

## **Outline of written Testimony of Jonathan Henderson**

### **1. Brief Bio**

Jonathan Henderson manages the Gulf Restoration Network's field operations in the Gulf region. By air, sea and land, he searches for, documents and reports pollution incidents such as leaking pipelines, well heads, platforms, and ongoing BP disaster impacts. He also documents the extensive O&G industry destruction of Louisiana wetlands. Jonathan is a founding member of the Greater New Orleans Water Collaborative of which he serves on the interim steering committee and as co-chair of the Advocacy working group. Jonathan is the Founding President of Vanishing Earth, Advocacy + Consulting+ Photography. Born and raised in New Orleans, Jonathan grew up fishing and canoeing in Louisiana's bayous and creeks, visiting family along coastal Mississippi, and vacationing on beaches in Alabama and Florida. Jonathan has a Bachelor's degree in Theater from LSU, a Master's of Business Administration from the University of Louisiana at Lafayette, and a JD from Southern University Law Center.

### **2. Brief description of Gulf Restoration Network**

Founded in 1994 and headquartered in New Orleans the Gulf Restoration Network is non-profit environmental conservation and advocacy organization committed to uniting and empowering people to protect and restore the natural resources of the Gulf of Mexico region for future generations. For more information about GRN, visit [www.healthygulf.org](http://www.healthygulf.org).

### **3. REPORTING POLLUTION INCIDENTS IN THE GULF**

My work documenting pollution incidents began in late April, 2010 just a few days after the Deepwater Horizon exploded and sank. Throughout 2010, I took approximately 50 trips by air and sea to document the environmental impacts as they were unfolding offshore in the Mississippi Canyon and on barrier islands, beaches, bays and wetlands throughout the Gulf coast. Given its exclusive focus on the Gulf region, GRN quickly became a go to source for information for the public, media, scientists and researchers. With my local knowledge and connection to the Gulf region, access to planes and boats to carry me into the field, many of the trips I took involved guiding and educating media about the situation. Today, much of my work involves doing the same thing though I have added to my focus areas many of the Gulf's other environmental problems including but not limited to the extractive industry's severe impact on Louisiana's wetlands.

In the Fall of 2010, I filed my first official pollution incident report with the National Response Center(NRC) for an oil slick leaking out of well-head in a Bay known for very productive and economically important oyster beds. To date, I have filed approximately 100 NRC reports for pollution incidents including leaks from offshore and onshore platforms, pipelines, well-heads, tank batteries, etc. Most recently, on August 17<sup>th</sup>, 2015 I filed Incident Report # 1125932 for a suspected ruptured gas pipeline in Lafourche Parish, and Incident Report # 1125933 for a roughly 15 mile long rainbow oil sheen. There is rarely a trip that I take where I *don't* find and report some sort of pollution incident. Knowing what to look for and how to document and report an Incident is a skill that I learned from having spent thousands of hours in the field; reading various oil spill response manuals; talking with

leading government and industry experts; spending time in the field with some of the world's top experts from the scientific, academic, and environmental NGO communities; flying with the most experienced pilots in the Gulf region; and, dozens of trips with captains of charter, shrimp, and oyster boat captains. Still, there are a lot of trainings that would assist this work and that I would pursue if they were not so cost-prohibitive. Moreover, financial constraints also limit the number of monitoring trips that I can take and thereby the number of NRC reports I am able to file. There are very few people that do this kind of proactive monitoring work in the Gulf region, but the need is great. My reports to the NRC have led to numerous successful investigations by the USCG which, in turn, has led to mutual respect and trust between myself and the leaders of various USCG sectors and their Incident Management personnel, and other response agencies. Especially in the immediate aftermath of hurricanes, as I was told by USCG Sector New Orleans, having extra eyes in the sky is a very valuable source for the Unified Command as I am able to provide direct intel to the Unified Command for any problems I discover, and what geographic areas I searched.

