OIL SPILL
6/16/2010 11:00AM
OCEAN SPRINGS, MS

Disclaimer: This transcript begins with the first mention of the topic and introductions.

(0:00:03.8)
RESPONDENT: I'm glad there's not many people in here. Because my question maybe a little trivial. I moved to Mobile 17 years ago. Always fished, everywhere I've lived I fished. Brought a Vast boat here and over the 17 year period of time, I've evolved into a gulf fisherman. Went from a 17 foot Vast boat to a 26 foot Gulf boat. Looking at how long this could be, I mean snapper season is over with. Probably this year now. Looking at how long it maybe before I could use my boat again. My question is there any kind of provisions that anybody is making to either buy these peoples boats? Like the shrimp people that's out of business probably. Mine is just a little small deal. Just a 26 foot boat. Is there any kind of provisions made legally for people who not only professionally but recreationally will lose their fishing abilities?

(0:01:18.7)
MODERATOR: I don't know any provisions about people buying your boats per se.

RESPONDENT: Like BP?

(0:01:25.2)
MODERATOR: Yes, I haven't heard anything about that. There are ways to be compensated for losses and stuff although a lot of the recreational fishery and stuff may fall to this state as a natural resource and the state will be pursuing damages for that. It maybe that you have acclaim that you could pursue through litigation. If that was something you chose to do. I don't know of any flat out programs to buy peoples boats.

RESPONDENT: Because of the oil leak or what's happened, people, the recreational fisherman alone would the people who would do it professionally, there out and there's nothing they can do about that?

(0:02:10.7)

MODERATOR: The way that provisions are set up right now. They are focusing on the law covers like loss of income and loss of revenue. I think the challenge for people in your situation is that there's nothing in the oil pollution act that is set up to compensate for the use of the gulf in Mexico which is...

RESPONDENT: The $20,000 that I paid for my boat is just gone because of the oil?

(0:02:41.3)
MODERATOR: Well I mean you could sell it to somebody else or...

RESPONDENT: No, nobody is going to buy anything like that here.

(0:02:47.0)
MODERATOR: I mean the one thing that where those things are to be compensated is by the state federal government when they go after natural resource damages and how the state is going to that. The state of Alabama is participating in that process. They're seeking compensation from BP for the loss of the natural resources and the use of those natural resources and BP maybe asked to pay some damages due to that loss how the state then use that money? There's no way to know what they are going to do with that. I mean there were some provisions. I think after Exxon that money went to a trust fund that was then used to enhance recreational fisheries and that kind of stuff but I don't know.

RESPONDENT: I work for a not for profit organization. For his last 17 years, we have an annual fishing rodeo as a source of our major income for the year. Like $50,000 a year that we make off this one fishing rodeo that pays our rent, the salaries, overhead, everything and I need to know how to make a claim for that. Because it is a loss of revenue for our organization.

(0:04:15.2)
MODERATOR: Well yes that falls right within the loss of revenue. The way you start the process is to call BP. They have a 1-800 number or they have an on-line claims form and at the back of our, that has that. It's my understanding that how the process works is that if you're calling, the person in the phone will just give you a claims number. Then in seven to 14 days, a BP claims adjuster will contact you and ask for documentation about your losses so you will last years revenue and receipts and all that kind of stuff. You will submit all of that. Then within 90 days BP should provide you with an answer

on what they've assessed your claim to be. You start the process by making the phone call.

RESPONDENT: Can I ask a second question?

(0:05:01.8)
MODERATOR: Yes absolutely.

RESPONDENT: I'm the only one here (Laughter). This looks like it may have long term effects and I have not heard of any kind of timeline of when our waters going to recover from this. When we'll be able to do this rodeo again. It may be five years from now. Do you make a claim for five years worth of revenue that we're going to lose on?

(0:05:35.3)
MODERATOR: I would say you would start with making the claim for this year and see where that goes but I think everyone acknowledges the fact that we don't know how long this is going to last and you may have claims that extend into the future and there is no finite into that right now. I would caution you that if you do receive compensation from BP to make sure that you're not signing away your right to seek compensation for future claims. Because we don't know that right now. We haven't seen any, I don't think anybody's gotten through the process far enough but we anticipate that when you'll probably get a letter from BP's saying this is what we've a judged your claim to be. Then paper work with that, that also says things this sis about a final settlement about need disputed claims as if though when you get that type of documentation. You want to be careful that you're not waiving any future right to come back. Okay our rodeos been canceled for the second year and you can have those same damages and you want to be able to make a claim against BP for that.

