

**From:** Mace Barron/GB/USEPA/US  
**Sent:** 5/25/2010 11:30:05 AM

**To:** Deborah McKean/R8/USEPA/US@EPA  
**CC:** Cynthia Sonich-Mullin/CI/USEPA/US@EPA; Rick Greene/GB/USEPA/US@EPA; Kevin Summers/GB/USEPA/US@EPA; Gregory Wilson/DC/USEPA/US@EPA; Michael Hemmer@EPA; Michael Lewis@EPA; Albert Venosa/CI/USEPA/US@EPA; Michele Conlon/RTP/USEPA/US@EPA; Hal Zenick/RTP/USEPA/US@EPA  
**Subject:** alternative Jackson letter with critical



alternative edits to B Pletterlesstoec.doc.docx

Deb, here is the revised letter. ORD would perform the endocrine assay; the tox tests would need to be performed by contract labs. ORD would provide data interpretation and oversight.

sincerely,

Mace

Ex 12051

Worldwide  
Court Reporters, Inc

US\_PP\_EPA044347

CONFIDENTIAL

May 25, 2010

David Rainey  
Vice President of Gulf of Mexico Exploration  
BP Exploration and Production  
501 Westlake Park Boulevard  
Houston, TX 77079

Dear Mr. Rainey,

Thank you for your response to me dated May 23, 2010 in which you stated you will continue to search for an alternative dispersant and committed to minimizing the use of dispersants. I want to re-enforce the importance of this approach to the BP Oil Response.

EPA will be performing its own scientific verification of the data BP presented. In addition, EPA will perform testing to determine whether there is indeed a less toxic, more effective dispersant available in the volumes necessary for a crisis of this magnitude. EPA will be performing two types of assessments to evaluate COREXIT 9500 and 9527 and other dispersants: in field screening and laboratory comparisons. In field tests will be screening level bioassays comparing the toxicity of water in the area of dispersant application to clean seawater samples. Laboratory comparisons will be with Gulf of Mexico species including a silverside and mysid shrimp. EPA will be using the quality assurance and testing methods set forth in the EPA test manuals (<http://www.epa.gov/waterscience/methods/wet/disk2/index.html>). EPA will also assess use a rapid transcriptional activation assay to assess androgenicity and estrogenicity. EPA will be using the test results to help make a determination in selecting less toxic dispersants.

Furthermore, as we discussed, the federal government, led by the Coast Guard, is instructing BP to take immediate steps to significantly scale back the overall use of dispersants. Data demonstrates that subsea dispersant application is having an effect on the oil at the source of the leak – and thus far has had no observed significant ecological effects. BP should use no more dispersant than is necessary. By ramping down on the amount of dispersant used, particularly on the surface where we expect less un-dispersed oil because of the sub sea application, BP can reduce the amount of dispersant applied by as much as seventy-five percent and possibly more.

Sincerely,

Administrator Lisa P. Jackson