

THE MACONDO WELL BLOWOUT

Political Posturing and the Media Machinations—Help or Hindrance?

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ABSTRACT

Following the Macondo well blowout, torrents of abuse poured from all quarters. The anger of those who lost loved ones or their livelihoods is completely understandable. We extend heartfelt sympathy to them.

The performance of politicians, including the President, was characterised by aggressive accusations and premature Congressional hearings. Politicians will never remain silent during a major incident, but their confrontational language has been regrettable. It is axiomatic that a successful crisis response requires all agencies to cooperate. Indeed post Valdez, the US led the way in developing the OPRC Convention¹ to promote response planning and co-operation between government and the oil industry.

Until the well was capped, common sense should have dictated that the priority was to focus on the response not the cause. The National Commission on the spill did so and has now reported. But politicians pre-empted the report and indulged in posturing and aggressive statements, hindering responders' efforts and potentially prejudicing the Commissions work.

This thesis maintains that politicians have interfered, and together with sections of the media, have inflamed public opinion and made the responders' efforts more difficult. By ignoring the hard lessons learned at Valdez, the affected States ignored the national spill management requirements and undermined the operation of the National Contingency Plan.

Media coverage largely ruled how the public judged BP. Much coverage was factual and fair, some not, descending into a feeding frenzy driven by the pursuit of sensation. Public

opinion was further moulded by massive internet exposure. The public relations battle was unwinnable. But gaffes, some relatively minor, made things worse. Taken together they became lethal. Too often, statements had to be corrected. The basic rules for media handling should never be ignored, even when the President is on the attack. It has been a classic example of how the media can alter the course of such events and how a few ill chosen words made the CEO “The most hated man in America”.

INTRODUCTION

During the months following the 20th April 2010 blowout on the Deepwater Horizon rig, torrents of abuse were heaped upon those trying to tackle the oil spill, by politicians, pressure groups, those affected, scientists and the media.

The anger of the families of the men who lost their lives is completely understandable and we extend our heartfelt sympathy to them. The thousands of media reports and blogs since then largely ignored the deaths of the 11 men and the effects on their families. The reaction of those affected by the spill, especially those who lost their livelihoods, is equally understandable, though this and their attempts to obtain fair compensation have been more widely reported.

Pressure groups derive much of their funding by utilising major incidents to pursue their own objectives. The scientific community has also been issuing speculative and often contradictory research results, frequently published well before any definitive conclusions could have been established. This supplied the media with a steady stream of dramatic copy. We will show that certain US politicians made scurrilous and often unfounded accusations, as well as holding premature and highly distracting Congressional hearings. Initially, even the President made aggressive and confrontational remarks, politically expedient perhaps but not helpful to BP and especially its’ embattled CEO, struggling to mount a response of unprecedented difficulty.

At the same time, this has been a classic example of the profound effect media coverage has on the course of such events. How many people in a world without journalists would know about this spill beyond a few million coastal dwellers in the Gulf? They represent a drop in the ocean compared with perhaps six billion who will have seen images of the spill through global media coverage. It became the most widely reported in history, eclipsing Exxon Valdez coverage in pre-Internet days. BP's handling of the media had more impact on how they were finally judged than their handling of the actual blowout and the resulting pollution. Public opinion was moulded by what was being said by news organisations globally

POLITICAL POSTURING

Whilst it would be naive to expect the President and politicians to remain silent on such a major public issue, it was regrettable that aggressive language was so often used, increasing pressure on the responders. After Exxon Valdez, the US pressed the International Maritime Organisation (IMO) to develop a convention, whose purpose was to promote the development of oil spill response co-operation between countries and crucially to develop the co-operation between Government and the oil industry that had been so sadly lacking in Alaska. This was adopted as the International Convention on Oil Spill Preparedness Response and Co-operation, 1990 (The OPRC Convention).¹ Yet, as the response progressed, co-operation with BP almost became a dirty word and the lessons of Valdez were forgotten.²

So what happened? This section reviews the political reaction and how it may have hindered the response. Common sense normally requires that investigations into the causes of an incident should be left until it is under control. Therefore, all available resources should have been focussed solely on stopping the flow of oil and carrying out the cleanup.