RESPONDENT: Do you advise going through an attorney or to do it yourself?

(0:06:41.4)
MODERATOR: I would recommend that you have an… especially as of like a business or a nonprofit group? Yes, I would recommend having an attorney look after it.

RESPONDENT: Because you'll have you business document then, it would be better to have an attorney help you.

RESPONDENT: Thank you very much I appreciate your help. (Laughter)

RESPONDENT: I don't know what to tell about recreational fisherman. I felt very unhappy with that answer but.

RESPONDENT: I did too. I think that's a bad answer. I think it doesn't matter. They're not going to buy it but because you...

(0:07:26.5)
MODERATOR: Could you just tell me where you all live?

RESPONDENT: We're based at the University Mississippi School of Law. We're in Oxford but we are a part of the Mississippi-Alabama Sea Grant...

(0:07:57.2)
MODERATOR: Are you ready?

RESPONDENT: I'm Carol Adams-Davis and my question of concern is after Exxon spent 2 billion dollars in Alaska on their clean up and not even eight percent of the oil was actually cleaned up, I think the main thing to understand is that oil, there is no clean up, really for oil. There is a lifetime life. There is a long life of the disastrous effects of the spill. How do we go about trying to put action plans emplace here as far decision making on Bowing County Mobile shores? No one here today at this forum is in a decision making role. The coast guard is not present. No Alabama agencies are actually present. As far as most effective way to be heard by people on the ground here, to affect that three miles offshore for state of Alabama. What would you say as lawyers would be the hierarchy to go through? As far as being heard and getting plans of action on the ground here. Everybody that's here today is basically from somewhere else and is listening to orders from somewhere else. All of the commands I have been told about are not here. It's hard for anybody to be making command decisions and disaster control decisions that aren't here. I'm just trying to understand. It's very frustrating for all of the citizens here. What would you suggest as far as legal of the legalities of being heard and could you just speak to this please?

(0:10:00.4)
MODERATOR: I'm not really sure that I understand what exactly what the legal aspect of it is, other than certainly for our public hearings and

things like that. Like through the administrative process. Then you would want to go...

RESPONDENT: That's an "if" that we know is not happening. So don't give me the ifs when we know they're not going to happen. I'm so concerned that no one is on the ground here. How can I legally make sure that people are on the ground? There have to be ways. Can we sue ADM? Can we sue the coast guard?

(0:10:32.7)
MODERATOR: I think one of the frustration is maybe that this process is a federal process. The federal government is the one responsible for this. So you won't see...

RESPONDENT: The state of Alabama's plan is what the federal, the federal decisions are in depth in the state of Alabama's court. Actually the federal government is not making the decisions. The Coast Guard is. As far as Alabama state waters.

(0:11:02.5)
MODERATOR: The Alabama state agencies are active in the process and...

RESPONDENT: I'm very aware of that. That's what in want to know. If they aren't doing anything right now on the ground, can we sue them? Right today? Can we start a law suit that encourages them? That will encourage them to be more active?

(0:11:23.4)
MODERATOR: We can't give you legal advice that is on our role here. You may want to consult with an attorney that could give you legal advice that maybe does represent non profits or you know community organizers or something like that and speak to them about what potential legal avenues you might have.

RESPONDENT: Okay. Thank you.

(0:11:57.2)
RESPONDENT: Okay. I'm going to make this brief because there's smoke coming from that room as well which I find very strange to have a meeting right next to smoke. We're supposed to be about the environment. I'm a gulf coast resident and I've been following these oil gusher. This is not a spill, this is a gusher from the very beginning. There was a closed door meeting, April 27th between the feds and BP.

This was documented in the Mobile Press Register, May 1 front page article. In that transcript, which was available on the internet, it shows a chalkboard with estimates from both sides apparently. 64,000 barrels to 110,000 barrels per day. That was April 27th. However, BP and the coast guard continue to tell us 1,000 then 5,000. Finally, when the scientist got hold of the video we were show what the true magnitude of it was. What I'm concerned about is that now BP is under criminal investigation. Guess what, when these oil being dispersed and going beneath the surface we don't know where. They should have never used dispersant. We may end up getting sued by Mexico, Cuba, South America. Who knows where these oil is going to go. We don't know where it is because it's been dispersed by the most toxic dispersion that's out there. It happens to be made by Nalco, I've read the non-proprietary information, the fact sheets. It's the most toxic, we don't even know what all is in it. What should have happened from the very beginning was the use of super tankers, vast armadas of super tankers. I'm wondering why the federal government did not insist on super tankers. The oil companies have these, they could have asked for help from all the other oil companies. There are companies that have these super tankers, this was used in the Arabian spill that was 85% contained, that was bigger than this one. That is the established protocol, burns and dispersant are not the established protocol. I know they have been used, because they're cheap, they bury the evidence and BP is fined per barrel of oil released into the ocean. If you burn it and you disperse it, no one ever knows and it's cheap. I'm wondering what the federal government is thinking to allow BP to do that and what BP is thinking. It's not rocket science to figure this out. Especially when the two chief executives are contradicting themselves. Mr. Dudley says we can't collect it with super tankers because it's dispersed and below the surface.

