

NATIONAL COMMISSION ON THE BP/DEEPWATER  
HORIZON OIL SPILL/OFFSHORE DRILLING  
NEW ORLEANS, LOUISIANA 70130  
WEDNESDAY, JANUARY 12, 2011

\* \* \* \* \*

The following pages constitute a transcript of the New Orleans, Louisiana, Forum of the National Commission on the BP DEEPWATER HORIZON Oil Spill/Offshore Drilling, held at the Sheraton New Orleans, Canal Street, New Orleans, Louisiana 70130, and reported by Dorothy N. Gros, CCR, Parish of Orleans, State of Louisiana.

APPEARANCES:

COMMISSION MEMBERS:

SENATOR BOB GRAHAM, Co-Chair (Not Present)

WILLIAM K. REILLY, Co-Chair (Not Present)

FRANCES G. BEINECKE, Member

DONALD F. BOESCH, Member

TERRY GARCIA, Member (Not Present)

CHERRY A. MURRAY, Member (Not Present)

FRAN ULMER, Member (Not Present)

REPORTED BY: DOROTHY N. GROS, CCR

CERTIFIED COURT REPORTER

COMMISSION MEMBER BOESCH:

Good afternoon. Let me start by thanking you for coming here today. My name is Don Boesch, one of the seven members of the

oil spill commission. Joining me today is Ms. Frances Beinecke, who is the president of the Natural Resources Defense Council, one of the other commissioners.

Unfortunately, we were expecting to have a full complement of commissioners here today. One of our commissioners, Cherry Murray, is ill and could not make either this or the Washington event.

Unfortunately, some of us got trapped in an ice storm and there were snow issues in Washington. Frances actually got out on the last plane, and I got one early this morning in order to make it here today. Our other commissioners are either arriving later today or they're going to other destinations along the Gulf Coast for events just like this one. So I give you the apologies of my fellow commissioners, in particular, our co-chairs, Senator Bob Graham and Bill Reilly. They have been superb leaders, and we cannot

do them justice in respect to how articulate they are in conveying the findings and recommendations of the commission. We will do our best trying to do that, though.

The fact that you are interested in our

final report and recommendations and have come to participate in this forum in itself is a testament to the resilience of the people of the Gulf Coast. I would like just quickly to give you a few words about our commission first.

This past May, President Obama created our commission and asked us to determine the causes of the DEEPWATER HORIZON disaster, to evaluate the response, and ultimately offer advice to him and the nation on how future energy explorations should take place responsibly.

As I said, we are joined by Commissioner Beinecke; and I have already talked about the other members of the commission. Some of them -- and the two I didn't mention -- will be joining us here in New Orleans later today. They are Fran Ulmer, who is the chancellor of the University of

Alaska in Anchorage, and Terry Garcia, who is the executive vice president of the National Geographic Society.

We have really worked hard to contribute our expertise. And we could not have done this, also, without the benefit of the unflappable energy of our chairs and a tremendous staff that helped us produce our report.

We produced our final report to the president yesterday -- here it is -- in Washington. I am very pleased that this report is rare among reports of presidential commissions in that it was actually completed on time, no extensions asked for or granted, and we did it under budget.

Also, our report contains no dissents.

We came to a consensus in all of the key findings and recommendations of this report.

We began six months ago with a trip down here to the Gulf. From the outset, we have committed to hearing from as many voices as possible, with a dedication to compiling all the facts wherever they may lead. We had a very broad range of issues that we had to

address, and I think that some people will take exception with various issues. But be

mindful that we were doing our best. We have a responsibility to address as honestly and directly all of the issues, the full range of issues that were in our charge.

I mentioned the staff. We really want to take special recognition for this group of scientists, lawyers, engineers and policy analysts who were assembled to assist us. Some of them were loaned by federal agencies, many of them took leaves of absence from their regular jobs or even quit their jobs in order to do this work. There was a tremendous excitement and enthusiasm about it.

We expected to have more of our staff here today, but we do have two members of our staff, senior staff, professional staff who played very critical roles. Richard Sears, who is our chief scientist with a long career working at Shell Oil Company in petroleum engineering and petroleum geology; tremendous wealth of experience. And Kate Clark. Kate is normally with NOAA, and she is an expert -- and is sitting over there -- she is normally

an expert on oil spill response and natural resources damage assessment. I'm glad both of these individuals are here because they like me have a lot of experience in this area.

Richard spent a large part of his career working in the Gulf of Mexico in oil and gas exploration development in the Gulf living mostly in Texas, in Houston.

And Kate, I'm proud to say as a alum of LSU. She got her master's degree in a program there at LSU working on coastal issues here in Louisiana. So we like to think that we have brought this interest, knowledge and focus on this region.

As I said, we held our very first meeting here in New Orleans, and since then, we've had five additional meetings of the commission. Many of them were hearings; we've heard testimony from a wide range of people.

And also, we had lots of visits of commissioners, particularly here to the Gulf Coast. And in doing that we made a special point of traveling and listening to and learning and seeing for ourselves not only the areas that were affected, but the people who

were affected and the lives that were affected. The businesses and the communities that were affected.

I personally visited back in July, Houma, where I lived for ten years. It's the command center there. Fran Ulmer accompanied me down to Grand Isle and Port Fourchon and we went down to Plaquemines and Venice and saw the activities there. I talked to Parish President Nungesser at that time. We've had him and many others testify before us as well. We really did get an impression, I think, of the impact on the industry, the disruption of the industry, the disruption of the fishing industry, the fishing way of life, tourism and the general public well being manifest in really moving ways with respect to disruption of the fabric of communities, effects on mental health issues, family unity as well as -- as well as concerns about people's health in general.

The people of the Gulf and the human tragedy that is the center of this disaster, the livelihoods and the environments involved have been imperiled most profoundly by the

loss of eleven lives. And that was in the forefront of our minds as we investigated this disaster. We appreciate the fact that for so many in the Gulf region economic and personal impacts and the personal consequences of this bill continue to linger on till this day.

We have spent about six months conducting research holding five additional hearings as I said and making these numerous trips not only to the Gulf, but to Alaska, one of the other areas that's covered in our report, because it is the area where there's a very large potential for oil and gas development and a sensitive environment. And we wanted to gain this prospective and to put it in our report. And the report, as I said, we delivered yesterday to the President. I'm extraordinarily gratified and I think Frances is as well that we actually were able to give it to the President personally. His schedule, as you can imagine, under normal circumstances is difficult and under these present circumstances with the tragedy in Arizona even more so. It so happens he had canceled a trip

that he was scheduled to make yesterday and,

as you're probably aware, he's headed to Arizona today. So we were able to meet with him and I have to say he gave us a lot of time and attention and he brought with him his cabinet level leadership. Not only the -- the secretaries of three agencies, but Administrator Jackson from EPA, Administrator Lubchenco from NOAA, his chief science advisor. It was very impressive and we had an engaging discussion about our recommendations and how to put them into place.

Our report, which was released yesterday, is available on the Oil Commission website, [oilspillcommission.gov](http://oilspillcommission.gov) website. It's available as a PDF. I was just told yesterday we had 650,000 hits and at one time something like 8,000 downloads going on at one particular time. So it's also -- if you would like to get a hard copy you can get it from the Government Printing Office or [amazon.com](http://amazon.com). And it's available for \$39. Very, very pleasing to both of us when we gave a copy -- of course a leather bound copy to the

President. The first thing he did is he asked us to all sign it and put our own comments and

thoughts in it. So this was, again, very gratifying for us to do this service.

Our final report to the present, if you go into it, you'll see a dedication of that report. And that dedication is to the eleven men who lost their lives in the DEEPWATER HORIZON rig on April 20th, 2010. And we hope our report will minimize the chances of another disaster like this occurring. The loss of those lives, the tragedy that fell on the families of those men will never happen again.

