and long lasting contamination results in long term exposure. The older people have much higher chemical concentrations in their blood. Even though the industrial facilities have reduced their emissions overtime, the bioaccumulation is continuing. It’s not like you are exposed to something, get a cold, then go to the doctor, get an antibiotic and it goes away. These are longer term exposures that build up in the body and then debilitate the whole community – just destroy the quality of life of the community.

Unfortunately the impact on the community from cancer alley has not been sufficiently tracked, and it is important that the same mistake is not made with those impacted by the oil spill. The cancer registry puts the cancer rate data out based on parish. If you look at the industrial corridor along the Mississippi River, the parishes are large but the portion on the river is small. From cancer alley you have this severely impacted community along the river, and then you have a

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large part of the parish that is not in close proximity. They combine all of that and give you a parish number instead of selecting the sections closest to the industrial facilities and coming up with those cancer rates.

In addition, most of the impacted communities are comprised of poor and minority populations, with a lack of access to health care. A lot of towns where cancer is prevalent don't get reported. You have to go to the doctor and the doctor has to take the initiative to report the incidents. And a lot of these people can't even go to the doctor because they don't have money for the gas to get to the doctor.

Marylee and I quickly employed the blood test method with the sick workers and residents in the aftermath of the BP spill (detailed below). I also developed two worksheets early in the oil spill cleanup process; a list of health impacts associated with Louisiana Sweet Crude, which is the type of oil that leaked during the spill, and a list of health impacts associated with the Corexit dispersants.<sup>5</sup> The combined short term health symptoms for include acute respiratory problems, skin rashes, cardiovascular impacts, gastrointestinal impacts, and short term loss of memory. Long term impacts include cancer, decreased lung function, liver damage, and kidney damage

When you combine the crude oil from the BP spill – Louisiana Sweet Crude - and the dispersant, the mixture toxicity is more than the additive amount; the more that they mix together, the greater the combined toxicity.<sup>6</sup> The issue is how well the dispersant was mixed with the crude in each specific location that these people were working. We compared the health impacts identified on the worksheets with the types of health impacts associated with the workers. From the beginning of the cleanup, the workers called Marylee and me on nights and weekends, and they were reporting all of the same health impacts; respiratory impacts, nausea, severe headaches, cardiovascular problems, and huge skin lesions because of the skin contact with the oil and dispersed oil, and decreased memory. They began sharing these symptoms from the first day they went to work with BP, and by May 7 we had the court hearing with attorney Stuart Smith over the health impacts experienced by the workers.

Most of the cleanup workers were hired by a huge number of BP contractors. If any of the workers claimed they were sick, their employers would send them to a first aid station, or if they were severely ill they would send them to a hospital. However, after they became really sick and couldn't work anymore, they would be laid off. When they were still employed they would call us discreetly at night to report their health problems, but then they really started to speak out when they realized there no longer was anything to lose since they had been fired for being

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<sup>5</sup> *Health Impacts Associated with Dispersants and Louisiana Sweet Crude*, LEAN, Jun. 14, 2010, <http://leanweb.org/our-work/water/bp-oil-spill/health-impacts-associated-with-dispersants-and-louisiana-sweet-crude>.

<sup>6</sup> Richard Denison, *EPA data show dispersants plus oil are more toxic than either alone*, Environmental Defense Fund, Jun. 14, 2010, available at <http://blogs.edf.org/nanotechnology/2010/06/14/epa-data-show-dispersants-plus-oil-are-more-toxic-than-either-alone/>.

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victims. They were too sick to work, and had no medical or disability benefits. There are still thousands of workers employed by BP and BP contractors all along the gulf coast, and we continue to receive calls from them regarding health problems.

Since the oil spill, we also get calls from scores of sick residents that mirror the health problems reported by workers. Based on my experience with cancer alley, this was not surprising, and I am concerned about future cancer rates among gulf residents who have been impacted by the spill. The more vulnerable populations in any toxic environment are the elderly and the children. This is of greater concern in association with the BP spill than cancer alley, because a lot of the coastal community populations depend on fishing both for a livelihood and to feed their families.

Large Vietnamese, Native American and African American populations live along the coastal areas. Before the spill they had the ability to feed their families based on what they harvested. Now suddenly they don't. A lot of the organisms have been depleted and contaminated as a result of the spill. In a lot of cases these people are hungry because they can't eat the seafood or they don't want to poison their family by eating it and they have no other source of food. Fishermen have shared these concerns with me directly. In the marshy areas you can't plant a garden. All of a sudden their vulnerability has increased exponentially because they don't have access to food.

