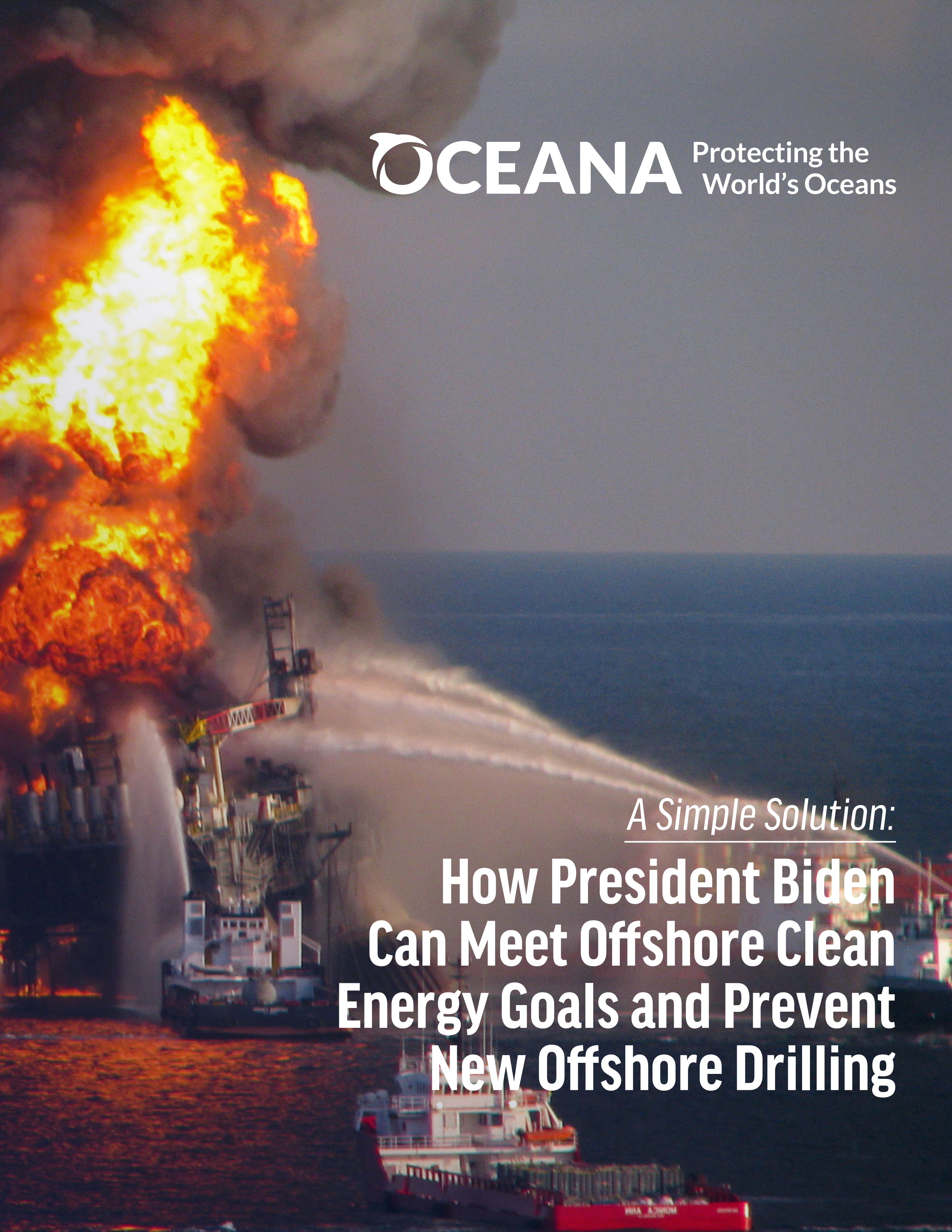