The oil and gas off our shores is an American asset. The American Government is not just the regulator of offshore oil, although that's a vitally important role, it's also the steward for the American people of this asset. It belongs to all of us and not only us, but our future generations. In a very real sense we are the landlord and have the obligation to respond when the public

trust has been abused. The DEEPWATER HORIZON disaster did not have to happen. It was preventable and foreseeable. The fact alone - - this fact alone makes the loss of the eleven

lives, the serious injuries to others on the rig and the ensuing damage and suffering created all the more tragic. That it did happen is a result of shared failure that was actually in our view years in the making.

Over the past twenty years since I've left Louisiana and moved to Maryland, over just that period of time we have moved in a large measure in the deepwater. When I left Louisiana we were getting about percent of our oil in the Gulf of Mexico from wells that were in depths greater than 1,000 feet. Now it's greater than percent and we're moving to deeper, deeper water. Many wells now are drilled in water wells deeper than the Macondo well.

This has produced rich new finds of oil and gas generating abundant revenue for private companies and for the Federal Treasury. I don't know if you realize it, but

our little MMS office here in Metairie is the number-2 generator of income to the Federal Treasury after the Internal Revenue Service. Industry was justifiably proud of it's technological advances and achievements that

have earned comparisons with the space program in terms of it's ingenuity and the rapidity of the development of this technology.

Government could points to decades that had passed without a major spill in our coastal waters. We had mastered the offshore drilling challenge or so it seemed. The string of apparent successes however masked the dramatic increase in risk that accompanied this move to deep water. The wells were deeper and, particularly important, the geological formations were more complex and less well known. Pressures that existed in these deep water reserves are significant and have to be managed with great care. The consequences of a blow out in this deep water, as we painfully learned, are much more severe. In essence we were rolling the dice offshore. On April 20th,

2010 our luck ran out. Our investigation found significant errors and misjudgements by three major companies: BP, Halliburton and Transocean that led to this disaster. These errors and misjudgement described in great detail in our chief counsel's presentation to the commission in November and also in this

report and following this special report by chief counsel. Ranged from failures to property interpret warning signals and the results of key tests to flaws in late stage design decisions. Taken together we have concluded that these mistakes amount most fundamentally not to a failing of technology or individual judgement, but a significant failure of management.

It's important to emphasize these errors, mistakes and management failures were not the product of a single company, but instead revealed both failures and inadequate safety procedures by several industry players who are leaders in global exploration and production particularly in deep water environments around the world. How could this

situation come to pass? How could it be that such questionable practices take place when the stakes were so high? We are sad to say that it occurred in part because our government let it happen. Federal government oversight utterly failed to provide an acceptable level of protection for those on the rig and for the Americans who call the

Gulf their home. Our regulators were simply over matched by the nature of the problem. The Department of the Interior lacked the in-house expertise to enforce existing regulations and were unable to overcome persistent industry resistance to strong -- stronger and more meaningful safety regulations. As Ronald Reagan put it "Trust, but verify." With offshore drilling we relied too much on trust and too little on verification.

Industry must rise to the challenge of providing a new stronger commitment to safety. Ms. Beinecke will talk about the concrete steps that we feel the industry needs to take

in the wake of the disaster, but industry change alone will not suffice. And as difficult as I think many of you folks in this region who are suffering from the economic consequences of the moratorium and enhanced regulation, it is something that we have to deal with and build in. We lag other major developed countries that are doing deep water drilling in terms of the safety, procedures and requirements that we have. That's just

unacceptable to Americans who rightly expect that their government to be an example to the rest of the world, not a laggard. Thank you. Our approach was flawed in fundamental ways. The same agency had distinct -- two distinct and often competing missions. One to maximize revenues to the government, which encouraged the rapid expansion of offshore leasing and drilling, while at the same time overseeing it's safety. It was therefore quick to grant permits and slow to enforce regulations. The reforms initiated by Secretary Salazar and being implemented ably by BOEMRE, that's the new name of the former

MMS agency, Director Michael Bromwich, who I think is well known in this area, go part of the way in addressing this flaw, but we need to do more in the opinion of the commission. Therefore we recommend that Congress and the administration create an independent safety agency within the Department of the Interior with enforcement authority to oversee all aspects of offshore drilling safety. The American people should have complete confidence that those who are in charge of the

safety of offshore drilling are not compromised in any way. We also recommend bringing our offshore drilling regulations to the 21st Century. It is not just asking too much to expect our approach to be the most advanced in the world. And indeed the rest of the world is looking at us and I think we are in a time when we can move to global standards, high standards, that we will see employed in all the world's oceans as we develop these oil and gas resources. We need new tougher standards, ones

that in a minimum are at least as stringent as those found in other nations such as Norway and the United Kingdom. The fact that those nations are able to sustain a thriving oil production operation counters any argument that effective regulation and a healthy oil and gas industry can't coexist. We have talked to many leaders in the industry and we're convinced based upon their perspectives that this can coexist effectively and productively.

Much has changed in the months since the Macondo blowout. We have learned a great

deal about how to contain deepwater spills well under the water surface. And industry now has a new approach that it's implying developing itself for the risk associated with offshore drilling. The federal government, as I mentioned, has initiated reforms in how it oversees this. The commission applies these developments, but, as I said before, we feel are not enough. Drilling offshore is inherently risky and we'll never reduce these risks to zero. But as a nation we can take

concrete steps that will dramatically reduce the chances of another Macondo. The commission believes these are vitally necessary. The issue is so important it requires bold and aggressive response. Without such a response we'll continue to place the safety of workers, the environment, the economy and the Gulf Region at an unacceptable risk. People of the Gulf have suffered so much that they deserve the government and industry to work together to accomplish this. Frances Beinecke will go into more detail about some specific recommendations and I will stop here making a

simple and obvious point that is often forgotten when we talk about offshore drilling. These resources belong to all of us. They're not proprietary to any one company or individual. They belong to the American people. It's our government's responsibility to ensure that the exploration and the extraction occurs in a way that is beneficial to this country. Drilling offshore

is a privilege that is earned not simply a right to be exercised by private corporations. The American people have a say in how that's carried out and whether that can be done safely and effectively. Our recommendations we hope are a path forward to that end. Now I'm going to turn it over to Frances and I'll come to wrap up.

COMMISSION MEMBER BEINECKE:

Thanks, Commissioner Boesch. That was a wonderful introduction. It's a pleasure to be here. I want to just reiterate some of Commissioner Boesch's points. One thing that was foremost in the mind of the commission for the last six months was that this was a tragedy for the Gulf of Mexico. We heard from

scores of people across the Gulf what the impact was, whether they worked for the industry or for -- in the fishing industry or in the tourist industry or were just affected in their daily lives. So I think we took to heart the President's mandate to us on how to look at what the root causes of this accident were and to ensure that they never happen

again, but it's hard to say "Never." But to ensure that the highest safety practices are in place. And I know all of my fellow commissioners who aren't here today very much appreciate the assistance that was provided by the people throughout the Gulf to ensure that we really got the full story from all interests and all stand points in putting together our report.

Don has mentioned clearly to have the safest operations going forward and I think you can really put this report in the context of safety, safety for the people working on the rigs and safety for the environment and the communities that are affected by it. That was the driver that we worked under and I think we really concluded that major reforms

were required, reforms on the part of the government specifically but not only the Interior Department, but reforms on the part of industry itself. You will see in the report and probably have already read that what we found was particular mistakes in

management decisions made on that rig that day that caused the accident, but our conclusion really from looking into that in greater detail was that there was a systemic problem throughout industry. And, just to talk about that for a minute and if our Chairman Reilly was here he would go into greater detail on that particular point, because by saying "Systemic" we're not saying that everyone is operating poorly. We understand that there is a tremendous variation among the operations that there are companies that operate to the highest standards and that there are companies that don't. And what we are recommending is a system of -- a new system both in the Interior Department, but on behalf of industry itself where every company and every operator and every contractor is held to the highest standards. And we think that is best achieved

by creating this new Safety Authority in the Interior Department that would report independently to the secretary, have an independent expert in engineering and energy who would be appointed by the Senate to do

that. Really separate, as Don mentioned, that operation from leasing decisions and from revenues. And that be supplemented by a safety institute that the industry itself would develop. And that that safety institute would really be a self policing entity that would set safety standards for the industry throughout the industry and really ensure that everybody adhere to them.

