

May 19, 2010

Mr. Lamar McKay  
Chairman and President  
BP America, Inc.  
501 Westlake Park Boulevard  
Houston, TX 77079

Dear Mr. McKay:

As the economic and environmental calamity resulting from the April 20, 2010 explosion on board the Deepwater Horizon continues to unfold, the Judiciary Committee is conducting an examination into the legal liability issues surrounding the Gulf coast oil disaster. We will be holding a hearing on May 27, 2010 to further our understanding of these issues and take testimony from representatives of the affected parties. In order to assist the Committee with its preparation for the hearing, I request that you produce any and all documents in your possession that are responsive to the list enclosed with this letter.

Please provide the requisite information by close of business on Monday, May 24, 2010, by delivering a copy to the Judiciary Committee office, 2138 Rayburn House Office Building, Washington, DC 20515 (tel: 202-225-3951; fax: 202-225-7680). Please contact Eric Tamarkin on my staff at the Judiciary Committee if you have any questions.

I appreciate your cooperation and look forward to your timely production of the requested documents as the Committee examines this critically important matter.

Sincerely,

John Conyers, Jr.  
Chairman

Enclosure

cc: Hon. Lamar S. Smith

## Information Requested

1. The amount and type of insurance or indemnity coverage that you believe may cover in whole or in part any expenses or liabilities resulting from the explosion of the Deepwater Horizon (DWH) and subsequent oil spill and clean up, including but not limited to workers compensation policies, general liability policies, environmental liability policies, directors and officers policies that protect company employees from negligence suits, and umbrella policies.
2. All documents relating to releases that seek to waive, limit, or satisfy any rights to seek relief for current or future injuries or claims that have been or are being offered by either the company or its insurers to the company's own employees, other workers or contractors on the DWH, individuals or companies adversely impacted by the subsequent oil spill, or residents of the Gulf Coast region engaged in clean-up work with or without compensation. This request includes, but is not limited to, any and all documents related to the following:
  - a. The number of releases entered into and the number sought, but not entered into;
  - b. Whether any releases remain operative;
  - c. The names and positions of those employees who ordered the use of releases and implemented the release program.
  - d. Any considerations regarding the use of releases, including any action regarding releases by the company's insurer or a related entity;
  - e. The terms of any such releases.
3. All documents relating to awareness of the potential for an explosion or a leak on the DWH, or of the potential for any problems with any component or aspect of the oil drilling system. All documents relating to consideration of potential risks of oil leakage, fire, or explosion and countermeasures with respect to offshore drilling and production of oil and gas.
4. The following regarding the repeated statements by BP officers, in congressional testimony and in the media that BP is committed to paying "legitimate claims" for loss and damages caused by the spill.
  - a. What criteria will BP use to determine "legitimate claims"?
  - b. Who will be tasked with determining "legitimate claims"?
  - c. Will the company insist that "legitimate claims" be filed within the pertinent statute of limitations?
  - d. Will the company seek venue of all cases in Houston, Texas?
  - e. All documents pertaining to what BP considers a "legitimate claim," and all documents reflecting any agreement to pay any such claim.
5. All documents, including supporting court documents, relating to all litigation, adjudications, and settlements with respect to claims made against the company from the year 2000 to present under the Death on the High Seas Act (46 U.S.C. § 30301- 08); The Jones Act, section 27 of the Merchant Marine Act of 1920 (46 U.S.C. § 883); The Limitation of Liability Act (46 U.S.C. § 181); and the Oil Pollution Act of 1990 (33 U.S.C. § 2701-2761).

6. The following pertain to the Blowout Preventer (BOP):
  - a. All documents showing what was done to operate DWH's BOP (and who attempted to operate it) for the 24-hour period prior to the explosion or any time afterwards.
  - b. All documents relating to the DWH's BOP malfunctions or performance problems from March 1, 2009, up to and including the date of the explosion.
  - c. All internal or external studies discussing the reliability of BOPs in general, any problems with BOPs in general, or any deficiencies with BOPs in general.
  - d. All purchase orders relating to the acquisition of the DWH's BOP.
  - e. All documents relating to testing, evaluation, and maintenance that was done on the DWH's BOP, including, but not limited to, initial acceptance testing, pre-installation testing, post-installation testing and maintenance, preventative maintenance, testing of the hydraulic system that sends emergency power to the rams, and testing of the DWH's BOP for any other sites at which it was used, if applicable.
  - f. All documents relating to any modifications made to the BOP, whether before, during, or after its installation on the DWH.
  - g. All documents relating to the schedule for and results of testing the battery in the DWH's BOP's "brain," which gives pressure readings and controls other functions in the valves.
  - h. All documents concerning any occurrences when you were fined or cited by any government authority in any country related to any issues related to any BOP.
  - i. All documents concerning whether or not DWH's BOP had an acoustic actuator and the rationale for either including or not including an acoustic actuator.
  - j. All documents concerning backup systems that you had in place in the event DWH's BOP failed to operate as designed.
7. All of Transocean's morning reports that it would have sent to the shore-side rig superintendent during the 90-day period prior to and including the date of the explosion.
8. All of DWH's logs, reports and maintenance reports by the DWH's sub-sea engineers during the 90-day period prior to and including the date of the explosion.
9. All engine room logs covering any part of the 90-day period prior to and including the date of the explosion.
10. An accurate drawing or depiction of the DWH, DWH's BOP, and other elements of the DWH's drilling and production apparatus prepared prior to the explosion.
11. All documents created by or for you describing any supposed or possible cause of the explosion.
12. All documents relating to efforts made by you after the explosion to shut off the BOP or otherwise stop or abate the oil leak.
13. All communications sent from or received by anyone on the DWH on the day of the explosion or thereafter until search and rescue operations ceased, including intra-vessel communications.

14. All correspondence between you and the Coast Guard, Transocean, Minerals Management Service, Halliburton, Cameron, or Tidewater and any documents that you provided it or received from it, related to the explosion.
15. All witness statements related to the explosion.
16. Safety policies and procedures in effect on board the DWH on the date of incident including, but not limited to, safety policies and procedures with respect to the operation of DWH's BOP.
17. All documents relating to current and future cleanup efforts of BP, including techniques, costs, personnel, and devices used or to be used, chemicals or dispersants used or to be used, and any estimate of the time cleanup will be completed.
18. All documents regarding tests performed or to be performed on water, air, soil, marshlands, or any other body or surface affected in any way by the oil spill and the associated events.
19. All documents regarding how much oil has been released and how much oil is expected to be released from the leaking well, and the testing or methodology for making such determinations.
20. All documents submitted to you by the affected federal, state, parish, or local governments for purposes of indemnification or reimbursement of containment and cleanup costs.
21. All documents regarding any plans in place or being considered for compensating those who may be adversely affected by the oil spill.
22. All documents regarding plans or agreements to reimburse affected governments for resources expended in the clean up.
23. All documents reflecting all agreements by you to waive the 33 U.S.C. § 2704 limitation of liability cap or any provision of the shipowner limitation of liability.