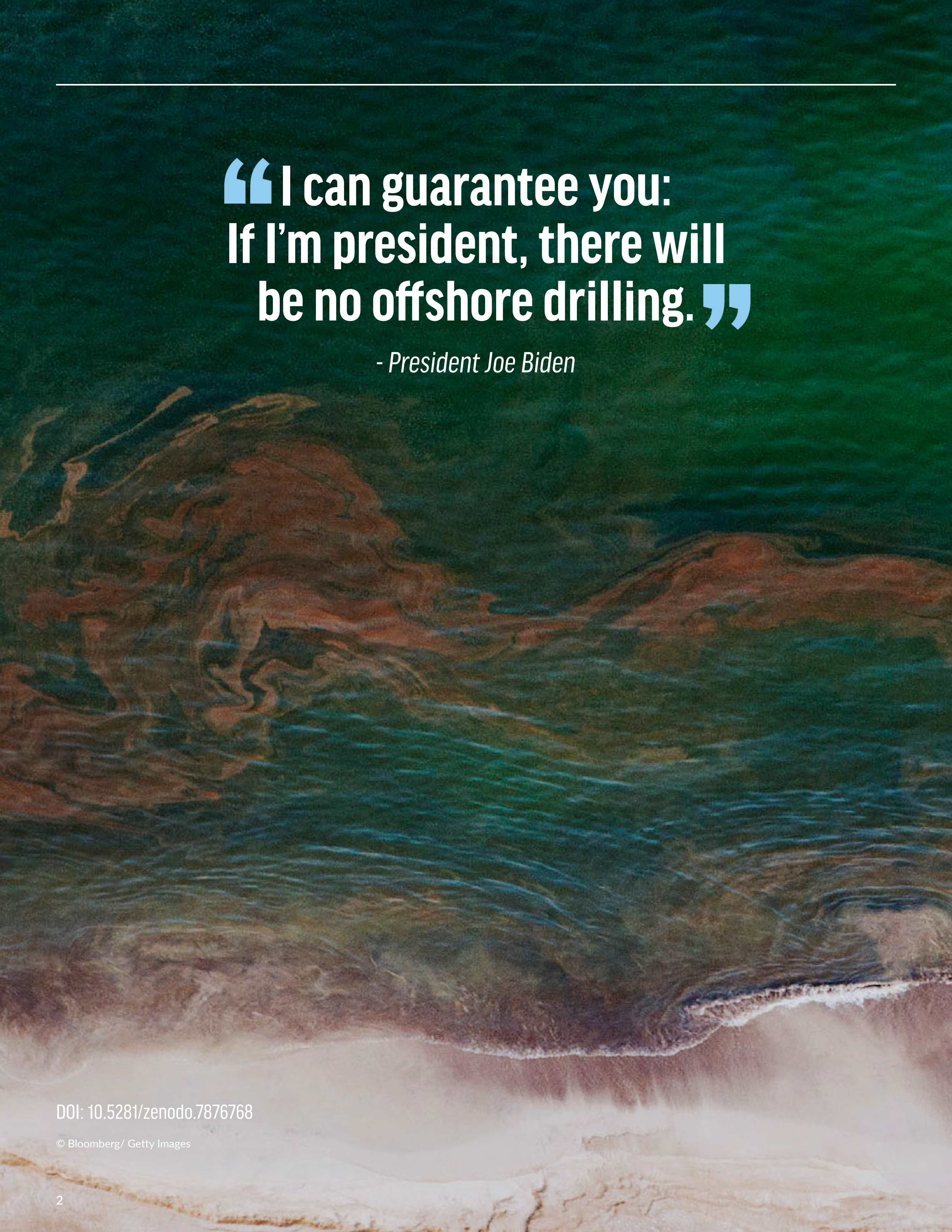


