

DATE, 2024

YOUR State Lead Agency for oil spill response: find here by state.

EXAMPLE: WA

DEPARTMENT: Washington Department of Ecology

INDIVIDUAL: Attn: Carlos Clements, Program Manager, Oil Spill Prevention and Response

EMAIL: carlos.clements@ecy.wa.gov

Requests for immediate action regarding oil spill response products to:

- (1) Refuse to use the discontinued oil dispersants Corexit 9527A and Corexit 9500A as a matter of liability, effective immediately, and revoke state approval of preauthorization of these products *in federal waters adjacent to state waters*,
- (2) Engage in decision-making with federal partners regarding dispersant use in *state waters and adjacent federal waters*, as part of Area and Regional Contingency Plans; and
- (3) Adopt a precautionary approach regarding dispersant use, as part of Area and Regional Contingency Plans, effective immediately and until the new Product Schedule is updated with safer, less toxic products on December 12, 2025.

EXAMPLE

Dear Mr. Clements,

I am writing as a concerned citizen regarding use of Corexit dispersants 9527A and 9500A in state waters and adjacent federal waters. [PERSONALIZE LETTER: Explain in 3-4 sentences WHO you are and why YOU care about this issue. Do you live at or near a coast? Does your family take vacations or recreate at a coast? Have YOU experienced harm to health during an oil spill response where Corexit dispersants were used? If so, describe briefly how this changed your quality of life.]

As the lead agency for the state on oil spill prevention, preparation, and response, you and your team are responsible for development, implementation, and updating Area Contingency Plans (ACPs) in collaboration with federal partners. I have three concerns regarding use of oil dispersants Corexit 9727A and Corexit 9500A that require immediate attention.

First, these Corexit dispersants are allowed under the ACP for oil spill response in state waters and adjacent offshore federal waters. However, these products have been discontinued by the Manufacturer, effective November 2022. While existing stockpiles of these products remain available for use, a formal delisting request has been initiated with EPA to remove these dispersants from the NCP Product Schedule, effective immediately, on the grounds that the Manufacturer has provided statements to the EPA on its Safety Data Sheets that are misleading,

inaccurate, outdated, or incorrect regarding product use to control oil spills and, further, that the manufacturer has failed to provide new or relevant information concerning the impacts or potential impacts of the product to human health or the environment.

As you know, the EPA does not *require* use of these Corexit products. It is the state lead agency and the federal co-chairs of the Regional Response Team (the EPA and US Coast Guard) that decide what dispersants are to be used, if any, during an oil spill response. Federal or state authorization of use of these Corexit dispersants transfers the responsibility for harm to human health and the environment to the authorizing entities. While this has always been the case, this liability is now considerable, given that Manufacturer has discontinued making and selling these products and no longer supports the product registration material such as Safety Data Sheets that EPA relies on to determine whether products should be listed for use.

**Given this, I request that** the lead agency on oil spill matters refuse to use the discontinued oil dispersants Corexit 9527A and Corexit 9500A in state waters as a matter of liability, effective immediately, and revoke state approval of preauthorization of these products *in federal waters adjacent to state waters*.

Second, to accomplish the first request, it is necessary for the state to engage in decision-making with its federal partners, the RRT co-chairs. It was abundantly clear during the 2010 BP Deepwater Horizon oil disaster that state lead agencies must participate actively in decisions regarding dispersant use in federal waters adjacent to the state waters. Despite use of nearly two million gallons of these Corexit dispersants in the deep sea and on the sea surface offshore for nearly three months, the oil-dispersant mixture entered state waters and came ashore where encounters with workers and the public resulted in grievous and debilitating long-term harm.

All too often, states have deferred to their federal partners on the matter of offshore dispersant use. No more. The state, not the US Coast Guard or EPA, is not responsible for public health of state residents and citizens. What happens offshore during oil spills can affect public health onshore. **Given this, I request that** the state lead agency engages in decision-making with federal partners regarding dispersant use in *state waters and adjacent federal waters* as part of the planning process for Area Contingency Plans and Regional Contingency Plans.

Third, it is necessary to adopt a precautionary approach regarding dispersant use for several reasons. The current rules governing dispersant use allow for products that were listed on the NCP Product Schedule when the rules went into effect on December 11, 2023, including these Corexit dispersants, to remain available for use until December 2025 when a new Product Schedule is published (40 CFR § 300.955). Yet the post BP disaster science and human experience with respiratory and skin contact with Corexit dispersants consistently showed that oil-dispersant mixtures consistently caused more harm to people and wildlife than oil alone.

