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JUSTICE NEWS

### Attorney General Eric Holder Speaks at the BP Press Conference

New Orleans ~ Thursday, November 15, 2012

Good afternoon. I'm honored to join with Associate Attorney General Tony West; Assistant Attorney General Lanny Breuer, of the Justice Department's Criminal Division; Director Robert Khuzami, of the Securities and Exchange Commission's Division of Enforcement; John Buretta, head of the Deepwater Horizon Task Force; and many of the Task Force's members – in announcing the latest steps forward in our ongoing efforts to achieve justice for those whose lives, and livelihoods, were impacted by the largest environmental disaster in our nation's history – and to hold accountable those who bore responsibility for this tragedy.

Today, in U.S. District Court here in the Eastern District of Louisiana, the Department filed a 14-count information charging BP with 11 counts of felony manslaughter, one count of felony obstruction of Congress, and violations of the Clean Water and Migratory Bird Treaty Acts in connection with the *Deepwater Horizon* oil spill that began in April 2010. BP has agreed to plead guilty to all 14 criminal charges – admitting responsibility for the deaths of 11 people and the events that led to an unprecedented environmental catastrophe. The company also has agreed to pay \$4 billion in fines and penalties.

This marks both the single largest criminal fine – more than \$1.25 billion – and the single largest total criminal resolution – \$4 billion – in the history of the United States. It stands as a testament to the hard work of countless investigators, attorneys, support staff members, and other personnel – from the *Deepwater Horizon* Task Force and a range of federal, state, and local agencies – who have worked tirelessly to advance a complex and wide-ranging investigation that began even before the oil well was capped. And it constitutes a major achievement toward fulfilling a promise that I made here in New Orleans, along with my colleagues, nearly two years ago: to engage with our partners and counterparts to determine the causes of this disaster; to respond to its consequences; to seek justice on behalf of its victims; and to enable Gulf Coast residents to continue to recover and rebuild.

To this end, under the terms of the agreement we announce today, about \$2.4 billion of the criminal recovery funds will be dedicated to environmental restoration, preservation, and conservation efforts throughout this region – including barrier-island creation and river diversion projects right here in Louisiana. An additional \$350 million will aid in the development of state-of-the-art oil spill prevention and response technologies, education, research, and training. And more than \$1 billion will go to the U.S. Coast Guard's Oil Spill Liability Trust Fund, to be available for cleanup – and compensation for those affected by – oil spills in the Gulf and throughout the United States.

As part of its guilty plea, BP will retain a monitor – for four years – who will oversee safety, risk management and equipment maintenance in relation to deepwater drilling in the Gulf, as well as an independent auditor who will conduct annual reviews to ensure compliance with the terms of this agreement. The company will also hire an ethics monitor to improve its code of conduct and foster robust cooperation with the government.

There can be no question that this historic announcement represents a critical step forward – and underscores the Justice Department's determination to stand with Gulf Coast communities. In February, this same commitment led the Department to reach a partial settlement – totaling \$90 million – with MOEX Offshore, related to that company's Clean Water Act liability for the *Deepwater Horizon* disaster. Approximately \$45 million of this total will go directly to the Gulf, in the form of penalties or expedited environmental projects.

But our work is far from over. In the trips that my colleagues and I have made to the Gulf Coast since the *Deepwater Horizon* spill, we've seen the damage – to lives and businesses, as well as coastal areas and wetlands – that this tragedy has inflicted. We understand the tremendous costs, both economic and environmental, that have been associated with this disaster. And we've been inspired by the resilience displayed by each and every Gulf Coast resident who's been affected.

That's why I want to be absolutely clear that today's resolution does not mark the end of our efforts. In fact, our criminal investigation remains ongoing – and we'll continue to follow all credible leads and pursue any charges that are warranted.

In fact, in addition to the charges filed against BP, a federal grand jury returned an indictment charging the two highest-ranking BP supervisors who were on board the *Deepwater Horizon* on the day of the explosion with 23 criminal counts – including 11 counts of seaman's manslaughter, 11 counts of involuntary manslaughter, and alleged violations of the Clean Water Act. The grand jury also charged a former BP executive – who served as a deputy incident commander and BP's second-highest ranking representative at Unified Command during the spill response – with hiding information from Congress and allegedly lying to law enforcement officials.