OCEANA Protecting the World's Oceans

*A Simple Solution:*

# How President Biden Can Meet Offshore Clean Energy Goals and Prevent New Offshore Drilling



> **I can guarantee you: If I'm president, there will be no offshore drilling.**
>
> *- President Joe Biden*

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BP THUNDER HORSE

# Introduction

President Biden's campaign promise to stop the expansion of offshore drilling was a relief to millions of Americans counting on the United States to be a leader in addressing the growing climate crisis. Dirty and dangerous offshore oil drilling is not only a major threat to our climate, but also to the health of our oceans. Toxic oil spills devastate marine ecosystems and wildlife. They wreak havoc on coastal economies that provide millions of jobs and billions in gross domestic product (GDP) from industries that depend on a healthy ocean, like fishing, tourism, and recreation.[1]

President Biden has the responsibility to ensure his administration advances the policies needed to meet the ambitious and necessary climate goals of the United States. According to the International Energy Agency's (IEA) Net Zero by 2050 report, nations must stop developing new oil and gas fields if global warming is to stay within relatively safe limits.[2]

The most recent Intergovernmental Panel on Climate Change report highlighted the urgency of the situation, and in remarks accompanying the report's release, Secretary-General of the United Nations António Guterres affirmed that to meet vital emissions reduction goals, leaders of developed countries must commit to "stopping any expansion of existing oil and gas reserves."[3]

More than two years into his presidency, Biden has yet to uphold his promise on offshore drilling. In fact, the Inflation Reduction Act (IRA), passed by Congress in 2022, requires the expansion of offshore drilling and threatens the president's commitment. Harmful provisions in the IRA mandated several lease sales in Alaska and the Gulf of Mexico in 2022 and 2023 while also tying future offshore wind leasing to massive offshore drilling lease sales.

Despite these mandated lease sales, President Biden can still prevent new oil and gas leases in 2024 and beyond through the five-year planning process. By the end of this year, the administration is preparing to release its five-year program for offshore oil and gas development, also called the Five-Year Plan. This analysis explains how President Biden can uphold his offshore drilling promise in his Five-Year Plan, and achieve clean energy goals while meeting the IRA's requirements.

Continued leasing and subsequent drilling for dirty fossil fuels is a climate disaster and an environmental injustice. When oil companies drill, they spill.[4] Those spills bring immediate economic and environmental devastation that disparately affects marginalized communities. And, expanding fossil fuel production is a step backwards in the urgent race to reduce greenhouse gas emissions to prevent the worst effects of the climate crisis. Not only does offshore drilling increase emissions, but oil and gas leases displace potential offshore wind leases that are needed to meet clean energy targets.[5]

By ending new oil and gas leasing now, President Biden can address the climate crisis, protect our coasts, responsibly advance clean, renewable energy on a historic scale, safeguard communities most impacted by climate change, and support the health and well-being of Black and Brown communities that are disproportionately affected by offshore drilling.

Oceana calls on President Biden to uphold his climate and environmental justice commitments by finalizing his Five-Year Plan with no new leasing for offshore drilling. American leadership to end new dirty and dangerous offshore drilling can galvanize the nations of the world to follow suit, resulting in huge benefits for our climate and our oceans.

© U.S. Coast Guard

# "Get That Done" — *A President's Promise*

During his 2020 campaign for the presidency, President Biden issued a plan for a clean energy revolution and for environmental justice in America.[6]

In the March 15, 2020 Democratic presidential primary debate, when asked by CNN's Jake Tapper what he would do to combat climate change, Biden said, "Number one, no more subsidies for [the] fossil fuel industry. No more [oil and gas] drilling on federal lands. No more drilling, including offshore."[7]

Reaffirming his commitment, in remarks at a public event in Florida, Biden said, "I can guarantee you if I am president, there will be no offshore drilling."[8] Then, in July 2022, President Biden's Department of the Interior announced the next proposed program for offshore drilling — this is the second to last step before the plan is finalized. The new plan will determine the offshore drilling lease sales for the next five years.

Unfortunately, the proposal indicated the final plan could have anywhere from zero to up to 10 potential lease sales in the Gulf of Mexico and one potential lease sale in Cook Inlet off Alaska's coast.[9] Despite the proposal's troubling considerations for new leasing, it is encouraging that it also includes an option for no new leasing. The final program has yet to be released, but is expected by the end of the year, according to court documents.[10]