## 5. PAH, BLOOD TESTS

LEAN and I, working with Dr. Michael Robichaux, have taken excess of 100 whole blood samples on workers and residents who have reported health problems in the aftermath of the spill. The blood samples have analyzed for VOCs, the compounds found in the crude oil and dispersant. The results demonstrate an increase in the blood concentrations of those chemicals as a result of being exposed to the crude and dispersants. The findings have been consistent with the first six blood tests that we released on January 5, 2011.<sup>7</sup> When levels exceed the 95<sup>th</sup> percentile, it exceeds the level that the general population range is, so it clearly shows that exposure occurred. People who have not been exposed to the crude and dispersants have much lower levels in their bodies, way below the 95 percentile.

When you look at the overall data from the blood testing, the highest concentrations were in current workers and former workers who could not have had current exposure; they are in excess of the 95<sup>th</sup> percentile. The divers are just below that; they actually went out and dove through the slick when it was in the gulf, and in the marshy areas. The populations living and recreating along the coast are still in excess of the 95<sup>th</sup> percentile, because there is still ongoing exposure through their environment.

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<sup>7</sup> Wilma Subra, *Evaluation of the Results of Whole Blood Solvents Testing*, LEAN, Jan. 5, 2011, <http://leanweb.org/our-work/community/public-health/bp-spill-blood-test-results-louisiana-residents>.

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We started the blood testing in late December 2010, but we already had data from Mississippi and Alabama and Florida for blood tests which informed our initial analysis. We did a survey of what their occupation was or how they thought they were exposed. I have developed an instrument of surveying health impacts. In the case of the oil spill, it surveyed health symptoms specific to exposure from the crude oil and dispersant because after the spill a lot of the communities wanted it in order to have their symptoms reported. However, when they received it they were scared that BP would somehow get that survey result and it would hurt in their BP claims, so they were very reluctant to fill it out.

Based on our findings for approximately 100 surveys, in addition to approximately 800 interviews, individuals reported being ill often, on an ongoing basis, everyday and daily. Of the individuals surveyed, 45% of the individuals reported working in the BP oil spill cleanup efforts and being exposed to the crude oil and dispersants. In addition to the cleanup workers, the coastal residents completing the survey identified being exposed to crude oil and dispersants from the BP spill. The routes of exposure identified by all of the individuals surveyed consisted of contaminated air, contaminated water, contaminated wetlands and beaches and contaminated tissue. The description of the specific exposure pathways described by the cleanup workers that were surveyed consisted of: crude oil on surface of the water in the Gulf and Bay systems; crude oil offshore; oil soaked booms; crude oil and dispersants on beaches and wetlands; sprayed with dispersants while working on the oil spill cleanup; exposed to chemical solutions used to clean equipment in association with the oil spill cleanup; and smoke from burning of crude oil. The description of the specific exposure pathways described by the coastal community members consisted of: crude oil and dispersants on beaches and wetlands; smoke from burning of crude oil; washing contaminated clothing; and consuming contaminated oysters.<sup>8</sup>

Historically worker community groups don't have any money, so if we find a contaminated area we do a few samples, demonstrate what is happening, and usually the state or the federal agency comes in and does additional sampling or require the company to do additional sampling. That way the community has identified the issue, and the agencies then help us clearly define the issue. In this case, we're identifying the issues and yet the agencies aren't stepping in and taking a broader look. Exposure from the oil spill is affecting a huge portion of the population along the coastal areas. The federal agencies have claimed that they don't have the resources to come in and evaluate the chemicals in the blood of these sick populations. So we're evaluating it.

Each blood test costs approximately \$500; \$400 for the test and \$100 to take it to the lab. We have to pay for the costs, because the people we are testing are mainly sick and unemployed and can't afford it. We're doing just a few at a time, and we're still looking for additional resources

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<sup>8</sup> *Results of the Louisiana Environmental Action Network (LEAN) Survey of the Human Health Impacts Due to the BP Deepwater Horizon Disaster*, LEAN, Apr. 20, 2012, <http://leanweb.org/our-work/water/bp-oil-spill/results-of-the-louisiana-environmental-action-network-lean-survey-of-the-human-health-impacts-due-to-the-bp-deepwater-horizon-disaster>.

