

Environmental Law Seminar: A Cross Disciplinary Look at the BP/Deepwater Horizon Oil Spill

1. Introduction

BP Spills Coffee,

http://www.youtube.com/watch?v=2AAa0qd7CIM&feature=player_embedded

60 Minutes, Blowout in the Gulf, Part 1,

<http://www.cbsnews.com/video/watch/?id=6795538n&tag=segmentExtraScroller;housing>

60 Minutes, Blowout in the Gulf, Part 2,

<http://www.cbsnews.com/video/watch/?id=6795540n&tag=segmentExtraScroller;housing>

Deep Water- The Gulf Oil Disaster and the Future of Offshore Drilling, Report to the President (National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling) (Hereinafter "Deep Water"), pages 21 to 53, (On reserve at the C|M|LAW Library, available for free download, at <http://www.oilspillcommission.gov/final-report>, or for purchase in color hardcopy for \$29 through Amazon or Barnes & Noble.)

2. Pre-Blowout

A. Ecology and Geology of the Gulf of Mexico

Crude – the incredible journey of oil: Part 1- The age of oil, Part 2- The last hours of ancient sunlight, Part 3- Back to the future:

<http://www.abc.net.au/science/crude/>

CU Geologist: Billions of barrels of oil lie miles below the Gulf of Mexico:

<http://www.news.cornell.edu/chronicle/03/4.3.03/ACS-Cathles.html>

Why is So Much Oil in the Gulf of Mexico?: <http://www.livescience.com/8563-oil-gulf-mexico.html>

Where Does Oil Come From, Where Are the Oil Reserves, Who Consumes Oil: <http://www.pbs.org/frontlineworld/stories/colombia/images/map.swf>

General Facts About Gulf: Weather, Geology, Size, Depth, Etc:

<http://www.gulfbase.org/facts.php>

BLOWOUT IN THE GULF, pages 21-27, available on TWEN site at

<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6292435&courseID=93206>.

DEEP WATER, page 47.

FIRE ON THE HORIZON, pages 53-57.

BLOWOUT IN THE GULF pages. 11-12 (describing ecology and “the Loop Current” available on TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6292561&courseID=93206>

National Geographic map, available on TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6360348&courseID=93206>

B. Drilling and Well Construction Equipment

DEEP WATER, Chap. 4, pages 89-104.

Location of the Deepwater Horizon drilling platform: National Geographic map available on TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6360348&courseID=93206>.

BLOWOUT IN THE GULF at ix-x (description of a deep water oil rig) available on TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6292433&courseID=93206>.

Video of Transocean Oil Rig:
<http://www.deepwater.com/filelib/FileCabinet/movies/Ent2.mpg?FileName=Ent2.mpg>

BLOWOUT IN THE GULF at pages 27-33 (description of how oil is extracted) available on TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6292436&courseID=93206>.

Video of Drilling Process:
<http://www.youtube.com/watch?v=WPOi1WYTf2c&feature=related>

Historical Background on Deepwater Drilling—available on TWEN page:
<http://lawschool.westlaw.com/Files/Download/5595549/Historical%20Background%20on%20Deepwater%20Drilling.pdf>

Practical Well Control—available on TWEN page:
<http://lawschool.westlaw.com/Files/Download/5595548/Practical%20Well%20Control.pdf>

How is cement used in the process: <http://www.washingtonpost.com/wp-dyn/content/article/2010/10/28/AR2010102804124.html?hpid=moreheadlines>

Video Explaining Blowout Preventer:
<http://www.youtube.com/watch?v=5vCladA62m0>

Blowout Prevention Equipment – available on TWEN page:
<http://lawschool.westlaw.com/Files/Download/5595547/Blowout%20Prevention%20Equipment.pdf>

Some Key Laws and Treaties Related to Oil Spills and Offshore Drilling:
<http://dailyglob.sej.org/some-key-laws-and-treaties-related-to-oil-spills-and-offshore-drilling.html>

C. Economy of the Gulf

Income/taxes from the oil industry: National Geographic revenue charts on the TWEN page at
<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6271261&courseID=93206>

Tourism: Gulf Coast Oil Spill Could Cost Tourism Industry \$22.7 Billion, Study Finds: <http://www.huffingtonpost.com/2010/07/23/gulf-coast-oil-spill-could-cost-657144.html>

Fishing: National Geographic article pages 62-74 available on TWEN page at
<http://lawschool.westlaw.com/Files/Download/6271263/NatlGeoArticle%20ForLornInBayou.pdf>

