



# Chapter 1 | Scope of Investigation and Methodology

## Nature of Report

**O**n May 21, 2010, President Barack Obama signed an Executive Order establishing the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling (“the Commission”).<sup>1</sup> The Order directed the Commission to “examine the relevant facts and circumstances concerning the root causes of the Deepwater Horizon oil disaster.”<sup>2</sup> The Order instructed the Commission to present a final public report of its findings to the President within six months of the date of its first meeting. The Commission first met on July 12, 2010.

The Commission appointed Fred H. Bartlit, Jr. as Chief Counsel to investigate and present to the Commission findings regarding the root causes of the Macondo explosion and blowout.<sup>3</sup> At public hearings on November 8 and 9, 2010, Bartlit and his team (“the Chief Counsel’s team”) presented preliminary findings to the Commission regarding the technical, managerial, and regulatory causes of the rig explosion and well blowout. Bartlit and the Chief Counsel’s team emphasized at the time that their investigation was ongoing and that these findings were preliminary.

The Commission set forth its findings regarding the root causes of the blowout in a report that it released on January 11, 2011. Several of the Commission’s findings were based on the work of the Chief Counsel. Given the factual and technical complexity of some of the underlying causes of the blowout, the Commission asked the Chief Counsel’s team to issue a separate Chief Counsel’s Report setting forth in greater detail their findings and conclusions regarding the technical, managerial, and regulatory causes of the blowout. This document is that report.

Certain sections of this Report are accompanied by video clips accessible on the Commission’s website at [www.oilspillcommission.gov](http://www.oilspillcommission.gov). The video clips contain graphics and narration to better explain many of the concepts and findings contained in this Report. They are meant to supplement, not to replace, the Report itself.

## Scope of Investigation and Report

The Chief Counsel focused his investigation on the technical, managerial, and regulatory causes of the blowout. This Report sets forth the conclusions of that investigation.

The Report does not discuss containment or response issues, except insofar as certain technical issues related to the blowout also bear on those issues. A separate Commission investigative



team addressed these issues. The results of that team's work are reflected in Chapter 5 of the Commission's report and in several Commission staff papers, available on the Commission website.

Similarly, this Report does not extensively review or analyze the regulatory structure in place prior to the spill, but rather addresses the extent to which the absence of particular regulations or enforcement may have contributed to the blowout. This Report also does not broadly review or critique oil and gas industry practices prior to the spill, except to the extent such practices related directly to the Macondo blowout. Other members of the Commission's staff focused on these broader issues, all of which are addressed in the Commission's report and staff papers.

The Chief Counsel's team has worked to provide as exhaustive an analysis of the blowout's causes as is possible given the evidence currently available. Limitations in that evidence prevent the team from issuing findings on some issues.

The Chief Counsel's team cannot offer any final conclusions regarding whether and to what extent the Macondo well's blowout preventer (BOP) failed. The government has engaged the Norwegian engineering firm DNV (Det Norske Veritas) to perform a forensic analysis on the BOP and determine whether it worked as expected and, if not, how and why it failed. The Chief Counsel's team believes that its technical and management findings will stand following the outcome of the pending BOP tests. Information available from those on the rig on April 20 indicates that the BOP was activated, at best, only moments prior to mud overflowing onto the rig floor. And all available evidence shows that by the time it was activated, hydrocarbons were in the riser and expanding rapidly to the surface and the rig. It thus appears that the initial explosions and fire would have occurred, and 11 men would have died, regardless of the function and state of the BOP at the time of the blowout.

As of the date of this Report, DNV is still conducting its analysis. It would be premature for the Chief Counsel's team to issue conclusive findings concerning potential BOP failures before that analysis is complete.

The Chief Counsel's team based its findings on evidence and information available to date. In some instances, that evidence or information was not available when the Commission issued its findings on January 11. And to the extent that new or additional information is revealed regarding issues in this Report, the team may alter or supplement its findings.

## Investigation Methodology

The Chief Counsel's team's investigation was extensive. The team collected documents from the companies involved, interviewed percipient and other witnesses, met repeatedly with the companies principally involved in the blowout, reviewed materials gathered by other investigative bodies, engaged and consulted experts, met with industry representatives, and met with representatives from non-industry interest groups. The Chief Counsel's team conducted hearings on November 8 and 9, 2010, during which it questioned, on the record, representatives from BP, Halliburton, and Transocean as well as industry experts, regulators, and the executive officers of Shell and Exxon.

Congress did not provide the Commission with subpoena power. The Chief Counsel's team therefore obtained information about the blowout through the cooperation of many of the companies and individuals involved, and through the cooperation of technical experts in the oil and gas industry. The team encouraged cooperation by conducting its investigation in a

completely transparent manner, allowing all of the companies and individuals involved to review and refute the team's preliminary findings. With a few exceptions, these companies and individuals cooperated in an unprecedented fashion. The Commission also obtained the cooperation of other investigative bodies, including most notably the joint Coast Guard-BOEMRE investigation. The lack of subpoena power therefore did not meaningfully hinder the team's investigation.

Every offshore drilling incident deserves serious scrutiny, if only to identify lessons for the oil and gas industry as a whole. But the *Deepwater Horizon* incident involved special circumstances; not every offshore accident will merit the creation of a Presidential Commission. Government and industry should therefore create a standing organization or pre-existing structure that will facilitate future investigations similar to the one the Chief Counsel's team conducted. That entity should have all of the following: (1) pre-existing subject-matter expertise; (2) investigative experience and a clear investigative mandate; (3) a focus on finding facts rather than determining or evaluating legal liability; and (4) the power to compel testimony and the production of evidence. The oil and gas industry and Congress should consider creating such an organization or clarifying that an existing organization fulfills that role. The structure and organization of the National Transportation Safety Board may provide a useful model.

## Structure of the Report

[Chapter 2](#) provides introductory and background material, including a detailed explanation of how to drill a deepwater well. [Chapter 3](#) presents a timeline of relevant events leading up to the blowout and a description of the parties and witnesses involved.

[Chapter 4](#) is the lengthiest chapter in the Report. It sets forth the Chief Counsel's team's technical findings and conclusions regarding the technical causes of the blowout. Chapter 4 lists actual causes, potential causes that the Chief Counsel's team cannot rule out, and potential causes that the team *can* rule out even though they appeared credible in the months soon after the blowout. Chapter 4 also briefly describes management failures that may have contributed to each technical cause.

[Chapter 5](#) identifies broader management failures that contributed to the blowout.

Finally, [Chapter 6](#) addresses regulatory failures that may have contributed to the blowout. 💧