**SAMPLE LETTER to GOVERNOR of a COASTAL STATE**

**If you would like help changing the highlighted sections to create your state letter,**

**please email:** **riki@alertproject.org**

**Steps to finalizing your letter**

1. Fill in the name and mailing address of your Governor
2. Add your state name
3. Find and add the plan’s name for your state (only sea coastal states are listed)

Regional plans determine dispersant use policies for multiple states in the plan.

Dispersant use policies are listed separately if they are separate documents.

States with seacoasts (EPA regions)

CT MA ME NH RI [Region 1 Regional Contingency Plan (RCP)](https://www.nrt.org/sites/38/files/2021%20Regional%20Contingency%20Plan.pdf)

 [RI and southeast MA Area Contingency Plan](https://homeport.uscg.mil/Lists/Content/Attachments/2471/2015%20RI%20and%20SE%20MA%20Area%20Contingency%20Plan.pdf)

 [ME/NH Area C-Plan](https://www.maine.gov/dep/spills/area_committee/pdf/ACP.pdf)

NJ NY [Region 2 RCP](https://www.nrt.org/sites/47/files/Final%20R2%20RCP%20Revised%20December%202020.pdf)

 [R2 Dispersant Policy MOU](https://www.nrt.org/sites/47/files/RRT2%20Final%20Dispersant%20MOU%20with%20South%20Jersey%20Extension.pdf)

DE MD VI [Region 3 RCP](https://www.nrt.org/sites/72/files/2019-11-20_Final_RRT3_%20RCP_rev1.pdf)

AL FL GA MS NC SC [Region 4 RCP](https://r4data.response.epa.gov/r4rrt/wp-content/uploads/2018/04/rcp.pdf)

 [R4 RCP Annex J Dispersant Use Policy](https://r4data.response.epa.gov/r4rrt/wp-content/uploads/2018/05/Annex-J-Oil-Spill-Countermeasures.pdf)

LA TX [Region 6 RCP Vol 1](https://response.epa.gov/sites/5083/files/Region%206%20Regional%20Contingency%20Plan%20--%20FINAL%20--%20December%2018%202019.pdf)

 [R6 RCP Vol 4 A11 Dispersant Use Offshore](https://response.epa.gov/sites/5083/files/Annex%2011%20--%20Region%206%20RRT%20Offshore%20Dispersant%20Pre-Authorization%20Plan%20--%20January%202001.pdf)

 [R6 RCP A12 Dispersant Use Near Shore](https://response.epa.gov/sites/5083/files/Annex%2012%20--%20Near%20Shore%20Dispersant%20Approval%20Process%20--%202005.pdf)

CA [Region 9 RCP](https://www.nrt.org/sites/114/files/.RCP%202019.2%20update%202021-07-16%20FINAL.pdf)

 [R9 RCP Dispersant Use Plan for California](https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=174368&inline)

HI [Region 9 Hawaii Area Contingency Plan](https://homeport.uscg.mil/Lists/Content/Attachments/64389/Homeport%20Loaded%20ACP%20DEC%202019.pdf)

OR, WA [Northwest Area Contingency Plan](https://www.rrt10nwac.com/nwacp/)

Alaska [Alaska Regional Contingency Plan](https://alaskarrt.org/PublicFiles/Alaska_RCP_V2_2022FEB.pdf)

 [R10 Dispersant Use Plan for Alaska](https://alaskarrt.org/PublicFiles/AK_Dispersant_Use_Guidelines.pdf)

States with no seacoasts but with dispersant use exceptions “to protect” human life, sensitive resources, aquifers, migrating birds, etc.

IL IN MI MN OH WI [Region 5 INLAND RCP](https://rrt5.org/RCPInlandZoneACP.aspx)

IA KS MO NE [Region 7 Integrated Contingency Plan](https://response.epa.gov/sites/6065/files/REGION%207%20INTEGRATED%20CONTINGENCY%20PLAN_February%202022.pdf)

CO MT ND SD UT WY [Region 8 INLAND RCP](https://www.nrt.org/sites/61/files/0%20Region%208%20RCP%20Main%20Text_Update_September%202020%20FINAL%20signed.pdf)

1. Add your state name in the last paragraph
2. Circulate for sign on with invited signatories (allow about 2 weeks if possible)
3. Add confirmed signatories with city, state and email
4. Once finalized, add the date
5. DELETE this page of instructions
6. Email and mail your letter
7. **Please share a copy with** **riki@alertproject.org**

