

Congress of the United States
Washington, DC 20515

May 19, 2010

The Honorable Ken Salazar, Secretary
United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

The Honorable Elizabeth Birnbaum
Director, Minerals Management Service
1849 C Street, N.W.
Washington, DC 20240

We write this letter to thank you for Minerals Management Service's (MMS) March 2010 announcement that it is investigating the BP Atlantis Project in the Gulf of Mexico. In February, prior to the tragedy at the Deepwater Horizon Platform, many of the signatories to this letter requested such an investigation. We are now following up on this request.

We understand that the Department of the Interior is currently investigating the cause of the Deepwater Horizon explosion – which killed 11 workers and injured hundreds of others – by inspecting existing platforms and exploring what safeguards are needed to prevent oil spills from deep water drilling operations.

We appreciate the importance of these initial first steps to this tragic accident, which will likely leave the Gulf of Mexico region reeling from the impact to the environment, fishing, tourism, and its culture for years, if not decades. The Gulf, and indeed the nation, cannot afford another Horizon-like oil spill.

As you are surely aware, however, properly operating safety equipment does not supplant the need to have properly designed and operated platforms. We are very concerned that the tragedy at Deepwater Horizon could foreshadow an accident at BP Atlantis, which is operating in deeper water than Horizon. News reports indicate that the Horizon spill already surpassed the 10.8 million-gallon *Exxon Valdez* spill. A worst-case scenario oil spill from Atlantis, which has been in production since 2007, *would exceed the Exxon Valdez spill in only two days.*

In March 2009, a whistleblower notified MMS that he believed BP lacked a large percentage of engineer-approved, up-to-date drawings for Atlantis's subsea components. A review of a BP database shows that of the more than 7,176 documents and drawings for Atlantis's subsea components, a total of 6,393 of them – over 90% – had not been approved by a professional engineer, as required by industry minimum standards and MMS regulations. A 2008 email from BP's own management indicated that using these incomplete or inaccurate documents “could lead to catastrophic Operator errors due to their assuming the drawing is correct.”

In our February letter, many of us urged MMS to conduct a full investigation of whether BP had a complete and accurate set of required engineering drawings for BP Atlantis and its associated subsea components prior to the start of production from that platform. We also expressed our

serious concerns about agency suggestions that while the company was required to maintain “as-built” documents by law, such documents did not need to be complete or accurate.

We are very pleased that MMS has now launched its investigation into this matter. Still, a number of developments occurred during and after the circulation of our letter that concern us.

On January 15, 2010, a BP letter to the minority and ranking staff members of the Natural Resources Committee indicated that it did not know of these allegations about Atlantis until they were first raised in July 2009. BP also stated that they were unsubstantiated.

However, in March, 2010, BP’s own Ombudsman Office informed the whistleblower that it had investigated the allegations a year earlier and stated that BP had not followed its own Project Execution Plan. Moreover, the same letter suggests that problems with the documentation were not new: “It was a challenge to the Project and of concern to others who raised the concern before you worked there, while you were there, and after you left.”

We have also learned that, despite the fact that MMS’s report on this matter is due by the end of May, the agency as of last week had not yet interviewed the former contractor who first brought these issues to light.

In light of the Deepwater Horizon oil spill, it is clear that MMS must promptly and thoroughly investigate whether BP is currently operating safely and adhering to the law with Atlantis. We firmly believe that a thorough investigation must include interviewing the whistleblower and other BP employees, including the ombudsman, as well as examining whether the company properly responded to the whistleblower’s concerns. Lessons learned will help shed light on how the company views safety requirements for very complex platforms operating in challenging deep water environments. It could even shed light on the cause of the Deepwater Horizon accident.

As the agency conducts this investigation, we urge MMS to listen to the expert engineer who reviewed the Atlantis situation and called for an immediate shut-down until it can be shown that this platform is operating safely.

We are confident that the safety situation at BP Atlantis and the Horizon accident can be thoroughly investigated. We look forward to hearing the results of these investigations, and hearing from you what steps the agency will take to ensure that the explosion and mishap of the Horizon platform are not replicated.

Sincerely,


RAÚL M. GRIJALVA
Member of Congress


SAM FARR
Member of Congress

Maxine Waters

MAXINE WATERS
Member of Congress

Edward J. Markey

EDWARD J. MARKEY
Member of Congress

Donald M. Payne

DONALD M. PAYNE
Member of Congress

Lynn Woolsey

LYNN WOOLSEY
Member of Congress

Bennie A. Thompson

BENNIE THOMPSON
Member of Congress

Mary Jo Kilroy

MARY JO KILROY
Member of Congress

Corrine Brown

CORRINE BROWN
Member of Congress

Earl Blumenauer

EARL BLUMENAUER
Member of Congress

Luis V. Guitierrez

LUIS GUITIERREZ
Member of Congress

Rush Holt

RUSH D. HOLT
Member of Congress

Barbara Lee

BARBARA LEE
Member of Congress

Jim Moran

JAMES P. MORAN
Member of Congress

Tammy Baldwin

TAMMY BALDWIN
Member of Congress

John Garamendi

JOHN GARAMENDI
Member of Congress

Donna M. Christensen

DONNA M. CHRISTENSEN
Member of Congress

Jared Polis

JARED POLIS
Member of Congress

Carol Shea-Porter

CAROL SHEA-PORTER
Member of Congress

Michael Honda

MICHAEL M. HONDA
Member of Congress

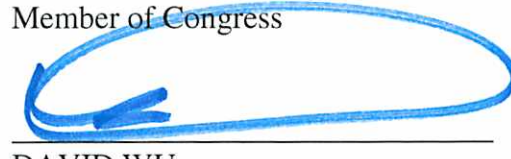

STEVE COHEN
Member of Congress


TED DEUTCH
Member of Congress


JOHN LEWIS
Member of Congress


DENNIS J. KUCINICH
Member of Congress


MAZIE K. HIRONO
Member of Congress


DAVID WU
Member of Congress

cc: Chris Oynes, Associate Director, Offshore Energy and Minerals Management, MMS
Nancy Sutley, Chair, Council on Environmental Quality