(0:14:59.3)
MODERATOR: We're not from the federal government. We are from the University of Mississippi and we're here to provide information on legal questions, this is not a legal question.

RESPONDENT: This is legal because laws are being broken by the EPA, by BP.

(0:15:17.0)
MODERATOR: Law suits are being filed by groups challenging EPA.

RESPONDENT: It could take years. In the meantime, what I'm saying is where's the legal defense fund? Where are groups of lawyers working...?

(0:15:30.0)
MODERATOR: We are not with those groups. We are not with them and we do not get involved in any litigation. We're not profile.

RESPONDENT: What are you, are you lawyers?

(0:15:35.8)
MODERATOR: Yes, we are lawyers but our role is not to be involved in litigation. Regarding the oil spill, regarding any litigation ever. We do not weigh in on litigation. If you're interested in that, there's groups like Conservation for Biological Diversity that must have at least 20 lawsuits.

RESPONDENT: What is your role in this group?

(0:15:51.7)
MODERATOR: Our role is we work for Sea Grant and we've been trying to provide neutral information about what your legal rights are following the spills so that you can evaluate the claims of law firms that are looking to sign people up for class actions so you know what your rights are with respect to BP. That you know what your rights are as to respect to a property owner.

RESPONDENT: Okay. What are my rights as a property owner because my property is probably toast?

(0:16:19.7)
MODERATOR: You need to be documenting what the value of your property is right now.

RESPONDENT: How do you do that?

(0:16:26.4)
MODERATOR: Pictures and assessment, appraise. If depending where the oil goes, you can have an appraisal done later. The documents, the lost of the value and you can file a claim with BP. If you're not satisfied with that, you go to Coast Guard trust fund or you can file a lawsuit.

RESPONDENT: I know that the oil pollution act has one billion dollars per spill. Where is that?

(0:16:52.3)
MODERATOR: That's in the oil spill liability trust fund.

RESPONDENT: Is there a billion dollars in that fund as there should be?

(0:16:57.5)
MODERATOR: There's 1.6 actually.

RESPONDENT: It's one billion dollars per spill. I have a copy of that.

(0:17:02.0)
MODERATOR: Do you have a copy? One billion dollar expenditures per spill but there's currently 1.6 billion in the fund. Excuse me, I'm sorry to interrupt you but we like you to go on with longer that two minutes.

RESPONDENT: I'm sorry. I know there are so many people waiting.

(0:17:21.8)
MODERATOR: We're so glad that you did the questions and I answered. This one is on the trust production. Just on the subject that we were just talking about as far as the quantity of oil that's been so disputed. There was a major cover up originally, and there's a reason that it was covered up, I think. Because I understand that it actually the fine would be based on the number of barrels that are spilled. That is very important for us to document the quantity.

RESPONDENT: That was my point. 1,000 per barrel and it's being buried with dispersant in earth.

RESPONDENT: No, not really. ***[0:18:09.5 Inaudible]***. Our interest at this point is beginning to assess what ***[0:18:22.0 inaudible]***. With the lead federal agency in dealing with foreclosure prevention issues. Our team along the coast here is very much involved in it and we're trying to assess that now. I spend some time with Dr. Appley at USA and we're trying to figure out some kind modeling. When the spiking might start taking place or where it's coming from. That's my whole interest, that's my legal side of that.

0:19:26.6)
MODERATOR: I don't think they understood our role (Chuckle).

RESPONDENT: We have a couple of questions. One, I have a fishing business. My two sons crab shop ***[0:19:46.1 inaudible]***. We have workers in there, they are more like peace workers because it's contract labor. They just come and go as they please but unemployment, I'm happy to pay that anyway. The rate went up three times since January, it tripled. Right now I have them all laid off, they're collecting unemployment because of this oil spill. Whenever we do get back to work, my rate is going to go up ridiculously because they've been collected. Should BP have to be won to take up the slack on all of my unemployment even in the future, because my rate's going to go up so high when I do get back to work?

