



At a Glance

Catalyst for Improving the Environment

Why We Did This Review

The U.S. Environmental Protection Agency (EPA), Office of Inspector General (OIG), received two Hotline complaints on the use of dispersants in response to the Deepwater Horizon oil spill in the Gulf of Mexico. We reviewed the steps EPA took to analyze the dispersant Corexit for inclusion on the National Contingency Plan (NCP) Product Schedule. We also determined EPA's role in the decision to use Corexit in the response. The OIG Office of Counsel addressed a perjury allegation in one complaint.

Background

The NCP establishes national response capability and coordination for oil spills. The NCP Product Schedule lists spill-mitigating chemicals that responders can use in carrying out the NCP, including dispersants that emulsify, disperse, or solubilize oil into the water column.

For further information, contact our Office of Congressional, Public Affairs, and Management at (202) 566-2391.

The full report is at:
www.epa.gov/oig/reports/2011/20110825-11-P-0534.pdf

Revisions Needed to National Contingency Plan Based on Deepwater Horizon Oil Spill

What We Found

EPA and the manufacturer of Corexit completed required steps to include Corexit products on the NCP Product Schedule. However, EPA has not updated the NCP since 1994 to include the most appropriate efficacy testing protocol. Subpart J of the NCP identifies requirements a manufacturer must meet to include a product on the Product Schedule, including efficacy results using the Swirling Flask Test. EPA has considered revising Subpart J to change efficacy testing procedures to the more reproducible Baffled Flask Test. However, EPA had not finalized the rulemaking before the Deepwater Horizon oil spill occurred because of competing priorities and changes in management. If EPA had updated Subpart J, more reliable efficacy data may have been available during the oil spill.

Responders to the Deepwater Horizon oil spill could have used other dispersants, but not within the applicable window of time designated by Addendum 2 to a directive issued by EPA and the Coast Guard. EPA's involvement in the response included issuing Joint Directives to BP, making operational decisions, and conducting additional dispersant testing. EPA involved senior officials in the response because (a) the Agency was not prepared for the unprecedented volume and duration of dispersant use and subsea application, and (b) additional clarity was needed on roles and responsibilities in responding to a Spill of National Significance. The involvement of senior EPA officials created confusion as to who at EPA led response efforts for dispersant use.

The OIG Office of Counsel did not find evidence supporting the perjury allegation.

We noted that EPA took proactive actions to make health and environmental data available on the Agency's website throughout the spill response. Also, EPA demonstrated proactive efforts to improve emergency response plans.

What We Recommend

We recommend that the Office of Solid Waste and Emergency Response establish policies to review and update contingency plans incorporating lessons learned during the Deepwater Horizon oil spill, and clarify roles and responsibilities for Spills of National Significance. We also recommend that the office take steps to revise Subpart J to incorporate the most appropriate efficacy testing protocol and capture dispersant information. We recommend that the Office of Research and Development develop a research plan on long-term health and environmental effects of dispersants. The Agency generally agreed with our recommendations.