BP cleanup: Are other firms in Gulf oil spill blame game helping?

BP is leading the Gulf oil spill cleanup because it has a majority share in the well. Other companies connected to the Deepwater Horizon operation are helping, but not at their own expense – yet.

The Discoverer Enterprise, seen here burning off natural gas Monday, is currently collecting about 630,000 gallons of oil a day from the leaking well that is causing the Gulf oil spill. The ship is owned by Transocean, one of BP's contractors.

Eric Gay/AP

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By *Matt Rocheleau*, Contributor / June 15, 2010

BP has squarely taken the blame and the responsibility for the Gulf oil spill. But other companies were working on the Deepwater Horizon rig at the time the April 20 accident and could be held at least partly at fault in the future.

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These companies have various degrees of participation in the cleanup – ranging from none at all to crucial roles in trying to contain the oil and drill relief wells. Yet none are contributing at their own expense, with several continuing to be paid by BP for contract work.

At this early stage, that is all by design. “Generally, whoever’s oil it is, is the responsible party,” says Coast Guard Lt. Cmdr. Chris O’Neil. “By law, there is a single party responsible,” for the cleanup, at least for the time being.

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For simplicity, the Oil Pollution Act (OPA) of 1990 focuses responsibility on one party – in this case, London-based BP, which had a majority 65 percent share in the well.

In the long term, BP's contractors could be found liable for elements of the accident and have to pay for it. Along with BP, two companies potentially at fault – Transocean Ltd. and Halliburton Co. – are the focus of a federal investigation into who caused the spill. Moreover, the OPA gives BP the option to sue for contributions from others who may have been involved with the spill.

But that would all be decided in litigation that could stretch out over a decade.

For now, the companies have let the OPA be their guide and neither is contributing its own time or money to the cleanup freely.

Rep. Edward Markey (D) of Massachusetts sent a letter on May 21 to executives at BP, Transocean, and Halliburton asking that they establish and fund an initiative to have independent scientists research new methods to clean up oil spills and monitor the Gulf oil spill's ecological impact.

Three days later, BP pledged $500 million to the fund. The following week, Halliburton replied with a letter denying that it bears any responsibility and declined to contribute. Transocean has still not made a decision according to company spokesman Guy Cantrell.

Meanwhile, some of the firms continue to work for BP as contractors in the cleanup. That's typical, experts say.

"It's not unusual to have potential liability here, but to also be under contract to help with the response at the same time," says offshore drilling consultant and engineer Kenneth Arnold, a 40-year veteran of the oil industry.

BP is simply trying to assemble the best team possible, says Hugh Gorman, a professor of environmental policy and history at Michigan Technological University.

"The expertise is spread out through different companies, and I suspect it's a matter of just finding the best experts," says Professor Gorman, author of "Redefining Efficiency: Pollution Control, Regulatory Mechanisms, and Technological Change in the US Petroleum Industry."

Because BP does not own equipment or personnel trained in cleaning oil spills, all of that work must contracted out by BP, says Robert Gramling, author of "Oil on the Edge: Offshore Development, Conflict, Gridlock."

"I don't think any of the other [potentially liable] companies want to touch this thing," he says. "They're running scared … [but] there really isn't anything more that they can do."

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