(0:20:38.7)
MODERATOR: I would certainly brief that in a business cost when you're making a claim to them. That would be a cost of doing business. That would affect your revenue. I would certainly document it and present it. I can't tell you what BP would do with that. I would certainly document it and submit it.

RESPONDENT: Okay.

(0:21:12.6)
MODERATOR: We do have some general information if you're interested about the oil spill, liability trust fund in case BP denies your claim. You want to make a claim to them.

RESPONDENT: Most ***[0:21:23.4 inaudible]***. It's old, it's useless. I think if they have...

(0:21:29.8)
MODERATOR: We would be happy to give the information that they're requiring people. They are not sharing that with us.

RESPONDENT: I called them ***[0:21:39.7 inaudible]***. Oh, lets cancel.

(0:21:45.0)
MODERATOR: This is not actually not BP information, this is more...there's a lot of other stuff on legal issues that might come up if you want to take it.

RESPONDENT: This is legal?

(0:21:55.9)
MODERATOR: Yes, we're the legal.

RESPONDENT: Question, we were at a protest yesterday, we're blockade. I'd like to know, how do I go about legally protesting? Because the cops came and told us to leave. I'd like to know how can they not.

(0:22:16.6)
MODERATOR: I don't know the specifics for local laws here in Alabama. We're up at Oldness School of Law but I think you may need a permit, sometimes they require permits ahead of time for local gatherings and things like that. I did understand that there was a blocking of the vessels. That might get you arrested if you're blocking transportation flowing in the water. Usually you just need a permit from the local government to have a protest or gathering.

RESPONDENT: Even after, one of the boats was just tied in the dock. The cops coming towards us. We either have to leave or be arrested. I think BP called them. Why else did they show up and do this, who would bother?

RESPONDENT: You bring a boat into a dock, you tie it up. You have 24 hours to remain there, you don't have to just leave right now.

(0:23:14.3)
MODERATOR: My only thought would be that they required a permit or something. That would be their justification for coming there. I know that these things happen. Usually, if you went to the proper channels and you can say no, we were organized. We have a right to be here. We have this permit to be here. That would help deter police interference.

RESPONDENT: Basically you would think permit and you just tell them no, I'm not leaving.

(0:23:37.7)
MODERATOR: When you have the permit, obviously the people that have given you the permit would know about it. They would know that you have a permit, that you would be gathering there at that time, at that day. They would be more organized.

RESPONDENT: I mean because it's hard to say no to a cop. It's prudent. That's what I'm trying to find out the logistics of it.

(0:23:56.4)
MODERATOR: Were you in the county or the city?

RESPONDENT: We were in the city of ***[0:23:59.9 inaudible]***.

(0:24:00.9)
MODERATOR: Then I would go to the city for a permit. If you are in the city limits. Ask them if what you need to have a gathering. Usually it's about a $25.00 fee to get a permit for a public gathering. It just makes you official and it gives you the right to be there.

RESPONDENT: Okay, thanks for that information.

(0:24:49.9)
MODERATOR: There is reasons to have those laws. They have freedom of speech.

RESPONDENT: ***[0:24:54.5 Inaudible]***.

(0:24:55.7)
MODERATOR: That sounds insane. It's kind of in front of the Lyceum.

RESPONDENT: ***[0:25:01.9 Inaudible]***.

(0:25:10.1)
MODERATOR: Right, because it keeps it open for football games, it keeps it away from everybody is.

RESPONDENT: ***[0:25:24.4 Inaudible]***.

(0:25:24.4)
MODERATOR: They should start their own business. People were motivated, they could rally some people. Go start your own group.

RESPONDENT: They have a Sierra Club.

(0:25:46.0)
MODERATOR: There's a Sierra Club?

RESPONDENT: Yes.

(0:25:47.6)
MODERATOR: It didn't surprise me.

RESPONDENT: ***[0:25:50.1 Inaudible]***.

(0:25:56.0)
MODERATOR: My boyfriend works for the Sierra Club. He's much calmer. Do you have a question?

