



Lisa P. Jackson, Administrator  
 U.S. Environmental Protection Agency  
 Ariel Rios Building  
 1200 Pennsylvania Avenue, N.W.  
 Washington, DC 20460

The President of the United States  
 The White House  
 1600 Pennsylvania Avenue NW  
 Washington, DC 20500

May 26, 2010

Dear Administrator Jackson and Mr. President:

Waterkeeper Alliance members, including those located in states directly affected by the Deepwater Horizon disaster, are writing to express disappointment with the Environmental Protection Agency (EPA) and Obama administration regarding their lack of conviction to adequately regulate BP's use of chemical dispersants. During a conference call on May 24<sup>th</sup> EPA Administrator Lisa Jackson announced a directive aimed at reducing Corexit<sup>®</sup> use by 50-75%, yet no clear numeric standards were identified. Additionally, it was unclear when this directive goes into effect and to what extent BP would be held accountable to volumetric limits of Corexit<sup>®</sup> discharge. These decisions are arbitrary, vague, and incongruous with EPA's duty to "protect the public health or welfare or environment from discharges of oil." 40 C.F.R. part 300, appx. E, 5.3.1. Given the level of uncertainty and lack of sound science regarding Corexit<sup>®</sup> we urge you to demand that BP cease further application of Corexit<sup>®</sup> 9500 and 9527 as well as other chemical dispersants not already subject to adequate scrutiny with respect to human health and ecological impacts.

Administrator Jackson indicated EPA's decision to approve the on-going use of Corexit<sup>®</sup> was based largely on toxicity to a single species of rotifer. However, no discussion was held regarding the adequacy of this test to determine ecological or human health impacts within the context of the Gulf Coast. It is clear toxicity tests have been selected based on speed and efficiency rather than sound science or actual toxicity to the Gulf ecosystem and we find the justifications for use of Corexit provided to date to be wholly insufficient. To credit EPA, Administrator Jackson did express her disappointment with BP's justification of Corexit<sup>®</sup> use, as contained in their May 20, 2010 letter to EPA and the Coast Guard.

Much scientific literature has been dedicated to the subject of Corexit<sup>®</sup> and other dispersants to mitigate the impacts associated with offshore oil spills.<sup>1,2,3,4</sup> We feel it redundant to discuss

<sup>1</sup> Singer, M. et. al. 1996. Comparison of Acute Aquatic Effects of the Oil Dispersant Corexit 9500 with Those of Other Corexit Series Dispersants. *Ecotoxicology and Environmental Safety* v. 35, pp. 183-189.

<sup>2</sup> Singer, M. et. al. 1995. *Acute Toxicity of the Oil Dispersant Corexit 9554 to Marine Organisms*. *Ecotoxicology and Environmental Safety* v. 32, no. 1, pp. 81-86.

<sup>3</sup> George-Ares, A. and J. R. Clark. 2000. *Aquatic toxicity of two Corexit® dispersants*. *Chemosphere*, v. 40, no. 8, pp. 897-906.

research conclusions, which has been adequately discussed in the media. However, it should be noted that the body of literature on this topic indicates any adequate impact assessment should consider multiple regional-specific variables and in no way does the science suggest that the ends (i.e. enhanced oil dispersion) justify the means in which chemical dispersants are being applied at historic rates. Federal regulations require that “[o]f the numerous chemical or physical methods that may be used, the chosen methods shall be the most consistent with protecting public health and welfare and the environment.” 40 C.F.R. part 300, appx. E, 5.3.3(b). The scientific literature does not support the use of Corexit under this standard.

In a 2000 assessment of the types of Corexit<sup>®</sup> currently being applied to the Gulf at unprecedented levels Exxon eco-toxicologists made the following conclusion:

*Laboratory aquatic toxicology results are highly dependent on test species and experimental conditions, many of which are not representative of field conditions. Consequently, it is essential that spill response coordinators use data that are most relevant to the regional resources requiring protection and most representative of actual exposure conditions (e.g. shorter duration). In addition, decisions to use an oil spill response chemical should not be based solely on its aquatic toxicity...*<sup>5</sup>

It is clear from this conclusion, made by industry experts, that current assessments of Corexit<sup>®</sup> being carried out by BP and EPA are wholly unrepresentative of actual exposure conditions. While we recognize dispersant application may result in benefits in terms of enhanced biodegradation in the aquatic environment we do not feel the level of uncertainty associated with this product justifies its on-going use. We request that EPA and Obama administration act more decisively on behalf of affected communities and the Gulf ecosystem to demand that BP cease application of Corexit as well as other chemical dispersants which have not been fully evaluated with regards to ecological and human health.

Waterkeepers appreciate the extraordinary circumstances currently facing EPA and the Obama administration and wish to work in any way possible to ensure public health, a healthy Gulf ecosystem and maintenance of our fisheries. Our communities are deeply troubled by the application of chemical dispersants at volumes approaching historic records and many are aware of the human health impacts resulting from air and water quality impairment. Fishermen and individuals participating in clean-up operations are already submitting rumors of health problems. Until EPA can adequately determine whether chemical dispersants are exacerbating public health and ecological impacts associated with the oil spill their use should be suspended immediately.

Sincerely,

Paul Orr  
Lower Mississippi Riverkeeper

Casi Callaway  
Mobile Baykeeper

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<sup>4</sup> Liua, B., R.P. Romairea, R.D. Delauneb, and C.W. Lindaub. 2006. *Field investigation on the toxicity of Alaska North Slope crude oil (ANSC) and dispersed ANSC crude to Gulf killifish, Eastern oyster and white shrimp*. Chemosphere. v. 62, no. 4, pp. 520-526.

<sup>5</sup> George-Ares, A. and J. R. Clark. 2000. *Acute Aquatic Toxicity of three Corexit products: An Overview*. Prepared for Exxon Biomedical Sciences, Inc. Available at: [www.iosc.org/papers/00020.pdf](http://www.iosc.org/papers/00020.pdf)

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