We are not saying that industry should self police. We are saying that regulations should be tougher, that the Interior Department should have it's own risk based safety authority that oversaw operations, but that in addition to that that should be supplemented with industry policing itself and setting the highest safety standards that are constantly improving. That's something that happened with the nuclear industry after Three Mile Island. It's been quite successful.

These safety case standards are in operation in the North Sea. It's the way the aviation industry operates, it's the way the

chemical industry operates, it's the way the nuclear industry operates. And in our view the oil and gas industry is as sophisticated as those other industries and should be operating at those -- in a similar model. We've had extensive conversations with the industry. We make a strong recommendation that this be an independent institute. That it not be a part of the American Petroleum Institute, which does set standards now for the industry, but that it should have it's own separate identity specifically to ensure that safety is number-1 for day to day operations in the oil and gas industry.

And, you know, we've had various reactions to that. Not all negative, some positive. And so we hope that that dialog will continue. In addition to the regulatory suggestions that we make for interior we also think that there needs to be a greater voice for other agencies. Clearly after the spill both NOAA and the Coast Guard had huge

responsibilities down here in the Gulf for a response. And there are other agencies, as

well, EPA over the dispersant issue. So we make recommendations that these other agencies have -- be given more responsibility and greater definition in what their roles are going forward. Particularly for NOAA, the National Oceanic and Atmospheric Administration, the lead ocean agency that they have a greater role in overseeing leasing decisions. As they do a lot of the research in the offshore environment and their voice and views should be integrated into the leasing decisions in a much clearer way than they have been up to this point.

Also, one of the key areas which has been under discussion in Congress and has not yet been acted on, but is to lift the liability cap. The liability cap is now set at \$75,000,000. That's woefully inadequate. We don't put a number on what it should be lifted to, but we state a significant increase and that's something that we hope Congress will get to. The recommendations, when you read them, there are a whole series of

recommendations that can be adapted by the administration, by the executive branch. We talked with the President yesterday about those. We're hoping that he and his cabinet officials will be interested in moving rapidly in those areas where they have executive authority. There are others that require Congressional action. And we hope that there will be leaders in Congress who will move rapidly as well and I think the liability cap is one of those.

The other area, which is of course significant to interior, to NOAA, to the Coast Guard, the other federal agencies that were involved in the spill and the response and are involved in overseeing the oil and gas industry, is having adequate resources to do the job. And, as Don mentioned, not only is the Interior Department been kind of outmatched over the years of doing it's job, it's just been seriously underfunded. So to take on a responsibility of stewardship and oversight that we see as their responsibility and one that the American public expects them to carry out, they need to be provided the

resources to do that.

One of the things that we recommend is that industry pay for that. In other industries, the communications industry, the Federal Communications Commission, the nuclear industry, the Nuclear Regulatory Commission, those agencies are paid for by fees out of those industries. We think that should happen here, too. This is an enormously lucrative industry. It's one, as Don mentioned, the second largest source of revenue to the Federal Government. We think that that would enable the Interior Department to have the resources adequate to do the job to ensure that these activities are operated in the safest way possible. So we know that's a very, very fundamental issue giving a lot more authority or a lot more responsibility without the intended resources that go with it. It doesn't really solve the problem. So that's something that I think is very important as well.

Finally, one of the other areas which may not be as much interest here in Louisiana, but going into frontier areas was another

issue that we were asked to look at by the President. And we specifically looked at the Arctic because the Arctic is an area of great interest to the oil and gas industry not only here in the United States, but in other countries as well. We heard from government officials, from NGOs, from scientists that there are significant gaps in the Arctic. There are gaps on science. This is a very forbidding environment to operate in. It's dark a good part of the year, sea ice covering the area a good part of the year, terrific weather events throughout the year, fog throughout the year. Should a spill occur how you would respond to that, it would be very, very difficult, and we saw how difficult it was to respond here. So we identified a significant response gap as well as a significant research gap that we believe needs to be closed before you could move ahead in that area and decide which areas to move ahead with or not.

So those are -- and I hope you all got the summary volume, which I know we have

copies for. It really goes through in some

detail the recommendations we make in all those areas. And the text itself really provides the underpinning of the story, of the event and what happened down here and of the response and the research that we did that led to our conclusions. We also have on the website eleven even more detailed staff papers that provided the analysis that led to our conclusions. And for those who want to go into greater detail I really encourage you to look at that as well.

And, I'm going to turn it back to Don now to talk about response and some of the science and research issues that lie ahead. But I just want to -- well, we will hear from you all after the break, but just say how -- how focused we were on really trying to address issues that we think would really ensure that offshore oil and gas activity occurs in the safest way possible. This is an incredibly rich productive region. I think for those of us who aren't from Louisiana or the Gulf Coast, which was at least five of the

seven of us, it was a wonderful opportunity to learn a lot more about this part of the

country and recognize what a significant role it does play in the well being of the whole country and how much it is in our interest to address many of the issues that came out as a result of this spill. I hope that you will find that we did that to some satisfaction.

Of course, the key issue is to have these recommendations acted on. If this report just goes on the shelf, it will not have the impact that we seek. And if we can work with you to get these recommendations adopted, that would be a very, very positive outcome. Thank you.

COMMISSION MEMBER BOESCH:

Great, thanks Frances. Americans were transfixed watching this video of this blow out continuing to spew oil into the Gulf. And we could only imagine how the people of the Gulf Coast felt with little -- felt helpless in terms of trying to stem that or try to deal with the oil slicks that were headed your way. You know, when this country had the last major

oil spill, the EXXON VALDEZ oil spill, some things happened. Some very important positive things happened. One, is that we recognized the risk of tankers carrying large volumes of

oil with one relatively thin hull around it and put in standards requiring double hulled tankers and dramatically improved tanker -- safety of tanker transport.

But like an army fighting the last war, we failed to look forward to the risks and lost attention to the lessons of EXXON VALDEZ. So, for example, after EXXON VALDEZ funding was authorized to improve the research and development for oil spill response, recovery, skimming, containment, treatment, these sorts of things. That authority was given about \$28,000,000 a year, yet it dwindled as attention and national priorities changed and so now it's not more than \$10,000,000 a year. So our co-chair Bill Reilly, who was the Administrator of the EPA at the time of the EXXON VALDEZ spill, now that he's taken on this task was just amazed at the lack of advance in the technology.

What we were doing to fight this spill in the Gulf of Mexico we were using the same tools with the same diminished and limited effectiveness as we were doing EXXON VALDEZ. We have to improve and gain from that.

In addition to that, we were totally unprepared -- not only BP, but any other company that would have had this accident happen was unprepared to contain a well blowing out in the deep Gulf of Mexico. We hadn't invested in the technology and the knowhow to do that. So we're making recommendations about how to address this. First of all, we need a much better planning process. Do you realize that when the plans were developed and impact statements written about drilling this well, the estimation of the risk of a major spill that would reach shore in the Gulf of Mexico was deemed to be zero. The spill response plan that named species that don't occur in the Gulf of Mexico. We have to do better than this.

So spill response planning, we have some specific recommendations about the responsibility of government working with industry to do this in a more effective way. We need improved technology. As various ideas and schemes came in, some that worked the Super Whale, and whatever that came in to try

to contain this spill. We need to do much better than we've done in that pace. We need some investments, we need some investments that will be sustained, not just lost to the whims of attention. So we're calling for dedicated revenues, commitments by Congress and it doesn't make it that often for multi-year mandatory funding. But we think this is so important that it merits it.