Oil Spill Industries Affected: <http://bp-oil-claims.com/oil-spill-industries-affected/>

D. Regulatory and Legal Framework

1. Federal

DEEP WATER, Chapter 3, pages 55-85

Congressional Research Service Report for Congress – Offshore Oil and Gas Development: Legal Framework:
<http://ncseonline.org/NLE/CRSreports/08Jun/RL33404.pdf>

Department of the Interior INCREASED SAFETY MEASURE FOR ENERGY DEVELOPMENT ON THE OUTER CONTINENTAL SHELF:
See especially, Legal Framework, Inspections, and Enforcement, at 9-14:
<http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=33598>

NEPA: The National Environmental Policy Act (NEPA) and a Review of MMS NEPA Documents:

[http://www.oilspillcommission.gov/sites/default/files/documents/StanfordCenterOceansSolutionBP%20Commission NEPA%20Report 10.19.2010.PDF](http://www.oilspillcommission.gov/sites/default/files/documents/StanfordCenterOceansSolutionBP%20Commission%20NEPA%20Report%2010.19.2010.PDF)

NEPA: National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, The National Environmental Policy Act and Outer Continental Shelf Oil and Gas Activities:

<http://www.oilspillcommission.gov/sites/default/files/documents/The%20National%20Environmental%20Policy%20Act%20and%20Outer%20Continental%20Shelf%20Oil%20and%20Gas%20Activities.pdf>

2. State

Offshore Oil and Gas Development: Legal Framework:

http://nepinstitute.org/get/CRS_Reports/CRS_Energy/Oil/Offshore_Oil_and_Gas_Development_Legal_Framework.pdf

3. Local

4. International

3. The Blow-Out

A. What happened

Deep Water, pages 1-19, 105-122

Oil Spill Commission Presentation on the Events Surrounding the Blowout,
<http://www.oilspillcommission.gov/media/the-event/index.html>

Blowout in the Gulf at pages 43-51, available on TWEN site at
<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6292450&courseID=93206>

National Geographic at 45-46 available on TWEN site at
<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6271265&courseID=93206>

What Caused the Rig to Explode? The Engineers Explain:

<http://www.infrastructurist.com/2010/05/24/what-caused-the-bp-rig-to-explode-the-engineers-explain/>

Pipe Piece Caused Blowout Preventer to Fail:

http://www.usatoday.com/news/nation/environment/2011-03-23-gulf-blowout_N.htm

Fact Sheets on the Spill and Impact: <http://www.restorethegulf.gov/task-force/education-resources/fact-sheets>

BP Caps Its Leaking Well, Stopping the Oil After 86 Days, New York Times, July 16, 2010, Campbell Robertson and Henry Fountain available on TWEN site at <http://lawschool.westlaw.com/Files/Download/6271134/BP%20Caps%20Its%20Leaking%20Well.pdf>.

Engineers to retrieve failed blowout preventer, by Dan Vergano, USA Today, Sept. 2, 2010, available on the TWEN site at <http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=5702354&courseID=93206>

4. Post Blow-Out

A. Geology and Ecology – Effect of the Spill

Effects on Wildlife: <http://www.youtube.com/watch?v=8Uax5FRWnvs>

Video of the Leak: <http://www.youtube.com/watch?v=O-rJH9xB7fk&feature=related>

Slide Show With Figures and Explanations:
<http://www.youtube.com/watch?v=k-w4uyoX0ZE>

Trying to Compute the Amount of Barrels Leaking Per Day:
<http://www.youtube.com/watch?v=t01tbNCqbio&feature=related>

Oil Spill Images from Space:
<http://www.youtube.com/watch?v=JfOinnQeHIY&feature=related>

Video—Gulf Oil Eruption – Where the Slick is Going:
<http://www.youtube.com/watch?v=qEhhVmxYSNI>

Deep Water, Chap. 6, pages 173-185

Oil Eating Microbes—Article on TWEN:
<http://lawschool.westlaw.com/Files/Download/5593163/Oil%20Eating%20Microbes.pdf>

B. Economic Impact

Deep Water, Chap. 6, pages 185-190

Update on Claims from A Private Attorney's Website:
<http://www.offshoreinjuries.com/CM/Custom/bp-gulf-spill-property-damage.shtml>

C. Heath Impact

Deep Water, Chap. 6, pages 191-195

D. Immediate Regulatory Response - Restoration

1. Overall

Powerpoint on Who is Responsible and What Actions Are To Be Taken:

<http://www.chnep.org/Events/ANEP/outreach/Gulf%20Coast%20Oil%20Spill%20Response%208-16-10.pdf>

