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May 3, 2010

Honorable Ken Salazar
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Salazar:

The April 20, 2010 explosion aboard Transocean's *Deepwater Horizon* oil rig and subsequent oil discharge is quickly becoming one of the most significant environmental disasters in recent history. As the Interior Department, Coast Guard, and industry experts quickly work to contain the spill, thousands of barrels of oil are seeping into our Gulf Coast waters and are threatening nearby shores. In addition to this ongoing environmental disaster there are 11 oil well workers who perished as a result of the explosion aboard the rig. Although investigators have yet to determine the cause of this incident, British Petroleum (BP), which leases the submerged land, suspects that a "blowout" may have occurred and that a critical failsafe device appears to have malfunctioned.¹ These events call into question numerous issues associated with the Department's safety regulations and whether it improperly granted certifications to BP, Transocean, and the *Deepwater Horizon*.

Accordingly, the Oversight and Government Reform Committee is investigating the events leading up to and, following the incident. As an initial matter, we will assess whether the Interior Department's Minerals Management Service (MMS), which oversees offshore drilling activity, has promulgated regulations necessary to ensure the safety and operability of vessels drilling in the Gulf of Mexico. News reports indicate that MMS may have sidelined regulatory efforts that would have brought the U.S. oil industry in line with prevailing industry safety standards, which mandate the use of remote-controlled acoustic shut-off switches.² If true, MMS will need to explain why it chose to do so.

The Committee will also investigate whether MMS improperly awarded safety certifications to BP, Transocean, and the *Deepwater Horizon* rig. Reports indicate that the *Deepwater Horizon* appears to have had a faulty "dead man" shut-off switch which, if

¹ "Leaking Rig's Safeguards Questioned; Hundreds Of Species At Risk," *Greenwire*, April 29, 2010.

² Russell Gold, Ben Casselman, Guy Chazan, "Oil Well Lacked Safeguard Device," *The Wall Street Journal*, April 29, 2010.

functioning properly, could have averted this massive spill. The malfunctioning “failsafe” device raises serious questions about any safety inspections or audits conducted by MMS or third parties during the certification process. This, in turn, casts serious doubt upon any safety awards that MMS may have granted to BP and/or Transocean within the past year.³

The American people also have a right to know whether the federal government possessed and implemented an appropriate emergency response plan to mitigate this disaster. Though U.S. Coast Guard assets quickly arrived on-scene to assist with the fire and rescue effort, there appears to have been a delay in dispatching significant resources to assist in the environmental clean-up. Meanwhile, a vast oil slick has begun to reach Gulf Coast shores.

To assist this Committee with its investigation, we respectfully request that you provide the following information **no later than May 7, 2010**:

1. Copies of all rules and regulations governing the safety and operational requirements for vessels that extract mineral resources from the Gulf of Mexico and the Outer Continental Shelf in effect on April 20, 2010;
2. Copies of all policy manuals governing the enforcement of rules and regulations referred to in #1;
3. Copies of all proposed rules and regulations, including comments thereto, governing the safety and operational requirements for vessels that extract mineral resources from the Gulf of Mexico and the Outer Continental Shelf. This includes, but is not limited to, those that address remote-controlled acoustic shut-off devices, as well as the auditing of safety and environmental management programs (SEMS);
4. All communications between private sector entities and the Interior Department, as well as internal communications, referring or relating to #3;
5. All documents referring or relating to #3, including any internal or third party studies conducted for the Department on remote-controlled acoustic shut-off devices and any ensuing recommendations;
6. All documents and communications referring or relating to any safety awards or certifications impending or bestowed upon BP, Transocean, and/or the *Deepwater Horizon* oil rig;
7. A list of Department personnel responsible for evaluating or otherwise certifying BP, Transocean, and/or the *Deepwater Horizon* to operate in the

³ Mike Soraghan, “BP, Other Oil Companies Opposed Effort To Stiffen Environmental, Safety Rules,” *Greenwire*, April 27, 2010.

- Gulf of Mexico. This list should include names, titles, a brief description of their responsibilities, and contact information;
8. Copies of all audits or inspections conducted with respect to BP, Transocean, and/or the *Deepwater Horizon*;
 9. All communications between BP, Transocean, and the Interior Department, as well as internal Department communications, referring or relating to #8;
 10. The results of any preliminary investigations into the causes of the *Deepwater Horizon* incident;
 11. Copies of all emergency response plans in effect on April 20, 2010, as well as any amended plans since April 20, 2010, including a timeline of the Department's response efforts; and
 12. All communications between the Interior Department, federal agencies, and the White House referring or relating to the *Deepwater Horizon* explosion, including coordination for emergency relief.

Please note that, for purposes of responding to this request, the terms "records," "communications," and "referring or relating" should be interpreted consistently with the attached Definitions of Terms.

The Committee on Oversight and Government Reform is the principal investigative committee of the U.S. House of Representatives. Pursuant to House Rule X, the Committee has authority to investigate "any matter" at "any time."

Thank you for your attention to this important matter. If you have any questions, please feel free to contact me at any time. Should your staff require additional information, they may reach Thomas Alexander, Senior Counsel, at (202) 225-5074.

Sincerely,



Darrell Issa
Ranking Member

Cc: The Honorable Edolphus Towns, Chairman

Attachment

Definitions of Terms

1. The term "record" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including, but not limited to, the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records notes, letters, notices, confirmations, telegrams, receipts, appraisals, pamphlets, magazines, newspapers, prospectuses, interoffice and intra office communications, electronic mail (e-mail), contracts, cables, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matter, computer printouts, teletypes, invoices, transcripts, diaries, analyses, returns, summaries, minutes, bills, accounts, estimates, projections, comparisons, messages, correspondence, press releases, circulars, financial statements, reviews, opinions, offers, studies and investigations, questionnaires and surveys, and work sheets (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, recordings and motion pictures), and electronic, mechanical, and electric records or representations of any kind (including, without limitation, tapes, cassettes, disks, and recordings) and other written, printed, typed, or other graphic or recorded matter of any kind or nature, however produced or reproduced, and whether preserved in writing, film, tape, disk, videotape or otherwise. A record bearing any notation not a part of the original text is to be considered a separate record. A draft or non-identical copy is a separate record within the meaning of this term.
2. The term "communication" means each manner or means of disclosure or exchange of information, regardless of means utilized, whether oral, electronic, by document or otherwise, and whether face-to-face, in a meeting, by telephone, mail, telexes, discussions, releases, personal delivery, or otherwise.
3. The terms "referring or relating," with respect to any given subject, means anything that constitutes, contains, embodies, reflects, identifies, states, refers to, deals with or is in any manner whatsoever pertinent to that subject.