THE NATIONAL COMMISSION ON THE BP DEEPWATER HORIZON OIL SPILL

President Obama established the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling on May 21, 2010. The remit was to examine the root causes of the blowout and develop options to guard against and mitigate the impact of any future offshore drilling spills. The final report was delivered to the President on 11th January 2011. It included recommended improvements to federal laws, regulations and industry practices. Sensibly, Commission hearings did not begin until after the well was capped. One would also have hoped that politicians would also wait until the Commission had reported before making informed criticism. Nevertheless, from the earliest days of the spill, the President, State Governors, Parish Presidents and many scientists made adversarial comments that distracted the responders from their primary task and provided a rich source of copy to the media.

PRESIDENTIAL STATEMENTS

The Presidents' remarks, describing BP's actions as "reckless" were made before any facts were known.³ On the NBC Today Show, after discussions with experts and fishermen he said that "I talk to these folks because they potentially have the best answers - so I know whose ass to kick."⁴ His comment that "He wouldn't be working for me after any of those statements" about BP's CEO merely added to the enormous pressures placed on Tony Hayward. Whilst politically the President needed to show his anger, comments like this had no place coming from that great office until the truth had been determined. Fortunately, his tone changed after a meeting with David Cameron, the British Prime Minister, at the G20 summit who in earlier telephone calls had emphasised the importance of BP to the British and US economy. The two leaders said it was to both countries advantage that BP remain a strong and stable company.⁵ After meeting senior members of the BP board Mr Obama reiterated this statement.⁶ He also toned down his rhetoric in an interview on CNN's "Larry King Live", saying that that although BP had felt his anger, "venting and yelling at people" won't solve the problem.⁷ Tony Hayward said on BBC TV after

his resignation, that although he resented the daily onslaught of criticism from the Obama administration, "I understood their frustration".⁸

CONGRESSIONAL HEARINGS

Both the House and Senate held pointless early hearings, before the truth had been independently established, no doubt with an eye to the forthcoming mid-term elections. Senator David Vitter, (R-La.), said as much, drawing attention to what he called counterproductive Washington hearings. "It's so frustrating... that...while we're still fighting to contain the well, ...Democratic committee chairmen have rushed to create media events for television cameras instead of devoting full attention to stopping the immediate problem. I guess it's typical of the culture in Washington for politicians to believe that they can solve an ongoing crisis with statements and testimonies in Congressional committee rooms. But the time for committee hearings is after the well has been capped, not before".⁹ One cannot disagree with that.

When Rep. Waxman, the then Chairman of the House Energy and Commerce Committee, required Tony Hayward to testify, did he really expect him to admit that BP had made serious errors? He was bound to stonewall and to imagine anything different would have been naive. For all Rep. Waxman's vitriol,¹⁰ he and Tony Hayward knew that, due to the enquiries and lawsuits, BP could admit nothing. Yet Hayward was castigated by press and politicians alike. The hearings were a show trial, designed to embarrass BP, not to provide meaningful answers. They were a serious distraction for a CEO, trying, as his first priority, to cap the well.

Another politician who consistently sniped at BP throughout the incident was Representative Ed Markey, (D Mass), the then Chairman of the House Subcommittee on Energy and Environment. Amongst his many interventions was his insistence that BP agree to federal government estimates of the size of the spill. "In light of BP's stated commitment to 'make things right,' the American public deserves to know whether BP plans on accepting the federal

government's official flow-rate estimate for liability purposes, or whether it plans on litigating this number and low-balling the amount of oil that actually flowed into the Gulf.”¹¹ But Markey knew full well that BP could not agree to the federal government figures when potentially huge fines under the Clean Water Act were so dependent upon the volumes spilled. His persistent criticisms only placed yet more pressure on the response team.

