

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

LOUISIANA, et al.,

*Plaintiffs,*

v.

DEB HAALAND, in her official capacity as  
Secretary of the Interior; et al.,

*Defendants.*

Civ. No.: 2:24-cv-00820

Judge: James D. Cain, Jr.

Mag. Judge: Thomas P. LeBlanc

---

**BRIEF OF *AMICI CURIAE* CENTER FOR BIOLOGICAL DIVERSITY, HEALTHY  
GULF, OCEAN CONSERVANCY, AND OCEANA**

**TABLE OF CONTENTS**

TABLE OF AUTHORITIES ..... iii

INTRODUCTION ..... 1

INTERESTS OF AMICI CURIAE..... 3

LEGAL AND REGULATORY BACKGROUND ..... 5

FACTUAL BACKGROUND..... 8

ARGUMENT ..... 9

I. FAILURE TO DECOMMISSION UNDER CURRENT REGULATIONS IS A  
SERIOUS, ONGOING PROBLEM THAT LEADS TO ENVIRONMENTAL  
HARM, SAFETY RISKS, AND DAMAGE TO VULNERABLE  
COMMUNITIES. .... 11

II. THE ONGOING PROBLEM IS PROJECTED TO WORSEN. .... 17

III. THE RULE IS IN THE PUBLIC INTEREST ..... 20

CONCLUSION..... 23

**TABLE OF AUTHORITIES**

<b>Statutes</b>	<b>Page(s)</b>
43 U.S.C. § 1331.....	5
43 U.S.C. § 1334.....	5
43 U.S.C. § 1344.....	5
 <b>Regulations</b>	
30 C.F.R. § 250.146.....	22
30 C.F.R. § 250.1700.....	6
30 C.F.R. § 250.1701.....	8, 22
30 C.F.R. § 250.1703.....	6, 7
30 C.F.R. § 250.1710.....	13
30 C.F.R. § 250.1711.....	6
30 C.F.R. § 250.1725.....	6, 13
30 C.F.R. § 250.1750.....	14
30 C.F.R. § 550.101.....	6
30 C.F.R. § 556.604.....	8
30 C.F.R. § 556.605.....	5
30 C.F.R. § 556.900.....	7
30 C.F.R. § 556.901.....	7
30 C.F.R. § 556.1100.....	5
30 C.F.R. § 556.1101.....	5
 <b>Federal Register</b>	
85 Fed. Reg. 65904 (Oct. 16, 2020).....	8
88 Fed. Reg. 42136 (June 29, 2023).....	4, 6, 9, 21
89 Fed. Reg. 31544 (April 24, 2024).....	<i>passim</i>

## INTRODUCTION

Nearly a decade ago, the Government Accountability Office reported that existing rules and regulations fail to hold oil and gas companies accountable to their requirement to clean up the equipment they use to drill in public waters. The final rule at issue here, 89 Fed. Reg. 31544 (April 24, 2024) (the “Rule”), takes a conservative but important step towards accountability, but the outcome that Plaintiffs seek would allow companies to continue operating irresponsibly and profiting from public resources without regard to the environment or communities. We support the Rule because it will help ensure that equipment is properly removed after production ends and reduce the risk of harm from abandoned infrastructure.

This Rule primarily affects offshore oil and gas operations in the Gulf of Mexico, which is the center of the nation’s offshore oil and gas industry and the host to thousands of wells and platforms<sup>1</sup> and tens of thousands of miles of underwater pipelines.<sup>2</sup> It is also a remarkable aesthetic, economic, and environmental resource to the five Gulf Coast states and the nation, supporting some of the most productive ecosystems in the United States and robust fishing and tourism industries that rely on its resources.<sup>3</sup>

The relevant statute, the Outer Continental Shelf Lands Act (“OCSLA”), authorizes the Secretary of the Interior to issue leases to high bidders for the development of oil and gas resources in the Gulf. OCSLA’s regulations also obligate lessees, after they are finished with operations, to decommission all the infrastructure they put in the water—meaning that operators

---

<sup>1</sup> GAO, *Offshore Oil and Gas, Interior Needs to Improve Decommissioning Enforcement and Mitigate Related Risks* 1, GAO-24-106229 (Jan. 2024) (“2024 GAO Report”).

