

# Doubts Arise That Crude is Subsiding

**Leslie Eaton and Elizabeth Williamson, Wall Street Journal, 8-5-10**

Politicians, environmentalists and lawyers along the Gulf Coast reacted with skepticism Wednesday to a report from the Obama Administration saying that about three-quarters of the oil spilled by a BP PLC well in the Gulf of Mexico has broken down or been cleaned up.

The report, which was released at a White House press briefing, said that "robust federal response efforts" had removed much of the spilled oil from the gulf or broken it into tiny particles.

Natural forces such as evaporation accounted for the rest of the clean-up job, according to research by independent scientists and the National Oceanic and Atmospheric Administration.

It contained good news for Gulf Coast residents who, based on a recent government estimate that 4.9 million barrels had leaked from the blown-out well, feared a new influx of crude was headed their way.

But critics immediately noted that more than one million barrels of crude remained in the water by the administration's own reckoning, along with a lot of oil that had been broken up but not necessarily dissolved.

"It's still too early to declare victory," Louisiana Gov. Bobby Jindal said in a statement. "We must remain vigilant about the oil that remains a threat to our coast."

In Mississippi, Robert Wiygul, a lawyer involved in several environmental lawsuits against both BP and the government, said that he hoped the report's optimistic tone was justified. But, he added, "any pronouncement that things are okay smacks more of political science than hard science."

The NOAA report came as BP said it had finally gained control over the blown-out well, and could soon seal it for good. The well was temporarily capped July 15, almost three months after the Deepwater Horizon drilling rig burned and sank, killing 11 and unleashing the worst offshore oil spill in U.S. history.

Stan Senner, director of conservation science for the Ocean Conservancy, an environmental group, said he was concerned that the administration's report could mislead Americans into thinking that the fallout from the oil spill was over.

"The government says that the oil is almost gone," said Mr. Senner, who worked for the state of Alaska for years responding to the Exxon Valdez spill. "Wow. What a sigh of relief. Let's move on."

Mr. Senner and other environmentalists said that the ecological impact of the spill remained unclear and probably wouldn't be tallied for years.

The new report may sway public opinion, but it is unlikely to carry much sway in courts where a mountain of spill-related litigation is pending. That's because it deals with clean-up efforts, not environmental impact.

"The crux of the issue with respect to litigation is, what were the actual damages," said Margaret R. Caldwell, a professor specializing in environmental law at Stanford Law School.

The administration acknowledged that it was still assessing the cost of environmental and economic damage

from the gusher.

President Barack Obama said that the federal response was not over.

"We have to reverse the damage that's been done, we will continue to work to hold polluters accountable for the destruction they've caused, we've got to make sure that folks who were harmed are reimbursed," Mr. Obama said during remarks to the AFL-CIO Wednesday in Washington.

In a briefing on the NOAA report, White House Press Secretary Robert Gibbs declined to estimate BP's total liability in the spill. But he suggested that under the Oil Pollution Law of 1990, with its per-barrel fines, the company would pay a fine upwards of \$20 billion.

"I think it's \$4,300 per barrel per day that BP will be liable for," Mr. Gibbs said. "They will get a bill and a penalty for the amount of pollution emitted into the Gulf."