Rep. Markey also bombarded the Federal Incident Commander, Admiral Allen, with requests for information about dispersant usage in highly dramatic language, such as “a toxic stew of chemicals, oil and gas.” He accused BP of "discrepancies" between the amount of dispersant that they had approval to use and the amount actually used.¹² Yet why on earth would BP report they had used more than was permitted? The research required by Admiral Allen to refute these would have diverted him and BP from more pressing operational problems.

COASTAL BERMS AND BOOMS

Another overtly political intervention was made by Governor Jindal of Louisiana who, against opposition from the Unified Command, pursued a plan to build sand berms offshore, ostensibly to minimise the oil reaching the sensitive shoreline. The National Commission in a preview report said this plan was "underwhelmingly effective, and overwhelmingly expensive." It went on: “Governor Jindal fought for this project over the objections of the Coast Guard and the U.S. Army Corps of Engineers and did so with great flair and posturing while pointing the gubernatorial finger at the federal government's response to the spill”¹³ The Commission noted that the Corps and the National Incident Command only decided to approve it “in the context of intense political pressure and public attention.... The Governor played them (politics) perfectly and got exactly what he wanted.” Governor Jindal won the perception game hands down. The \$360 million cost was about triple that of all the other response activities carried out in the state at that date. Would it not have been better to use that money elsewhere?

Political battles also raged over boom deployment. Federal responders planned the deployments on the basis of projected oil movement, whilst local residents thought responders were not attentive to their needs. In response, the National Incident Commander gave an order to “keep the parishes happy”¹⁴. Miles of boom were distributed for political, not operational, needs.¹⁵

THE STAFFORD ACT AND THE NATIONAL CONTINGENCY PLAN (NCP)

In the US, major natural disasters are managed pursuant to the Stafford Act, requiring a State-directed response. In contrast, the NCP, which governs oil spill response, gives the Federal On-Scene Coordinator the power to direct all response actions. This conflict caused major problems when Governors of the affected states declared States of Emergency and ordered their own actions. The State On-Scene Coordinators (OSC) were career oil-spill responders, familiar with the NCP and aware they must join the Unified Command. They shared the Coast Guard’s view that the responsible party is an important ally, not an adversary. Unfortunately, less experienced State officials, unfamiliar with the NCP, did not agree. They largely rejected the pre-spill plans and created their own response structures. Louisiana even declined to empower its OSC within Unified Command, requiring decisions to go through the Governor’s office.

As the media coverage grew more frenzied, pressure increased to take action and avoid being seen to be in league with BP. Admiral Allen called this “the social and political nullification” of the NCP, which should have involved the “unity of effort” required by OPRC.¹⁶

THE OPRC CONVENTION 1990

When the US ratified the OPRC Convention, it was intended that the Government and the Responsible Party would work together for the common good. Sadly, as demonstrated above, over the intervening 21 years this seems to have been forgotten. Representative Markey said BP has not been truthful.¹² Ken Salazar, Secretary of the Interior pledged to “keep our boot on their

neck".¹⁷ Even the President said he wanted to know whose "ass to kick," comments hardly conducive to the co-operation envisaged. They distracted those working to resolve the problem and fed the media impressive quotes and soundbites.

In a crisis, the people whose lives and livelihoods have been disrupted are angry. But politicians comments, from the President downwards, jostling for political advantage, whipped up the media frenzy. This further inflamed the population, adding to the responders burden, whose problems, as those who have been involved in a major spill will know, were already huge.

The Gulf States did not recognise the NCP or co-operate fully with the Unified Command and as the incident progressed, critics accused the Coast Guard and BP of having too cosy a relationship. For example, the Ste Bernard Parish President, Craig Taffaro, showing little understanding of the NCP, said parishes felt the Coast Guard was acting more in a "protective role than an enforcement role" in its relationship with BP.¹⁸

A degree of anti-British sentiment became evident. Sarah Palin advised against "naively trusting...foreign oil companies."¹⁹ She was not alone in suggesting reaction might have been less hostile had the well been US owned. Boris Johnson, Mayor of London said, "I do think there is something slightly worrying about the anti-British rhetoric that seems to be permeating from America...I would like to see cool heads and a bit of calm reflection about how to deal with this problem rather than endlessly buck-passing and name-calling."²⁰ BP is not British Petroleum. Formed from ARCO and the Standard Oil companies of Ohio (Sohio) and Indiana (Amoco), BP is the largest US domestic oil producer, with almost as many US as UK shareholders and more US than UK employees. The failure of such an important company would hit both countries economies. But the White House never denied whispers it would not block an Exxon Mobil bid for BP. That must have distracted BP managers struggling with this crisis.

