

# Deposition Testimony of:

## **Thad Allen**

Date: September 25, 2012

Created by:



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Page 402:22 to 403:05

00402:22 Q. Okay. When you say "we," is -- is that  
23 inclusive of the work that BP was doing in moving  
24 equipment and personnel in -- in a fashion that  
25 would be responsive to the event?  
00403:01 A. Well, under the National Contingency  
02 Plan, the Responsible Party is part of the  
03 Unified Command, and to the extent Unified  
04 Command were taking those actions, that would  
05 include BP.

Page 403:08 to 403:13

00403:08 Q. So it would be correct to say that even  
09 in advance of the sinking of the -- of the  
10 drilling unit, the Unified Command was staging  
11 equipment that was against the scenario of a  
12 worst-case spill?  
13 A. That's correct.

Page 403:21 to 403:24

00403:21 Q. Okay. In retrospect, in seeing the  
22 actions that were taken, would you agree that BP  
23 was mobilizing its resources and employees to  
24 respond to the incident?

Page 404:01 to 404:02

00404:01 A. I had no reports to the contrary from the  
02 Unified Area Command.

Page 404:04 to 404:07

00404:04 And was BP's mobilization of resources  
05 and employees in those first few days consistent  
06 with what you would expect from a Responsible  
07 Party under the circumstances of the case?

Page 404:09 to 404:18

00404:09 A. Again, I had no indication contrary from  
10 the Unified Area Command. Just reminding you  
11 that Admiral Landry was Unified Area Commander,  
12 and I was still a Commandant at the Coast Guard  
13 at the time.  
14 Q. (By Mr. Brock) Right. So from Admiral  
15 Landry, who would be reporting to you, you didn't  
16 have any reports that were inconsistent with my  
17 statements?  
18 A. Correct.

Page 404:25 to 405:17

00404:25 Tell me the organizational structure of  
00405:01 the Un -- Unified Command. How is it set up, and  
02 how is it organized?  
03 A. In general, it's structured under the  
04 concepts of the National Inchin -- Incident  
05 Management System, which implements what's called  
06 the Incident Command System. There are four  
07 basic operational subdivisions or lines of  
08 business, if you will -- below the Commander.  
09 They are Operations, Planning, Logistics, and  
10 Finance. There are additional staff support  
11 elements, such as Legal Support, Joint  
12 Information Center, those sorts of things, that  
13 are considered staff elements.  
14 And these things can be greatly expanded,  
15 depending on the -- on the incident itself, but  
16 those are the basic subdivisions that are  
17 identified in the NIM's ICS --

Page 405:19 to 406:05

00405:19 A. -- protocol.  
20 Q. Was the Unified Com -- Command in place  
21 within a day of the -- of the explosion? That  
22 is, by -- by April the 21st, was the Unified  
23 Command in place?  
24 A. That was my assumption. I didn't travel  
25 to New Orleans, but I did later that week travel  
00406:01 down to Robert, and it was in effect there. The  
02 assumption was it was put in place immediately  
03 via Situation Reports from the area -- from the  
04 Field Commanders would indicate they established  
05 an ICS. It could be verified.

Page 406:16 to 407:11

00406:16 So, then, talk to us a little bit about  
17 the NIC's relationship to the -- to the Unified  
18 Command.  
19 A. The -- the intent of the National  
20 Incident Command structure was not to displace or  
21 replace the Unified Area Command. It was to add  
22 a layer to deal with issues on a National scope  
23 and to deal with the political establishment in  
24 Washing -- Washington to deal with the media, to  
25 relieve external pressure so they could focus on  
00407:01 operations at the Unified Area Command, to add  
02 value.  
03 I had the option under the National  
04 Contingency Plan to actually create a full  
05 National Unified Command with those subdivisions  
06 that I had talked about. I did not think that

07 was in the best interest of the response to try  
08 and actually manage an operation at the National  
09 level; so my goal and the term I kept using  
10 was an -- was an information technology term  
11 called "thin client."

Page 407:13 to 407:18

00407:13 A. It has a thin layer over the top that was  
14 needed to be effective and -- and do the job to  
15 create unity of effort, not become bureaucratic  
16 and not disempower the folks who were actually  
17 involved in tactical operations. That was my  
18 basic concept.