We recognize that the government can't have the expertise and the equipment, capacity itself to cap a deep water blow out. Industry must bear that responsibility. And indeed the industry has stepped up to the plate and proposed a number of approaches. The most prominent one is this marine well containment corporation by which the industry is committed

to standing up this infrastructure, this capability to do just that. But the government needs the right talent, the right awareness and oversight to be able to guide that effort and manage it. So, for example, we can no longer have the lack of ability of our government to very rapidly and quickly assess the amount of oil coming out of a blow

out. This is important in terms of designing the right containment strategy and we need to have that expertise.

So, together with government oversight and it's improved capacity, the right science and engineering within the government, but also the industry's commitment to cap and contain a blow out in days rather than weeks to months, we think is essential.

Now let me just -- the last topic I --

when I started this off I wanted to make sure I wanted to get to Senator Graham's points and so I was just kind of following the notes.

Let me just speak from my own head and heart.

As I mentioned, I grew up in this area. I

learned to love the marshes of coastal Louisiana in fact so much so that it convinced me this is what I wanted to do with my life and I spent my career in marine science. And I've obviously, in my lifetime, watched this beautiful environment be diminished greatly as the wetlands erode dead zones are formed and created. We obviously have a situation here where as bad and disastrous as a oil spill like this could have been, it would still pale

by the damage that's been done year in and year out by the activities of humans that have degraded the system.

The degradation of this system decreases it's resilience to other kinds of assaults and impacts. It makes this area less capable of supporting this industry that this country so desperately needs. So we really need -- our commission was united from the beginning to say part of this is not only redressing the problems and the impacts of this oil spill, but rebuilding that resilience and restoring the ecosystems of the Gulf Coast.

We think that could be done in a number of ways. One, is that we need a much better investment in our knowhow, our science and technology. We need to make this the best studied area in our country, if not the world, because it's so vitally important to us. We need to have the best modern tools, observing systems. We need to have this system wired so that we can observe what's going on and don't have to guess from drawing a few assumptions. And we need to begin thinking about how do we

take this knowledge to manage this space, marine space, and it's resources more effectively. So we're calling for application of these concepts of marine spacial planning, observing systems and so on as we go forward. But most importantly, and I think you're all aware of this recommendations the Governor made to the President as well as issues the Louisiana delegation is proposing of dedication of the Clean Water Act penalties. These are penalties which are leveed on the industry on the responsible

party on a per barrel basis for the amount of oil spilled into the Gulf. So, once that's determined and the degree of negligence is determined it could be a rather significant amount of money. So we are joining others in providing rationale for dedicating percent of the Clean Water Act penalties to coastal eco system restoration, not to all the other things that people might want to do with the funds, but to coastal eco system restoration to help rebuild the resilience of this system. I have to say, I think Frances and I and all of us are very impressed. Yesterday

we met with the President and his senior leadership that they were very much on this. This is one of the areas that they think our report can be most helpful with. And we are going to continue to work with them to make sure that we can make this happen. This is a long term challenge. It's really just the jump start. It's not the full amount of money that's needed, but our thought is that if we could use this tragedy finding a silver lining we could help move forward the long term

restoration of this great part of the United States. Thank you.

THE FACILITATOR:

So we will take questions now. We have decided owing to the participation here, so that we can get to as many of your questions and comments as possible. We're going to skip the break and go right to questions and comments. I'll just go over a couple of ideas real quickly while the microphones are being set up. If you have a question or a comment go to one of the three microphones that are going to be set up in the room to do that. Please, so that we can get to as many people

as possible, keep your comment or question succinct to the point and I will respectfully ask the same of our commissioners and their response so that we can get to as many of you as possible. Bear in mind that we're here to talk about what can be done to protect the waters, the wild life and the workers moving forward. So if you can keep your questions and comments on that it would be helpful.

Finally, to our friends in the press we are going to have a press conference beginning at 3:00 right after this. So if you would use that opportunity to ask your questions and let the public have this opportunity to ask theirs, we would be grateful.

Okay. Questions and comments from the floor. Yes, sir.

AUDIENCE MEMBER:

George Barisich, president of the United Commercial Fisherman Association and a board member of the Louisiana Shrimp Association. Welcome to Louisiana. Thank you for what you've done. I want to commend you for coming in under budget and on time. After this commission folds I think you ought to

call Mr. Feinberg and offer his services because we need a little help right there. I also want to commend you for dedicating it to the eleven people that lost their lives. In all the arguments and everything about money, time, birds and animals and everything the worst part is them eleven families that have lost. And every speech that I've done -- I've

been across the country promoting seafood, promoting what we've done to protect our coast, I've always kept that in mind. So, once again, I commend you for that.

Does your report in any way recommend to the Coast Guard and to NOAA to quit using our money, because we pay them our tax dollars, to hide information? We were appalled by what they did. The Coast Guard under BP was hiding information, hiding to the public, didn't want it to show. And that's our Coast Guard. And then NOAA came up with several meetings applauding the use of dispersants. Okay. Does your report have anything about that directing them to own up to what they did or to straighten up this inconsistency? If not we need to go a little

further. Thank you very much.

COMMISSION MEMBER BOESCH:

Yeah, I'll take a swing at trying to answer and then Frances will add her thoughts. First of all, one of the things that characterizes that report is honest

directness. So I'll be honest and direct with you as best I can. We have heard many criticisms about how the government responded and how they provided information. And in this report there's a lot of criticism of our government, our Federal Government, our State Government about their response. But in aggregate, I think it's our view that our government it took them a while to get it right, but actually responded quite well and did what they were supposed to.

One of the things that we point out though, is that especially in an incident like this with national significance where there's so much attention, they can't be too forthcoming. If they have to get information out and easily available to people -- you know, they're trying to collect information to make some judgements and decisions on it, but

people want to know. So we have some suggestions about being more transparent and making information available.

On the issue of dispersants we certainly realize that there's very intense

feelings about dispersants and recognize why intuitively putting a chemical on to treat another chemical doesn't make sense to a lot of people, but the decision about dispersant use is a choice between two bad choices. And in general the government, through a lot of activities and caution, basically use that to make those decisions and it's our judgement that the use of dispersants, particularly well offshore and in the deepwater actually reduce the amount of oil that reach the surface and reach shore.

So it was a judgement call. The jury is out in terms of it's full assessment about the effect on the deep Gulf of Mexico, but as of now it looks like it was the right call to make to use the dispersants to minimize the onshore impact and impact to valuable resources that would be otherwise effected.

COMMISSION MEMBER BEINECKE:

Just one addition on that, and I think we need to move on because there's a long line. But we really looked at going forward.

Obviously the dispersant issue is an incredibly charged issue. We did reach the conclusion that Commissioner Boesch said. We also made strong recommendation to EPA that they continue to test dispersants going forward. That they have very specific recommendations on how they're used in space and time and volume. That none of those protocols were set up coming into this instance, which made it a very difficult kind of minute to minute decision about how to address that. And they have to be better prepared in the future. And if we could just move on --

AUDIENCE MEMBER:

As an oyster farmer, okay, I lost all my small oysters. So the jury's out on whether dispersants are bad or not.

COMMISSION MEMBER BEINECKE:

Right. And that's why the recommendation is to continue to examine it very carefully. It's a very good point.

THE FACILITATOR:

Thanks so much. We'll go to the

center. And maybe we'll just have one respondent to each question or comment so we can get through as many as we can. Thank you.

AUDIENCE MEMBER:

Thank you for coming down. I'm Iray Nabatoff, Executive Director of the Community Center of St. Bernard. I attended the meeting at the Marriot and I'm just wondering if there's anything in the more detailed report about how to affect the human side of this event. The GCC has not at this point been up to speed. There are many families both as a result of the economic effects in our local area in the fishing industry, the cottage industries as well as the moratorium that have been gravely affected by this and they are not seeing any appreciable results to end that.

