

November 6, 2014

Secretary Sally Jewel
The United States Department of the Interior
1849 C Street, N.W.
Washington, DC 20240

Dear Secretary Jewel:

I write this letter as follow up to the March 3, 2011 letter that Mr. Michael Bromwich, then Director of the Bureau of Ocean Energy and Management, Regulation, and Enforcement (BOEMRE) sent me and more than 20 House colleagues all of whom had asked the Department of Interior for an investigation of BP's deep-water Atlantis energy facility in the Gulf of Mexico. While this letter predates your tenure, disclosure of newly available information indicates that my colleagues and I, as well as the American public, were misled by BOEMRE's failure to disclose key details of the investigation. This new information reveals that individuals went to extreme lengths to protect BP from negative repercussions of the agency's investigation, while ignoring the real safety threats posed by the facility and overlooking allegations of insider conflicts of interest. I write you today asking for an explanation and seeking information on steps taken to ensure these investigative failures are not repeated in the future. Additionally, I ask for the immediate release of a dissenting engineer report that was ignored by the initial BOEMRE report.

As you know, the BP Atlantis, located in "Hurricane Alley," is one of the world's deepest oil and natural gas facilities. In March 2009, former BP employee Ken Abbott notified the Minerals Management Service (MMS) that he believed the BP Atlantis was operating without a large percentage of engineer-approved, up-to-date drawings for facility's subsea components. Further review of a BP database showed that close to 90% of the 7,176 documents lacked the necessary approval of a certified engineer, as required by industry minimum standards and MMS regulations. A 2008 email from BP's own management indicated an awareness of incomplete or inaccurate information, with BP's staff warning that this behavior "could lead to catastrophic Operator errors due to their assuming the drawing is correct."

In February, 2010, I asked Minerals Management Services to fully investigate whether BP had a complete and accurate set of required engineering drawings for the BP Atlantis and its associated subsea components prior to the start of production from the platform. MMS agreed to investigate, and aimed to complete the report by October 2010.

After delaying the release of the investigation's findings for almost six months due to "new information becoming available," the agency announced that the investigation had been completed. The BOEMRE report concluded that "[b]ased on a thorough review of the evidence, the investigation found the majority of [Mr. Abbott's] allegations to be unfounded". The report found that the documents BP kept were in disarray and a concerning number of the documents did not have stamps and signatures. However, the authors indicated these were not the documents that BP personnel relied upon for the facility's operations and therefore determined that there was "no evidence" that the Atlantis's document control problems created specific unsafe conditions. In the press release accompanying the report, Director Bromwich announced, "This report reflects a careful and comprehensive investigation of the allegations by an interdisciplinary team of lawyers, structural engineers and other BOEMRE personnel, led by our Investigations and Review Unit."

I am alarmed to learn that in December 2013, the Department of Interior's Inspector General issued a report raising serious questions about the depth and objectivity of the entire BOEMRE report.

According to the OIG report, the delay in releasing the initial BOEMRE Report was due to an internal conflict prompted by a group of BOEMRE structural engineers who strongly disagreed with the investigation's findings. The dissenting structural engineers wrote a separate report documenting their disagreement. According to the OIG report, the structural engineers did not find that BP Atlantis problems were limited to disorganized documents without stamps and signatures. Rather, the engineers found, among other things, that "BP did not have a complete set of 'approved for construction' engineering documents for all subsea components of the Atlantis platform and related facilities when it began production in October 2007." Nor did BP "have a complete set of 'as built' engineering documents for the Atlantis facilities that are currently in operation. According to the OIG report, at least one structural engineer indicated that the agency's interpretation of its regulations to allow this was "unacceptable" and "demonstrated malpractice." That BOEMRE's report made no mention of these internal disagreements is unacceptable, especially considering that this conflict was the precise reason for the report's delayed release.