Page 407:23 to 408:08

00407:23 Q. Okay. Now, in -- in the context of the  
24 Unified Command, who were the Members of the  
25 Unified Command, other than the Government?  
00408:01 A. Well, classically the -- there's a  
02 tripartite that's established. It's the Federal  
03 On-Scene Coordinator, the State Representative,  
04 and the Representative of the Responsible Party.  
05 That can be expanded based on the discretion of  
06 the FOSC, but traditionally, doctrinally those  
07 are the three main elements of the command  
08 structure.

Page 408:14 to 408:16

00408:14 Q. So from the beginning, BP became part of  
15 the Un -- Unified Command?  
16 A. That's correct.

Page 410:02 to 410:06

00410:02 Q. Okay. All right. So they're -- they're  
03 co-located, and the Federal On-Scene Coordinator  
04 would be the Leader of the Unified Command for  
05 the location?  
06 A. That's correct.

Page 410:23 to 411:02

00410:23 Q. Okay. Now, did that structure change on  
24 May the 1st, when you were appointed to the  
25 position of NIC?  
00411:01 A. No. It was my intent that it would not  
02 change.

Page 476:06 to 476:10

00476:06 Q. Do you agree that there was proper  
07 selection, testing, monitoring, and use of  
08 dispersants in the MC252 response at or  
09 immediately above the MC252 Well?  
10 A. I do.

Page 476:12 to 476:14

00476:12 Q. (By Mr. Brock) And that the Federal  
13 Government properly approved the use of those  
14 dispersants in that area?

Page 476:17 to 476:22

00476:17 A. I do.  
18 Q. (By Mr. Brock) Do you agree that the  
19 United States Environmental Protection Agency was  
20 able to play a full role in the response in  
21 determining the amount and type of dispersants  
22 used in the response?

Page 476:24 to 477:03

00476:24 A. They were part of the consultative  
25 process that resulted in the decision to use the  
00477:01 dispersants. It was the FOSC's decision on the  
02 type and the amount, if I could just clarify  
03 that.

Page 479:13 to 479:22

00479:13 Were the two dispersants used in the  
14 response listed in the 2010 Contingency Plan?  
15 A. I'm familiar that with the use of  
16 COREXIT -- as far as the detail of exactly which  
17 dispersant on the schedule was used, I -- or  
18 there was another dispersant used, I don't have  
19 any recollection of that.  
20 Q. Okay.  
21 A. I do remember that the dispersants were  
22 used were on the schedule.

Page 509:05 to 509:12

00509:05 Now, early on -- you've testified that  
06 early on, the flow rate didn't matter in  
07 determining your res -- your response, correct?  
08 A. Well, the flow rate alway -- always  
09 matters, but it -- it didn't drive our behavior  
10 because of the initial -- at least in my view,  
11 the initial estimates were probably going to be  
12 inaccurate.

Page 509:19 to 509:25

00509:19 Q. (By Mr. Li) And, essentially, you threw  
20 all of your resources at it because you believed  
21 that the estimates would likely be higher --  
22 A. That's correct.  
23 Q. -- that the actual flow rate would likely  
24 be higher?  
25 A. That's correct.

Page 634:24 to 634:25

00634:24 Q. You said, first thing it's 10:20 in the  
25 evening, and if there's anything --

Page 635:02 to 635:12

00635:02 Q. -- that had to be controversial, it would  
03 be get the principals together at that point.  
04 A. Oh, yeah. Any -- well, they need to have  
05 their right to have a discussion about it, if  
06 there's anything -- I didn't say there was  
07 anything controversial. I learned, over the  
08 course of this response, that if there was a  
09 consequential decision to be made or a major  
10 adjustment in the direction provided to BP, there  
11 needed to be informed consent and collaboration  
12 and inclusion of the Cabinet Secretaries.

Page 640:09 to 641:06

00640:09 Q. (By Mr. Barr) Now, in -- in some of your  
10 testimony, I -- I thought I heard you say that  
11 this was -- you described this event as  
12 anomalous. You remember that?  
13 A. I did.  
14 Q. What do you mean by that?  
15 A. Well, first of all, it was anomalous in  
16 terms of the magnitude of the event. It was  
17 anomalous in terms of the lack of human access to  
18 the well. It was anomalous in that we had never  
19 mounted a response where the source was 5,000  
20 feet deep in water. We had never had a response  
21 in this country that simultaneously threatened  
22 five states. We had never had a response in this  
23 country where we were dealing with an open-ended  
24 discharge where we did not know when the end  
25 would be, for planning and operational  
00641:01 decision-making. We had never actually  
02 implemented Spill of National Significance  
03 Protocol or set up a National Incident Command  
04 since they were legally authorized in 1990. I

05 think the sum of all of those factors makes it  
06 pretty anomalous.

