



While the Top Kill plan was not guaranteed to succeed, the Unified Command's review of the Top Kill showed that with appropriate controls to manage the risks of

barrels per day that Top Kill could not succeed.¹⁶ That is incorrect. Modelling was undertaken during the Response that indicated if responders could pump 50 barrels per minute of mud into the *Deepwater Horizon's* BOP, such a momentum kill could successfully kill the Well if it was flowing at 5,000 barrels per day, but not if it was flowing at 15,000 barrels per day.¹⁷ This modelling, however, only addresses one portion of the Top Kill procedure: the momentum kill. The modelling did not consider

undertaken during the Response that indicated if responders could pump 50 barrels per minute of mud into the *Deepwater Horizon's* BOP, such a momentum kill could successfully kill the Well if it was flowing at 5,000 barrels per day, but not if it was flowing at 15,000 barrels per day.¹⁷ This modelling, however, only addresses one portion of the Top Kill procedure: the momentum kill. The modelling did not consider the impact of the other half of the Top Kill procedure: the injection of material into the BOP to bridge or clog the flow path (i.e., the Junk Shot procedure).¹⁸

If the injection of bridging materials is considered, the Top Kill procedure is not limited by flow rate.¹⁹ For example, if the Well was flowing at 20,000 barrels per day and bridging materials succeeded in closing off a portion of the flow path through the BOP it would reduce the flow from the Well.²⁰ If this reduction in flow rate was sufficient, it

¹⁶ L. Herbst Tr. at 127 ("I think there were various assumptions by various people as far as the potential for success, but not that it should not be attempted.")

¹⁷ Perkin Report at 9.

¹⁸ Perkin Report at 9.

¹⁹ These modeling scenarios were presented to a team of federal scientists assigned (at BP's request) to evaluate the Top Kill efforts as well as discussed at a daily meeting attended by BP and federal officials, including the Federal Incident Command for the Source Control Command Post. T. Hunter Tr. at 161; Deposition Exhibit 6245; R. Brannon Tr. at 70-71; Deposition Exhibit 10660; Deposition Exhibit 10679.

²⁰ D. Barnett Tr. at 322-323; O. Rygg Tr. at 204, 207 ("The junk shot hasn't anything to do with this -- this modeling.")

²¹ M. Mazzella Tr. at 115-116 ("The -- the bridging material is irrespective of the -- of flow.")

²² O. Rygg Tr. at 207; L. Herbst Tr. at 139.