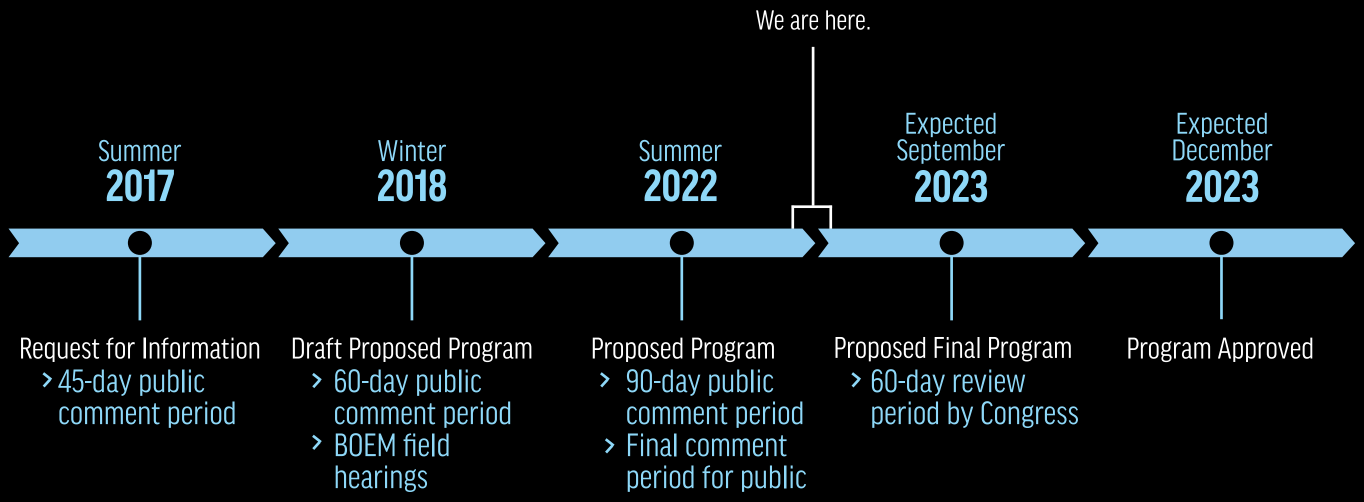
Subsequently in November 2022, responding to an advocate in New York calling on the president to end offshore drilling, Biden said, referring to his earlier promises: "That was before I was president. We're trying to work on that to get that done."[11] And so, the president must still "get that done." By excluding new offshore oil and gas leases in the final Five-Year Plan, he can still keep his promise.

**"No more drilling on federal lands. No more drilling, including offshore."**

*- President Joe Biden*

# Five-Year Plan Process

**The process to develop the Five-Year Plan for offshore oil and gas leasing has several legally required opportunities for the public to provide input.**




In 2017 the Trump administration issued an Initial Request for Information to solicit feedback from the public about when, where, and whether to allow future offshore drilling. Then, in 2018 President Trump issued the Draft Proposed Program (DPP) which outlined the largest number of potential offshore leases ever offered by any president – a sweeping expansion of oil and gas leasing in the Atlantic, Pacific, and Arctic Oceans, as well as off Florida's Gulf Coast.[12] Considerable public outcry ensued, and the Trump administration never released a Proposed Program.

The Biden administration picked the process back up and released a Proposed Program in July 2022 with a 90-day public comment period. This comment period was the final opportunity the public had to provide feedback before the final program is announced. This is the third stage of the federal government's decision-making process toward an approved 2023-2028 National Outer Continental Shelf Oil and Gas Leasing Program. Since the comment period closed on October 6, the Bureau of Ocean Energy Management (BOEM) is reviewing more than 760,000 comments and they intend to publish the Proposed Final Program in September. The Secretary of the Interior is expected to approve the Program in December 2023, following a statutory 60-day waiting period after the Program is submitted to the president and Congress.

# Lessons Ignored – *BP's Devastating Warning*

© Environmental Protection Agency

A reminder of what is at stake: the most dramatic lesson was 13 years ago in 2010, when 200 million gallons of oil gushed into the Gulf of Mexico following an explosion on BP's *Deepwater Horizon* drilling rig.[13] The explosion killed 11 workers and set off the largest oil spill in U.S. history. Toxic oil polluted 1,300 miles of Gulf Coast shoreline, from Texas to Florida.[14] The disaster killed hundreds of thousands of animals, including birds, fish, and sea turtles. Commercial and recreational fishing in the Gulf shut down for months.

The BP *Deepwater Horizon* disaster devastated Gulf ecosystems, communities, and economies, and many of those impacts are still felt today. A 2019 study showed the sea floor near the wellhead was still barren of the life typically found there.[15] Many marine mammal populations will take decades to recover, if they fully recover at all.[16]

Bottlenose dolphins were some of the most severely impacted marine mammals. Experts estimate that it will take 30 to 50 years for some groups of dolphins to recover in the Gulf of Mexico.[16] More than 150 dolphins and whales were found dead during the oil spill response.[17] Over 1,000 whales and dolphins were stranded from 2010 to 2014, but the number of deaths could be much higher, as not all mortalities were observed.[18] This event was the longest known marine mammal die-off in the Gulf of Mexico.[18] Gulf of Mexico Rice's whales are among the most endangered whales in the world, and oil industry activities are a primary threat to their precarious survival.[19] The *Deepwater Horizon* disaster decreased their population by about 22%.[19] Some wetlands destroyed by the oil will never recover because when the plants died, the land was washed away.