COMMISSION MEMBER BEINECKE:

There is certainly an identification in the report that there were huge social, human and economic consequences which were never anticipated and that the oil spill -- the Oil Pollution Act never anticipated and that going

forward that has to be really taken into consideration. There is a recognition that there are health impacts that were not prepared for, that health protocols need to be set up going forward. That there are significant brand issues of the brand of Gulf of Mexico products that was never anticipated that needs to be addressed going forward. So I think many of the issues that you're identifying we do talk about it, we certainly recognize it and we make recommendations that in the future there has to be better preparation in those areas.

COMMISSION MEMBER BOESCH:

Thank you. Yes, ma'am?

AUDIENCE MEMBER:

Hi. I'm Linda Hooper Bouy. I'm an ecologist from Louisiana State University. And I among all the ecologists and other people who worked in the Gulf area, our experiments were ruined by this event, but we went down and tried to go and try to measure the effects of the multi-stressors and what was a challenge for us is access to the areas. Areas we had been hundreds of times. And

fortunately I was given the platform in the New York Times in August and I wrote an article. And I suggested in that article that we assemble a commission of scientists who are prepared for natural or technological disasters. And I was wondering if you guys have given any thought to that so that we have areas where there are scientists. And I suggested in that article that this be run through the National Science Foundation who turned into be saviors with their emergency grants for people like me. But we still ended up with really serious access issues in order to measure the impact accurately and independently.

COMMISSION MEMBER BOESCH:

Thank you. We actually have recommendations and observations precisely on that point. And --

AUDIENCE MEMBER:

Great.

COMMISSION MEMBER BOESCH:

-- we do note that interestingly of all the federal agencies that probably vested most in the science to help us understand the

affects of the spill when it was taking place was the National Science Foundation. We recommend that the agencies have a better capacity to provide funding to scientists while the spill and the activities are going on so we can assess them and we also specifically addressed this issue of access. That within reason, of course --

AUDIENCE MEMBER:

Sure.

COMMISSION MEMBER BOESCH:

-- there needs to be access to study the areas in which we could really learn from what's going on and furthermore there's even a suggestion -- a recommendation that part of this is that we have this capacity to bring together experts to function in an advisory role while these things are going on. Thank you.

AUDIENCE MEMBER:

And if you bring together the experts I would ask that you listen to them. Thank you.

COMMISSION MEMBER BOESCH:

Thank you. Yes, sir?

AUDIENCE MEMBER:

Okay. My name is Jim Delery. I'm a community activist. I want to begin by thanking the commission because I know you all have worked hard even over the weekend. And, Don, I do want to thank you because you have not forgot your roots, Louisiana, and our rich land and our culture.

But I have two avenues I wish we could continue with the commission to be on top of what you have said. One is getting us back into the Gulf. We need our jobs, we need our work, we need to continue what we've done well. We cannot be blamed, the people of Louisiana, for BP's decisions or the oil, Halliburton or Transocean. So please help us in that direction, but you were correct in the statement the oil spill -- I always told the press it was a battle. Coastal erosion is our war. So please, with the mic that you have, the connections with the President, stick with us, if you will.

COMMISSION MEMBER BOESCH:

Thank you, sir. Yes, ma'am. Right in

the middle there.

AUDIENCE MEMBER:

My name is Ricki Ott. I'm a survivor of the EXXON VALDEZ oil spill and I just want to say this is all like deja vu. Well, okay, so two things -- four things actually. Really quickly the dispersant so called trade off that is the oil industry's frame of the issue. The real question should be how do we clean up oil spills the best way possible not trade off environment deepwater near shore, but how do we do it best. Norway has a completely different approach. They rely on mechanical. That's why they have heavy duty skimmers, booms and we didn't. Because we rely on dispersants and so it's the wrong frame. Don't let the industry capture the frame. Second thing is Norway specifically does not use dispersants near populated areas because of potential human health impacts and I'm afraid we have a situation developing along the coast. I believe to millions of people were potentially exposed to dangerous

levels of oil and dispersants. tomillion  
people. There are health effects all over.  
9/11 is back in the news because the same  
federal agencies that said there wasn't a

problem back then are now saying "Oh, well  
maybe." Well, we don't have to wait ten years  
here. We have EXXON VALDEZ experience.  
People get sick. So what are we going to do  
now to triage for sick people and what are we  
going to do epidemiology study-wise?

THE FACILITATOR:

Thank you very much.

AUDIENCE MEMBER:

Two more things really quickly you're  
saying about double hull tankers and that's a  
great thing that came out of EXXON VALDEZ.  
That is not because Congress passed a law,  
that is because we got citizen oversight. The  
citizen oversight was on four attempts at the  
industry to dodge that under different  
presidents and different Congresses. Citizen  
oversight is critical down here.  
And the last thing is, nothing is going  
to change unless you hit the oil industry

where it counts, in their pocketbook, by changing the liability and by making an example of a company and throwing them out, debarring them. Getting them out. And British Petroleum has tons of problems. So

let's make an example, the industry will self police and clean up their own act.

COMMISSION MEMBER BEINECKE:

Ricki, thanks very much. I think one of your points are made in several of your comments, I think, is important. We went in I think thinking or maybe just assuming that we were operating at the highest standards. We found that we weren't. We found and -- your use of Norway, we looked at what goes on in the UK and Norway. It's different. We felt coming -- and I think the report recommends this is the United States, we should have the highest standards. We should be setting the standards, we're not. And I think that's a fundamental recommendation of the report. We ought to figure out how to do that and get at it.

COMMISSION MEMBER BOESCH:

Yes, sir?

AUDIENCE MEMBER:

Darryl Paul Ward. I spoke to Obama at Xavier University and I spoke to the Vice President across the street at the Marriot last month to say now is the time to build a

temple of the Lord in Jerusalem. But what I'm really trying to say is, our natural resources is what we have to do to give new jobs and new education. Air, wind, water, geothermal, waves and tide is all new jobs and new life for everybody if we wake up and realize that it's new jobs and new opportunities for the whole world.

Now, for the eleven children that I would like to say something. I would like to say "Boom". You're dead and reborn in the name of the Messiah. Paul has spoken on natural resources and let us wake up and realize that natural resources are going to save us. It's going to give jobs and education to everybody. It's going to make everybody work together as a team. My garden

of Eden is seeds. If I plant a garden on the interstate and if you see it if it looks like the garden you're going to know that you're in the garden. So help me plant my seeds and you will know that you are there. Thank you very much. Amen, amen.

COMMISSION MEMBER BEINECKE:

Thank you.

THE FACILITATOR:

Thank you, sir. Can we have your question here?

AUDIENCE MEMBER:

Hi, Andrew Baker, Lake Pontchartrain Basin Foundation. I wonder if you have any insight into how the time frame's going to be for information coming out of the NRDA process. It's been kind of frustrating for all of us here on the ground that the pace of information coming out has been rather slow. I understand that there is a legal frame work for this, but do you have any insight into how long full information's going to be?

COMMISSION MEMBER BOESCH:

We feel the same way.

COMMISSION MEMBER BEINECKE:

No insight.

COMMISSION MEMBER BOESCH:

We were not able to get any real information about where they are in the NRDA assessment. We understand these things take time, but I think the public, you know, demands some urgency in assessing these effects. On the other hand I have to say some

of these assessments are not simple or straight forward. This is a deepwater spill. They're effects well out in the Gulf of Mexico that are very difficult to assess. Even those dead bodies that we can actually count it's difficult to understand the consequence of killing "X" number of sea turtles to the whole population. So we recognize that it's a difficult challenge, but we have in our report recommendations about how to accomplish this and do it in a professional and organized way, but do it more rapidly than it -- this spill actually -- there are spills that took place after Katrina that still don't have natural

resources damage assessment completed.

THE FACILITATOR:

Thank you so much. In the middle,  
ma'am.

