



October 13, 2010

Senator Bob Graham, Co-Chair  
Mr. William K. Reilly, Co-Chair  
National Commission on the BP Deepwater  
Horizon Oil Spill and Offshore Drilling  
U.S. Department of Energy  
1000 Independence Ave., S.W.  
Washington, DC 20585

**Re: Comments of Sierra Club on the BP Deepwater Horizon Disaster**

Dear Chairman Graham and Chairman Reilly,

Thank you for the opportunity to comment on the development of policy recommendations on how our nation can prevent and mitigate the impact of any future spills resulting from offshore drilling. The Sierra Club also thanks you for serving and leading the commission as it investigates the BP drilling disaster, and we are confident in the commission's ability to develop and implement needed reforms.

The Sierra Club feels that the BP *Deepwater Horizon* disaster demonstrates vividly that our nation's approach to oil and gas activities on the outer continental shelf is fundamentally flawed. Federal statutes governing oil and gas activities do too little to ensure that coastal, Gulf and ocean ecosystems—including living coastal and marine resources and habitats, and citizens who live along our shores—receive adequate protection.

The BP disaster demonstrates the certainty that there are and will continue to be adverse economic and environmental outcomes as drilling continues. We would like to reiterate our support of a ban on all new drilling projects in Alaskan, eastern Gulf, Pacific, and Atlantic coastal waters. We also oppose the expansion of drilling in the Central and Western Gulf. While the safety regulations for existing drilling were long overdue, we feel that the best way to protect the Central and Western Gulf of Mexico is to end our dependence on oil and other fossil fuels. Instead of new drilling in the Gulf, our nation should be investing in the kind of clean energy that will create jobs and infuse new life into our economy while safeguarding our environment and public health. The BP disaster should serve as a transformational catalyst, one that will launch our nation towards a cleaner, more sustainable energy future.

That being said, we would like to take this opportunity to state the Sierra Club's policy recommendations for developing the outer continental shelf in areas where existing drilling continues. This letter also highlights the Sierra Club's recommendations for environmental, social, and economic restoration of the Gulf Coast.

We specifically support:

BOEM should adopt the most environmentally protective timing and location of leasing and lease terms so as to reduce the potential for environmental damage and the potential for adverse impact on the coastal zone. This effort should include BOEM establishing new guidelines for community involvement in the Environmental Impact Statement planning process, which would involve a full environmental justice analysis of the impact of offshore continental shelf (OCS) and onshore activities as well as new provisions for public access to data and the decision frameworks that have driven the OCS leasing program in the past.

### **Requiring baseline science before allowing offshore energy production**

Furthermore, the Secretary of the Interior or BOEM could require the collection of three (or more) years of baseline weather, water, wind, ocean chemistry, and other environmental data as well as offshore renewable energy potential before opening an area to leasing. The DOI and BOEM could also require similar baseline studies of wildlife such as fish, birds, invertebrates, and marine mammals, and of the benthic environment. Unless and until such data is compiled for a given area of the outer continental shelf, that area should not be open to offshore energy production. Congress could also revise OCSLA to spell out requirements that would ensure a more rigorous and meaningful evaluation of environmental sensitivity and marine productivity. This requirement should be integrated and coordinated with baseline assessments required through the CMSP process.

### **Requiring specific safety standards**

The administration and other federal agencies should require all leases to contain more rigorous safety and technology provisions. For example, require all OCS leases to provide that no exploration or development is allowed unless operators can demonstrate that they are using the best available safety technology.

### **Ensuring that the Chemical Safety and Hazard Investigation Board has the resources to investigate offshore drilling accidents**

Federal agencies should ensure that the Chemical Safety and Hazard Investigation Board (CSB) has the resources and expertise to investigate incidents and accidents resulting from OCS oil and gas exploration and production. The CSB investigated the 2005 BP Texas City refinery accident that killed 15 and injured 180 and retains over 400 interviews from that accident that may prove helpful in understanding BP's decision-making regarding the *Deepwater Horizon* drilling platform.

### **Implementing independent citizens' oversight of offshore energy development**

We urge the Oil Spill Commission to support and recommend a Regional Citizens Advisory Council for the Gulf of Mexico. This Council would serve to direct and oversee recovery efforts in the wake of the BP disaster while providing long-term accountability for oil and gas industry. This should follow the model of the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC).

In the aftermath of the 1989 *Exxon Valdez* oil spill in Prince William Sound, Congress in the Oil Pollution Act of 1990 (OPA 90) established citizens' councils to help combat the complacency seen as responsible for the 1989 spill and provide a needed layer of scrutiny to increase public confidence

We must also ensure that restoration plans and protective efforts are integrated to reflect climate change adaptations, prioritize non-structural and ecosystem based approaches, and incorporate adaptive management for reassessment of plans and projects that are currently underway. BOEM actions and plans should complement existing and anticipated coastal restoration projects in the Gulf area.

The absence of an emergency response agency located within the Gulf region was reflected in widespread criticisms that containment and clean up efforts have been slow, poorly coordinated and implemented, and lacking in effectiveness. The commission should recommend the initiation of a network of quasi-private/public emergency response centers whereby resources and trained manpower are strategically positioned throughout the Gulf region so that deployment in emergencies is immediate.

### **Promote economic recovery of the Gulf Region**

The administration and associated federal agencies should develop an accountability framework for all projects initiated under the Restoration Plan, which includes tracking monies and expenditures, creates an outlet for the public and others to follow these issues, and incorporates adaptive management so that projects can be evaluated during implementation.

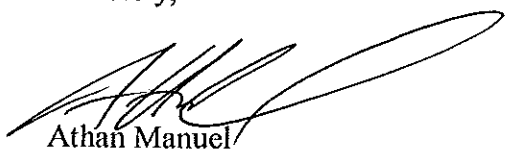
The BP oil disaster reinforces the need for visionary leadership to move the Gulf Coast and the nation off fossil fuels and towards a sustainable, cleaner, and safer renewable energy future. The oil disaster has served as an ever-present reminder that a healthy Gulf economy depends on a healthy environment. As such, priority should be given to developing financial incentives to support existing and to attract new businesses and industries while creating opportunities that encourage public and private sector transitions to renewables, and building the region as a premier green jobs training center in the areas of energy, environmental restoration, coastal protection, and community resiliency.

In conclusion, we strongly urge you to adopt these recommendations as you move forward with the administration response process regarding the outer continental shelf. The Sierra Club feels that these recommendations can significantly help prevent another BP *Deepwater Horizon* disaster.

The Sierra Club appreciates the effort of the National Commission on the BP Deepwater Horizon and Offshore Drilling to be thorough in its charge to ensure the nation's coasts and people are protected from future similar tragedies, and the necessary disaster management and response resources and processes are in place to prevent and address future scenarios.

Thank you for your consideration.

Sincerely,



Athan Manuel  
Director of Lands Protection Program