



## Upholding our human right to live in a healthy environment

650 Poydras Street, Suite 2523 • New Orleans, LA 70130  
Phone 504-799-3060 • Fax 504-799-3061  
[www.ehumanrights.org](http://www.ehumanrights.org)

July 28, 2010

Admiral Thad Allen  
National Incident Commander  
Deepwater Horizon Response  
USCG Headquarters  
2100 2<sup>nd</sup> Street, S.W.  
Washington D.C. 20593  
*Via Facsimile: 202.372.1933*

Mr. Michael R. Bromwich  
Director  
Bureau of Ocean Energy Management,  
Regulation, and Enforcement  
1849 C Street, N.W., Mail Slot 5438  
Washington D.C. 20240  
*Via Facsimile: 202.208.7242*

Ms. Ignacia S. Moreno  
Assistant Attorney General  
U.S. Department of Justice  
Environment and Natural Resources Division  
P.O. Box 7415  
Ben Franklin Station  
Washington, D.C. 20044-7415  
*Via Facsimile: 202.514.0557*

Ms. Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue  
Ariel Rios North Building, Room 3400  
Washington D.C. 20460  
*Via Facsimile: 202.501.1450*

Dear Admiral Allen, Mr. Bromwich, Ms. Moreno, and Ms. Jackson:

Advocates for Environmental Human Rights, a human rights law firm dedicated to upholding our human right to live in a healthy environment, urges you to ensure the right to full recovery in the wake of the BP oil drilling disaster. We ask that each of you bring all of your resources to bear in quickly and unequivocally establishing that BP has unlimited liability for all damages resulting from this catastrophe pursuant to the Oil Pollution Act of 1990 (“OPA”).

As you are aware, OPA is the primary federal law that imposes liability for damages resulting from an incident like the BP oil drilling disaster in the Gulf of Mexico which began on April 20, 2010 off the coast of Louisiana. BP has been deemed the “responsible party” for the damages caused by this continuing disaster. Under OPA, with respect to an offshore facility the general rule is that the total

**Headquarters:**  
650 Poydras Street, Suite 2523  
New Orleans, LA 70130 USA  
Tel. 504-799-3060  
Fax 504-799-3061  
[www.ehumanrights.org](http://www.ehumanrights.org)

**Campaign & Policy Office:**  
1730 M Street, NW, Suite 412  
Washington, DC 20036 USA  
Tel. 202-775-0055  
Fax 202-293-7110  
[www.ehumanrights.org](http://www.ehumanrights.org)

liability for a responsible party is limited to \$75 million. However, there are five exceptions to this cap on liability.

As set forth in 33 U.S.C. 2704 (c), the five exceptions are: 1. gross negligence or willful misconduct; 2. violation of an applicable Federal safety, construction, or operating regulation; 3. failure to report the incident as required by law; 4. failure to provide all reasonable cooperation and assistance requested by a responsible official in connection with removal activities; and 5. failure to comply with an order issued under subsection (c) or (e) of 33 U.S.C.1321 (pertaining to federal authority over unlawful discharges of oil and other hazardous substances from a vessel or facility) or the Intervention on the High Seas Act (33 U.S.C. 1471 *et seq.*).

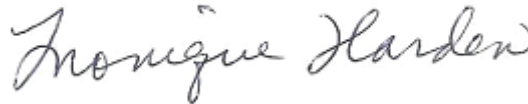
We ask that you aggressively pursue a determination that one or more of these five statutory exceptions in OPA that remove the liability cap of \$75 million has been met as a result of the actions taken by BP leading up to the explosion and/or in the oil removal work.

We look forward to timely hearing from you regarding this matter, and we are available for meetings and further discussion.

Very truly yours,



Nathalie Walker  
Co-Director & Attorney



Monique Harden  
Co-Director & Attorney