<sup>2</sup> GAO, *Offshore Oil and Gas, Updated Regulations Needed to Improve Pipeline Oversight and Decommissioning* 1, GAO-21-293 (Mar. 2021) (“2021 GAO Report”).

<sup>3</sup> See Shawn Stokes & Marcy Lowe, *Wildlife Tourism and the Gulf Coast Economy*, Datu Resch. (July 2013), [https://www.researchgate.net/publication/321648027\\_Wildlife\\_Tourism\\_and\\_the\\_Gulf\\_Coast\\_Economy](https://www.researchgate.net/publication/321648027_Wildlife_Tourism_and_the_Gulf_Coast_Economy); John W. Tunnell Jr., *Shellfish of the Gulf of Mexico, in Habitats and Biota of the Gulf of Mexico: Before the Deepwater Horizon Oil Spill* 769 (C. Herb Ward ed., 2017) (June 27, 2017), [https://doi.org/10.1007/978-1-4939-3447-8\\_8](https://doi.org/10.1007/978-1-4939-3447-8_8).

must remove structures and plug wells. However, the regulatory framework governing this decommissioning process is severely flawed, federal oversight and enforcement is weak, and industry compliance with decommissioning deadlines is poor. As a result, infrastructure is left in the water without proper decommissioning and thousands of wells are left unplugged to the tune of billions of dollars in cleanup costs. Failure to properly and promptly decommission offshore oil and gas wells, pipelines, and platforms jeopardizes the marine environment and the robust economy in the region that depends on a healthy Gulf.

The Rule seeks to address the current volume of abandoned and improperly decommissioned infrastructure in the Gulf and to prevent the same issue in the future by strengthening the financial assurances required to operate offshore. Prior to the Rule's issuance, exceedingly lenient regulations allowed government regulators to grant waivers that excused offshore lessees from providing adequate assurances for more than 91 percent of decommissioning liabilities.<sup>4</sup> Under the Rule, lessees must meet more demanding criteria to obtain a waiver from posting assurances. As a result, the federal government will have access to additional funding to decommission infrastructure that lessees are unable or unwilling to decommission instead of shifting the financial burden onto taxpayers and the environmental burden onto communities in the region. It will prevent additional delays in decommissioning and help prevent harm from abandoned infrastructure. Staying it would strip communities from its benefits and risk environmental harm in the name of allowing unfit companies to operate and profit.

---

<sup>4</sup> 2024 GAO Report 26.

### **INTERESTS OF AMICI CURIAE**

Center for Biological Diversity, Healthy Gulf, Oceana, and Ocean Conservancy (“Environmental Groups”) are devoted environmental nonprofit organizations that advocate for protection of ocean and coastal ecosystems and the health of coastal communities.

Environmental Groups have a long history working in the Gulf of Mexico to protect the marine environment from the threats that offshore oil and gas operations pose to the ocean and to coastal communities.

The Center for Biological Diversity (the “Center”) is a national conservation organization that advocates for the protection of threatened and endangered species and their habitats through science, law, and policy. On behalf of its more than 71,000 members, the Center’s Oceans Program focuses specifically on conserving marine ecosystems and seeks to ensure that imperiled species such as marine mammals, sea turtles, and seabirds are properly protected from destructive practices in our oceans. The Center also works to protect coastal communities from air pollution, water pollution, and other impacts that result from such practices. In pursuit of this mission, the Center has been actively involved in protecting the Gulf of Mexico from offshore oil and gas drilling activity, including the failure of oil and gas companies to comply with their decommissioning obligations.

Healthy Gulf is a 501(c)(3) nonprofit organization headquartered in New Orleans, Louisiana. Healthy Gulf’s organizational purpose is to collaborate with and serve communities who love the Gulf of Mexico by providing research, communications, and coalition-building tools needed to reverse the long-standing pattern of overexploitation of the Gulf’s natural resources. Healthy Gulf has members and supporters who live, work, and recreate across the five Gulf states of Louisiana, Texas, Mississippi, Alabama, and Florida, and nationwide. Healthy Gulf’s staff has monitored spills and leaks from pipelines, and surface production facilities on

land and offshore. Its staff scientists use boats and planes to monitor leaks and spills after storms and report spills to the Coast Guard's national database for spill response. Healthy Gulf uses organizing, policy, and communications to advocate for a cleaner, healthier Gulf of Mexico for the natural and human communities that depend on it.