Environmental Response Management Application: Mapping the Response to the BP Oil Spill in the Gulf of Mexico,

www.geoplatform.gov/gulfresponses

2. Federal

Deep Water, Chap. 7, pages 197-213

Federal Government Response to Spill—Includes Breakdown of How Different Departments Were Involved:

<http://www.whitehouse.gov/deepwater-bp-oil-spill/>

Federal Government Responses Broken Down by Date:

<http://www.restorethegulf.gov/task-force/response>

EPA: <http://www.epa.gov/BPSpill/>

Five Month Outline of the Administration's Response:

<http://www.restorethegulf.gov/task-force/response?page=13>

Mabus, America's Gulf Coast: A Long Term Recovery Plan After the Deepwater Horizon Oil Spill, Sept, 28, 2010:

<http://www.restorethegulf.gov/sites/default/files/documents/pdf/gulf-recovery-sep-2010.pdf>

Presidential Order on Ecosystem Restoration Task Force: Article on TWEN:

<http://lawschool.westlaw.com/Files/Download/5592961/President%20Obama%20Signs%20Executive%20Order%20Officially%20Forming%20Eco%20Restoration%20Task%20Force.pdf>

NRDA Trustees announce \$1 billion agreement to fund early Gulf Coast restoration projects: <http://heraldnewsmedia.com/content/?p=2086>

3. State

Deep Water, Chap 5, pages 129 to 171 (look at this again for state's efforts to take control of the process)

Stafford Act (find it)

Response by Louisiana, Alabama, and Coast Guard:

<http://www.onearth.org/blog/1800-square-mile-oil-spill-in-gulf-of-mexico>

Louisiana's Initial Response Plan:

<http://www.lacpra.org/assets/docs/LAInitialSpillResponsePlanFinal.pdf>

Alabama's Response: <http://www.whnt.com/news/whnt-governor-riley-state-of-emergency-oil-slick,0,6627697.story>

State and Local Resources: <http://www.restorethegulf.gov/task-force/state-and-local>

Unified Command:

<http://www.oilspillcommission.gov/media/response/institutional-unified-command.html>

Florida Senate Approves Oil Spill Recovery:

<http://www.gulfspilloil.com/florida-senate-oks-oil-spill-recovery-bill>

Local

State and Local Roles:

<http://www.oilspillcommission.gov/media/response/institutional-state-and-local-roles.html>

Dispersants: <http://www.oilspillcommission.gov/media/response/response-actions-dispersants.html>

4. Private Efforts

Description of Oil Spill Clean-Up Activities—Article on TWEN:

<http://lawschool.westlaw.com/Files/Download/5593164/Descriptions%20of%20Spill%20Cleanup%20Activities.pdf>

Former BP CEO Says Response Was Inadequate:

http://news.yahoo.com/s/yblog_upshot/20101109/bs_yblog_upshot/former-bp-ceo-says-companys-oil-spill-response-was-inadequate

5. Relationships among responders

Federal Partners: <http://www.restorethegulf.gov/task-force/federal-partners>

Gulf Coast Ecosystem Restoration Task Force:

<http://epa.gov/gulfcoasttaskforce/>

E. Regulatory and Legal Framework

1. Administrative Changes

Interior Dept. Unveils Two Agencies to Oversee Offshore Drilling, Safety:

<http://www.washingtonpost.com/wp-dyn/content/article/2011/01/19/AR2011011905838.html>

Gulf Oil Spill Fallout: MMS to Be Divided Into 3 New Branches:

<http://www.mcclatchydc.com/2010/05/19/94465/agency-that-regulates-offshore.html>

Bureau of Ocean Energy Management, Regulatory Reform:

<http://www.boemre.gov/ReorganizationRegulatoryReform.htm>

Gulf Restoration Network, Inc., and Sierra Club, Inc. v. U.S. Dept. of the Interior, U.S. Dist. Ct. LA, Case No. 2:10-cv-01630, available on TWEN site at

<http://lawschool.westlaw.com/Files/Download/6353642/Gulf%20Restoration%20Project%20v.%20U.S.%20Dept%20of%20Interior.pdf>

Deep Water, pages 68-72

Notice of Proposed Rulemaking: Safety and Environmental Management Systems for Outer Continental Shelf Oil and gas Operations, 74 Fed. Reg. 28639 (June 17, 2009), available on TWEN site at

<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postInqID=6360650&courseID=93206>

Final Rule, Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Safety and Environmental Management Systems, 75 Fed. Reg. 63610 (Oct. 15, 2010), available on TWEN site at

