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April 20, 2012

The Honorable Jane Lubchenco
Undersecretary for the Oceans and Atmosphere and
Administrator, National Oceanic and Atmospheric Administration
U. S. Department of Commerce
1401 Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Administrator Lubchenco,

I write to request information relating to the long-term impacts on seafood resulting from exposure to oil and chemical dispersants following the BP Deepwater Horizon disaster. Two years after the explosion aboard the *Deepwater Horizon* drilling rig and the resulting largest oil spill in this country, there continue to be questions raised regarding the long term impacts on seafood caught in the Gulf of Mexico. Recent reports from the Gulf have indicated that market valued species of fish, such as grouper and red snapper and invertebrates, such as shrimp and crab, have increasing occurrences of lesions and deformities including missing eyes[1]. Given the time since the oil spill, these deformities are not thought to be a result of acute toxicity; instead they are believed to be consistent with genetic defects that are now impacting new generations of species born in the Gulf waters.

While the Food and Drug Administration (FDA) and the National Oceanic and Atmospheric Administration (NOAA) continue to assert seafood from the Gulf of Mexico is adequately tested and safe for human consumption, recent analyses have called into question the methods the federal government used to analyze safety. One of these studies claim that the assumptions and criteria that the FDA and NOAA used to determine safety and to open Gulf waters for commercial fishing significantly underestimated the risk to certain populations, including women and children.[2] Other reports contend that the government seafood testing

[1] See for example: http://www.cbsnews.com/8301-205_162-57416414/sick-deformed-fish-spotted-after-bp-gulf-of-mexico-oil-spill/

[2] Rotkin-Ellman M, Wong KK, Solomon GM, 2011 Seafood Contamination after the BP Gulf Oil Spill and Risks to Vulnerable Populations: A Critique of the FDA Risk Assessment. Environ Health Perspect 120(2)

program focused on ensuring the seafood was free of crude oil components and overlooked other harmful chemicals, such as those that were used in dispersants.[3] These studies and reports call into question the methodology FDA used in determining whether seafood from the Gulf was safe for fishing and for eating.

The Gulf of Mexico's economy depends on healthy coastal and ocean ecosystems supporting 13 of the top 20 leading ports in 2009 for seafood tonnage. In 2008 alone, the Gulf region's commercial fishing industry, including fishermen, seafood wholesalers, processors and retailers, generated more than $10.5 billion in sales and more than 200,000 jobs. Continued comprehensive monitoring of seafood is critical for public health, but also vital to maintaining vibrant coastal economies.

Since the *Deepwater Horizon* disaster, scientists across the federal government and in private enterprise have been working diligently to understand the environmental and human health implications of this catastrophe. To better understand NOAA's progress and plans to ensure seafood safety and Gulf ecosystem health, I ask for your response to the following questions:

1. Has NOAA conducted any long term impact studies on market valued species in the Gulf of Mexico and the consequent impact on seafood safety? If so, what did the agency find?

2. A study released in March confirmed that oil from the Macondo well is present in small invertebrates that serve as food for shrimp and fish.[4] Does the agency have plans to develop a long-term sampling program to monitor the ecosystem impacts of the oil spill that would include comprehensive surveillance of oil contaminants in the food chain and the potential impacts to human health?

3. Did the agency investigate the reports of increased lesions and deformities in Gulf Seafood? If so, what did the agency find? If not, why not?

4. Now that the immediate Deepwater Horizon disaster is over and all waters in the Gulf of Mexico are open for commercial fishing, what is the agency's role in proactively studying seafood safety in the Gulf of Mexico and determining whether caught seafood remains safe for human consumption?

5. Please provide a list and details of all studies on the chronic impacts of oil and dispersant from the *Deepwater Horizon* spill on market valued organisms and their habitats.

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[3] http://www.msnbc.msn.com/id/40494122/ns/us_news-environment/t/panel-challenges-gulf-seafood-safety-all-clear/#.T5BegqEpPcc

[4] *Macondo-1 well oil-derived polycyclic aromatic hydrocarbons in mesozooplankton from the northern Gulf of Mexico*, Geophysical Research Letters, Vol. 39, 2012

6. Please explain how these recent findings will be incorporated into the NRDA process and how the full cost of these damages will be quantified.

7. Given the impact of the recent reports and scientific studies regarding seafood and other wildlife in the Gulf region, what additional work needs to be done to address the ecosystem and human health implications of the *Deepwater Horizon* oil spill?

Thank you for your assistance and cooperation in this matter. I request that you provide a full and complete response within 15 working days or no later than May 11, 2012. Should you have any questions about this request, please have your staff contact Dr. Heidi Geisz or Dr. Avenel Joseph of the Natural Resources Committee Democratic staff at (202) 225-6065.

Sincerely,

Edward J. Markey
Ranking Member
Committee on Natural Resources