

Charlie Henry

ISPR Interview via phone, October 13, 2010

- Pre interview thoughts
 - John Tarpley is Charlie Henry's boss?
 - Who is Jim Morris?
 - Rufe has high opinion of NOAA SSCs
- Normal position
 - NOAA SSC for most of D8, primary region from Brownsville to Appalaciicola
 - Provide technical support, scientific support to USGC, FOSEC, EPA
- Role
 - Early morning of 21st (2:24 am) got call from Marine Safety Unit Morgan City; explosion and fire and unknowns, heads up and start working issue
 - Went to Morgan City to link up with Capt Paradis
 - Worked as SSC directly for Capt Paradis from sinking Thursday afternoon through Saturday; when they stood up UAC he passed field responsibilities to colleagues and took SSC role to UAC working directly for Adm Landry; still primarily have that lead at UAC providing direct support at that level and coordinating NOAA support below that; has been a full time job; has rotated a bit with SSC from Boston, but still didn't really leave, has been there the whole time
- Planning
 - Has been involved, esp in those closest geographically to him
 - Has assistant who also goes to the meetings
 - Robust group in contingency planning
 - On RRT
- Plans themselves
 - Sensitive areas identified? Yes, ESI maps and atlases
 - National parks, state and wildlife refuges
- How did protection play out?
 - Not real direct knowledge, other than coordination with teams and ensuring that people making maps had information to be integrated
 - I was not on scene in Houma or Mobile where they were drawing out booming tactics
 - Do we know maps were used in placement of boom? I feel confident that they were used in discussion of tactics; players have used them before; not being there directly I would really be speculating, but I have no doubt that they were a major part of identifying where resources need to be protected
 - Also we do that regularly and local folks who know the area were actually being engaged
- Dispersants
 - Walk us through decision-making process
 - Surface application

CONFIDENTIAL

OSE231-022763

8888

Exhibit No. _____
Worldwide Court
Reporters, Inc.

- Position was that pre-authorization was already in place through RRT 6 and 4; so authority was given to FOSC to make decision within guidelines provided by pre-authorization, this fit into that context
 - I don't know if there was too much RRT follow up on that; maybe b/c many key RRT members were already integrated into UAC providing support, etc, so maybe not a specific RRT follow-up call on that
- Subsurface use
 - Proposal put on table initially by BP by a idea that had come down from a retired person that used to be a dispersant developer, Jerry Canterbury, they had tested it at a spill a long long time ago down off the delta; they had little information but thought it was an idea that could work and wanted to test; passed to UAC to start discussion; seemed when it first came down that it was clearly out of traditional role, lot of unknowns, so we started looking at proposal, concept of injecting into broken risers, what would receptors be, over the years we had done a lot of workshops and activities on surface stuff, what receptors would engage, tradeoff analysis, want to protect one compartment of environment such as nearshore marshes and fisheries, at expense of offshore and deeper resources
 - So tried to identify receptors at risk, what is in deepwater that might be affected by this
 - Also looked at what transport of dispersed plume would look like, if it was to be effective
 - No data really available; some deepwater tests down off coast of Newfoundland, were able to contact some modelers in Norway and New England to get information on that; came up with hypothesis on how dispersed oil would move
 - Had to create a robust monitoring plan—knew what might be at risk, how dispersant might move through water, but needed to be able to measure that and test our hypothesis
 - Concern about hypoxia, wanted to measure and continue to measure oxygen levels at depth
 - Had RRT conversation on this, included State of Louisiana on this, they had the highest risk of impact wanted their buy in
 - As RRT member, not sure that we came to final decision on that; came to consensus, were looking at state concerns, all tradeoff info was put on table for FOSC, then passed up the chain of command; no formal final vote of RRT, situation driven by other decisions at that point
 - NRT was activated, they were involved in daily conf calls with NRT; what I heard was that they provided concurrence/validation to Adm Landry to say that was the way to proceed