Oceana is a nonprofit international organization dedicated to protecting and restoring the world's oceans through policy, advocacy, science, law, and public education. Oceana has over one million members and supporters in the United States, including over 70,000 members in Gulf states. Oceana is headquartered in Washington, D.C. with regional offices across the United States. Oceana's Climate and Energy Campaign uses science and advocacy to drive policies aimed at stopping climate change, with a focus on preventing expanded offshore oil drilling and reducing the impact of existing offshore drilling. Oceana's staff and members have been heavily engaged in work related to offshore oil drilling.

Ocean Conservancy is a national nonprofit organization that seeks a healthier ocean protected by a more just world. For more than 50 years, it has used science-based advocacy, research, and education to tackle some of the greatest global challenges facing the ocean, including climate change, plastic pollution, and overfishing. Ocean Conservancy has a longstanding, demonstrated history of advocacy related to offshore oil and gas activities in federal waters. It works to promote offshore oil and gas policies and practices that reduce adverse impacts to communities, the ocean environment, and the climate.

As relevant here, Environmental Groups have advocated for strong regulations to protect the marine environment from the threats that abandoned offshore oil and gas infrastructure pose. In response to the proposed rule, 88 Fed. Reg. 42136 (June 29, 2023), Environmental Groups submitted comments advocating for the highest level of financial requirements, met with the

Office of Information and Regulatory Affairs to voice concerns, sent a letter to the Department of the Interior and the Bureau of Ocean Energy Management (“BOEM”) urging BOEM to issue a strong final rule, and filed a petition with the Department of the Interior outlining findings and asking it for oversight reform on oil and gas decommissioning after the Government Accountability Office (“GAO”) released its 2024 report on the existing risks of decommissioning. Environmental Groups support BOEM’s new rule as it is a modest but important step to fix a decommissioning system that has left decaying, hazardous infrastructure in our ocean.

Environmental Groups file this brief to uphold the objectives of the Rule to mitigate ongoing and future environmental harm through the implementation of an improved regulatory framework governing offshore decommissioning.

### **LEGAL AND REGULATORY BACKGROUND**

OCSLA governs the leasing, exploration, and development of oil and gas deposits in the Outer Continental Shelf (“OCS”),<sup>5</sup> 43 U.S.C. § 1331 *et seq.*, and gives the Secretary of the Interior (the “Secretary”) broad discretion to “prescribe such rules and regulations as may be necessary” to carry out the statute, including regulations “to provide for the prevention of waste and conservation of the natural resources.” 43 U.S.C. § 1334(a). OCSLA states that the management of the OCS must be “conducted in a manner which considers economic, social, and environmental values.” *Id.* § 1344(a)(1). Under OCSLA, the Secretary offers leases through a competitive bidding process. *Id.* § 1334. Awarded leases grant successful bidders the right to explore, develop, and produce oil and gas resources on the leased areas for a set period of time, after which lessees relinquish the leased areas back to the public. 30 C.F.R. §§ 556.605,

---

<sup>5</sup> 43 U.S.C. § 1331(a) (defining OCS as “all submerged lands lying seaward and outside of the area of lands beneath navigable waters . . . and of which the subsoil and seabed appertain to the United States . . .”).



556.1100-01. And OCSLA's implementing regulations obligate lessees to decommission the leased areas, a process which consists of "ending" oil and gas operations and returning the leased area to a condition that meets federal requirements. *Id.* § 250.1700(a).