Page 656:22 to 657:13

00656:22 Now, you would agree that the Response  
23 Plan that was in place prior to the Macondo  
24 incident was primarily focused on containment,  
25 correct?  
00657:01 A. I don't have total recall of the Response  
02 Plan, but there was a contain -- when you say  
03 "containment," I -- I'm -- I assume you mean well  
04 control or you mean oil recovery.  
05 Q. I -- I mean oil recovery, cleanup, those  
06 types of things.  
07 A. The Response Plans are usually predicated  
08 on a certain discharge level and the equipment  
09 needed to deal with that and that that equipment  
10 is available through an oil spill response  
11 organization, and you've demonstrated that's on  
12 contract to be brought to the scene. That is  
13 basically what a Response Plan is.

Page 675:16 to 677:13

00675:16 I've handed you an E-mail which has  
17 previously been marked as Exhibit 9101. It is a  
18 May 23rd, 2010 E-mail chain between yourself and  
19 Jane Lute, among others. Who is Jane Lute?  
20 A. Deputy Secretary of Homeland Security.  
21 Q. Okay. In the second E-mail down it says,  
22 in the second sentence: "Think we say we are not  
23 satisfied" with "BPs shoreline approach."  
24 Do you know what she -- specifically she  
25 was referring to?  
00676:01 A. I do.  
02 Q. Could you tell me what that is?  
03 A. That stemmed from a conversation that  
04 took place the day before, on Saturday, May 22nd,  
05 between myself and Secretary Napolitano, who was  
06 concerned about the lack of visibility of the  
07 U.S. Government in some areas of the response.  
08 At that point, I got the preliminary direction  
09 that was announced later on the following --  
10 later on that week, that we were to triple our  
11 resources down there, where we -- possible, to  
12 have a Coast Guard Representative there, together  
13 with the contractors, to make sure that the --  
14 they were doing what they were supposed to do.  
15 Q. And what is it that the contractors were  
16 doing -- were supposed to be doing? The --  
17 what's the shoreline approach aspect of it?  
18 A. I was attempting to be responsive --  
19 responsive to the political leadership that  
20 wanted more blue suits visibly involved in the

21 response.  
22 Q. Okay.  
23 A. I didn't mean that there were contractors  
24 out there that weren't doing what they were  
25 supposed to do. There -- there was a desire by  
00677:01 the political leadership to have many more Coast  
02 Guard people out there in uniforms, visible.  
03 Q. Okay. And then in your response to that  
04 E-mail, in the second sentence, you wrote -- write:  
05 "The approach and strategy are fairly well  
06 documented in response plans, it is the execution  
07 that is a problem."  
08 What specifically were you referring to  
09 when you say "...it is the execution that is" a  
10 problem" -- "is the problem"? Excuse me.  
11 A. It's a lot easier to clean up oil on an  
12 orange beach in Alabama than it is in  
13 Pass-a-Loutre.

Page 677:17 to 677:17

00677:17 A. That --

Page 677:19 to 677:19

00677:19 A. -- remoteness.

Page 684:18 to 684:21

00684:18 Q. (By Mr. Brock) And in terms of the  
19 response that was being planned, it was being  
20 organized around the number, we'll just say, in  
21 excess of a hundred thousand barrels a day?

Page 684:23 to 685:04

00684:23 A. The -- the response was being mounted  
24 against the worst-case discharge in the Response  
25 Plan because that was the plan of record, and  
00685:01 we -- that was the basis to move resources,  
02 regardless of the initial estimates of flow rate.  
03 And I would continue to differentiate  
04 between worst-case discharge from flow rate.

Page 687:02 to 687:04

00687:02 Q. And so you, yourself, were personally  
03 aware of worst-case discharge estimates of  
04 100,000 barrels per day?

Page 687:06 to 687:07



00687:06 Q. (By Mr. Brock) Correct?  
07 A. Yes.