- When pre-authorization re-upped in 2001, great interest in expanding pre-authorization, not limited to aerial spraying only
- EPA role?
 - Moore says EPA took over; CH says no
 - We joke that EPA has veto power over a lot of these decisions b/c of role as co-chair; they did weigh in on monitoring
 - But taking over, no, no authority, but they did use their position on the RRT and their EPA authorities to influence discussion
- RRT and NRT nullified?
 - I believe RRT systems work; NRT kind of gives more overall policy guidance, while the RRTs, working more with resources affected at local levels, authority given to RRT b/c of knowledge of that resources are
 - They were in fact nullified b/c policy guidance given from above; members were receiving direction from bosses, which undercut their ability to act independently on their own
- Emphasizes chaos from end of April to early June (and not remembering)
 - Lots of different stuff, different groups, too long ago, didn't review any notes
 - But lots of support from my administration; lots of support from DOC, no problems there, but there were influences that weren't department of commerce
 - These issues were handled as regional issues;
- Experience
 - With a deepwater release, experience limited
 - From a tactical perspective, how we do response, general tactics that we envisioned has source control as first goal and then control oil closest to source, and then contain at source, then dispersants where we couldn't get recovery at source; so when we train dispersants, we don't envision them as primary goal
 - Deepwater issues b/c equipment couldn't corral it b/c of altered form coming out of source; couldn't skim or corral b/c too spread out, so went to dispersants b/c so effective
- **Flow rate: My perspective on what I saw or what I was involved in**
 - Explosion, MODU on fire, connected to sea floor via riser, interventions not working, fire on rig
 - From explosion to Thursday afternoon, discussions between CG and BP and MMS on risk and threat, at that time getting a couple different numbers coming in, not off top of my head but pretty big numbers, 60-100 K barrels, but with some caveats,
 - When rig sank, we didn't know anything till sometime Friday, turbidity, no visibility, waves kicked up from sinking, then night, nothing till next day, then planes doing overflights saw slicks at surface of water, took a while till ROVs could even assess damage
 - At that time, we had no idea how much oil was being released

- Didn't look that bad, b/c was spreading out over a wide area
 - During that discussion, had all kinds of people making estimates and I believed it was unknown
 - When we had video on riser, we were watching it live at about that time, you look at it and don't know, so we responded to what was on surface
 - No hesitation on BP and CG on equipment; thought about it as worst case
- Number generated that was 1K barrels, not exactly sure where those numbers came from; no one ever told me where that number came from
 - By BP trying to get a handle, a lot of pressures trying to get people to put a number on the table, from a response standpoint we were trying to get things working
 - I am not really sure where number came from
 - I was asked how much I think was out there, asked candidly in a hallway, I said could be 1K barrels or could be 10K barrels, we really don't know, so that was put on there as a number
 - I said I don't know, people are trying to get a handle on it, lot of people throwing in 2 cents on it, we had no idea, I do know I put on table, I talked to my folks, and said it could be 1 or it could be 10, I don't think I am source, I felt there was not enough information out there, I don't know who made determination to put number out there
 - I said were you unwitting source of 1K? he doesn't really think so but doesn't know; I saw was 1K out there before he made that comment and he said yes
 - he said I contributed to it but lots of people asking about it, don't really know where it came from, I gave my two cents and so did lots of people, it was pretty much an open discussion, everybody had an opinion, lots of opinions thrown on table
 - Didn't see a massive slick at first, not till later that it came together and saw a lot, you would not see a lot of oil at surface initially
 - 1K was put in 209 to track mass balance, then Sunday realized either 1K is not right or else dispersants aren't working
- So we started with the 1K as a number, doing response
 - Did dispersants, and then thought that either 1K is too low or dispersants aren't working
 - Put that on table
 - So then I asked my team to do the best they could based on observations and size of slick
 - Bill got to that, gave me an estimate, said conservative estimate, doing best way to analyze what little data could provide, said at least 5K barrels, passed that on

verbally, put out there not to say that is right but to say the 1K isn't right and we need to get a better estimate; put it out there to put pressure on BP

