BP takes Gulf oil spill heat, but what about other companies?

BP accepts responsibility for the massive Gulf oil spill, making it a lightning rod for public rebuke. But other companies, including Transocean and Halliburton, may be legally liable, too.

Company executives Lamar McKay of BP America, Inc. (L), Steven Newman of Transocean Limited (C), and Tim Probert of Halliburton (R), are sworn in during the Senate Environment and Public Works Committee hearing on the Gulf of Mexico oil spill May 11.

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By *Matt Rocheleau*, Correspondent / June 9, 2010

Boston

In headlines and among the public, the environmental disaster in the Gulf of Mexico typically is referred to as "the BP oil spill."

Photo Gallery
Sticky mess: The Gulf oil spill's impact on nature

But, the oil giant will not be the only company facing legal battles, and it may not be the sole entity found responsible. So, why is BP taking all the heat for what has become the largest offshore oil spill in US history?

The company has claimed full responsibility for both the spill and for whatever is necessary to clean up the oil that continues to flow. And in doing so, the company has become a lightning rod for public rebuke and boycotts of its products worldwide.

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"I think they had no choice because it was their well," says Peter Henning, a former Justice Department prosecutor now at Wayne State University Law School. "One of the big oil companies always takes the heat."

Though Mr. Henning said BP likely will be taking most of the blame, it was not the only company working on the Deepwater Horizon oil rig when it exploded on April 20, killed 11 crew members and flooding the Gulf with oil.

Among the other companies working on the rig at the time were rig owner Transocean Ltd. and sub-contractors Halliburton Co., Weatherford International Ltd., and M-I SWACO.

Justice Department criminal probe

US Attorney General Eric Holder announced last week that the Justice Department has opened a criminal investigation focusing on BP as well as on Transocean and on Halliburton, which was doing work to cement the well 20 hours prior to when the spill began.

There are sure to be private and government lawsuits against all companies involved as well, says Zygmunt Plater, a Boston College law professor who chaired the legal research task force for the Exxon Valdez oil spill of 1989, until now the largest offshore spill in US history.

The Oil Pollution Act (OPA) of 1990, which the Exxon Valdez task force helped shape, essentially focuses the responsibility on one party for the sake of simplicity, says Mr. Plater. In this case BP is that party. However BP can and almost certainly will sue for contributions from other companies that may have been at all responsible for the spill.

However, Henning pointed out in a recent New York Times column that Transocean has an indemnification provision that may leave BP responsible for paying the cost of cleanup and recovery no matter what. Halliburton said in a recent call to investors that like Transocean they are legally indemnified from responsibility through their contract with BP.

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