Compare this with the UK reaction to the 1988 fire, explosion and spill on the Piper Alpha platform, owned by US company Occidental, which killed 167 workers. A Public Enquiry was convened with full judicial powers, chaired by Lord Cullen.²¹ It heavily criticised Occidental for scrimping on safety and made over 100 recommendations which led to extensive safety modifications for all UK platforms. Prime Minister Thatcher made no anti-US statements or political capital out of the tragedy. The safety case regime introduced following that incident has been widely admired and suggested as a template for future US offshore safety legislation.²²

MEDIA MACHINATIONS

So, from a media point of view, how did BP perform? Given that it was an unwinnable public relations battle, it could have been worse. But there were enough slips to give sections of the media an excuse to slip into a familiar mode – a full-blooded feeding frenzy with one man the target. Most news organisations are driven by intense rivalry as they try to hang on to their consumers. Most believe their first duty is to make a profit for their shareholders rather than worry about their reports damaging the profit margins of Big Oil. No matter how brilliantly spin doctors' work to create favourable coverage, generally they will be overwhelmed as editors run with the most gripping angles on stories. Journalists see it as "pitching a story at its peak". Others might see it as sensationalising the facts to sell more papers. Arguably the first statement from Tony Hayward, that set reporters' nostrils twitching, was: "This was not our accident. This was not our drilling rig. This was not our equipment. It was not our people, our systems or our processes. This was Transocean's rig; their systems; their people; their equipment."²³

No doubt factually that was largely correct. However, just three weeks later, BP was obliged to confirm that its own internal inquiry showed BP was one of several companies implicated. The impression was that BP's first instinct was to put some clear blue water between the company and the spewing oil. That was the beginning of a trend in which BP statements had later to be

qualified or completely withdrawn. For instance, Mr Hayward told Britain's Guardian newspaper "the spill was relatively tiny compared with the very big ocean"²⁴. The paper accused him of playing down the scale of the crisis²⁵ and it prompted news organisations globally to run follow-up stories based on the quote. Just two weeks later Mr Hayward was telling CNN: "This is clearly an environmental disaster. It's clear we are dealing with a very significant environmental crisis and catastrophe"²⁶. That is very different from the earlier claim it was "relatively tiny".

Already the label "gaffe-prone" had been applied by some news organisations to Mr Hayward.²⁷ To that was added "the beleaguered CEO"²⁸. However, one unguarded and now infamous remark to reporters turned Mr Hayward from merely "beleaguered" to the target of a feeding frenzy. "There's no one who wants this thing over more than I do. I'd like my life back."²⁹

Despite the sincere apology that followed and retraction of the remark, the damage was done. Soon afterwards relatives of the 11 killed said their loved ones would also like their lives back.²⁹ By now, many would say that Mr Hayward had become the story. Many believe that when a key figure in a developing news situation of this type becomes the focus of the story, there can usually be only one outcome.

At that point, there is no hiding place. Mr Hayward was stalked by journalists and pictured aboard his yacht. The accompanying story said he had left behind the oil slicks "to enjoy the crystal clear waters off southern England"³⁰. The media attack dogs were now unleashed and in hot pursuit. The British tabloid, *The News of the World*, uncovered the fact that "multi millionaire Mr Hayward has a palatial Spanish villa where he can escape from the mess he has made of the planet". The level of media vitriol reached new highs. The terms "clueless, hapless, ocean-sailing fat-cat" were heaped on him.³¹

FAINT VOICES OF SWEET REASON

But not all news organisations joined in these vicious attacks. “Does anyone really think a dog-tired CEO seeing his kids for a day affects capping efforts in the Gulf?” asked The Guardian.³² And with Obama also targeted for playing golf during the crisis, Michael Deacon in the Daily Telegraph³³ added: “What difference, really, would it make if they didn’t? It seems unlikely that, had these two men spent their few leisure hours in a meeting room rather than on the golf course or the Isle of Wight, oil would no longer be gushing into the Gulf.”

