



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

JAN 3 2013

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

Riki Ott, PhD.  
Earth Island Institute  
49393 US HWY 160  
Bayfield, CO 81122

Dear Dr. Ott:

Thank you for your Petition for Rulemaking dated November 14, 2012, to U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson requesting the Agency act to amend the National Oil and Hazardous Substances Contingency Plan, particularly Subpart J of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). I appreciate the concerns and suggestions outlined in your petition for rulemaking.

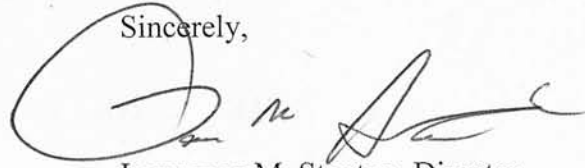
Over the past several years, the EPA has conducted research on improved laboratory protocols for dispersant and bioremediation agent efficacy. Revisions to the Subpart J requirements to address these new protocols were already being considered prior to the Deepwater Horizon oil spill. Lessons learned during this event provide a basis for additional considerations for revisions to the requirements for efficacy and toxicity testing of agents on the NCP Product Schedule.

The EPA is considering a proposed rulemaking to revise Subpart J and modifications to the way in which dispersants are tested and evaluated for listing on the NCP Product Schedule and to the procedures for authorizing the use of dispersants and other chemicals and spill mitigating substances in response to an oil discharge. Further, the Agency has already used information and lessons learned from the BP Deepwater Horizon oil spill to make recommendations for Area Committees and Regional Response Teams to revise Area Contingency Plans and Regional Contingency Plans respectively, until the Subpart J regulations are amended.

The revisions being considered are intended to increase the overall scientific soundness of the data and the availability of information on dispersants and other chemical and spill mitigating substances used to respond to oil discharges, including on the efficacy, toxicity, long-term environmental impacts and on other concerns raised during the Deepwater Horizon spill and as a result of recent research. We welcome your comments and those of concerned citizens and stakeholders on the proposed rule during the public comment period.

If you have further questions, please contact me or Craig Matthiessen, Director of the Regulatory and Policy Development Division, Office of Emergency Management at (202) 564-8016.

Sincerely,

A handwritten signature in black ink, appearing to read "L. M. Stanton". The signature is fluid and cursive, with a large initial "L" and "M".

Lawrence M. Stanton, Director  
Office of Emergency Management