Housing markets across the region experienced a decline in prices between 4% and 8% that persisted for at least five years.[20] The BP disaster immediately reduced popular recreational activities, including boating, fishing, and beach visits, translating to an industry loss of more than $500 million.[21] Fisheries closed and demand for Gulf seafood plummeted. A government study estimated the loss to the seafood industry at nearly $1 billion.[22]

The oil removal efforts were woefully inadequate, leaving an estimated 60 million gallons of oil remaining in the Gulf of Mexico — more than five times the amount released by Exxon Valdez.[23] The responders used outdated cleanup methods, including the release of hundreds of thousands of gallons of toxic chemical dispersants meant to break up oil into smaller droplets.[24,25]

Despite repeated promises that toxic oil spill disasters are rare, the oil and gas industry proves again and again that offshore drilling is dirty and dangerous. Oil spill disasters are not isolated incidents. In the U.S. alone, there were over 6,000 oil spills between 2010 and 2020 — an average of almost two spills every day.[4]

No offshore oil and gas company can guarantee oil spills will not occur. The BP *Deepwater Horizon* disaster showed how much devastation can arise from one catastrophic blowout. And it was one well among thousands in the Gulf of Mexico. Every new offshore well drilled is another BP *Deepwater Horizon* disaster waiting to happen. Continuing to expand oil and gas development is reckless and irresponsible.

**200 million gallons of oil**
gushed into the Gulf of Mexico following BP disaster

**1,300 miles of Gulf Coast**
polluted by toxic oil

**22% decrease**
in Rice's whale population

Beyond the BP disaster
**over 6,000 oil spills**
between 2010 and 2020 — an average of two spills per day

# Biden's Climate Law's Dark Side – *Threats Inside the IRA*

The Inflation Reduction Act (IRA) of 2022 may be the most significant climate law in history. It includes provisions for a broad range of clean energy projects and programs that are estimated to reduce carbon emissions by roughly 40% by 2030.[26] But in giveaways to the fossil fuel industry, the law mandated several lease sales and ties offshore wind lease sales to sales for offshore oil and gas leases.

## Summary of IRA's bad offshore drilling provisions[27]

- **Sec. 50265:** Places limitations on offshore wind leasing by mandating massive offshore oil and gas leasing – at least 60 million acres – in the year preceding future offshore wind lease sales.
- **Sec. 50264:** Mandates that offshore oil and gas leases on 1.7 million acres in the Gulf of Mexico be issued (Lease Sale 257) and disregards a District Court ruling which held that the environmental impact statement underpinning the sale was flawed.
- **Sec. 50264:** Requires Lease Sale 258 (Cook Inlet, Alaska) be carried out by December 31, 2022; Lease Sale 259 (Gulf of Mexico) be carried out by March 31, 2023; and Lease Sale 261 (Gulf of Mexico) be carried out by September 30, 2023.

The harmful IRA provisions mandating lease sales are inconsistent with our nation's climate goals and threaten to prolong our transition away from fossil fuels to clean energy, while benefiting fossil fuel companies raking in record profits. These provisions will deepen the already unfair burden on Gulf of Mexico and Alaska communities, who are forced to deal with continued pollution, spills, and industrialization. And so, President Biden must ensure the damage already being done in these places does not get worse and does not expand.

| IRA Mandated Lease Sales for Offshore Drilling | Date | Acreage |
|---|---|---|
| Lease Sale 257 | 11/17/2021 | 81 million[30] |
| Lease Sale 258 | 12/30/2022 | 960,000[31] |
| Lease Sale 259 | 3/29/2023 | 73 million[32] |
| Lease Sale 261 | By end of 9/30/2023 | 73 million[33] |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# Moving Forward – *Wind Goals Within Reach*