However, such voices of sweet reason were drowned as coverage filled news pages; leader columns; letters pages; and arts sections as protesters targeted an art gallery sponsored by BP. Even the globally syndicated Doonesbury cartoon strip focused on the spill across a week. Coverage was so dominant that the Pew Research Centre calculated it filled a remarkable 44% of all news content of US newspapers and television one week. But a week later, it was just 15%.³⁴

ANOTHER STORY CAN ECLIPSE A SPILL

And so what happened to temporarily knock Deepwater Horizon down the news agenda? Ten Russian sleeper spies including the glamorous Anna Chapman were arrested, briefly relegating the spill to inside pages. Deepwater Horizon was soon top of the news agenda again because it was a story with a never ending range of new angles as more examples of environmental damage were found; hostile politicians’ circled; Hollywood celebrities struck concerned poses; and nerves jangled as the relief well inched closer to its goal.

IS NEWS COVERAGE SOMETIMES PRE-ORDAINED?

Questionable behaviour by sections of the media did not escape the attention of the national commission on the spill. It accuses journalists of encouraging people to display their anger at the federal response, and offering coverage when they did. One television presenter allegedly asked a local official to bring an angry, unemployed offshore oil worker onto his show but withdrew the invitation when told there was no guarantee the worker would be angry.³⁵ That

claim is hotly denied by the presenter. The Commission also highlighted a newscast showing Obama walking along a perfectly clean beach in Florida to which had been added a backdrop of oil dripping down the screen.³⁶ Examples, perhaps, of facts and images being manipulated to fit media coverage that was pre-ordained?

CURIOUSER AND CURIOUSER!

There were plenty of examples of wild speculation to be found in parts of the media. Rush Limbaugh, for instance, suggested that environmentalists might have had a hand in breaching the well to make offshore drilling unacceptable.³⁷ CBS News reported on a Russian science writer who claimed there was a 20% chance that exploding a nuclear device a mile underwater would seal the well.³⁸

NEVER LOSE SIGHT OF THE BASIC RULES

And so what more could have been done to soften the damage to BP's reputation through media reporting? Might it be that as they wrestled with the enormity of the attacks on them, BP lost sight of some of the basic, simple principles that most big oil companies follow? For example, never describe an oil spill as tiny. If you suggest it's only a small spill, it sounds as though you're being dismissive of the problems it's causing. If possible, try to find some comparison from everyday life that puts the size of the spill into context. It's not 50 tonnes spilt, it's the same amount that an average road tanker is carrying, although applying that to the Gulf situation wouldn't easily work. Someone calculated that the spill was the equivalent of emptying three tins of beer into the Louisiana Superdome but just imagine the uproar if BP had made such a comparison.³⁹

Never lose sight of the PEAR principle.

1. *PEOPLE*
2. *ENVIRONMENT*

3. ASSETS

4. REPUTATION

People should always come first, ahead of the environment, assets and reputation. Even weeks after the original incident, those handling the media need to keep a focus on the human casualties to ensure the right language is used in follow up interviews.

It's vital to field your best communicator, not necessarily the CEO. Tony Hayward is to be praised for stepping into the firing line and taking control in the Gulf. Contrast that with the vilification Exxon chairman Larry Rawl suffered for failing even to visit Prince William Sound in '89. But did Mr Hayward stay in the firing line too long? After a few weeks of punishing strain, was he the best communicator to handle the ever-more hostile American media? He looked shattered and lost when he slipped up with his plaintive "I'd like my life back" plea. In a subsequent BBC interview, Mr Hayward wistfully remarked that he might have done better if he'd had a degree in acting rather than geology, a clear indication that he accepted it was his handling of the media that eventually felled him.⁴⁰

CONCLUSION

It would have been far better, in what has been questionably described as "America's worst environmental disaster", if all the agencies had worked together to resolve the problem in the manner that the US sponsored OPRC Convention sought to achieve? It would also have been better if politicians from the President downwards had adopted a more co-operative approach in statements and hearings about the response and left aside consideration of who was to blame until the full facts had been established by the Presidential Commission.