<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postInqID=6360650&courseID=93206>

2. Moratorium

Department of Interior's Increased Safety Measures for Energy Development on the Outer Continental Shelf (Recommendation of Moratorium):

<http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=33598>

Salazar Calls for New Safety Measures for Offshore Oil and Gas Operations' Orders Six Month Moratorium on Deepwater Drilling (Issuance of Moratorium and Background Information):

<http://www.doi.gov/news/pressreleases/Salazar-Calls-for-New-Safety-Measures-for-Offshore-Oil-and-Gas-Operations-Orders-Six-Month-Moratorium-on-Deepwater-Drilling.cfm>

Despite Offshore Oil Drilling Moratorium Due to BP Oil Spill, Permits Being Issued: <http://oiletfcentral.com/despite-offshore-oil-drilling-moratorium-due-to-bp-oil-spill-permits-being-issued/2010/06/02/>

Seahawk becomes first Gulf of Mexico drilling company to file bankruptcy due to offshore drilling moratorium: <http://dailycaller.com/2011/02/15/first-gulf-of-mexico-drilling-company-seahawk-files-bankruptcy-because-of-offshore-drilling-moratorium/>

Fact Sheet: A Comprehensive, Science-Based Offshore Energy Plan (Obama Administration's Comprehensive Plan for U.S.'s Outer Continental Shelf):

<http://www.doi.gov/deepwaterhorizon/loader.cfm?csModule=security/getfile&PageID=33566>

Judge blocks Gulf offshore drilling moratorium:

<http://www.webcitation.org/5rlCoDBkQ>

Jindal calls on Washington to end drilling ban —Article on TWEN:

<http://lawschool.westlaw.com/Files/Download/5593043/Governor%20of%20Louisiana%20Asks%for%20End%20to%20Moratorium.pdf>

US DOI Notice to Lessees and Operators of Federal Oil and Gas Leases in the Outer Continental Shelf Regions (Directive to Cease Drilling):

<http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&PageID=33716&p=.pdf>

Docket for Case in Federal Court Against Moratorium:

<http://dockets.justia.com/docket/louisiana/laedce/2:2010cv01663/141146/>

EnSCO Offshore Co. v. Kenneth Lee Salazar (Order on Motions Challenging Moratorium):
<http://lawschool.westlaw.com/Files/Download/5660922/US%20v.%20BP%20Civil%20Complain%2012%2015%2010t.pdf>

Obama WH new drilling moratorium would cost 23,000 jobs:

TWEN:
<http://lawschool.westlaw.com/Files/Download/5592886/23000%20job%20lost%20estimate%20from%20drilling%20moratorium.pdf>

Offshore Drilling: Obama admin is underestimating impact of Gulf moratorium:

TWEN:
<http://lawschool.westlaw.com/Files/Download/5593195/Estimates%20of%20Job%20Losses%20from%20Moratorium.pdf>

Senate Panels Approve Offshore Oil Drilling Bills: Liability Cap Would be Removed, Regulation Increased: <http://coordination-maree-noire.eu/spip.php?article13272&lang=pt>

3. Legislation

Review at time of class

4. Theories of Liability to entities/persons harmed by off-shore oil spill

a. Statutory

Liability and compensation requirements under the Oil Pollution Act:
http://www.eoearth.org/article/Liability_and_compensation_requirements_under_the_Oil_Pollution_Act?topic=64403

b. Government Law Suits

United States v. BP:
<http://lawschool.westlaw.com/Files/Download/5660922/US%20v.%20BP%20Civil%20Complain%2012%2015%2010t.pdf>

c. Common Law: nuisance, strict liability, negligence

Oil Spill Liability: A Complicated Web:
http://www.pbs.org/newshour/updates/politics/jan-june10/oillaw_06-04.html

US Gulf Oil Spill Set to Trigger Lawsuit Flood:
<http://www.reuters.com/article/2010/04/30/usa-rig-liability-idUSN3021288120100430>

Article on Lawsuits Piling Up:

<http://latimesblogs.latimes.com/greenspace/2010/04/gulf-oil-spill-lawsuits-who-will-pay-the-bill.html>

First Wrongful Death Claim Related to Spill:

<http://www.pensacolapersonalinjuryattorneys.com/2011/01/first-wrongful-death-claim-related-to-the-gulf-oil-spill-settled.shtml>

Private Firms Website Explains Oil Spill Claims:

<http://oilspilllawsuit.org/personal-injury-claims/>

Charles Harold Cochran v. BP, et al, In re available on TWEN site at

<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6275179&courseID=93206>

5. Private Lawsuits Among Parties

BP's Response:

<http://www.bp.com/subsection.do?categoryId=9036576&contentId=7067590>

BP Sues Transocean: <http://www.scribd.com/doc/53565441/BP-s-Complaints-Against-Transocean-Over-Gulf-Oil-Spill> "BP submitted a court filing in the ongoing litigation regarding last year's oil rig explosion and oil spill in the Gulf of Mexico alleging that the owner of the Deepwater oil rig violated the law and caused the explosion and subsequent spill."