Even more concerning is the engineers' findings of gas leaks, mysterious burn marks, and hydrates on wellheads, all of which are symptoms of more serious well integrity problems. These very real concerns were not mentioned in the original BOEMRE report, as they were dismissed by Director Bromwich as beyond the scope of the initial investigation. Ultimately, the report referenced these structural issues in a vague footnote indicating that the agency "is continuing to fulfill its regulatory review of the components, including wellheads, jumpers, and other components," however, the report concludes that there was no further action taken to address these problems.

The recent OIG Report shows that BOEMRE investigative leads refused to acknowledge the concerns of the structural engineers. I am troubled by the appearance that the scope of BOEMRE investigation was limited by an agency staff member that

allegedly had strong connections to BP. The OIG report details an alleged conflict of interest in which one of the investigative leads indicated intent to “[cut] the legs out from under” Mr. Abbott’s lawsuit, stating that he “was conducting the investigation as a ‘partner’ of BP.”

The OIG report concludes that the reason the agency never investigated claims that the Atlantis facility did not submit the proper engineering certification prior to its first production was because the agency did not know about the regulation requiring the certification. However, my letter on June 22, 2010 specifically asked for a copy of this certification. I cited the agency’s current regulations, which indicate such certification is required. In response, Mr. Bromwich cited an earlier version of the regulation and acknowledged that this requirement was applicable to the BP Atlantis. It is deeply disturbing that agency staff knew of this certification requirement but failed to explore whether the company was in compliance.

I am concerned that, despite the initial investigation being at my request, I am only now learning of these problems with BOEMRE’s investigation based on a nearly year-old OIG report. It is clear that the initial BOEMRE investigation was inconclusive, misleading and clearly disrupted by potential conflicts of interest. The American people deserve to know when a federal agency conducts an investigation that it is done with the utmost integrity.

Based on these concerns, BP Atlantis’s operating status should be re-evaluated until safe operation can be verified. Please detail all actions the Department has taken or intends to take to ensure that the facility is not suffering from the problems the structural engineers identified. The dissenting engineer's report should be immediately released to ensure the Department is operating under full transparency from this point forward. I also request detailed steps that the agency will take to prevent similar investigative shortfalls in the future. Finally, I ask that you provide me your detailed plans for strengthening regulations to ensure that BP and other offshore companies maintain a comprehensive set of final engineering drawings.

I look forward to hearing from you about this matter.

Sincerely,

Raúl M. Grijalva
Member of Congress

cc: The Honorable Doc Hastings, Chair, House Natural Resources Committee.
cc: The Honorable Peter DeFazio, Ranking Member, House Natural Resources Committee
cc: The Honorable Jim Costa, signatory June 22, 2010 letter
cc: The Honorable Mazie Hirono, signatory Feb. 24, 2010 letter
cc: The Honorable Edward Markey, signatory Feb. 24, 2010 letter
cc: The Honorable Corrine Brown, signatory Feb. 24, 2010 letter
cc: The Honorable Donna M. Christensen, signatory Feb. 24, 2010 letter
cc: The Honorable Sam Farr, signatory Feb. 24, 2010 letter
cc: The Honorable Barney Frank, signatory Feb. 24, 2010 letter
cc: The Honorable Rush Holt, signatory Feb. 24, 2010 letter
cc: The Honorable Michael Honda, signatory Feb. 24, 2010 letter
cc: The Honorable Barbara Lee, signatory Feb. 24, 2010 letter
cc: The Honorable John Lewis, signatory Feb. 24, 2010 letter
cc: The Honorable James P. Moran, signatory Feb. 24, 2010 letter
cc: The Honorable Donald M. Payne, signatory Feb. 24, 2010 letter
cc: The Honorable Jared Polis, signatory Feb. 24, 2010 letter
cc: The Honorable Bennie G. Thompson, signatory Feb. 24, 2010 letter
cc: The Honorable Maxine Waters, signatory Feb. 24, 2010 letter