AUDIENCE MEMBER:

Hi, Robin Young from Orange Beach,  
Alabama, Guardians of the Gulf. I want to  
thank you for your hard work. We've met with  
you numerous times both here in New Orleans  
and in Washington. I have two questions: As I  
read about the health impact and your

recommendations they seem to be extremely  
vague. Being that me and my counterparts  
provided you and your researchers with tons of  
scientific data in relation to the illnesses,  
the health impact on the residents and the  
workers I really see no sense of urgency here.  
Is there a sense of urgency more than the  
mental health? I mean the mental health  
people have arrived in my area, but that's not  
helping the people that don't have insurance  
and are unable to get medical care for the  
illnesses from breathing all of this. So

where is the sense of urgency on that? Is there anything being put in place? Is anybody talking about somebody getting on the ground now with a team of doctors?

COMMISSION MEMBER BEINECKE:

That's a very good question. Go ahead.

COMMISSION MEMBER BOESCH:

It's a good question. We are, of course, we're not part of the government, so we can't do these things for you. We did observe however the nature of the problem and that there's been an inadequate assessment of health effects, both mental and physical

health effects. And that in future spills this needs to be rectified. And we also make the recommendations that we really need to fast forward these various epidemiological studies that are underway to better understand the risks that so many people are concerned about, not only people who are concerned about occupational exposure, the clean up workers, but folks like yourself who happen to just live -- did nothing other than living in the areas that were effected.

AUDIENCE MEMBER:

So what can we do as NGOs to help you facilitate that a little bit faster? I've got teams of doctors that want to come into our areas and help, but of course there's the matter of funding. So what can we do now? I can't wait five years, I can't wait ten years. My own health is deteriorating to the point where I'm really getting frightened right now. What can we do?

COMMISSION MEMBER BEINECKE:

I think the main thing is to go to elected officials. I mean they're the ones who have the ability. We are making

recommendations. They're not -- we certainly heard what you said. We do have health recommendations, certainly health was not anticipated in the national response. That's what we looked at. I think it's a very, very serious issue. We've heard from scores of people who have serious concerns. We are not in a position to actually make the implementation of these things. And that's

what government's role is. I mean I share your frustration in that, but I don't have an easy answer for you.

AUDIENCE MEMBER:

Okay. And the last part, it's very quick, you've got a provision of appropriate protective gear for the clean up workers. Do you realize that right now the guys that are still out there cleaning up don't have the right protective gear? They still don't have respirators, they still don't have the rest of the stuff. I get calls from them daily. They're sick.

COMMISSION MEMBER BEINECKE:

Uh-huh (affirmative reply).

AUDIENCE MEMBER:

They're going to the doctor. They're incurring these huge bills. And I mean it's just the most hopeless, helpless situation and nothing's being done. So what can we --

COMMISSION MEMBER BOESCH:

This is why we made the recommendation. That has to be taken care of.

COMMISSION MEMBER BEINECKE:

Yeah, that's exactly why the recommendation's there.

COMMISSION MEMBER BOESCH:

Right. Thanks so much. Kindra?

AUDIENCE MEMBER:

Hi, I'm Kindra Arnesen with Coastal

Heritage Society of Louisiana. I'm the wife of a local commercial fisherman. I have two small children and I live in Venice. So I'm very, very close to the DEEPWATER HORIZON.

For the last eight months I've dedicated 100 percent of my time to this. That being said, I have to reiterate how important the medical issues are here and I asked for medical mobile units to be brought in the area to do medical monitoring and possibly head on these problems as they came about and it didn't get done

other than the New York Children's Health Fund, an independent non-profit organization bringing in the pediatric medical mobile unit which we now have in Plaquemines Parish. So, as you have put this report together, thank you so much by the way. I am totally

impressed. It was not what I expected. I expected the worse thing to come out of you guys, I really did. So I'm completely -- well, with everything else that we've run into, you have to understand.

So, but any rate I'm totally impressed and I've listened to you, Ms. Frances, over and over again on the internet talk and I was really, really glad to be able to come here today to say that to you.

COMMISSION MEMBER BEINECKE:

Thank you.

AUDIENCE MEMBER:

One thing I think in the future that we need to do, is set up something like the Oil Pollution Act back in the 1990's with the medical end of it. I mean we have to face this at some point in time regardless how much they don't want to.

The second thing I want to mention to you guys today is our brand. Of course the wife of a local commercial fisherman I'm very, very proud of what he does. We provide a food source for our country and we've always prided

ourselves in providing one of the best seafood sources on the globe. So our brand has been tainted in the public's view at this point to no end. I mean for three months you see the oil gushing out in the Gulf. Of course, people do not have confidence in our brand. So I asked the EPA and the FDA to put together some type of device, some type of test, something that they can come into the field. We only have a few docks open. And actually do some small sampling sporadically as the seafood comes in or maybe at the production plant. Somewhere to actually to some chemical testing, not a sniff test. Come on. A chemical test so that we can put together some integrity back into our brand. And if we don't do that then I can just see our industry deteriorating more and more over the next few years.

Another thing the proper assessment

has not been done. On the total impact of this watching the wildlife department's assessment of the -- the shrimp assessment,

for instance, shrimp stock assessment every year. If we don't go in and do a two and a half -- I seen a three to five year thing that you mentioned on the assessment to see just what the damage is, we may end up like the Alaskan VALDEZ people four years later, the herring come back and then drop to the floor of the ocean. I mean that's what we may be looking at. So, until the proper -- we need to see a proper assessment done on that.

COMMISSION MEMBER BEINECKE:

Thank you. That's a very important recommendation.

AUDIENCE MEMBER:

Thank you.

COMMISSION MEMBER BOESCH:

Thank you. I think we were fortunate to have low expectations for the commission so we exceed them. Yes, sir.

AUDIENCE MEMBER:

Tom Castanza with Catholic Charities here from the Archdiocese of New Orleans.

Thank you, Don. And we met before and thank you for convening in the community. I just

what to continue to reiterate the human restoration side of this and all it's aspects: Mental health, primary health care, even the claims process. I noticed you did recognize that claims process needed to be assessed, but I was a little concerned and I thought I had read it was only going to get assessed after all claims were paid out. We were out in the middle of a crisis with the facility claims process, as you could see in the paper the last couple of days. So I just got word today that there will be a Senate hearing on the BP claims process on all social services. So I'd like to be able to reread your report and make sure that when we go to the Senate that there's clear regulations and guidelines from this report that we can take to the Senate to take some action on it.

COMMISSION MEMBER BOESCH:

I appreciate your comments, Tom. I hope you give us some indulgence to the fact that we had such a broad array of issues to address. And on the claims issue, other than

comment on the appropriateness of having that claim in advance and the commitment we really couldn't evaluate how effective or ineffective that process was. So we don't really go into the details about that. We understand the great concerns. We've heard it in meetings with some parish officials today. But, having said that, the fact that our government and our President frankly was able to get that major commitment of funding from BP up front while this issue was still going on, we think was a major step forward. Now, exactly how it's administered, is another matter. But at least we have that.

COMMISSION MEMBER BEINECKE:

Thank you.

AUDIENCE MEMBER:

Just can I reiterate on what you said just because it's in my mind? We shouldn't feel like it was lucky to get that from BP because we allowed them to come, you know, in our Gulf. So it's not like we were lucky to get that money. And thank you guys really for what you're doing and I'm trying to not jump on you. I'm really not. Talking about health

effects, you know, the one thing the President said at the beginning of this that keeps coming in my mind was "Unprecedented", okay? I can't even spell the word, okay, but I've learned every corner I get around something new is popping up and to not have the health effects on that act is unbelievable to me that I'm an American citizen and that's how they were looking out for us. I mean that's kind of like, come on, Jesus. We need to look into it big time because people also call me crying and dying. I see it. It's here. And we need to get doctors -- money -- whoever's money, BP's money, whoever's money needs to come and they need to see some people, some doctors. Do some bloodwork because I have my own, okay. And it ain't good.