Page 688:20 to 690:12

00688:20 Q. All right. I'm going to read this into  
21 the record, and then I have a question about it.  
22 "Admiral, could you tell us how the low  
23 flow estimates impacted the response?" For --  
24 "for an example, if instead of being told that  
25 there were 1,000 barrels a day or 5,000 barrels a  
00689:01 day, early on you had been told that, no, there  
02 are 20,000 or 26,000 or 30,000 barrels a day,  
03 would you have done anything different?"

04 ADMIRAL ALLEN: "The answer is no. And  
05 the reason is, we assumed at the outset this  
06 could be a catastrophic event. I was the  
07 Commandant of the" -- "Commandant of the Coast  
08 Guard at the time. I was called in the middle of  
09 the night when the explosion occurred.

10 "We started moving very quickly to put  
11 folks that have knowledge of marine salvage  
12 operations, as far as stability of the rig. We  
13 knew we had 700,000 gallons of diesel fuel, which  
14 in and of itself was a large amount, given the  
15 fact that it's been dwarfed by the spill to date.

16 "We started moving every piece of  
17 equipment that was identified in the response  
18 plan for the rig itself. As those estimates came  
19 out, I noted them. But they weren't  
20 consequential in any decision-making I did or I  
21 think the interagency and the response, because  
22 we knew this thing had the potential to be much  
23 larger than it was.

24 "We never relied on the 1,000 to 5,000  
25 barrels a day. And in fact, when that became an  
00690:01 issue of what the flow rate was, as you know, I  
02 established a separate" -- "separate  
03 government -- a flow rate technical group to look  
04 at this from an independent standpoint."

05 Were you asked that question, and did you  
06 give that answer on September 27th, 2010 to the  
07 National Oil Spill Commission?

08 A. Yes.

09 Q. And was that statement accurate then?

10 A. Yes.

11 Q. And is it accurate today?

12 A. Yes.

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF LOUISIANA

3 IN RE: OIL SPILL ) MDL NO. 2179  
4 BY THE OIL RIG )  
5 "DEEPWATER HORIZON" IN ) SECTION "J"  
6 THE GULF OF MEXICO, ON )  
7 APRIL 20, 2010 ) JUDGE BARBIER  
8 ) MAG. JUDGE SHUSHAN

9 REPORTER'S CERTIFICATION  
10 TO THE ORAL AND VIDEOTAPED DEPOSITION OF  
11 ADMIRAL THAD WILLIAM ALLEN  
12 UNITED STATES OF AMERICA 30(b)(6)  
13 SEPTEMBER 24, 2012  
14 VOLUME 1

15 I, Emanuel A. Fontana, Jr., Certified  
16 Shorthand Reporter in and for the State of Texas,  
17 hereby certify to the following:

18 That the witness, **ADMIRAL THAD WILLIAM**  
19 **ALLEN**, was duly sworn by the officer and that the  
20 transcript of the oral deposition is a true  
21 record of the testimony given by the witness;

22 That the deposition transcript was submitted  
23 on September 26, 2012, to the witness or to  
24 Attorney E. Michael Underhill for the witness to  
25 examine, sign, and return to Worldwide Court  
Reporters, Inc., by November 10, 2012.

That the amount of time used by each party  
at the deposition is as follows:

Mr. Barr - 2 Hours, 1 Minute  
Mr. Kraus - 52 Minutes  
Ms. Patty - 3 Minutes  
Mr. Brock - 3 Hours, 37 Minutes

1 I further certify that I am neither counsel  
2 for, related to, nor employed by any of the  
3 parties in the action in which this proceeding  
4 was taken, and further that I am not financially  
5 or otherwise interested in the outcome of the  
6 action.

7  
8 SUBSCRIBED AND SWORN to by me on this 24th  
9 day of September, 2012.

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Emanuel A. Fontana, Jr., RPR  
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## CHANGES AND SIGNATURE

WITNESS NAME: ADMIRAL THAD WILLIAM ALLEN

DATE OF DEPOSITION: SEPTEMBER 24, 2012

PAGE	LINE	CHANGE	REASON
5		See the attached document	
6		with changes by citation.	
7			
9		10/25/12	
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PURSUANT TO CONFIDENTIALITY ORDER

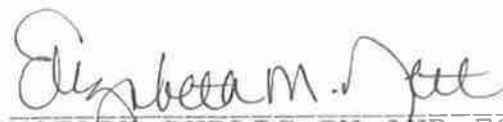
I, ADMIRAL THAD WILLIAM ALLEN, have read  
the foregoing deposition and hereby affix my  
signature that same is true and correct, except  
as noted on the attached Amendment Sheet.