DATE

Governor NAME

MAILING ADDRESS

CITY, STATE ZIP CODE

Dear Governor NAME,

 We, NAME of STATE state residents, are part of a national campaign to restrict and eventually ban use of oil dispersants in waters of the United States. Specifically, we are asking you to require your agencies that are involved with federal oil spill contingency planning and response in our state, NAME OF PLANS, to:

1. Ban use of toxic dispersants in our state waters with no exceptions;
2. Work with Tribes who have Treaty Rights in NAME of state to assume control of decisions about dispersant use in their usual and accustomed areas; and
3. Require that dispersants only be approved on a case-by-case basis in adjacent federal waters with citizen-informed State and Tribal consensus.

*State action is necessary to protect state residents from toxic dispersants until federal laws are changed to ban dispersants outright.* Even though all the coastal states of the United States have updated their oil spill contingency plans (“Plans”) within the past decade, *none* have based their Plans on the latest science. This is a critical omission.

The latest science on effects of the 2010 BP Deepwater Horizon (BP DWH) oil spill on workers, including U.S. Coast Guard responders and Gulf Coast residents, found molecular and cellular damage associated with neurological damage and brain impairment, respiratory diseases, blood disorders and cancers, heart damage, and more, from oil spill exposures.[[1]](#footnote-1) Consistently, studies found oil-dispersant exposures caused more harm than exposures to oil alone. Other BP-related studies found oil spill exposures were linked with increased incidence of low birth weight and premature born infants, with more pronounced adverse infant health outcomes for black, Hispanic, unmarried, less educated, and younger mothers.[[2]](#footnote-2) Similar disease progression, genetic damage, reproductive dysfunction, and long-term harm from BP oil spill exposures are also occurring in dolphins.[[3]](#footnote-3)

The latest science on fate (distribution) of oil and chemically-dispersed oil after the BP disaster reveals why people, including infants and children, and dolphins are sick. Aerial spraying of dispersants turned surface oil into a toxic mist – tiny droplets of chemically-dispersed oil (i.e., oil and dispersant combined) that traveled farther and penetrated more deeply into the lungs of humans and marine mammals than naturally dispersed oil.[[4]](#footnote-4) These tiny droplets traveled over 80 miles inland – 120 miles from the offshore source – and presented a public health risk during the five months of peak emissions, at least in southeastern Louisiana.[[5]](#footnote-5) Experimental subsea release of dispersants into the oil jetting out of the broken wellhead did not reduce the amount of volatile organic compounds rising to the surface, and thereby mitigate harm to surface workers, as initially claimed by BP and the Incident Command. Subsequent analyses of field data found that the distribution of oil from depth to surface was mechanically-dispersed by pressure, temperature, and gravity and that only about 5 percent of the liquid oil became part of a stable, neutrally buoyant, oil-contaminated deep water infusion layer of that remained at depth.[[6]](#footnote-6) Chemically-dispersed oil also: greatly accelerated sinking of oil, resulting in an “unexpected, and exceptional accumulation of oil on the seafloor”; persisted over time and was widely distributed at depth and along the seashore; inhibited or delayed oil-degrading bacteria; and caused rapid shifts in microbial community structure, in some cases leading to initiation of red tide dinoflagellate blooms.[[7]](#footnote-7)

In short, the latest science calls for reassessing the fundamental question of dispersant use in the deep sea, on the sea surface, in large quantities, and in coastal waters. Despite unprecedented use of dispersants during the BP DWH oil disaster, unprecedented amounts of chemically-dispersed oil wound up everywhere it wasn’t supposed be – in the air, on the ocean bottom, on public beaches, in sensitive coastal habitats, and ultimately inside humans and wildlife with deadly consequences.

States rely on the EPA for accurate and timely information. EPA writes the rules governing dispersant use that frame the National Continency Plans, from which the regional and area plans are derived, in this top-down process. Yet EPA has not kept the national plan updated, based on the latest science. This means that all derivative plans, including our state’s area plan, are based on extremely outdated science that still promotes dispersant use in the since-disproven understanding that such use will mitigate harm to humans and wildlife.

EPA is currently under court order and court supervision to finalize its 28-year-old rules by May 31, 2023.[[8]](#footnote-8) However, as of this writing, EPA has not responded to a citizens’ petition to supplement its proposed rule with the latest science, nor to an oversight letter from U.S. Sen. Markey and Reps. Barragán and Khanna, probing why EPA has not used the latest science.[[9]](#footnote-9)

Given the current failure of leadership from EPA, it is necessary for states to take leadership to protect their citizens from use of toxic dispersants during oil spill responseuntil Congress acts to hold EPA *ac*countable for protecting waters of the United States.