These and other matters remain open, including a separate civil action that's pending in federal court here in New Orleans. We're looking forward to the trial – which is scheduled to begin in February of next year – in which we intend to prove that BP was grossly negligent in causing the oil spill. In that lawsuit, we are seeking civil penalties and a judgment that BP and others are liable for removal costs

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and natural resource damages – exposure that could amount to billions of dollars. Though we have been unable to date to resolve the civil case, we remain as determined as ever to hold those responsible accountable. In addition, my colleagues and I are firmly committed to combating oil-spill fraud by investigating and prosecuting those who attempt to reap criminal profits from such a terrible tragedy.

Once again, I want to thank each of the Task Force members, Justice Department leaders, local officials, critical agency partners, and Gulf Coast residents who have contributed to this work and made today's historic announcement possible. And now, I'd like to turn things over to another key leader – Assistant Attorney General Lanny Breuer – who will provide additional details about today's action.

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JUSTICE NEWS

**Assistant Attorney General Lanny A. Breuer Speaks at the BP Press Conference**

NEW ORLEANS ~ Thursday, November 15, 2012

Thank you, Attorney General Holder.

In April of 2010, the nation witnessed an unimaginable tragedy, when the Deepwater Horizon oil rig exploded in the Gulf of Mexico. Eleven people onboard the rig died, and oil began pouring out of the Macondo well, and onto the sea floor, for months, causing immense damage to the Gulf region and to our ecosystem.

The communities here in New Orleans, and around the Gulf, have waited patiently for justice to be done. Today, their wait is over.

The Deepwater Horizon Task Force filed a 14-count information and guilty plea agreement, in New Orleans federal court earlier today. The information charges BP Exploration and Production Inc. with 11 counts of felony manslaughter; violations of environmental laws, including the Clean Water Act and Migratory Bird Act; and obstruction of Congress. BP has agreed to plead guilty to each of these 14 counts and to pay the highest criminal fine in U.S. history.

Perhaps the greatest tragedy is that the deaths of the 11 men onboard the Deepwater Horizon could have been avoided. The explosion of the rig was a disaster that resulted from BP's culture of privileging profit over prudence; and we allege that BP's most senior decisionmakers onboard the Deepwater Horizon negligently caused the explosion. We hope that today's acknowledgement by BP of its misconduct – through its agreement to plead guilty to 11 counts of felony manslaughter – brings some measure of justice to the family members of the people who died onboard the rig.

As the oil spill continued, BP made a tragic situation worse: it began misleading Congress and the American people about how much oil was pouring out of the Macondo well. As BP now admits, in responding to Congress, the company lied and withheld documents, in order to make it seem as though less damage was being done to the environment than was actually occurring. Acknowledging those lies, BP has agreed to plead guilty to felony obstruction of Congress.

Make no mistake: While the company is guilty, individuals committed these crimes. And we have also unsealed today a 23-count indictment charging BP's two highest-ranking supervisors onboard the Deepwater Horizon with manslaughter and violation of the Clean Water Act. The indictment charges these two BP well site leaders with negligence, and gross-negligence, on the evening of April 20, 2010. In the face of glaring red flags indicating that the well was not secure, both men allegedly failed to take appropriate action to prevent the blowout.

A separate indictment was also unsealed today charging a former senior BP executive, David Rainey, with obstructing a congressional investigation and making false statements to law enforcement officials. The indictment alleges that Rainey, on behalf of BP, intentionally underestimated the amount of oil flowing from the Macondo well. Rainey allegedly cherry-picked pages from documents, withheld other documents altogether and lied to Congress and others in order to make the spill appear less catastrophic than it was.

The Attorney General stood near here when the Department first opened its criminal investigation into the oil spill and promised that we would thoroughly investigate and hold to account those responsible for this horrible tragedy. Today, we have begun doing exactly that; and tomorrow, and in the months to come, the Deepwater Horizon Task Force will continue its tireless pursuit of justice in this matter.

I would like to personally thank Task Force Director John Buretta, who has done an absolutely remarkable job leading this investigation, as well as the many fine prosecutors from the Criminal Division, Environment and Natural Resources Division and U.S. Attorney community, and the many talented federal and state law enforcement agents, who have worked so hard, for so long, to develop these cases. I would also like to thank our colleagues at the Securities and Exchange Commission for their important parallel investigation.

Thank you.

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