Under the Secretary, BOEM and the Bureau of Safety and Environmental Enforcement ("BSEE") are the agencies in charge, respectively, of managing and enforcing offshore leasing and development, including the decommissioning process. The Secretary has delegated authority to BOEM to manage development in an environmentally and economically responsible way, including overseeing financial assurances from lessees. *Id.* § 550.101; 88 Fed. Reg. at 42138. The Secretary has assigned authority to BSEE to enforce a lessee's obligation to perform decommissioning. *Id.*

Oil and gas companies incur decommissioning obligations as soon as they enter a lease agreement with the federal government.<sup>6</sup> Under BSEE's regulations, lessees are required to decommission infrastructure that is no longer useful for operations.<sup>7</sup> 30 C.F.R. § 250.1703. Lessees "must remove all platforms and other facilities within 1 year after the lease, pipeline right-of-way, or right-of-use and easement terminates." *Id.* § 250.1725. And, for infrastructure that has become idle,<sup>8</sup> lessees must decommission wells within 3 years and platforms within 5

---

<sup>6</sup> *Decommissioning*, BSEE (last visited Aug. 16, 2024), [www.bsee.gov/decommissioning](http://www.bsee.gov/decommissioning) ("From the first signature on a lease, offshore operators know that they will have to clean up the area after they drill and produce hydrocarbons . . . and decommission the facilities and structures placed on the leased area").

<sup>7</sup> In addition to decommissioning equipment located on expired offshore oil and gas leases, operators are also required to decommission equipment located on active leases when that equipment becomes idle, namely no longer useful for operations. 30 C.F.R. § 250.1703; *see also id.* § 250.1711 (providing that federal regulators will require lessees to permanently plug wells that are not useful for operations and not capable of producing in paying quantities).

<sup>8</sup> *See* BSEE, *Idle Iron Decommissioning Guidance for Wells and Platforms 2*, NTL No. 2108-G03 (Dec. 11, 2018), <https://www.bsee.gov/sites/bsee.gov/files/notices-to-lessees-ntl/ntl-2018-g03.pdf> (describing idle infrastructure as that which is "no longer useful for operations" and qualifying that as the following: "(1) For a well, (a) the well has not been used in the past 5 years (i) for operations associated with the exploration for or the development and production of oil, gas, sulphur, or other mineral resource or (ii) as infrastructure to support such operations; and (b) you have no plans to use the well (i) for operations associated with the exploration for or the development and production of oil, gas, sulphur, or other mineral resource, or (ii) as infrastructure to support such operations. (2) For

years from when they are no longer useful and no longer capable of producing oil or gas in paying quantities.<sup>9</sup> Lessees must permanently plug all wells,<sup>10</sup> “remove all platforms and other facilities,”<sup>11</sup> “decommission all pipelines,” “clear the seafloor of all obstructions created by [the] lease,” and remove all pipelines.<sup>12</sup> *Id.* §§ 250.1703, 250.1010, 1750–54.

Before BOEM issues any new lease for oil and gas operations to a lessee, BOEM’s regulations require lessees to provide small bonds (the amount of which has not been updated since the 1990s) to ensure the lessee complies with regulatory and lease requirements, including decommissioning requirements. *Id.* § 556.900. In addition, the regulations authorize BOEM to collect supplemental financial assurances to cover the estimated costs of decommissioning. *Id.* § 556.901. However, if BOEM determines that a lessee has sufficient financial strength to accomplish decommissioning obligations, BOEM may waive the requirements for a supplemental bond. *Id.* § 556.901(d). Before issuing the Rule at issue here, the regulations provided five criteria for BOEM to use to determine whether a lessee should be granted a waiver. *Id.* § 556.901(d) (May 31, 2016). Several Notices to Lessees provided additional detail about when BOEM would provide a waiver for supplemental assurances. *See e.g.*, BOEM, *Supplemental Bond Procedures*, NTL No. 2008-N07 (Aug. 28, 2008) (superseded by BOEM-NTL-2016-NO1).

---

a platform, the platform has (a) been toppled or otherwise destroyed; or (b) not been used in the past 5 years (i) for operations associated with the exploration for or the development and production of oil, gas, sulphur, or other mineral resource, (ii) as infrastructure to support such operations, or (iii) for other energy- or marine - related purposes as authorized by BSEE or the Bureau of Ocean Energy Management.”).

<sup>9</sup> *Id.*

<sup>10</sup> Wells are holes that penetrate the seafloor and underlying geology to provide access to hydrocarbon-bearing layers.