RESPONDENT: I do. My name is Linda Vaughn, I use to run an insurance company up in New York, I understand insurance. When this whole thing started and of course BP came up with this. Oh, we'll hand everybody $5,000. I couldn't understand that, where's the loss. What are they basing it on, what's happening. I didn't file a claim with BP until I actually had a loss. Until they close our shrimp season and our boat was unable to go out any longer. I've been told that the claim was now going to a large loss section. I'm not quite sure I've been told the truth with regards to that. I don't know if they set up a large loss section yet or what's going on. I guess my major question is why can't I get to a BP adjuster, why can't I talk to an adjuster that can judicte a claim with me. Come to a conclusion and move this along.

(0:27:27.2)
MODERATOR: That's a good question, we don't have the answer to that. We're not with BP, and they're running the process the way they are choosing to run the process. We've been trying to get information about how this has been forward, you call the number, got a claim to them right now. They've said that they referred it, but you still haven't actually got to an adjuster.

RESPONDENT: Yes. I have received my $5,000. Again, that's not what I was looking for. I wasn't looking for a handout, I have a loss. I want to talk to some adjuster about it. I want to prove that I have a loss. Troy King was around the area, talking about that there might be around two that they're going to or something like that. Other than going to an attorney, is there anywhere you can send where I can try to get to a BP adjuster that's further up the road than just claims rep that they have in these local facilities.

(0:28:38.2)
MODERATOR: I don't know anybody through BP, and I don't know that this is the best option. I'm wondering if the Alabama attorney general might

be able to help. Because they will be tracking these type of things, and they probably had communication with BP about their claims process, and they may even know something about whether or not they set up a large loss section. They have set-up an oil spill page on their website with numbers that you can call. That might be a good place just to call and talk. See if other people have been having similar problems and they may have a contact for that. That might be one way.

RESPONDENT: Okay.

RESPONDENT: Also, if you want to ***[0:29:19.5 inaudible]***.

(0:29:31.9)
MODERATOR: There's 90 days, they're supposed to resolve the claim within 90 days. Hopefully would have... Unfortunately they could take 89. That would be from when you filed your claim.

RESPONDENT: Right. The law in Alabama is 90 days.

(0:29:48.5)
MODERATOR: This is under the oil pollution act, that's a federal law and that's what your claim under with BP. They have 90 days under that law.

RESPONDENT: Do you think that they already met it because they gave us $5,000?

(0:30:02.5)
MODERATOR: No. Those are interim payments, and that's also a provision of that law. That's actually a part of that law that they should provide these advance payments, that's why they're doing that.

RESPONDENT: Do you know that 90 days should be ***[0:30:14.2 inaudible]***?

(0:30:14.8)
MODERATOR: Yes, definitely. Actually within 90 days you should have some document from BP offering their final. This is what we value your claim at... This is what we're offering. You might not like what they're saying but within 90 days you should have that. You should definitely be in contact with a claim adjuster before that because you need to be able to provide them with documentation. Those kind of things.

RESPONDENT: Alright. I think this is enough, I don't think I have any other questions. Did 90 days are the day that I brought the ***[0:30:45.1 inaudible]***?

(0:30:52.3)
MODERATOR: One thing I would caution you about to though because I understand that you're anxious to resolve your claim. Be careful when you're filing those releases. If you are a shrimper or something. You may have damages next year. Make sure you don't give away the right to... the other thing is that if you don't hear anything within 90 days, if it's just silence, you can go to the Coast Guard. This has some information about the next step, and it also has resources on the back.

RESPONDENT: ***[0:31:30.7 Inaudible]***.

(0:31:40.2)
MODERATOR: The attorney general will be able to help with things. They could say that they could say we've been hearing the same things or here's the contact number. I would do that right now. If you are still having trouble and you don't hear a thing from 90 days, you can take it in the next phase of the process.

RESPONDENT: Okay. Thank you.

(0:32:06.4)
MODERATOR: It's actually easier for us to handle their questions when they're one on one. We're the legal perspectives for the oil spill forum.

RESPONDENT: ***[0:32:25.9 Inaudible]***

(0:32:32.2)
MODERATOR: We work from nine to noon. The big group discussion from nine to 10. That's already over, now we kind of broke it into separate groups. We're in here to talk about legal issues. There's different people in different rooms.

RESPONDENT: Because I think, ***(0:32:47.4 inaudible)*.**
.
(0:32:47.4)
MODERATOR: Oh, you're for something else.

RESPONDENT: ***[0:32:53.7 Inaudible].***

(0:32:57.9)
MODERATOR: That's the problem with when you say we're ***[0:33:00.1 inaudible]***.

(AUDIO ENDS ABRUPTLY)