BP Sues Halliburton: <http://www.scribd.com/doc/53565440/BP-Files-Lawsuit-Against-Halliburton-Over-Gulf-Oil-Spill> "BP filed a lawsuit in federal court in Texas alleging that Halliburton's improper conduct contributed to the oil rig explosion and resulting oil spill in the Gulf of Mexico last year."

BP Sues Cameron International, the Maker of Blowout Preventer: <http://www.scribd.com/doc/53565440/BP-Files-Lawsuit-Against-Halliburton-Over-Gulf-Oil-Spill> "In a cross-claim filed as part of the ongoing litigation surrounding last year's oil rig explosion and oil spill in the Gulf of Mexico, BP alleges that the manufacturer of the blowout preventer designed, manufactured, maintained and modified the preventer in a way that rendered it "unreasonable dangerous when used as intended."

6. Compensation Fund

CBS' 60 Minutes, BP's Victims Fund: Kenneth Feinberg's Tough Task, October 4, 2010,

<http://www.cbsnews.com/stories/2010/09/30/60minutes/main6915445.shtml>

New York Times article, Details Faulted in Plan to Pay Oil Spill Claims, by James C. McKinley, Jr., August 10, 2010,
<http://www.nytimes.com/2010/08/21/us/21fund.html>

MSNBC Interview with Ken Feinburg:
<http://www.msnbc.msn.com/id/3032619/#39331250>

<http://www.cbsnews.com/video/watch/?id=7363482n&tag=cbsnewsMainColumnArea>

Oil Spill Commission Report:
<http://www.oilspillcommission.gov/media/restoration/economic-shocks-no-fishing-allowed.html>

BP's Website on the Compensation Fund:
<http://www.bp.com/sectiongenericarticle800.do?categoryId=9036584&contentId=7067605>

In re OIL SPILL BY THE OIL RIG "DEEPWATER HORIZON" IN THE GULF OF MEXICO, ON APRIL 20, 2010 available on TWEN site at
<http://lawschool.westlaw.com/DocForums/ViewSingleDocument.aspx?postingID=6273390&courseID=93206>

Gulf Coast Claims Facility page: <http://www.gulfcoastclaimsfacility.com/>

Gulf Restoration Network v. Sierra Club:
<http://lawschool.westlaw.com/Files/Download/5621131/2010%20law%20suit%20over%20waiver%20of%20MMS%20regulations%20re%20oil%20spill.pdf>

BPs Gulf oil spill compensation fund is not independent, rules Louisiana court – Victims compensated by BP oil spill fund could now reopen cases, warns lawyer: <http://www.guardian.co.uk/business/2011/feb/03/bp-gulf-spill-fund-not-independent-rules-court>

BP Compensation Fund Threatens the Rule of Law on a Global Scale:
http://www.globalgovernancewatch.org/spotlight_on_sovereignty/bp-compensation-fund-threatens-the-rule-of-law-on-a-global-scale

BP Oil Spill: Filing a Claim with BP's Compensation Fund:
<http://www.nolo.com/legal-encyclopedia/bp-oil-spill-filing-claim-33441.html>

Is the BP Oil Spill Victim Compensation Fund Legitimate?:
<http://donovanlawgroup.wordpress.com/2010/07/29/is-the-bp-oil-spill-victim-compensation-fund-legitimate/>

5. Lessons Learned

Deep Water, Chap. 4, pages 122-127, and Chap 9, pages 249-291.

Two oil spills, two government responses: Lessons from the BP and Exxon Valdez disasters: <http://www.gulfspilloil.com/two-oil-spills-two-government-responses-lessons-from-the-bp-and-exxon-valdez-disasters>

Deep Water: The Gulf Oil Disaster and the Future of Offshore Drilling, Report to the President:
<http://lawschool.westlaw.com/DocForums/ViewingSingleDocument.aspx?postingID=5749722&courseID=93206>

Criminal and Civil Penalties One Way to Fund Gulf Restoration:
http://www.bpoilspilllawyersblog.com/2011/02/criminal_and_civil_penalties_o.htm
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