<sup>11</sup> Platforms consist of “topside” structures—above the ocean’s surface—as well as supporting substructures. BSEE, *supra* note 6.

<sup>12</sup> Subsea pipelines connect production and processing facilities and transport hydrocarbons and other products.

Under BOEM and BSEE regulations, lessee liability is “joint and several,” meaning that each lessee is liable for all decommissioning obligations, including those that accrued prior to ownership. 30 C.F.R. §§ 556.604(d), 250.1701. And a lessee that transfers ownership rights will continue to be liable for decommissioning obligations that accrued while it held interest in the rights. *Id.*

### **FACTUAL BACKGROUND**

In 2015, the GAO identified massive flaws in the regulatory system governing decommissioning in the OCS. In its report, the GAO found that BOEM’s and BSEE’s financial assurance regulations and procedures for decommissioning posed financial risks to the federal government and taxpayers, and recommended actions to improve the system.<sup>13</sup> In 2021, the GAO released a similar report focused on pipeline decommissioning oversight, highlighting the lack of a process to ensure tens of thousands of miles of pipelines in the Gulf are properly decommissioned.<sup>14</sup>

In 2020, in response to the 2015 GAO report, BOEM proposed a rule to replace the evaluation criteria to determine whether a lessee is required to provide supplemental financial assurances. 85 Fed. Reg. 65904 (Oct. 16, 2020). However, BOEM estimated that the 2020 proposed rule would have decreased financial assurances by about \$200 million, *Id.* at 65904, which would have exacerbated the decommissioning problem and the issues identified in the GAO’s 2015 report.

In January of this year, almost five years after its last report, the GAO published a new report, once again finding serious deficiencies in the regulatory framework governing

---

<sup>13</sup> GAO, *Offshore Oil and Gas Resources: Actions Needed to Better Protect Against Billions of Dollars in Federal Exposure to Decommissioning Liabilities* (2015), <https://www.gao.gov/assets/gao-16-40.pdf> (“2015 GAO Report”).

<sup>14</sup> See 2021 GAO Report.

decommissioning,<sup>15</sup> including that “over 75 percent of end-of-lease and idle infrastructure in the Gulf was overdue under BSEE’s deadlines.”<sup>16</sup>

In 2023, BOEM proposed the rule at issue here, 88 Fed. Reg. 42136, and after drawing numerous comments from environmental groups as well as industry, BOEM finalized it as proposed, apart from minor edits. 89 Fed. Reg. 31544.

The Rule amends the evaluation process to determine whether a lessee is waived from posting supplemental financial assurances for decommissioning. *Id.* at 31545. It requires lessees to meet one of two criteria for a waiver: either the lessee proves it has an investment-grade credit rating (or credit proxy) or that the value of proved oil and gas reserves on the lease is at least three times greater than the decommissioning liability associated with those reserves. *Id.* The Rule requires the current lessee to meet the required criteria for a waiver, instead of relying on the financial strength of a predecessor lessee. *Id.* In short, the Rule simply requires all lessees that fail to demonstrate a strong financial background to post bonds or other financial assurances for the eventual decommissioning of their own infrastructure.

The Rule is only one of the many updates that are necessary to address the issues identified in all three of the GAO’s reports, but it is an important step forward in facilitating timely and proper decommissioning.

### **ARGUMENT**

The Court should deny Plaintiffs’ motion to enjoin or stay the Rule because, by relieving and preventing environmental and safety harms and providing valuable benefits to communities, the Rule is in the public interest. Before this Rule, OCSLA’s implementing regulations did not effectively ensure that operators would pay the costs of decommissioning and fulfill their

---

<sup>15</sup> See 2024 GAO Report.

<sup>16</sup> *Id.* (GAO Highlights).

obligations. As a result, offshore oil and gas lessees often leave infrastructure from their operations in the water, fail to plug wells, and leave equipment on the seafloor, to the detriment of the environment and other ocean users. Hundreds of platforms and thousands of wells are overdue for decommissioning and thousands of miles of pipelines have been left to decay in the ocean. This idle and abandoned equipment leaks harmful chemicals into the ocean and toxic gases into the air, which damage nearby ecosystems and coastal communities. It also creates safety hazards for operators and other ocean users trying to navigate.