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so that we can do more testing. Even though it is expensive, the easiest approach was to test for the VOCs. Critics of this test, such as the Center for Disease Control (CDC), argue that the volatiles disappear quickly. If that is the case, there is real cause for alarm. Yet, the crude supposedly stopped flowing in the middle of July 2010, but exposure is continuing to this day. *Either they don't disappear quickly, or the oil is still contaminating the region.*

The government and BP also have taken the stance that we do not need to be concerned about exposure to Corexit, because it has a 90 minute half life, which means that after 90 minutes half of the components evaporate and the other half of the concentration remains, making it less dangerous. That is not fully accurate in this case, because the compounds from the dispersant come in contact with the crude and get interconnected. In effect, the degradation does not occur like that. The real half life and range depends on the environmental conditions. The BP oil spill is really a test case, since such a large amount of dispersant has not been used before in such quantities with the large amount of crude oil. When the remaining oil and dispersants are disrupted, the compounds rise to the surface. When divers went into plumes, they were exposed.

Every time I check, there is still oil on the beaches and in the estuary systems and in the wetlands and the marshes. People go to the beaches and swim in the gulf, and report to me that they still come up stained with a brownish tan color that they believe is oil. There are still tar balls and mats and strings washing on shore every single day all along Louisiana, Mississippi, Alabama and the panhandle in Florida. Grand Isle, Louisiana gets bowling ball size tar bars, and is still full of oiled birds that are dead and dying. If you open a tar bar that washed on shore, the volatiles are still being released. This exposure extends to anyone who took home tar balls in a Ziploc bag or on the airplane. From May 2010 through early 2011, I received a large number of complaints from the baggage screeners, or inspectors at the airports because passengers had to put the tar balls in their checked baggage when the inspectors found them in their carryon bags. The inspectors had to handle the tar balls and they were concerned that they were being exposed as well; they wear latex gloves, which would not protect them from exposure to the chemicals present in the tar balls.

Anyone who recreates, fishes, is in the marsh and hunts or traps in the gulf, is still coming in contact with the crude on an ongoing basis. I took samples from Mobile Bay, Alabama in July 2011, and the whole time we were out the fishermen on the various radios were calling in about the oil. The water there was like 85 and 88 degrees, so there was constantly oil coming up and making a sheen. There were constantly mats and tar balls and oil washing in to the barrier islands. But fishermen were really concerned about that sheen, because anything they harvested and picked up through it became contaminated with the oil. It's still very prevalent.

Many of the VOCs do go away quickly. However, the oil is still very prevalent in the environment. It's not over. The main VOCs are xylene, ethyl benzene and hexane. They were known to be in the crude, to move on shore, and to be off-gassing from the crude as it floats on the surface of the Gulf and as it is in the wetlands and the beach. These are known suspected

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cancer causing agents that also cause acute respiratory problems and gastrointestinal problems and decrease lung function type issues. The health impacts and the concentrations in the blood are to be expected from this level of exposure. For those who are living a normal life but not cleanup workers, the two ways that you can be most exposed to VOCs are from filling your car with gas and smoking, However, that exposure is much smaller than what we were finding in the blood tests. In fact, we have five and six year old children who had high levels of VOCs in their blood, and they don't go out and fill their car with gas, or smoke. Five to seven percent of the individuals we have sampled are children.

We tried to get the medical labs interested in doing analysis of the blood for the PAH, since it is a major component of the crude oil. To this day we have been unable to find a lab willing to provide the analysis, although PAHs are known and suspected cancer causing agents, and these are the components that last a long time in the environment. To demonstrate, I examine a lot of creosote facilities that primarily let off PAHs in the community. These facilities impregnate wood with creosote to preserve it. Some of these facilities have been shut down for thirty years, and the people in the communities around them still have high levels of PAHs in their blood that match the fingerprint of the PAHs from the facilities. The PAHs that form the dispersant and crude oil will be present for decades.

Because we are testing for VOCs, the government agencies are going to be constantly pushing back on us and saying bad things about our data based on the aforementioned reasons. Yet they are not coming in and taking over. Traditionally I help get testing off the ground in affected communities, and then the CDC and state's department of health services get involved to help implement the response on a larger scale. That was not the case in the aftermath of the BP oil spill. However, the National Institute for Environmental Health and Sciences (NIEHS) has \$20 million – \$10 million from the federal government and \$10 million from BP - for its Gulf Study.