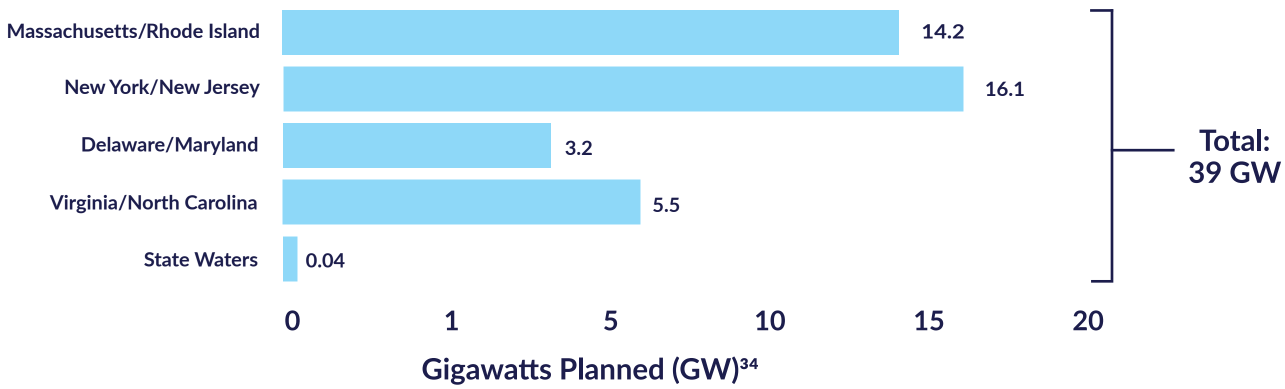
## The President Can Meet His Offshore Wind Goal & End New Oil & Gas Leasing in 2024 and Beyond, Despite the IRA

Offshore wind development is vital to meeting the climate crisis head-on. Linking future offshore wind leasing to offshore drilling leasing is counterproductive and backwards. Congress should pass legislation that would remove this link.

Even if Congress fails to act, the Biden administration is on track to exceed its goal of developing 30 gigawatts (GW) of offshore wind by 2030.[28] This is enough energy to power 10 million homes and support 77,000 jobs.[29] If BOEM carries out the additional oil and gas lease sale scheduled for this year as planned, in addition to the lease sales already held in 2022 and 2023, lease sales for offshore wind can move forward through most of 2024 while in compliance with Section 50265 of the IRA.

BOEM now estimates more than 39 GW of generating capacity can be built on offshore wind leases already sold, and additional offshore wind lease sales are expected in 2023 and 2024.[34]

## Offshore Wind Leases Sold Prior to IRA Passage

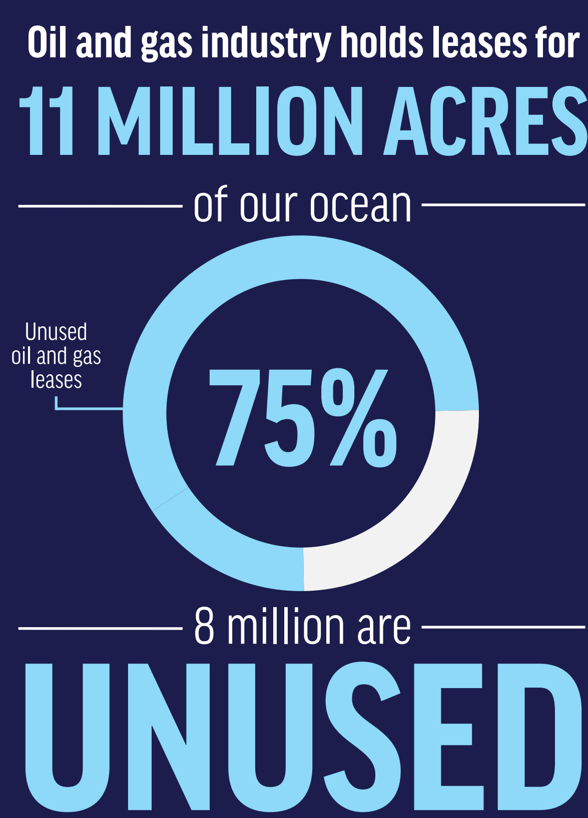



Today there are a total of seven offshore wind turbines installed off U.S. coasts with substantial growth expected in areas currently leased. The offshore drilling provisions in the IRA will not affect the development of already sold offshore wind leases. If the oil leases mandated by the IRA through September 2023 are carried out and the leases are issued, any additional wind leases sold through September 2024 can move forward without requiring any additional oil and gas lease sales. Looking forward, BOEM's proposed leasing schedule includes additional lease sales in the Gulf of Mexico, Central Atlantic, Oregon, and Gulf of Maine.[35]