Governor NAME, this is why we are asking you to ban use of oil dispersants in state waters with no exceptions, not even for the federal On-Scene Commander as there is no situation in which use of dispersants will prevent or substantially reduce a hazard to human life or the environment when dispersants themselves *contain human health hazards.* Further, we are asking you to require that dispersants will only be approved on a case-by-case basis in adjacent federal waters with citizen-informed State and Tribal consensus.

Governor, the Makah Tribe in northwest Washington controls decisions about dispersant use in its Usual and Accustomed Area from the shore out to 200 miles. Surely other federally-recognized Tribes that live within NAME of STATE should exercise this same right. We avail upon you to offer all citizens of NAME of STATE state the same protection from these deadly chemical products!

Sincerely,

SIGNATORIES, each followed by a CITY, STATE and ZIP CODE

1. For a more extensive discussion of fate and effects, see the ALERT petition to EPA to supplement its proposed rule governing dispersant use with the latest science. <https://alertproject.org/comments-testimonies/>

 D’Andrea MA, Reddy GK. The development of long-term adverse health effects in oil spill cleanup workers of the BP DHOS offshore drilling rig disaster. 2018 *Front Public Health* 6:117. [doi: 10.3389/fpubh.2018.00117](https://www.frontiersin.org/articles/10.3389/fpubh.2018.00117/full)

 Denic-Roberts H, Rowley N, Haigney MC, Christenbury K, Barrett J, Thomas DL, Engel LS, Rusiecki JA. Acute and longer-term cardiovascular conditions in the [BP DWH] oil spill Coast Guard cohort. 2022 *Environ Internat* 158: [doi.org/10.1016/j.envint.2021.106937](https://doi.org/10.1016/j.envint.2021.106937)

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2. Beland, L.-P., Oloomi, S. 2019. Environmental disaster, pollution, and infant health: Evidence from the [BP] Deepwater Horizon oil spill. 2019 *J Environmental Economics and Mgmt* Nov 98:102265. [doi.org/10.1016/j.jeem.2019.102265](https://doi.org/10.1016/j.jeem.2019.102265) [↑](#footnote-ref-2)
3. Morey JS, Balmer BC, Zolman ES, + 6. Transcriptome profiling of blood from common bottlenose dolphins (*Tursiops truncates*) in the northern Gulf of Mexico to enhance health assessment capabilities. 2022 *PLoS ONE* 17(8):eo272345 [doi: 10.1371/journal.pone.0272345](https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0272345) [↑](#footnote-ref-3)
4. Afshar-Mohajer N, Lam A, Dora L, Katz J, Rule AM, Koehler K. Impact of dispersant on crude oil content of airborne fine particulate matter emitted from seawater after an oil spill. 2020 *Chemosphere* 256: 127063. [doi: 10.1016/j.chemosphere.2020.127063](https://pubmed.ncbi.nlm.nih.gov/32438130/) [↑](#footnote-ref-4)
5. Middlebrook AM, Murphy DM, Ahmadov R, +25, and Ravishankara AR. Air quality implications of the Deepwater Horizon oil spill. Proceedings of the National Academy of Sciences. 2012. *Phys Sci;* 109: 20280–5. [doi:10.1073/pnas.1110052108](https://www.pnas.org/doi/10.1073/pnas.1110052108)

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6. Paris CB, Berenshtein I, Trillo ML, +4, Joye SB. BP Gulf Science Data reveals ineffectual subsea dispersant injection for the Macondo blowout. 2018 *Front Mar Sci* 5:389 [doi.org/10.3389/fmars.2018.00389](https://www.frontiersin.org/articles/10.3389/fmars.2018.00389/full)

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8. *Earth Island/ALERT et al. v. EPA* (3:20-cv-00670-WHO). Case filings here: <https://alertproject.org/lawsuits/> [↑](#footnote-ref-8)
9. Access the 6/23/22 ALERT petition here: <https://alertproject.org/comments-testimonies/>

 Access the 6/29/22 congressional oversight letter here: <https://alertproject.org/court-case-perks-congressional-interest-and-oversight-epas-second-status-report-reveals-intent-to-finalize-rule-without-current-science/> [↑](#footnote-ref-9)