## 6. NIEHS GULF STUDY

From the beginning of the planning, mid-summer of 2010, I sat in on the conference calls that were developing the scope of the NIEHS Gulf Study to examine the health of people who helped clean up the oil spill. Because there was not a tracking system under Hurricanes Katrina and Rita, I was happy that they were going to create a health tracking system early on. But they said they were going to limit it to workers and volunteers. I replied, "There is this whole population on the coast that you just excluded – the residents." Then they came up with only 55,000 workers, and I replied, "But there's a whole population of workers and coastal communities that aren't included." They responded, "Well yes Wilma, but you know, we don't have the money."

As it developed, we talked about the different aspects of the Gulf Study. They were going to contact people and monitor their health symptoms. The first year they were going to track 55,000 people. The next year they were going to cut it down to 50,000. In actuality, during a conference call Dr. Dale Sandler, Chief of Epidemiology and Principal Investigator for the Gulf Study,

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stated that for the duration of the study they would only track 16,200 individuals. I responded to their proposal, "You were going to ask people what health symptoms they had but you weren't then going to say, 'we'll get you to the doctor and get you medical care.'" I said, "It's completely inappropriate to ask them what their health symptoms are, but then to not get them medical care." They replied, "Well, Wilma, you know we don't have the money."

Finally, about three months ago they changed the study terms to say, "And we'll refer you for medical care." I know that all of the agencies are not going to have the resources to make referrals. But then, four universities received these community involvement grants, one of which was University of Texas Medical Branch in Galveston (UTMB).<sup>9</sup> They have developed the analytical method, similar to the Metamatrix blood test, used to look for the PAHs in the blood and the urine of the people that they're going to be covering in their study; the people who live in the coastal areas and consume seafood from the coastal areas. We are going to be assisting UTMB and sampling the seafood to be analyzed for the PAHs. We're going to be able to test for the PAHs in what they eat, and in their body and in their blood and their urine. These are going to be the PAHs that gulf coastal residents are bioaccumulating.

## 7. FDA ON SEAFOOD SAFETY

We have done a large amount of testing of the seafood.<sup>10</sup> The minute we get our results, within three to four hours that information is available to the community through the LEAN website and provided to the federal and state agencies. The PAHs that we are finding in the seafood actually match the fingerprint of the BP crude, so it's clearly from the BP spill. Through EPA conference calls that I participated in on an ongoing basis, I knew that early in the spill the National Oceanic Atmospheric Administration (NOAA) took a few samples for Corexit. Shortly thereafter to my knowledge they dropped it. After the well was plugged they stated that the final Corexit application was July 19, and treated the testing of Corexit as a nonissue. They didn't establish criteria for the dispersants, only for PAHs in specific seafood (detailed below). Our data matches the data that the federal agencies have collected; however, when the FDA did its concentration calculation, it was based on flawed assumptions.<sup>11</sup> When we do those types of calculations, the concentrations in the seafood exceed the acceptable levels for safe consumption. We have gone around and around with the FDA on that issue.

The FDA developed criteria for specific PAHs in shrimp, crab and oysters. Their findings were based a 175 pound person. They ignored the vulnerable populations – the young, the elderly, the

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<sup>9</sup> *Announcing GC-HARMS: UTMB's Study of PAH's in Seafood and People*, LEAN, Dec. 1, 2011, <http://leanweb.org/our-work/water/bp-oil-spill/seafood-safety/lean-partnering-with-utmb-for-gc-harms-study-of-pah-s-in-people-and-seafood>.

<sup>10</sup> *BP Oil Spill Seafood Sampling Projects Results Overview*, LEAN, Jan. 3, 2011, <http://leanweb.org/our-work/water/bp-oil-spill/seafood-safety/bp-oil-spill-seafood-sampling-project-results-overview>.

<sup>11</sup> *Deepwater Horizon Oil Spill Reopening Samples: PAH and DOSS Results Summary From FDA Testing Labs*, available at <http://www.fda.gov/downloads/Food/FoodSafety/Product-SpecificInformation/Seafood/UCM231696.pdf>.

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people on chemotherapy and HIV patients. They also based their conclusions on an average consumption rate of the United States, of four shrimp for one meal a week. No one along the coast only eats four shrimp. And they don't eat one meal a week of it; they eat it on a very frequent basis.