  
ADMIRAL THAD WILLIAM ALLEN

THE STATE OF Virginia )  
COUNTY OF Fairfax )

Before me, Elizabeth M. Nett, on  
this day personally appeared **ADMIRAL THAD WILLIAM  
ALLEN**, known to me (or proved to me under oath or  
through EN to be the  
person whose name is subscribed to the foregoing  
instrument and acknowledged to me that they  
executed the same for the purposes and  
consideration therein expressed.

Given under my hand and seal of office this  
24 day of October, 2012.

  
NOTARY PUBLIC IN AND FOR  
THE STATE OF Virginia  
COMMISSION EXPIRES: September 30, 2014



PURSUANT TO CONFIDENTIALITY ORDER

Citation	Statement/Passage to be reviewed	Comments
26:18-20	"...that might or might not involve <u>involvement of Federal people around scene</u> in Houston."	the federal people on scene in Houston
48:1-3	"A lot of it had to do with the art of possible related to the equipment that was on the bottom."	this is accurate ... we had to sue the equipment in the condition it was in on the bottom
49:17-21	"...there were a number of outreach activities that I <u>took place</u> to make sure I understood what was being proposed and make sure my knowledge was growing with the incident as it needed to."	I undertook
54-55:25-3	"There was hardly a procedure that was recommended to me that wasn't discussed broadly <u>across Government</u> that didn't take into account the integrity of the wellhead..."	ok
55:5-7	"That was an overarching concern in any procedure that was <u>discuss</u> throughout the entire response."	discussed
68:24-25	"And we continued to evolve our ability to capture <u>produce</u> oil or not..."	... to capture or produce and not have the oil going ....
69:13_	"...readings will be taken as the <u>well were</u> shut-in..."	... readings to be taken ....
95:14_	"That's correct -- term."	etiher delete term or say "That's the correct term."
104-105:25-2	"How you actuate the rams were all endemic to the system, the blowout preventer, is regarding well control."	How you activate the rams is part of the system, the blowout preventer, regarding well control.
115:6-8	"...because they're the ones that had authority over issuing the Permits and so forth that had to be done <u>necessarily</u> connected to the response."	so they were necessarily
115:16-17	"The reason this is stated that it would be revised is this continued to be revised,..."	For that reason the the plans to capture or recover oil were continually revised.

116:2-5	"...that BP needed to provide additional capacity and redundancy in containing oil separate from well control had to be done simultaneously."	well control and it had to be done
158:18-23	"The industrial base of the supply chain, if you will, <u>for things like booms, skimming equipment</u> could not produce the equipment fast enough for us to meet the demand that was growing to try and simultaneously potentially defend five coastal states."	change of to or after base and it is ok
190:17-18	"-- in those early portions that I visisted the UAC;..."	Is there any missing text before this statement? No but you could say "But in those early portions that I visited the the UAC I would be familiar...
206:3-5	"Now, you can talk about whether something should have been done, at a time what should have happened."	... done and at what time it should have happened.
240:1-4	"...stuff came together at one time, in my mind, where not only do we need to solve the problem of the public discussion of flow rate for credibility, a significant issue."	issues instead of stuff
249:5-9	"I cert -- I'm -- certainly would be the logical..."	It certainly would be logical
258:1-3	"Redundancy is <u>be</u> able to sustain that with the loss of equipment..."	... to be able ...
263:21-22	"...while <u>start</u> moving to preparations in place to cap the well..."	starting to make preaprations to place a cap on the well
281:6-8	"Some people got people early, some people came later, but ultimately that's what it evolved to it."	...people got there ....
333:9-10	"-- amount of sand because of potential <u>of</u> abrade the interior of the BOP."	... abrading the ....

Citation	Statement/Passage to be reviewed	Comment
483:4-7	"... I wasn't basing any of my actions on flow rate, until the lager issue was <u>begged</u> to establish the Flow Rate Group, as we talked about."	the confluence of issues dictated that we establish
639:23-24	"That's the reason, <u>the blowout, and blowout was one of the options.</u> "	blowout preventer on the blowout preventer
676:10-12	"...that we were to triple our resources down there, <u>where we -- possible</u> , to have a Coast Guard Representative there..."	where possible we were