While we must deploy clean energy quickly, we must ensure that we expand renewable energy responsibly, at every phase of the development process, with strong protections for ocean wildlife, such as the critically endangered North Atlantic right whale and Rice's whales. This means appropriately siting projects, reducing noise during survey operations and construction, limiting vessel speeds to reduce ship strikes, monitoring environmental conditions and effects at every phase, and using best available techniques, like dedicated observers and passive acoustic monitoring, to avoid harming marine mammals and other protected species.

## The Fossil Fuel Industry's Cup Runneth Over *(and onto our beaches)*

The oil and gas industry currently holds over 2,000 leases totaling more than 11 million acres of our ocean, and 8 million of those acres are currently unused. That means companies are sitting on over 75% of their leased acreage.[36] Existing oil and gas leases could support near-current production levels well into the next decade.[37] In the meantime, fossil fuel use will steadily decrease over that period.[37] There is no reason to sell more offshore oil leases when the industry is not even using the ones it already has. We can and must support our energy needs through growth in renewables, like offshore wind, that will bring cleaner air and good jobs to our coastal communities.



# Still Dirty, Still Dangerous –
# *The Case Against More Offshore Drilling*

The tragic lesson of the BP *Deepwater Horizon* disaster alone should be enough to get Congress and the Biden administration to stop expanding the footprint of offshore drilling. But even beyond the specter of inevitable massive catastrophes, the list of threats from offshore drilling is long and sobering.

## *Safety*

Offshore oil drilling is inherently dirty and dangerous, and the industry has a documented track record of inadequate safety culture and practices, and outright negligence.

The Bureau of Safety and Environmental Enforcement (BSEE) is meant to ensure safety and environmental protection in offshore drilling, but the Bureau's enforcement capabilities are inadequate. BSEE relies heavily on industry-written safety standards, which limit the agency's ability to impose and enforce safety provisions.

With the industry in effect policing itself, safety suffers. Between 2007 and 2021, offshore operators reported 3,659 injuries.[38] On average, three offshore workers die every year. The industry cannot keep its employees safe, so we should not expect it to keep our waters and communities safe.

It has little incentive to do so. Operating costs for offshore drilling can be $1 million per day,[39] but penalties for violating safety and environmental rules are capped at only $48,862 per day, per violation.[40] Industry profits are in the billions per year.[41] Fines for bad behavior can be ignored as a minor line item in the costs of doing business as usual.

Also, the industry frequently leaves the public with its mess to clean up, and taxpayers are often on the hook to pay the bill. After production of a well concludes, companies are required to deal with the remaining infrastructure, including its removal from the environment. Some smaller companies do not have the resources to decommission their facilities, leaving American taxpayers with the burden for costs when wells must be capped. Further, government regulators are allowing the industry to abandon pipelines on the seafloor after they are no longer in use.[42] As of 2018, decommissioning liabilities were approximately $28 billion in the Gulf of Mexico.[43] As of 2021, 75% of platforms in the Gulf are inactive or abandoned.[44]

Between 2007 and 2021
**3,659 injuries reported**

Between 2007 and 2021
**an average of 3 deaths per year**

As of 2021,
**75% of the platforms in the Gulf are inactive**


**Penalties for safety violations are only 5% of daily operating cost**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## Climate

With more intense inland storms and tornadoes, intensifying hurricanes, extreme drought in the Southwest, and relentless precipitation on the U.S. West Coast, the last few years have seen no end of disaster records set and broken.[45] The climate crisis is here, and it will get worse until we reverse the still-rising emissions from burning fossil fuels.