## **9. CHRONIC OFFSHORE POLLUTION IN GULF**

Since July of 2010, the National Response Center has **recorded approximately 10,000 spills of crude oil, petrochemicals, and other contaminants** into Gulf of Mexico Waters. This shocking [animated map](#) created by Skytruth.org illustrates where each of these incidents occurred between July 2010 and April 2015.

To make matters worse, a 2010 Associated Press investigation reported [27,000 abandoned oil wells in the Gulf of Mexico—each a potential source of leaking oil](#). Very few of these abandoned wells are being monitored by federal officials or industry for well-integrity and it is unknown how many are slowly leaking oil and/or gas into the marine environment on a daily basis. While natural seeps on the Gulf floor are known to exist and have been mapped out, an investigation into the cause of a leak should not be written off as naturally occurring given the high number of abandoned wells.

## **10. LACK OF TRANSPARENCY**

The BP disaster in 2010 highlighted the flawed process by which oil discharges are reported and cleaned up, and through which companies are held accountable. It revealed how the official channels of reporting and cleaning up oil pollution rely, to an inordinate degree, on the polluters themselves. Little information is made available to the public, and the information that is presented could be considered untrustworthy. Whenever oil, hazardous materials and other pollutants are released into a body of water, the Clean Water Act requires the responsible party to file a report with The National Response Center, a federal communications center staffed by the Coast Guard. From October 2010 to September 2011, a total of 2,903 oil release reports were filed with the NRC from the Gulf region, but 77 percent of those reports did not include an estimate of the amount of oil spilled, according to a [2012 report](#) by the [Gulf Monitoring Consortium](#)(GMC), of which GRN is a member. The NRC reports that did include a spill estimate account for a combined 250,000 gallons of crude released into the Gulf during the one-year period. Consortium estimates the actual total amount spilled during the period to be between 1.5 million and 2.2 million gallons. These massive reporting gaps make it impossible to determine how much oil pollution is actually released in the Gulf of Mexico.

One particularly egregious example of underreporting involves the Taylor Energy leak, which I have documented and filed numerous NRC reports over the last few years. For over 10 years, this chronic oil leak has been spewing oil into the Gulf waters every day, with no end in sight. The discharge began in 2004 when an undersea landslide caused by Hurricane Ivan damaged an offshore platform and 28 associated wells. Taylor has yet to stop the daily flow of oil from the site and oil is still leaking to this day. A recent [AP investigation](#) published in April 2015 shed light on the underreported flow amount and led to the USCG revising its estimates significantly. The Taylor leak gives the impression of a broken system, where oil production is prioritized over concerns for the environment. Recently, a [settlement agreement](#) between Taylor and a group of GMC member organizations was announced. The lawsuit sought information about Taylor's response efforts which have been hidden under a 'veil of secrecy' by Taylor.

#### **14. HURRICANES AND OIL DON'T MIX**

In the immediate aftermath of Hurricane Isaac in 2012, I along with other GMC members took several monitoring trips by boat and plane to search for, document and report any possible resulting leaks. GMC announced our findings from a review of NRC reports that occurred during and immediately after Hurricane Isaac. A total of 130 accidents resulting from the storm were reported to the National Response Center. Those accidents dumped at least 12.9 million gallons of pollutants and contaminated water into the environment. You can [read more about our Key Findings](#) or jump right in and [read the full report](#).

Based on my experience in the Gulf region and my participation in the New Orleans Area Contingency Plan meetings and exercises, I am gravely concerned that government and industry is not adequately prepared for a worse case scenario. Imagine for a moment a BP type blowout that has been gushing for months. Then, a Category 5 hurricane comes through disrupting the containment and response effort. If the hurricane hits port facilities where the response equipment was evacuated to, it could be weeks or months before the assets are fully resourced and redeployed. Then the process of trying to contain the leak would start again. Like hurricane Rita followed Katrina in 2005, what if then we get hit by another major storm again? In this scenario, for months on end oil would be spewing unimpeded into the Gulf only to have that oil mercilessly pushed onshore with what would be a massive storm surge. The possibility of having oil completely washing over coastal communities is very real, especially given the loss of wetlands that act as a buffer.