Not only is it an ongoing issue, but it is also projected to worsen. As existing infrastructure continues to age, more equipment will need to be decommissioned, the costs will balloon, and all of this in concert will contribute to even greater delays. The rise of drilling in deeper waters, where decommissioning costs are even higher, increases the risk that companies will not be able to cover the cost of cleaning up after themselves.

It is against this backdrop of infrastructure littered across the Gulf of Mexico that Plaintiffs declare “there is simply no problem for the new Rule to remedy” and that “unrebutted evidence demonstrates that the extent of the problem is (at most) in the tens of millions, not billions.” ECF No. 6-1 at 43. Plaintiffs’ statements are rebutted and unequivocally false: the evidence demonstrates that the Rule is necessary to address real, valid issues with the current decommissioning regulatory framework.

The Rule strengthens the current regulations by implementing modest, but stronger requirements that will allow BOEM to collect more supplemental financial assurances from offshore operators in the Gulf and cover more of the costs should operators fail to meet their obligations. Hence, it takes an important step at addressing the failed decommissioning system that has allowed oil and gas companies to operate irresponsibly for decades.

**I. Failure to Decommission Under Current Regulations Is a Serious, Ongoing Problem that Leads to Environmental Harm, Safety Risks, and Damage to Vulnerable Communities.**

Oil and gas drilling equipment and infrastructure clutter the Gulf Mexico. Approximately 8,000 wells and 1,600 platforms exist in the Gulf of Mexico.<sup>17</sup> In addition to that active infrastructure, more than 1,700 end-of-lease wells and nearly 400 end-of-lease platforms in the Gulf of Mexico are overdue for decommissioning and considered delinquent, as of June 2023.<sup>18</sup> The backlog of overdue infrastructure accounts for three-quarters of all end-of-lease wells and platforms due for decommissioning.<sup>19</sup> Of the 1,700 delinquent wells, more than 700 have not even been temporarily plugged to prevent leaks.<sup>20</sup> Similar to overdue end-of-lease infrastructure, idle platforms and wells are also of significant concern. As of June 2023, over 1,000 idle wells and 100 idle platforms in the Gulf of Mexico were overdue for decommissioning.<sup>21</sup> Some of these idle wells have been inactive for more than a decade.<sup>22</sup>

Although companies agree to pay for decommissioning costs when they enter into a lease agreement with the federal government,<sup>23</sup> decommissioning is costly. A 2022 analysis estimated it would cost more than \$40 billion to decommission just the wells—not the platforms or pipelines—in federal waters in the Gulf of Mexico.<sup>24</sup> Decommissioning costs on the OCS can range from tens of millions of dollars for a shallow water lease to hundreds of millions of dollars for a deep water lease.<sup>25</sup> Oil wells in deeper waters—greater than 1000 feet of water—are bigger,

---

<sup>17</sup> 2024 GAO Report 1; *but see* Mark Agerton et al., *Financial Liabilities and Environmental Implications of Unplugged Wells for Gulf of Mexico and Coastal Waters*, 8 *Nature Energy* 536, 541 tbl.4 (May 8, 2023). Note that the recent U.S. Government Accountability Office (“GAO”) (reporting a greater number of existing wells in federal waters of the Gulf of Mexico—10,783 wells).

<sup>18</sup> *Id.* at 14.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.* at 19.

<sup>22</sup> *Id.*

<sup>23</sup> BSEE, *supra* note 6.

<sup>24</sup> Agerton et al., *supra*, at 540.

<sup>25</sup> 2024 GAO Report 2.

deeper, and more complex than shallow water wells.<sup>26</sup> As a result, it is much more costly to decommission a deep water well than a shallow water well. The average cost to decommission a deep water well is \$24 million per well, compared to \$660,000 per shallow water well in federal waters.<sup>27</sup> With more than 1,600 deep water wells in the Gulf of Mexico, decommissioning costs for the wells alone is projected to exceed \$34 billion.<sup>28</sup> That does not include the cost of decommissioning deep water platforms or pipelines.