To reach global climate goals, offshore drilling is an especially important target for emissions reductions. An Oceana analysis found that stopping the expansion of offshore drilling and promoting clean energy policies worldwide could reduce greenhouse gas emissions by 6.9 billion tons a year globally by 2050.[46]

And offshore drilling itself produces massive emissions. A recent report found that methane pollution from oil platforms in the Gulf of Mexico was twice as bad as previous government estimates, at 580,000 tons of methane per year.[47] That is equivalent to the annual carbon dioxide emissions from 1.5 million homes.[48] As a greenhouse gas, methane is 25 times as potent as carbon dioxide.[49]

In the United States, Oceana calculated that permanently protecting all federal waters from new offshore drilling could prevent more than 19 billion tons of greenhouse gas emissions — nearly three times the total annual emissions of the U.S.[1] This would be equivalent to taking every car in the nation off the road for 15 years. This would also prevent over $720 billion in damages to people, property, and the environment, which is comparable to more than the annual GDP of major cities like Boston, Seattle, or Atlanta.[1]

Burning fossil fuels is causing the climate crisis and intensifying extreme weather events like hurricanes.[50] In a vicious cycle, those stronger hurricanes are making offshore drilling even more dirty and dangerous than it already is. Hurricane-caused damage to oil and gas infrastructure is a leading cause of oil spills. High winds and flooding from Hurricanes Katrina and Rita destroyed more than 100 platforms and damaged over 500 pipelines.[51] A mudslide triggered by Hurricane Ivan sank a Taylor Energy oil platform located off the coast of Louisiana, burying numerous wells under mud.[52] The storm-damaged wells leaked oil and gas into the Gulf of Mexico for almost 15 years, and containment efforts continue to this day.[53]

If President Biden is serious about acting on climate, he must stop all new leasing for offshore drilling.

## Justice

Globally, the people most affected by climate disasters contribute the least to greenhouse gas emissions. This pattern of injustice is entrenched in the United States, where Black and Brown people and marginalized communities suffer a disparate share of negative impacts from climate change and the fossil fuel industry. An EPA report found that vulnerable lower-income and communities of color will suffer the highest impacts of climate change, including health impacts, dangerous temperatures, and weather disasters like flooding.[54] After the BP disaster, responders dumped about half of the 100 million pounds of oiled waste into communities of color.[55,56] This was part of a trend that has been in place for decades, where toxic waste dumps have been disproportionately placed in communities of color.[57]

If we keep burning fossil fuels at current rates, the impacts will wreak havoc on our ocean and coastal communities. The worsening climate is a threat to every American, and low-income and other marginalized communities will experience disproportionately worse impacts.[54] We must act now to find just, equitable solutions to mitigate the dangerous and costly effects of climate change. Stopping dirty and dangerous offshore drilling is an obvious place to start.


# Opportunities for President Biden

This is simple: President Biden can lead on climate by refusing to include any new offshore oil and gas leases in U.S. waters in his final Five-Year Plan. He should also use his authority granted under Section 12(a) of the Outer Continental Shelf Lands Act to permanently protect areas from offshore oil and gas leasing. President Obama did this in 2016, withdrawing 115 million acres of the Arctic Ocean and 31 Atlantic canyons from oil and gas activity.[58] And in 2020 President Trump used the same authority to withdraw federal waters from Florida to North Carolina from offshore oil and gas leasing through 2032.[59] This year, President Biden withdrew the Beaufort Sea from future offshore drilling leasing.[60]

Selling new offshore oil and gas leases while the industry is already sitting on millions of acres of undeveloped leases makes no sense. Expanding offshore oil and gas drilling is incompatible with meeting our climate goals because it would lock in decades of greenhouse gas and oil pollution. Our marine ecosystems and coastal economies that depend on clean and healthy waters must be protected.

We need to advance responsibly sited and developed offshore wind to meet U.S. energy needs and usher in a clean energy economy. Congress must pass legislation to untether clean offshore wind energy from fossil fuel leasing. These steps will reduce the unfair burden on communities in the Gulf of Mexico and Alaska that already bear the undue impacts from fossil fuel development and climate change.

# Oceana's Recommendations

**President Biden** must uphold his promise to end new offshore oil and gas leasing in his final Five-Year Plan.

**President Biden** must use his 12(a) authority to permanently protect areas from new offshore drilling.

**Congress** must pass legislation to reverse policies that link offshore wind leasing to offshore oil and gas leasing.

**BSEE** must seek transformative changes to industry's safety culture through greater inspections and enforcement, and by reducing reliance on industry-written standards.

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