#### **17. HNRC SHOULD INTRODUCE AND PASS a Gulf of Mexico Regional Citizens' Advisory Council**

Congress identified complacency on the part of the oil industry and government regulators as a root cause of the *Exxon Valdez* spill. The Oil Pollution Act of 1990 was passed by Congress in response to the 1989 Exxon Valdez oil spill. In it, Congress mandated citizens' councils for Prince William Sound and Cook Inlet. The purpose of these councils is to promote partnership and cooperation among local citizens, industry and government, and to build trust and provide citizen oversight of environmental compliance by oil terminals and tankers

**A GoM RCAC will enhance engagement, communication, collaboration, and trust among the Gulf oil industry, federal and state governments, and citizen stakeholders potentially impacted by Gulf oil operations. These citizen stakeholders include fishermen, tourism businesses, indigenous peoples, conservation groups, scientists, and local governments and communities. The GoM RCAC will fund its own research on issues of importance to citizens -- spill prevention and response, dispersants and their alternatives, human health, ecosystem impacts, tanker safety and vessel traffic risks, fisheries protection, and more. Through its research, consultative, and deliberative process, the Council will provide informed advice to industry and government, and citizens will gain a better understanding of the complex realities of offshore oil. Importantly, the Council will operate autonomously, rather than under the direction of government or industry.**

**In 2011, the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling endorsed the citizen call for a GoM RCAC.**

In 2013, citizens requested the introduction and passage by Congress of the [Gulf of Mexico Regional Citizens' Advisory Act of 2013](#).

In September 2014, a letter was sent by citizens asking Secretary Jewel to use her administrative powers to establish a GoM RCAC. A copy of this letter is included. Also included with my testimony is a copy of our proposed legislation titled: GULF OF MEXICO REGIONAL CITIZENS' ADVISORY COUNCIL ACT of 2014. On behalf of Gulf citizens, I urge the members of this committee to introduce this bill and get it passed.

## **20. 5-YEARS LATER, SERIOUS CONCERNS REMAIN, Safety Audits, STAFFING**

Although there have been improvements in offshore drilling safety and government oversight since 2010, we still have a long way to go to make it as safe as possible. At the same time attempts are being made by the oil industry to open up the eastern Gulf, the Mid-Atlantic, and now the Arctic to drilling, [investigations by New Orleans based WWLTV](#) raise serious concerns that the new post-BP safety standards may not be taken seriously enough at existing gulf operations, and a lack of transparency is impeding Gulf citizens' ability to be informed. A similar problem is occurring in Alaska where a FOIA suit was brought against BSEE for [failing to release safety documents for the Shell offshore drilling project](#) currently underway in the Arctic Ocean. Also, a recent DOI Inspector General report determined that BSEE still does not have enough trained staff to conduct timely investigations into safety incidents and leaks. These issues need to be fixed immediately and further support the need for a GoM RCAC.

## **24. CONGRESS NEEDS TO ACT,**

Although there have been improvements in offshore drilling safety and government oversight since 2010, we still have a long way to go to make it as safe as possible. Congress needs to get far more serious about this issue. While the administration has taken positive steps in offshore safety post-Deepwater Horizon, Congress has done almost nothing (other than RESTORE Act). The Oil Spill Commission Review in 2013 gave the Administration actions a grade of "B", industry a "B-", and Congress a "D+".

Congress needs to pass a GoM RCAC bill; it needs to raise the liability limit for offshore drilling (which is still at only \$75 million as per OPA90); and it needs to make the federal oil spill fund - the Oil Spill Liability Trust Fund - available to federal agencies for spill prevention efforts, without having to go

through the cumbersome appropriations process. The OSLTF is now at about \$4 billion, gains about \$500 million/year (from an 8 cent/barrel oil tax nationwide) and this \$ can and should be available to agency spill prevention needs.