COMMISSION MEMBER BOESCH:

Thank you.

COMMISSION MEMBER BEINECKE:

Thank you.

AUDIENCE MEMBER:

Hi, I'm Robin Barnes from Greater New Orleans, Inc. And we've been tracking the economic impact of the oil spill, both the

impact of the oil spill on the fisheries as well as the impact of the moratorium on the community and it goes without saying that we are -- we rely on these industries for jobs, livelihoods and I wanted to comment on some of the opportunity I saw in your report to create new industry and create some new jobs particularly around creating technology for oil spill clean up and infrastructure for that and the extent to which that technology could be housed here on the Gulf and the extent to which our local workers and businesses could be employed as we bring that industry up, I think would be very beneficial.

We have a track record now of employing fishermen, for example, to do clean up. And we just need to make sure that as we are engaged in these activities that we're giving local people jobs and local businesses contracts and activities.

COMMISSION MEMBER BEINECKE:

Great suggestion. Thank you.

AUDIENCE MEMBER:

Two ways that I'm not impressed with

this commission's findings and maybe you

covered it in your document and just haven't spoken about it is the confusion over just who is in charge, BP or the government, in terms of the clean up. Many times we've heard the Coast Guard speak as though they were speaking for BP and not the people, especially when it comes to the spraying of dispersant, which many people report on the Gulf Coast that it may still be occurring.

The other issue is the health effects.

When you say "The trade off" you're essentially saying that it's okay to trade off the health of the people for a convenient way as possible. And we know that one company Nalco made a bundle of money off of the sale of corexit and that the people on the board of directors of Nalco are people from industries that have a lot of power in this world, including Monsanto. So that's just not good enough for us. We demand better. The issue is ongoing. People are getting sick and dying and frankly we need some urgency and we need a little bit of lobbying on our behalf. Thank

you.

COMMISSION MEMBER BEINECKE:

Thank you for that comment. Just on your first point we actually did spend a significant amount of time talking about the issue of it not being clear who was in charge and there is a recommendation that a spill of national significance that it's clear that the federal government is in charge, even though the responsible party has to carry it out. Thad Allen was actually the most eloquent on that point in our hearings. So I think there we did address it and I also appreciate your comments on the health issues. It's important.

THE FACILITATOR:

I've been asked to say that the commissioners are trying very hard to get through those of you that are standing by mics. If we can be really quick we might be able to do it. Thank you very much.

AUDIENCE MEMBER:

Robert Emeritus Sullivan of the First

Unitarian Church of New Orleans. We take the position that the food is not safe and neither are the waters until scientific studies have been done. And we're not impressed with what

has been done, so we planned this year a series of forums in which we are going to try to educate the people of New Orleans about the doubtfulness of the waters and the seafood.

But I really come right now to the microphone because I want to say that I am personally concerned about the deepwater drilling. I've been reading studies of the deepwater -- the ground of the Gulf, the seabed of the Gulf. And it does not sound to me as though it's solid. I don't know any geology, but I think this has to be looked at by whoever wants to start granting permits to drill in the deep Gulf. If it's fractured already it seems to me it's terribly dangerous. Thank you.

COMMISSION MEMBER BOESCH:

Just a brief comment. The point about the deep Gulf of Mexico, the bottom, you know, people think of the fact that it's the water

depth that's so challenging. That's indeed challenging, but the issue is that as the industries go into the deeper water the geology is changed, it's different. And it's geology that they've got less experience in it

provides a number of risks with respect to the high pressures that exist there. So we have some recommendations in our report about the special kind of assessments in these high risk environments that have to take place in order to get permitted to develop those resources.

AUDIENCE MEMBER:

Yeah. My name's James A. Miller, AK "Catfish". I've been a fisherman since I've been years old. I'm disappointed in you people sitting up there saying it's okay for that dispersant to be in our water out there for a trade off. I don't know who's lining your pocket everyday with money, but I'm disappointed that you would sit up there and say that to in front of me. Because the reason why, people, I work for the VOO Program. Terribly sick. \$360,000 worth of

hospital bills. And you just sit up there and you told this lady you don't know who's in charge of our future health care and you don't know when it's going to come. I might not survive for another years with cancer or the Benzine gas I've been sniffing. People, I am so upset. I'm shaking in my limbs right now

here talking to you. I've watched millions of dragonflies where I live in Biloxi, Mississippi on the beach dead. I've watched 52 turtles dead in the water. I've watched dolphins, croakers, ground mullets, speckled trout, pelicans in my water where I've worked at all my life. Trade off. How can you sit up there and say "Trade off" are you in that Obama conspiracy, too? With all the government. Come on, people, this is our lives. This is our future. If you sit right here and keep lying to us like Feinberg, BP, Obama we're going to die. Just like this lady said million people have been affected and don't even know it. It's slipped underneath their door cracks while they were sleeping. Our beaches, they embalmed us with it. Come

on, people, where's our health care. Please  
in your packet, in that book where is my  
health care? I workeddays on the front  
line for VOO, BP out here you people today --  
I can't -- I went to my local officials, I've  
been to Haley Barbour, my so called governor,  
that sold me out because he's getting revenue  
from BP, Chevron, Exxon. I mean it's

terrible. You people can think this is a  
trade off. You are traders up there to me.  
This is why people get upset in America. We  
pay taxes. We believe in ourselves. I'm a  
fishermen I've killed many animals with my  
nets, but you need to come on my boat and see  
what it killed and then you wouldn't sit up  
there and say "Man, we just made a trade off.  
It's that simple." It's not. I'm sick today.  
Nobody wants to take care of me. I don't have  
no insurance. I'm a poor ass fisherman.  
Who's going to pay my \$363,000 worth of  
hospital bills. You ain't giving me no answer  
now. I'm so mad at this right now, I need to  
sit down and cool off because you people need

to understand my life's not a trade off. I got a heart that beats just like your's. I got feelings and you upset me today by telling me that my health -- because BP wants a trade off to make dollars. Somebody's lining y'all's pocket books because this is a conspiracy. And you people can sit here and hide this all y'all want in your life, but when we all stop dropping dead from the Florida state line to Grand Isle, Louisiana.

Wow, you're going to say "Come on, man, get off the ground." We can't because we've been poisoned by the dispersants that you people said "It's a trade off." Love y'all. Peace, brother.

THE FACILITATOR:

Thanks so much.

AUDIENCE MEMBER:

I don't remember if you remember me. I came in front of you during the Oil Spill Commission here in New Orleans and I talked to you about my husband and the moratorium. Well, the deal is I've got to talk to you about something differently today because

before I was talking to you about my house,  
but I have to mirror what all these other  
people are saying. Today I'm talking to you  
about my life. The truth of the matter my  
ethylbenzene levels are 2.5 times the 95th  
percentile and it's a very good chance now  
that I won't get to see my grandbabies. Now,  
I know that Catfish might be a little upset,  
the people here are a little upset, but the  
deal is you said as a part of it that you were  
to improve the country's ability to respond to

spills and I am a part of the country. I am  
the ecosystem. I'm a part of the whole  
everything. So what I'm asking you to do now  
if possible to amend that because we have got  
to get some health care. I have seen small  
children with lesions all over their bodies.  
We are very, very ill. And dead is dead. So  
it really doesn't matter if the media comes  
back -- I notice they're all gone, and they  
pay attention to us or if the President hears  
us or if somebody finds the Governor. He's on  
his book trailer or if BP goes bankrupt paying

to help us out or if Feinberg goes home.

Please take Feinberg home. He's paid 400, 400, there's been health claims. He's paid off them. That's less than percent.

