Mr. Lamar McKay  
Chairman and President  
BP America, Inc.  
501 Westlake Park Boulevard  
Houston, TX 77079

Dear Mr. McKay:

The Committee on Energy and Commerce and its Subcommittee on Energy and the Environment are investigating the April 20, 2010, explosion at the Deepwater Horizon oil drilling rig. The Committee’s investigation and recent media accounts have raised questions about the potential suppression of scientific data and analysis concerning restoration of the Gulf of Mexico. According to some accounts, BP has retained numerous academic experts upon whom it has imposed contractual confidentiality agreements and that those academics who refused to agree to confidentiality were not retained.  

The disaster in the Gulf of Mexico is not a private matter. The people of the Gulf and its fragile ecosystem continue to suffer terribly. Mitigating the long term impact of the oil spill will require an open exchange of scientific data and analysis. Any effort to muzzle scientists or shield their findings under doctrines of legal privileges could seriously impede the recovery.

To assist the Committee in investigating these issues, the Committee requests a briefing, by August 6, 2010, on BP’s retention of third party consultants, academics, and scientists, in connection with assessing the environmental and health impacts of the Deepwater Horizon oil spill, as well as restoration efforts in the Gulf of Mexico.

1 BP buys up Gulf scientists for level defense, roiling academic community, The Mobile Press-Register (July 16, 2010); BP accused of ‘buying academic silence’, BBC News (July 22, 2010); BP tries to limit release of oil spill research, The Associated Press (July 23, 2010).
In addition, the Committee requests that you provide the Committee with copies of all contracts that BP has executed with any third party consultant, scientist, or academic, from the period April 20, 2010, to the present, relating to assessing the environmental and health impacts of the Deepwater Horizon oil spill or restoration efforts in the Gulf of Mexico. Please produce the requested documents to the Committee by August 12, 2010. An attachment to this letter provides additional information on how to respond to the Committee’s request.

Please contact Tiffany Benjamin at (202) 226-2424 with the Committee staff to schedule the briefing and if you have any question regarding this request.

Sincerely,

Henry A. Waxman
Chairman

Edward J. Markey
Chairman
Subcommittee on Energy
and Environment

Enclosure

c: The Honorable Joe Barton
Ranking Member

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy
and Environment