- Then things didn't change; went out there as a press conference, was put there with caveats, but then press took caveats off and it took on a life that it wasn't supposed to have
- And no other info out there
- Several weeks after that till got to point of trying to put better number on there
- Wants to capture fact that there was a lot of uncertainty, we made an estimate to say that the amount we saw out there that morning, was a conservative estimate to say it was more than what BP was saying
 - Number was so much more important to external world than to us, we didn't know why it got so much play
 - Did matter for subsea, but we were still getting a good effect from dispersants at that depth even if percentage was off
- Trashes FRTG a little, they still had a range where bottom and top were off by a factor of 2
- Discussion of releasing to public
 - Never involved in any meetings where I was told that there were numbers not to use; don't remember being asked what worst case value was, not sure anyone asked what that meant
 - Thinks everyone had some sense of worst case numbers; no one believed it was coming out at those high levels
 - Had info from MMS, etc
 - That was probably where the writing on the Seattle white wall came from because they were all discussing that
 - What number was still being used operationally?
 - We responded and never stopped trying to contain it
 - I am used to work in spills where amount is unknown; rarely do we know; issue is usually what is on surface and what is slick; trying to scale to how big slick was and not how thick it was
 - Excellent ISPR q from DOI: if you were responding to WCD, why not tell people what that was b/c changing rates were undermining credibility in response?
 - No answer
 - I did lots of press conferences but never got that as a question, didn't know in my mind what volume was, just trying to get assets
- When went from 1 to 5: any discussions w/ BP on that?
 - That 5K barrel number was primarily created as an internal tool with lots of caveats, I primarily wanted that to try to get BP as RP to engage more; burden would be on them to use their science and engineering to try to come up with a better estimate; that first Mon-Wed, they were saying it could be between 1 and 6K barrels, informal discussion in

open discussions, we never prepared that initial number to be something to go to press with, prepared to have that discussion with BP to say that the 1K was wrong, we generated that number just to do that, with this tool we know it is more than 1K we need a better estimate, to put pressure on BP, then Wed it was used in a press conference,

- I was never asked whether I wanted to release it, just was done
- That was just an internal tool to initiate that discussion with BP
- I gave info to her verbally, Bill had something that got passed around, not sure if it went to Landry; I verbally told her, she stated it that way, she put caveats on it, he says she said it was "at least 5K"; I asked her, said not what we developed it for, she showed me her notes, I looked at her speaking points when she walked on to podium, changed a little bit
- JRO: but she said at most 5K so didn't get caveats right; Henry says no, I was there, she said "at least"; I say really? He says yes and explains how he reviewed her notes in advance
- RRT and in situ burning?
 - There was pre-authorized plan for burning offshore
 - Any burning agents used?
 - Initiators—flares or small gasoline in bags, in very small volumes, used to initiate fires, would have occurred in Houma; sure that no large pouring of gasoline, but initiators were used, but would have to get exact techniques from Al Allen in Houma, igniter type devices but not major fuel addition
 - Doesn't think there were any de-emulsifiers or herding agents
- NRT/RRT meetings ended up being about communications, not about how technically we get involved in most of these sorts of things
- People that do stuff
 - Less and less every year since EV; bringing on lots of new people who have no experience, learning just like in EV
 - Trial by fire
 - (lots more explanation here and burdens on agencies)
 - Difficult on a large/long spill because nobody staffs spill response to be ready to respond to a once in 10 years activity; now looking at how we could better enhance our capacity to respond; people who have skill sets and just need training; more and better training earlier on
- Right?
 - ICS system, forming a company overnight with fed, state, and industry partners to form unified command works—and forming a huge huge company
 - At height of response 47,000 people part of unified command, not including people above that level, that is a lot of people to form a company overnight and get work done properly, provides right level of pushing and shoving between different stakeholders

- Helps us bring the right expertise together, consensus that we build, doesn't take away CG role with ultimate authority over response
- Wrong?
 - I never viewed it was outside of a regional response; two regions were affected, both in gulf, and the states that make up that area, I didn't see anything that made it seem like the rest of the nation was being affected, it affected the region, what went wrong was when the structure of the response gave a greater role to influences outside the region; don't disagree that it was a SONS, the NIC did provide some guidance and coordinated the Jones Act and other laws, but as far as managing the response it was still a regional response, what went wrong was when it go so much influence outside the region it nullified some of the response; people didn't have the authorities they normally had and that was frustrating to a lot of folks, maybe if it had stayed in the regional level maybe we would have worked things a little differently, frustration b/c team members who worked regularly together were not in those positions anymore, other people had stepped in