



STATE OF FLORIDA

BILL McCOLLUM
ATTORNEY GENERAL

May 25, 2010

John E. (Jack) Lynch Jr.
U.S. General Counsel
Global Exploration and Production
Global Supply and Trading
501 Westlake Park Boulevard
Houston, TX 77079

Mark Holstein
Managing Attorney
BP America Inc.
501 Westlake Park Boulevard
Houston, TX 77079

Dear Messrs. Lynch and Holstein:

I am in receipt of Mr. Holstein's May 24th letter but am disturbed by both its tone and content. The threat of oil being deposited inland by a tropical storm or hurricane is not a "hypothetical situation" but an almost certainty. It is incredible that BP is not prepared to acknowledge and accept responsibility for the consequences of this devastating oil spill even at this late date.

Your reference to OPA, interpretive case law, and Coast Guard regulations is likewise disappointing. BP has consistently and repeatedly stated to the public that it will pay all necessary clean-up costs associated with the oil spill and all legitimate claims for other loss and damage without regard to any potentially applicable statutory caps on liability. I need not remind you of BP's assurance of the same to me and my fellow Attorneys General in Mr. Lynch's May 10th letter.

In any event, BP is also liable to Florida and its residents and businesses for cleanup costs and other damages under the "Pollutant Discharge Prevention and Control Act," §§ 376.011-376.17, 376.19-376.21, Florida Statutes. There is no statutory limit on BP's liability for natural resource and other damages under this statute.

The threat of a tropical storm or hurricane is a near certainty. Since your response is at best unclear, I would repeat my demand that BP provide assurances that it will pay for the additional damage caused by oil contamination in the event of a hurricane or tropical storm. The full power of my office will be used to ensure that BP and any other liable party lives up to their responsibilities under the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill McCollum". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bill McCollum