



16451
22 Jun 2011

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MEMORANDUM

From: *T.A. Stutin, LTJG*
T.A. Stutin, LTJG
Environmental Section Chief

To: J.A. Hein, CAPT
FOSC

Subj: AUTHORITY OF FOSC TO DISAPPROVE THE ASSESSMENT OF HUMAN
HEALTH RISK ON LOUISIANA BEACHES PROPOSAL

Ref: (a) National Oil and Hazardous Substances Pollution Contingency Plan (NCP)
(40 CFR § 300.135)
(b) CGD8 memo 16451 dated 05 May 11
(c) Assessment of Human Health Risk on Louisiana Beaches proposal dated 11 May 11
(d) E-mail between Mr. Frank Csulak (NOAA Scientific Support Coordinator) and
CAPT Julia Hein (FOSC) dated 14 May 11
(e) Review of "Assessment of Human Health Risk on Louisiana Beaches" by Dr. Alan
Nye, Ph.D. from the Center for Toxicology and Environmental Health, L.L.C. dated
21 May 11
(f) Operational Science Advisory Team Summary Report for Fate and Effects of
Remnant Oil Remaining in the Beach Environment (OSAT-2) Annex F: Human
Health Considerations

1. **ISSUE:** This memo imparts the Federal On-Scene Coordinator's (FOSC) authority to not proceed with the terms of the "Assessment of Human Health Risk on Louisiana Beaches" document (the Plan) as proposed by the State of Louisiana and contained in reference (c).

2. **BACKGROUND:** The purpose of the Plan is to perform data collection and data use to assess the risk to human health from public beach use. The Plan was developed by the State of Louisiana, outside of the GCIMT Unified Command.

3. **DISCUSSION:** Reference (a) permits the FOSC to direct response efforts and encourages coordination with federal, state, local and private response agencies. Reference (b) designates you as the FOSC for this response. I note the following:

- a. On May 11, 2011, Louisiana submitted the Plan for review and consideration of approval. Members of the group which completed the Operational Science Advisory Team Summary Report for Fate and Effects of Remnant Oil Remaining in the Beach Environment (OSAT-2) were convened to review the Plan. Represented agencies and organizations included: the United States Environmental Protection Agency (EPA), the United States Geological Survey (USGS), the National Oceanic and Atmospheric Administration (NOAA), the United States Coast Guard (USCG), and BP scientific

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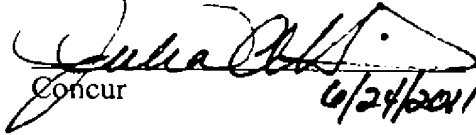
consultants. The OSAT-2 report sought to examine the following: the fate (degradation) and effects (toxicity) of both weathered and fresh oil residues remaining on, under or near the shoreline, and to create a tool to guide applicability of future oil residue removal operations. The OSAT-2 report focused on a "worst case evaluation" of human health risk as well as the environmental risk/potential effects from oil residue remaining in beach environments. The consensus of the OSAT-2 core group with respect to the Plan put forth by Louisiana, as summarized in references (d) and (e), is that the results of the proposed assessment would not provide additional value or benefit beyond the scope of the work that has already been completed and published.

- b. The OSAT-2 report was based on an approach developed by the Florida Department of Health. The risk assessment methodology utilized in the OSAT-2 report consists of chemistry of residual oil as empirical input and conservative exposure scenarios as the basis for human health risk assessment.
 - a. The OSAT-2 report analyzed 22 petroleum residual oil samples on the shorelines of Louisiana, Mississippi, Alabama, and Florida from October 2010 to January 2011. These samples were analyzed for chemicals known to persist in weathered petroleum residues such as polycyclic aromatic hydrocarbons (PAHs). The total risks from chemicals in each of the 22 samples were found to be less than the EPA acceptable excess lifetime cancer risk range of 1 in 10,000 to 1 in 1,000,000. In fact, the calculated risks were below the most conservative level of 1 in 1,000,000. In addition, the cumulative non-cancer risks for chemical concentrations detected in each of the 22 samples were less than the EPA recommended criteria for non-carcinogens. These results indicate that human health risks from both short and long-term exposures would not result in unacceptable health risks.
 - b. The OSAT-2 core group assumed a very conservative exposure rate of 42 percent coverage to a child for 24 hours, 120 days of the year for the rest of their life; it was determined that there was no risk and the child would remain below the EPA acceptable lifetime excess cancer risk.
- c. The FOSC has the concurrence of the GCIMT Environmental Section in not approving the Plan. The information sought through the completion of the Plan has been determined by the Environmental Section to be duplicative to the efforts of OSAT-2. Specifically, with the exception of using a somewhat different sampling methodology and focusing solely on the Louisiana shoreline, this effort would not improve the existing evaluation of the OSAT-2 Appendix F publication contained in reference (e).
- d. The authority listed in reference (a) permits the FOSC to disapprove the proposed Plan.

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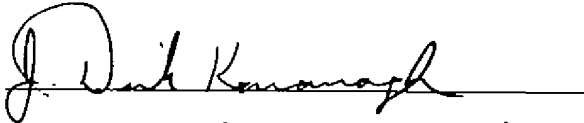
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4. **RECOMMENDATION:** Recommend that FOSC does not approve the Plan under the FOSC's authority as stated in reference (a).


Concur 6/24/2011

Do not concur _____

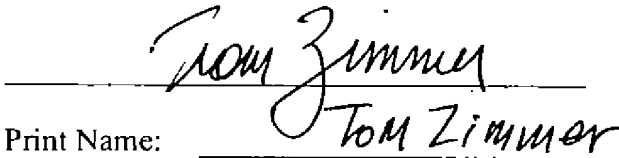
5. **SOSC ACKNOWLEDGMENT OF THE FOSC DECISION**



Print Name: Dirk Kavanagh

State On-Scene Coordinator for the State of Louisiana

6. **BP IC ACKNOWLEDGMENT OF THE FOSC DECISION**


Print Name: Tom Zimmer

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