On the media side, most commentators concluded that handing over the role as media spokesman to Bob Dudley earlier would have paid dividends. Brought up in the Gulf States, he spoke their language and doesn't have the British stiff upper lip. As the *Christian Science*

Monitor noted, Bob Dudley appears to choose his words more carefully.⁴¹ It is difficult not to conclude that it was the loss of focus on the simple rules of public relations that led directly to Mr Hayward's demise and had a profound effect on how the world judged BP over Deepwater Horizon. Never forget the simple stuff, even if you're gasping for breath with Obama's boot pressing down on your throat and being vilified as the "most hated man in America".⁴²

REFERENCES

1. International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC). Adoption: 30 November 1990; Entry into force: 13 May 1995
2. National Commission Report, Ch 5, p 136, Para. 2; p139 Para 5
3. Presidents televised Oval Office address 15 June 2010
4. President Obama's remarks on the NBC Television Today Show. 8th June 2010
5. London Daily Telegraph; Business news June 28 2010
6. Boston Globe; 17th June 2010
7. President Obama , CNN Larry King Live Thursday, June 3 Tony Hayward interview
8. BBC TV "Money Programme" Special 9th November 2010
9. Senator Vitter weekly GOP address; Report "The Hill" By Ben Geman, 22 May 2010
10. BP's Hayward failed to review risks at Deepwater Horizon; The Hill 17th June 2010
11. Representative Ed. Markey Letter to BP; Huffington Post. 11th August 2010
12. Letter Representative Ed. Markey, to National Incident Commander; 24th June 2010
13. National Commission draft working paper; "The Story of the Louisiana Berms Project,"
14. National Commission Report; Ch 5 Page 153, para. 1
15. New York Times; 3 May 2010
16. National Commission Report; pp 138-139
17. BBC News video; 25th May 2010

18. Taffaro testimony; House Committee on Homeland Security, 22 September 2010
19. Sarah Palin; London Daily Telegraph 6th May 2010
20. Boris Johnson, Mayor of London; BBC Today Programme 9th June 2010
21. Public Inquiry into the Piper Alpha Disaster; Cullen, The Honourable Lord, HMSO, 1990
22. UK Government; The Offshore Installations (Safety Case) Regulations 2005 (SCR05)
23. BBC Television News Channel; May 3, 2010.
24. The Guardian; Page 1. May 14, 2010.
25. The Guardian; Page 36. May 14, 2010.
26. CNN American Morning; May 28, 2010.
27. AOL News; June 18, 2010.
28. guardian.co.uk/environment/2010/may/14 2010 .
29. guardian.co.uk/.../2010/.../deepwater-horizon-oil-spill-bp-gaffes.
30. News of the World, London; Page 9. June 20, 2010.
31. News of the World; Page 13. July 4, 2010.
32. <http://www.guardian.co.uk/commentisfree/2010/jun/20/bp-spill-pr-congress-absurd>.
33. Daily Telegraph, London; 29th June 2010, Comment. Michael Deacon Notebook.
34. The Observer, London. Media Section. July 11, 2010.
35. National Commission report, Chapter 5, Page 139, Paragraph 4.
36. National Commission Report, Chapter 6, Page 191. Paragraph 2.
37. Premiere Radio Networks' Rush Limbaugh Show. April 29, 2010.
38. <http://www.cbsnews.com/stories/2010/05/24/tech/main6514382.shtml>.
39. <http://www.cbsnews.com/stories/2010/09/20/national/main6884899.shtml>.
40. BBC2 Television, "BP: \$30 Billion Blowout. 9pm, November 9, 2010.
41. Christian Science Monitor. June 18, 2010.
42. NYDailyNews.com. June 2, 2010.