For example, key studies found that these Corexit dispersants are potent respiratory and skin sensitizers that cause chronic breathing difficulties and reoccurring skin rashes; potent carcinogens that trigger multiple cancer pathways; potent neurotoxins that cause brain damage such as central sensitization (hypersensitivities to smells, sounds, and light, often associated with migraines); and potent teratogens that disrupt development of fetuses. These dispersants also cause specific damage to the blood, respiratory, and cardiovascular systems, the peripheral nervous system, causing numbness and pain in the hands and/or feet, and the central nervous system, affecting memory, emotions, behavior, and loss of tolerance to chemicals, sound, and light.

**Given this, I request that** the state lead agency adopt a precautionary approach regarding dispersant use in *state waters and adjacent federal waters*, as part of Area and Regional Contingency Plans, effective immediately and until the Product Schedule is updated with safer, less toxic products on December 12, 2025. The precautionary guidelines for product use, recommended by The ALERT Project, are attached for your consideration.

ALERT's report and August 2024 petition are incorporated by reference as support for this letter requesting the **NAME of YOUR state lead agency** to advocate, develop, and implement precautionary guidelines for dispersant use *in state waters and adjacent federal waters* that, at a minimum, prohibit use of these Corexit dispersants, effective immediately.

Sincerely,

**YOUR NAME**

**City, State**

**email address**

cc:

**YOUR State Governor: Find here by state.**

**EXAMPLE: WA**

Governor Jay Inslee  
Office of the Governor  
PO Box 40002  
Olympia, WA 98504-0002

**YOUR Regional Response Team co-chairs: Find here by state.**

**EXAMPLE: WA**

RRT 10 EPA co-chair  
Beth Sheldrake  
sheldrake.beth@epa.gov

RRT 10 US Coast Guard co-chair  
Capt. Brian McLaughlin  
brian.j.mclaughlin@uscg.mil

**Table 3. Precautionary guidelines for product use**

Source: ALERT, 2024. An Opportunity to Make It Right. Relating to the Policy and Science of Oil Spills, Dispersant Use, and Human Health. <https://alertproject.org/wp-content/uploads/2024/02/ALERT240212-Opportunity-FINALrev.pdf>

Applies to:	No.	Guideline description
Any product	<b>Restrictions on use</b>	
	P-1	Product use must be considered on a case-by-case basis in cooperation with states and Tribes. If there is a conflict with other guidelines, e.g., P-4, the guideline with the most precautionary approach applies.
	P-2	Once a delisting process for a product is initiated under § 300.970, then that product must not be used until the outcome of the delisting process is settled, including any related lawsuits.
	P-3	Products must not be used if there is no written and approved plan for disposal of inventory should the product be delisted or not pass the new relisting requirements by Dec. 12, 2025.
Dispersants	<b>Restrictions on use</b>	
	P-4	<b>No use of Corexit dispersants 9500 &amp; 9527</b> , given the overwhelming evidence from animal and human studies that these dispersants can cause damage in multiple systems from the cellular to the organism level, including cancers of the lungs and blood.
	P-5	<b>No use</b> of dispersants in waters within territorial seas from the mean low-water mark seaward to 12 nautical miles (nm) and in water depths less than 400 ft (about 120 m).
	P-6	<b>No use</b> of dispersants in subsea waters or in waters colder than 5°C.
	P-7	<b>No use</b> of dispersants on offshore surface waters seaward of 12 nm.
	<b>Accountability for use</b>	
	P-8	Only consider a dispersant for use if supplemental testing data, monitoring data, and other information specified in the current standards are available, provided, <i>and address</i> area- and ecosystem-specific concerns relative to product use in waters of intended use.
	P-9	Any dispersant use must include environmental monitoring. If environmental monitoring finds such use increases the rate of sinking the spilled oil (fresh or weathered), product use must halt, pending consideration and consensus of local, state, and regional planners on next steps.
	P-10	Any dispersant use must include incident-specific, symptom-based health monitoring of on-site field workers and the exposed public.
	P-11	Any dispersant use must include chain-of-custody accounting with records of storage areas, staging areas, decontamination areas, and use.
	P-12	Manage oil spill wastes generated from offshore oil and gas exploration and production as non-exempt mixed hazardous wastes, especially if any dispersants are used, and in accordance with environmental justice principles.