

The Deepwater Horizon Gulf of Mexico oil spill in April, 2010 was the largest in US history about 19 times the size of the Exxon Valdez off Alaska. The blow out of the mobile offshore drilling rig killed 11 and injured 17 more, releasing about 5 million barrels of crude oil over the next 3 months. The aftermath is long-lasting and ongoing with impacts on the environment still largely unknown.

This blowout of BP's Macondo well provided the first major test of the US oil spill containment and response pursuant to the Oil Pollution Act of 1990 (OPA-90). The OPA makes the responsible party not only responsible for removal costs, penalties and damages but also makes the party subject to orders from the USCG to take remedial action to contain the spill and conduct removal operations. The cap on liability in the OPA is \$75 million for offshore facility spill damages and does not apply to removal costs such as wrongful death or personal injury claims. BP estimates its costs as \$40 billion.

OPA-90 was a reaction to the Exxon Valdez spill as an amendment to the US Clean Water Act which in turn was a reaction to the 1969 Santa Barbara channel blowout. The former created the Oil Spill Liability Trust Fund to pay clean-up and removal costs of up to \$1 billion along with strong enforcement, penalties, spill prevention countermeasures and response mechanisms.

The lecture will discuss the Administration's reaction to the latest spill with the reorganization of the MMS into the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). A number of investigations and reports have been and are being generated with varying reactions from the industry and stakeholders.

What else might be done to prevent and deal more effectively with future oil spill disasters? Is the IMO an appropriate forum to help? Is an international diplomatic conference practical?