

National Commission on the

# BP DEEPWATER HORIZON OIL SPILL AND OFFSHORE DRILLING

Commissioners

Bob Graham – Co-Chair

William H. Reilly – Co-Chair

Frances Beinecke

Donald Boesch

Terry D. Garcia

Cherry A. Murray

Frances Ulmer

July 27, 2010

Richard Lazarus  
Executive Director

Ms. Jane Garvey  
Chair, Board of Directors  
Bipartisan Policy Center  
1225 I Street, N.W., Suite 1000  
Washington, D.C. 20005

Dear Ms. Garvey:

The purpose of this letter is to seek the assistance of the Bipartisan Policy Center on behalf of the National BP Deepwater Horizon Gulf Spill and Offshore Drilling Commission. As you know, President Barack Obama created the Commission on May 22, 2010, and the President subsequently named as the Commission Co-Chairs former Senator Bob Graham and former U.S. Environmental Protection Agency Administrator Bill Reilly. The President charged the Commission with identifying the root causes of the Gulf oil spill disaster and with developing options for guarding against future oil spills and mitigating their impact. The Commission's report is currently due on January 12, 2011.

During the Commission's first hearings earlier this month in New Orleans, the Commission heard extensive testimony from concerned citizens, businesses, and state and local officials about the substantial environmental and economic harm caused by the Gulf spill. A central concern of many from whom the Commission heard, however, went beyond the spill itself to include the immediate economic hardships caused by the federal government's decision to issue a moratorium on certain offshore drilling. These concerns were heightened during the hearings because the Secretary of the Interior issued a revised moratorium during the first day of the Commission hearings. The legality of the moratorium is currently the subject of litigation pending in the federal courts.

Although the lawfulness of the Administration's decision to issue a moratorium falls outside the President's charge to the Commission, the wisdom of using a moratorium as a method for preventing further spills in the immediate aftermath of a spill are factors for the Commission to consider in making recommendations for the future. In particular, the wisdom of a moratorium as a method of mitigation would turn on many factors, including, but not limited to assessment of the risk of additional spills absent a moratorium, the immediate hardships caused by the moratorium, the reasonableness of the moratorium's geographic and temporal scope, and the extent to which the government effectively uses the moratorium to review existing drilling

sites and rigs on an ongoing basis for their safety. Such a review would, we assume, include the possibility that some individual drilling sites and rigs might, upon individualized review, be deemed sufficiently safe to allow for the resumption of drilling even before the moratorium period expired.

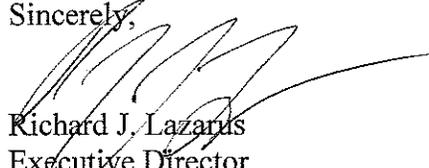
If the Bipartisan Policy Center is willing, the Commission would like the Center to assist the Commission in its consideration of the use of moratoria as a method for mitigating future harm in the immediate aftermath of a spill. The Center would seem uniquely qualified to offer such assistance because, like the Commission, the Bipartisan Policy Center is strictly nonpartisan, possesses strong ties to many of the nation's leading energy experts, and, as a result of those ties, has produced a series of outstanding reports on national energy policy.

The particular issue that the Commission would like the Center to address is what questions the federal government should ask in deciding whether individual drilling sites and rigs subject to a moratorium are sufficiently safe to allow the moratorium to be lifted in application to those sites and rigs. This inquiry warrants such particularized review because the reasonableness of a moratorium includes consideration of several factors, including (1) whether the government uses the moratorium time period effectively to learn on an ongoing basis what it needs to ensure the safety of future drilling; and, relatedly, (2) whether the government is willing to lift the moratorium in whole or in part as applied to individual drilling sites and rigs before the moratorium period formally ends, once the government has sufficient assurances of their safety. Many of those who testified at the Commission's New Orleans hearings were concerned that the government may not be sufficiently open to the possibility of such a subsequent modification of the moratorium in light of new information.

The Commission would be grateful if the Center could, after consultation with leading scientists and engineers, provide a report to the Commission that discusses what the government would need to do to allow for such flexibility in its use of a moratorium. The Commission's next public hearings are scheduled for August 25, 2010, and it would be most helpful if the Center might be able to report to the Commission before then, even if on an interim basis, so as to allow the Commission to follow-up on its pending request for more information regarding the current moratorium. But, of course, the Commission would be pleased to receive the report whenever the Center is able to complete the necessary work.

Thank you for considering this request for assistance. The Center enjoys an outstanding reputation for the valuable public service it has performed in many areas and we are hopeful that you will conclude that the Center can do so again on this occasion.

Sincerely,



Richard J. Lazarus  
Executive Director

cc: Mr. Jason Grumet  
President, Bipartisan Policy Center