

Presidential commission whitewashes BP disaster

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On Monday, the chief counsel of President Obama's commission on the BP oil disaster in the Gulf of Mexico claimed his investigators found no evidence the oil giant sacrificed safety to save money before the April 20 explosion on the Deepwater Horizon. The blowout killed 11 workers and led to the worst environmental catastrophe in US history.

"To date, we have not seen a single instance where a human being made a conscious decision to favor dollars over safety," Fred Bartlit, general counsel for the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, asserted on November 8. Monday was the first day of a hearing in Washington to present the commission's preliminary findings.

Bartlit's statements underscore the fact that the commission's inquiry is a whitewash aimed at protecting the assets of BP and covering up for the Obama administration's own complicity in the disaster. Should the company be found criminally negligent, it could face fines of \$4,300 for every barrel of oil spilled into the Gulf. If the disaster is determined to be the result of an accident, the fine is three times less. The difference amounts to billions of dollars of savings for BP.

Daniel Becnel, a Louisiana lawyer suing BP and others, called the commission's finding "absolutely absurd." He added that the commission was "pasting over" the truth "because they know the government is going to be a defendant sooner or later in this litigation."

From the beginning the Obama administration has run interference for the oil company. First it repeated BP executives' claims that no oil leak had taken place, then it concealed the extent of the disaster, while moving to restore deepwater drilling as soon as

possible. The White House has repeatedly insisted it does not want to do financial damage to BP.

In his remarks Monday Bartlit said he agreed with "90 percent" of the conclusions of BP's own investigation into the disaster. He said, "We see no instance where a decision-making person or group of people sat there aware of safety risks, aware of costs and opted to give up safety for costs."

Bartlit added, "I've been on a lot of rigs, and I don't believe people sit there and say, 'This is really dangerous, but the guys in London will make more money.' We do not say everything done was perfectly safe. We're saying that people have said people traded safety for dollars. We studied the hell out of this. We welcome anybody who gives us something we missed."

This flies in the face of damning evidence of BP's gross negligence and criminal behavior, including the findings of a congressional subcommittee earlier this year. There is undisputed information that BP officials ignored warnings of an impending disaster, including signs of leaking gas and oil, and tests showing the instability of the cement plug on the well. The company also made decisions about well design and materials based on cost containment, which increased the likelihood of a blowout.

In a letter to former BP CEO Tony Hayward in May 2010, the chairman of the House Oversight and Investigations Committee listed a series of company decisions that contributed to the disaster, adding, "The common feature of these five decisions is that they posed a trade-off between cost and well safety."

On the day of the disaster, the Deepwater Horizon had completed drilling an exploratory well. Subcontractor Halliburton was in the process of capping it with a cement plug so it could be tapped at a later date. BP wanted the well capped as soon as

possible because it was costing \$1.5 million per day to maintain.

Congressional investigators involved in the subcommittee inquiry earlier this year found that BP took decisions aimed at cutting costs and speeding up the pace of work at the Gulf of Mexico location—known as the Macondo site.

These included:

- The use of an inferior well design with few barriers to dangerous gas flow. A BP plan review prepared in mid-April recommended a more time-consuming method as safer. However, “BP chose the more risky casing option, apparently because the liner option would have cost \$7-10 million more and taken longer,” the subcommittee concluded.

- BP failed to use enough centralizers—attachments that go around the casing as it is being lowered into the well to keep it in the center of the borehole—to prevent gas from escaping during the cementing process. Halliburton, the contractor hired by BP to cement the well, warned BP the well could have a “severe gas flow problem” if BP used only 6 instead of the 21 centralizers recommended. In an email on April 16, the congressmen stated that a BP official involved in the decision-making wrote, “It will take 10 hours to install them . . . I do not like this.”

- The failure to run a 9- to 12-hour procedure called a cement bond log to evaluate the effectiveness of the cement job.

- BP’s failure to circulate potentially gas-bearing drilling muds out of the well, which could have taken up to 12 hours but would have enabled workers to safely remove any gas pockets.

- BP’s failure to secure the wellhead with a lockdown sleeve before allowing pressure on the seal from below.

Indeed, BP’s own drilling engineer called the Macondo a “nightmare well” just five days before the deadly explosion.

On Monday, the presidential commission investigators acknowledged problems with the cement plug were a major cause of the disaster. However, Bartlit insisted a deepwater well was a complicated system and it was difficult to pinpoint any single cause of the disaster.

The lawyer told the audience, which included the seven-man presidential panel, company executives and

news reporters, “We are not assigning blame. We are not making any legal judgments on liability, negligence or gross negligence or any legal issues at all. It’s a hard thing to do. Our effort is to look at cause, not liability.”

Underscoring the farcical character of the proceedings, Bartlit said he had no reason to believe oil executives had “intentionally said anything to me that they don’t believe.” Nevertheless, he said it would be hard to resolve conflicting accounts unless he had subpoena power to “sit people down in a room and in a very professional, gentlemanly way, and cross-examine them and find out what’s believable and what’s not believable.”

The audience erupted in laughter when Bartlit asked witnesses from BP, Halliburton and Transocean—who were not under oath—whether they would be willing to ask Congress to support giving the panel subpoena power. This would “obviously add to our ability to get to the bottom of this,” he said.

From the beginning the commission has been designed to protect the oil industry. Obama created it in early June, selecting as chairs William K. Reilly, the former Environmental Protection Agency (EPA) chief under George H.W. Bush and current ConocoPhillips board member, and Bob Graham, a retired Democratic senator from Florida and longtime advocate of deregulation.

Bartlit himself has long served the interests of the oil industry. A top corporate lawyer, he was a major investigator in the 1988 Piper Alpha oil rig disaster in the North Sea, which killed 167 men. Bartlit helped draft the conclusions of the Cullen Inquiry in 1990, which criticized the oil rig’s operator, Occidental, for inadequate maintenance and safety procedures, but assured that the California-based oil giant did not face criminal charges. In 2000, he represented George W. Bush in Florida during the stolen presidential election.



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