The other aspect is that the FDA and local and state wildlife and fisheries use that data to establish when they can reopen a fishing ground, and they work with the state agency to determine what kind of buffer zone from the marsh; how much of the water should be closed versus the rest of the lake estuaries open. In fall 2010 I was standing in this very oily marsh, and there was a shrimp boat right offshore trawling for shrimp. The shrimper didn't know what the buffer zone was; he was right up against shore. I knew that if I went off the bank 10 or 20 feet and took a sediment sample, it was visibly oil, and yet that is the area he was trawling in. To this day, if you talk to the fishermen they will talk to you about bringing up trawls and nets and cages full of oil. But they don't want to speak about it publicly, because the rest of the community is going to be screaming at them and saying that "you are destroying our livelihood" by raising concerns about the safety of Gulf seafood.

On top of the FDA's flawed safety assumptions, BP is giving huge monies to the seafood industry in each state to promote seafood. The federal government is a cheerleader for this false advertising. NOAA Administrator Dr. Jane Lubchenco stood at a press conference on September 15, 2010 in Kenner with all of the seafood bigwigs standing up behind her, and she said, over and over and over again, "The seafood is not contaminated, the seafood is not contaminated, the seafood is not contaminated."<sup>12</sup> That's what the industry and BP wanted the message to be.

After that event, I sent Dr. Lubchenco a message that stated "The seafood is contaminated with PAHs, and according to the FDA's calculations it is below the acceptable level you have established; your own data shows that 40% to 60% of the oysters are contaminated and the shrimp are contaminated." Shortly thereafter NOAA changed its message to "The seafood is contaminated but it is below the levels we have established as unsafe."<sup>13</sup> However, Dr. Lubchenco's first message was the message that BP and the seafood industry wanted to hear, and that was the message delivered in a public forum and that continued to be repeated publicly. She knew better.

It is a matter of finding the reality that is out there and the lack of transparency in the reality. We are trying to get the message out: "This is the real situation, now you make your own decision."

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<sup>12</sup> Transcript: Press Briefing and Teleconference by National Incident Commander Admiral Thad Allen and NOAA Administrator Dr. Jane Lubchenco. RestoreTheGulf.gov, Sept. 15, 2010, *available at* <http://www.restorethegulf.gov/release/2010/09/15/transcript-press-briefing-and-teleconference-national-incident-commander-admiral->

<sup>13</sup> Press Release, NOAA, NOAA and FDA Announce Chemical Test for Dispersant in Gulf Seafood; All Samples Test Within Safety Threshold (Oct. 29, 2010), *available at* [http://www.noaaneews.noaa.gov/stories2010/20101029\\_seafood.html](http://www.noaaneews.noaa.gov/stories2010/20101029_seafood.html).

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## 8. EPA APPROVES COREXIT

When EPA administrator Lisa Jackson directed BP to come up with a less toxic alternative to Corexit, and the deadline hit on May 21, 2010, we asked for the response. BP said it needed to be confidential, so it took a number of more days for all the lawyers to release it. I got it on a Saturday afternoon and my colleagues wanted to know, "What does it say and mean?" It essentially said "Yes there were less toxic alternatives, but the supply was not available. Therefore, we, BP, will continue to use Corexit, because the supply is available for the quantity we need to apply."<sup>14</sup>

On May 26, 2010, Administrator Jackson responded that BP must reduce the amount of Corexit used by 75%.<sup>15</sup> Subsurface application of the dispersant continued and BP did not have to justify its use under the terms of the directive. Surface application was supposed to be eliminated, but BP could justify its use due to weather or if it identified an oil slick. On a daily basis BP received exemptions to apply the dispersant by plane. EPA would go in the spotter plane planes in the morning and look at all the slicks that BP was proposing to spray. By noon, they would tell BP which ones they were allowed to spray and then the spraying would occur. To me, the justification by EPA was that while they did not have a less toxic dispersant, BP was spraying less. Marylee and I worked extensively with the EPA throughout this process and would share community complaints about the use of dispersant, such as concerns of being sprayed, and EPA representatives informed us that they would try to verify the complaints.

I have worked with the coastal areas for my whole professional career, so the communities that reported to me during the spill are the same ones that I worked with before Hurricanes Katrina and Rita. I'm a known entity there. I know who is reliable within the community, and who is not. During the time that BP was spraying from the blowout through mid August 2010, I kept getting a lot of calls from workers offshore reporting that they were being sprayed; not the workers who were the BP contractors around the wellhead on boats and ships, but workers from other rigs that did not have protective gear. They reported respiratory problems and nausea. On an ongoing basis I would speak with EPA and share, "I've received information that these workers on the offshore rigs are being sprayed." They would look into it and come back and say, "No they are not Wilma. We are not spraying where there are workers, and we are not spraying where there are dolphins." Then I would get more complaints and I would tell the EPA again, the workers offshore are being sprayed. And they would respond, "No, they're not."