What that means is GCCF is not going to pick up our health. We were counting on you. We were counting on you to put that in the report. If the oil workers and the fishermen and the crabbers get to feed their babies and maybe have a good Christmas next year, or if we can stop this oil from slipping into the sea, thank you for that, or if you give billions to the BOEMR. Dead is dead. It's

dead. Do you understand? So I'm asking you today -- yesterday my friend asked Feinberg to come and talk to us about health care and I know your job's probably already done, but I would like to hire you if you don't mind. But God knows I can't pay you anything, but I need your heart and I need your voice and I need you to come to that table. And I need you to insist that Feinberg and anybody else that needs to be in on that conversation comes too. And I'm asking you that today and I would like

you to say "Yes" to me today while you're looking me in the eye. Please say yes you'll come to my table.

COMMISSION MEMBER BEINECKE:

Yes. And I think also these health issues I pledge that we will take those back and tell the White House.

AUDIENCE MEMBER:

Thank you.

COMMISSION MEMBER BEINECKE:

You know, that's the best we can do.

That's who we report to.

AUDIENCE MEMBER:

God bless you.

COMMISSION MEMBER BEINECKE:

You know, you're very powerful. You know, and I think we're hearing what you're saying. I promise you.

THE FACILITATOR:

Thanks so much for all your eloquence.

I know the commissioners are on a tight time frame and I apologize, but we're going to have to take one more question. I want to thank

everybody for the tenor and the tone and the content of these questions and comments. I know I speak for the commissioners in saying that. So --

COMMISSION MEMBER BEINECKE:

Last question.

THE FACILITATOR:

The lady's yielded.

AUDIENCE MEMBER:

Well, first of all I want to thank y'all for letting me play my song last time. I got a record deal out of it.

COMMISSION MEMBER BEINECKE:

We loved your song. You won't sing again?

AUDIENCE MEMBER:

I've got another song, but Dr. John recorded it and we're going to put it out on U-tube.

Okay. But seriously whether it's Kindra, Cherie or Catfish the people of the Gulf Coast are really coming together and, of course, we have our differences politically and all that, but during the time of this

spill we were all united in saving whether it was the wetlands or whatever. What scared us the most is we've been to all these different things. We've been to the Clean Gulf Conference in Florida. And this plan they allegedly have with these two super tankers that sit on top of a BOP it's not for the same spill. It won't take care of what happened here. So if the integrity of that well is not there on the top then we're going to be waiting another six months until this stops. So today we're not any safer than we were -- I hate getting this pissed off, but we're not any safer. And the dispersants they had 18 other dispersants they could have used. It's illegal almost everywhere in the world, but because Nalco and Exxon make it, big oil

they're going to win the day. And all my friends work offshore and they're pissed off at me for doing this, but human life is more important than the profits of these companies. I mean I want to just talk to you because I know you care and I said that before

and now I sound like a broken record, but I had a few more things to say.

AUDIENCE MEMBER:

We still have oil coming in.

AUDIENCE MEMBER:

TJ, so I mean we all know each other.

We've been fighting this fight since it started and we're just normal people. There's nobody with a Ph.D. There's nobody that's a lawyer.

AUDIENCE MEMBER:

I have a B.S.

AUDIENCE MEMBER:

You do have a B.S., thank you. But the big problem now is our friend Feinberg took over the claims process and it was harder getting money from him. So we put all these cats in jeopardy. For six months they haven't been able to pay their bills. Now they have

nothing and they're going to have to take option-A or B, which means their health care is gone. For the rest of their life your life is worth \$5,000. You might never fish again, you might never have your life back, your

culture, anything. But for \$5,000 when you're desperate you're going to take it. You can keep your boat another month.

AUDIENCE MEMBER:

It's an insult. I mean what if somebody told you your life is worth \$5,000.

COMMISSION MEMBER BEINECKE:

I wouldn't like it.

AUDIENCE MEMBER:

I'm going to wrap this up. Thank y'all for being here first of all. We've got a coalition of great people that started their own non-profits that really care and we're not going to let this thing die. I mean I know the media's not here any more, I don't have my guitar, blah, blah, blah, but the people ain't going to let this -- we're not going to lay down and let this be over.

AUDIENCE MEMBER:

I'm going to make a very, very quick

question.

THE FACILITATOR:

I'm sorry, but -- but --

AUDIENCE MEMBER:

After the Santa Barbara oil spill in 1969 there was also a commission prepared for the President. How many reports prepared for how many Presidents on oil disasters exist?

COMMISSION MEMBER BEINECKE:

Probably three. Probably Santa Barbara, EXXON VALDEZ and this.

AUDIENCE MEMBER:

And how much of an impact has come from those reports?

COMMISSION MEMBER BOESCH:

Some. Not enough.

COMMISSION MEMBER BEINECKE:

Right.

COMMISSION MEMBER BOESCH:

And we're really committed to making this report have an affect. Our first effort to do that was our meeting with the President yesterday. I have to tell you he didn't promise to do everything we said, but he asked first of all "What can I do under my authority

without having to deal with Congress because that might take a while?" And we told him --

we gave him some ideas about that. We are committed as a group of seven people after our commission expires to follow this and to be the conscious of our commission and of America to make sure that these lessons are not forgotten, periodically bring them up and score our government in terms of their response to our recommendations.

AUDIENCE MEMBER:

Thank you. We will be watching.

COMMISSION MEMBER BOESCH:

Good. I hope you do.

COMMISSION MEMBER BEINECKE:

Hope you do. We will, too.

AUDIENCE MEMBER:

Elizabeth Uzee from Breaux Bridge. 30

year resident of New Orleans --

COMMISSION MEMBER BEINECKE:

Thank you all very much --

AUDIENCE MEMBER:

-- the BP oil spill Feinberg said that he would pay for everything. I have the packet right here I filed. He said yesterday

to everybody here. My neighbor got paid and I didn't get paid and Feinberg said "Well, you didn't fill out the paper work." I'm a registered nurse. I ran surgical intensive care at Tulane. I have four daughters. One with disabilities. And my father's an accountant and I filled out that packet. And it took six months to get the emergency funds. I had to go into debt because my business opened April 1st --

COMMISSION MEMBER BOESCH:

Ma'am, thanks very much. We do have to conclude. I do want to, again, echo Frances' comment. We are -- our report is done, but our job is not over. And we will take these comments earnestly and bring them to the rest of the commission and make the people we report to in the government --

COMMISSION MEMBER BEINECKE:

-- White House.

COMMISSION MEMBER BOESCH:

-- and also we're going to be testifying to Congress. We'll make these points available to them as we go forth and try to recover from this tragedy. Thanks very much for everyone coming.

COMMISSION MEMBER BEINECKE:

We very much appreciate your time.

\* \* \* \* \*

(Whereupon, the meeting in the above-entitled matter was concluded at 2:55 p.m.)

R E P O R T E R ' S P A G E

I, DOROTHY N. GROS, Certified Court Reporter in and for the State of Louisiana, the officer, as defined in Rule of the Federal Rules of Civil Procedure and/or Article 1434(B) of the Louisiana Code of Civil Procedure, before who this sworn testimony was taken, do hereby state on the Record:

That due to the interaction in the spontaneous discourse of this proceeding, dashes (--) have been used to indicate pauses, changes in thought, and/or talk overs; that same is the proper method for a Court Reporter's transcription of proceeding, and that the dashes (--) do not indicate that words or phrases have been left out of this transcript;

That any words and/or names which could not be verified through references material have been denoted with the phrase "(phonetic)".

---

DOROTHY N. GROS, CCR

C E R T I F I C A T E

I, Dorothy N. Gros, Certified Court Reporter, in and for the State of Louisiana, authorized by the laws of said State to administer oaths and to take the depositions of witnesses, hereby certify that the foregoing matter was taken before me at the time and place herein above stated; the matter being reported by me and thereafter transcribed under my supervision; that the foregoing pages contain a true and correct transcription of the matter as thus given to the best of my ability and understanding.

I further certify that I am not of counsel nor related to any of the parties to this cause, and that I am in no wise interested in the result of said cause.

---

DOROTHY N. GROS, CCR