

Executive Summary

7.10 Resources Committed**7.11 FOSC Key Points****Responsible Party Solvency**

The outcome of the response to this spill could have been very different had the RP not been able to fund the extraordinary expenses involved. In the planning process, and during drills, participation of the RP is presumed. If an RP proved unable to pay for a major spill, the ability of the government to organize a response of this nature and complexity—including securing the sub-sea source, contracting resources, and funding removal actions—would be severely strained. All levels of government had difficulty sustaining their involvement the *Deepwater Horizon* response. If the government had had to organize every aspect of the response, the strains may have become overwhelming. Current planning and drills do not address the potential for government having to manage a major response due to the unavailability of the RP.

OSLTF Caps

The structure for funding responses set out in the Oil Pollution Act of 1990 (OPA 90), and limitations on per response costs were outdated and needed a legislative change in mid-response to address. In addition, without a solvent RP who was willing to undertake not only real-time funding of response costs—both directly but also in terms of payments to the NPFC, as well as setting aside vast sums for claims—the OSLTF Emergency and Principal Funds could have been overwhelmed. Until the arrangements with the RP to provide reimbursement to the OSLTF as the response progressed were established, the existing caps limited the funding for participation of other agencies through PFRAs and Requests for Assistance (RFAs).