

- [Home](#)
- [About Us](#)
- [Site Map](#)
- [Contact](#)

[Water Log](#)

[Other Publications](#)

[Advisory Services](#)

[Slide Shows](#)

[Coastal Links](#)



Groups Petition EPA to Make Rules on Dispersant Use

Nicholas Lund, J.D.

In the wake of the spill, BP poured nearly two million gallons of chemical dispersants into the Gulf of Mexico. The dispersants, primarily a chemical called Corexit, help break large blobs of oil into smaller bits that sink more quickly – and are thus less likely to wash onshore – and are more readily eaten by bacteria. What is clear is that the dispersants did their job: far less oil has washed up on Gulf beaches than feared. What is not clear is what other effects the massive use of dispersants will have on human and ecosystem health. Seeking to force the EPA to find answers to these questions before dispersants can be used again, a coalition of environmental organizations, shrimpers and community groups led by Earthjustice filed a petition asking the Agency to formulate rules on how the chemicals can be used in the future.

The widespread use of chemical dispersants began in Alaska following the Exxon-Valdez spill. In the years since that clean-up effort, health problems including liver and kidney disorders have been blamed on worker exposure to the chemicals. A number of Alaskan environmental and health groups joined in the Earthjustice petition. In the Gulf, some workers have experience respiratory problems potentially linked to exposure to the dispersants, which were sprayed from airplanes and pumped below the sea. Additionally, little is known about the long-term effects of the chemicals on marine life. The National Commission on the BP Oil Spill acknowledged the government's lack of knowledge of dispersant effects, admitting that “[l]ittle or no prior testing had been done on the effectiveness and potential adverse environmental consequences of subsea dispersant use, let alone at [high] levels.”¹

The Earthjustice coalition's petition asks the EPA to develop rules on exactly how and when dispersants can be used in future spills. It also asks the agency to require companies that develop the chemicals to disclose ingredients and to better test the chemicals for toxicity. The coalition also sent the EPA a 60-day notice of intent to sue for violations of the Clean Water Act. The coalition claims that the EPA has failed to perform its nondiscretionary duty of publishing “a schedule identifying the water in which dispersants ... may be used” and “the quantities at which such dispersants ... can be used safely.”² Under the Clean Water Act, the EPA is required to develop National Contingency Plan (NCP) for oil spill clean-ups which includes a schedule laying out the types of dispersants used, the waters they are allowed in, and the quantities of chemicals permitted.³ The EPA's failure to develop this schedule, Earthjustice claims, led to “confusion, concern, and uncertainty” during the spill response.

Endnotes

1. Nat'l Comm'n on the BP Deepwater Horizon Oil Spill and Offshore Drilling, *Use of Surface and Subsea Dispersants During the BP Deepwater Horizon Oil Spill 1* (2010) *available at*: <http://www.oilspillcommission.gov/document/use-surface-and-subsea-dispersants-during-bp-deepwater-horizon-oil-spill>.
2. See Press Release, Earthjustice, *How Toxic are Oil Dispersants? Groups Press EPA to Find Out Before Next Spill*, Oct. 13, 2010 *available at*: <http://www.commondreams.org/newswire/2010/10/13-6>. The EPA's duty to set a schedule and quantities of dispersal use are required under 33 U.S.C. § 1321(d)(2)(C)(ii) (2006) and § 1321(d)(2)(C)(iii) (2006), respectively.

required under 33 U.S.C. § 1321(d)(2)(G)(ii) (2006) and § 1321(d)(2)(G)(iii) (2006), respectively.
3. 33 U.S.C. § 1321(d)(2)(G)(i)-(iii) (2006).

Recommended citation: Nicholas Lund, *Groups Petition EPA to Make Rules on Dispersant Use*, 30:4 WATER LOG 11 (2010).

Phone (662) 915-7775 • Fax (662) 915-5267 • 256 Kinard Hall, Wing E, University, MS 38677-1848

[Sitemap](#) • Please report any broken links or other problems to the [Webmaster](#)

[University of Mississippi](#)