From early in the cleanup, residents inshore contacted me to report spraying as well. The last call I received was in July 2011. From the beginning, everybody ran to Venice, Louisiana, because

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<sup>14</sup> Letter from Douglas J. Suttles, Chief Operating Officer, British Petroleum, to Mary Landry, Rear Admiral, Commander, Eight Coast Guard District, Samuel Coleman, P.E., Superfund Division, U.S. EPA Region 6, (May 20, 2010), available at <http://www.epa.gov/bpspill/dispersants/5-21bp-response.pdf>.

<sup>15</sup> Directive from EPA and the Coast Guard on Reducing the Use of Dispersants to BP (May 26, 2010), available at <http://www.epa.gov/bpspill/dispersants/directive-addendum3.pdf>.

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that was where the oil was going to come in. Residents and cleanup workers would repeatedly call me and report, "We are being sprayed on land in Venice." Venice is way inshore. I would tell them "It's mosquito control; I've been sprayed in Venice by the trucks and planes for mosquito control." In the first month it was primarily mosquito control. By law, dispersants cannot be applied closer than three miles to shore. But after the first month into the spill, BP started spraying inshore. A lot of people would send me photographs of Corexit in totes that were land based. EPA stated that Corexit was not being applied inshore, but went on to explain that through state exemptions it could be sprayed in shore.

From May 2010 through fall 2011, community members reported to me that they would go out and see a slick, that night hear the planes, and then the next day the slick was gone from the inshore and estuary areas. People inshore would continue to report how much they were being sprayed. Elderly would be sitting on their porches in their summer homes and get sprayed and wind up in the hospital for respiratory problems. I would call in the EPA and the feds to report that EPA was spraying people on shore, including the coastal estuary areas and beach area. They would respond "We have a federal criminal investigation and we can't talk to you about it, this is enforcement sensitive." I have had the kind of relationship with EPA where I can inform them about an environmental or health problem but the EPA cannot directly respond, therefore I understand if something is enforcement sensitive. I get the message to them and hope that they do the right thing.

EPA told me that there is a Louisiana state exemption that allows BP to spray inshore without keeping records of it, which is a historical problem that we have with pesticide use. In Louisiana we could never get a requirement for the state to record what pesticides are being sprayed, how much and when. In turn, farmers can go out and spray whatever they want, whenever they want, and I can't go back and find the file that says, "On that field across the street these chemicals were applied in these amounts on this date." That exemption applies inshore with Corexit use; because it is state waters, the company applying the dispersant does not have to report that they have sprayed dispersants. It doesn't make sense, but it is reality. Due to this loophole, you cannot find out who sprayed what, when, where, and yet I have all these people reporting that they have been sprayed.

We are a coastal parish and we have marsh and tons of mosquitoes, so mosquito control sprays by truck. When it gets really bad a federal plane comes in to spray. We worked with the Parish to the point where they now notify all of the sensitive populations before they spray, so that they can choose to leave the area. Further, they put it in the newspaper, so the broader population can know when they are going to spray from the planes. It's not dispersant but it's very toxic. Until this is implemented at the federal level, it is only a partial solution. If I'm not in every parish, I can't get the warning implemented everywhere. The problem is worse with dispersant use, because there is no requirement that BP has to record where it sprayed, and there was frequent denial by BP that they were spraying inshore.

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## 9. CONCLUSION

We knew that the BP spill was Louisiana Sweet Crude. We knew its major components, and that its toxicity level increased when mixed with Corexit. BP was spraying the more toxic Corexit 9527 and shortly into the spill they switched to a slightly less toxic 9500, which was still more toxic than alternative EPA approved dispersants. EPA and BP knew of the health impacts associated with it, even though BP wasn't forthcoming with all of the elements. The issue was responding to an oil spill of this magnitude, with unprecedented quantities of Corexit, including novel subsurface application. Gulf coastal communities, and individuals who consume gulf seafood or recreate in the gulf, are the guinea pigs left to deal with the consequences and will be feeling the full effect in years to come.

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I have read the foregoing 16 page statement, and declare that it is true, accurate and complete to the best of my knowledge and belief.

Executed on June 12, 2012.

Wilma A. Selee

Subscribed and sworn to before me  
this 18<sup>th</sup> day of JUNE, 2012

Clint E. Hubma #11630

Notary Public

My Commission expires on: 2-13