



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

September 20, 2022

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

The Honorable Edward J. Markey  
United States Senate  
Washington, D.C. 20510

Dear Senator Markey:

Thank you for your letter of July 28, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the regulations governing the use of dispersants and other agents in response to oil spills under Subpart J of the National Contingency Plan (NCP).

In 2015, the agency proposed amendments to Subpart J of the NCP to ensure that chemical and biological agents meet rigorous efficacy and toxicity requirements, that product manufacturers provide important use and safety information, and that the response community is equipped with the proper information to authorize and use products in a safe, judicious, and effective manner. In 2021, the EPA finalized several provisions in the 2015 proposal, establishing new monitoring requirements for dispersant use in response to major oil discharges and to certain atypical dispersant use situations. The agency is currently working to issue a final action for the remaining proposed provisions by the court-ordered deadline of May 31, 2023.

In your letter, you emphasized the importance of considering current science in relation to dispersant use. The EPA continues its commitment to using sound science to guide its policies and regulatory actions. Additionally, the agency continues to coordinate with our National Response Team (NRT) interagency partners to address broader oil spill preparedness and response issues, including how to best minimize the potential for long-term environmental and health impacts resulting from an oil spill and the associated response activities.

Your letter also highlighted the need to involve potentially affected communities in oil spill preparedness and response planning. The NCP regulations provide for participation from local agencies and officials in oil spill planning and preparedness activities. Further, the general public is able to participate through regular meetings of the Area Committees and the Regional Response Teams; announcements for these can be found in the [NRT Regional Response Teams](#) website by accessing the page for the region of interest. These opportunities allow the public to highlight issues for consideration and bring community perspectives into planning and preparedness efforts.

Regarding the information you requested specific to the 2021 oil spill off the coast of Orange County, California, please note that the U.S. Coast Guard served as the Federal On-Scene Coordinator and as the

Unified Command lead for that event. We defer to USCG as the best source for any relevant information regarding that response.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Raquel Snyder in the EPA's Office of Congressional and Intergovernmental Relations at [snyder.raquel@epa.gov](mailto:snyder.raquel@epa.gov) or at (202) 564-9586.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B. N. Breen', followed by a long horizontal line extending to the right.

Barry N. Breen  
Acting Assistant Administrator



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WASHINGTON, D.C. 20460

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OFFICE OF  
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The Honorable Nanette Diaz Barragán  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congresswoman Barragán:

Thank you for your letter of July 28, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the regulations governing the use of dispersants and other agents in response to oil spills under Subpart J of the National Contingency Plan (NCP).

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Barry N. Breen  
Acting Assistant Administrator



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OFFICE OF  
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MANAGEMENT

The Honorable Ro Khanna  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Congressman Khanna:

Thank you for your letter of July 28, 2022, to U.S. Environmental Protection Agency Administrator Michael S. Regan, regarding the regulations governing the use of dispersants and other agents in response to oil spills under Subpart J of the National Contingency Plan (NCP).

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Barry N. Breen  
Acting Assistant Administrator