These high costs have made operator bankruptcies a growing concern. Since 2009, 37 offshore oil and gas operators filed for bankruptcy, including operators with billions of dollars in decommissioning liabilities.<sup>29</sup> Some bankruptcies “resulted in companies being unable to cover their decommissioning liabilities, leading to orphaned wells and idle infrastructure.”<sup>30</sup> For example, one of the largest independent operators in the Gulf of Mexico and a founding member of Plaintiff Gulf Energy Alliance, Fieldwood Energy, LLC, filed for bankruptcy in 2018 and 2020. It was responsible for the decommissioning of more than 1,170 wells, 280 pipelines, and 270 drilling platforms,<sup>31</sup> but left billions of dollars of decommissioning liabilities unsettled, likely to be covered by taxpayers.<sup>32</sup> Fieldwood is not alone. Another large independent offshore operator, Cox Oil Offshore LLC, filed for bankruptcy in 2023, after one of its tankers struck a platform.<sup>33</sup> Cox has 477 platforms and hundreds of aging wells in the Gulf of Mexico, together

---

<sup>26</sup> Agerton et al., *supra*, at 540.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> 2024 GAO Report 27.

<sup>30</sup> *Report on the Federal Oil and Gas Leasing Program* 11, Dep’t of the Interior (Nov. 2021), <https://www.doi.gov/sites/doi.gov/files/report-on-the-federal-oil-and-gas-leasing-program-doi-eo-14008.pdf>.

<sup>31</sup> Naveena Sadasivam, *How bankruptcy lets oil and gas companies evade cleanup rules*, Grist (Jun. 7, 2021), <https://grist.org/accountability/oil-gas-bankruptcy-fieldwood-energy-petroleumshare/>.

<sup>32</sup> 2024 GAO Report 27.

<sup>33</sup> National Transportation Safety Board, *Contact of Tanker Atina with Oil and Gas Production Platform SP-57B*, MAB-21/24 (Nov. 20, 2021), <https://www.ntsb.gov/investigations/AccidentReports/Reports/MAB2124.pdf>.

amounting to more than \$4.5 billion in decommissioning liabilities.<sup>34</sup>

The GAO recently found operator noncompliance with decommissioning deadlines has accumulated over time to create a substantial backlog. Indeed, the GAO estimates that, as of June 2023, BOEM held a mere \$3.5 billion in supplemental bonds to cover between \$40–\$70 billion worth of total decommissioning for wells and platforms in federal waters.<sup>35</sup>

The lack of enforcement tools makes the situation even worse. Once a federal offshore oil and gas lease has expired (or has been relinquished or terminated), the lease-holder or operator has one year to decommission any wells and platforms on that lease. 30 C.F.R. § 250.1710 (requiring lessees and owners of operating rights to “permanently plug all wells on a lease within 1 year after the lease terminates”); *id.* § 250.1725. Despite this clear regulatory mandate, the GAO’s independent analysis of decommissioning data found that, from 2010 to 2022, offshore operators did not meet the 1-year deadline for more than 40% of wells and more than 50% of platforms.<sup>36</sup>

The federal agency tasked with enforcing end-of-lease decommissioning deadlines—BSEE—has been ineffective at compelling compliance. When an operator misses a decommissioning deadline for end-of-lease infrastructure, BSEE will issue a citation to the operator. But citations are largely toothless; operators can and do ignore them.<sup>37</sup> Although BSEE can impose civil penalties, BSEE officials are often reluctant to pursue those penalties because the financial harm from a civil penalty may prevent a company from having the financial ability

---

<sup>34</sup> *Cox bankruptcy: Will decommissioning and safety issues be satisfactorily addressed?*, Bud’s Offshore Energy (Jan. 8, 2024), <https://budsoffshoreenergy.com/2024/01/08/cox-bankruptcy-will-decommissioning-and-safety-issues-be-satisfactorily-addressed/>.

<sup>35</sup> 2024 GAO Report 26.

<sup>36</sup> *Id.* at 13.

<sup>37</sup> *See id.* at 16 (noting owners of delinquent wells and platforms failed to decommission even though they had received citations for roughly 94% of wells and 96% of platforms).



to pay for decommissioning and lead to bankruptcy.<sup>38</sup>

And the problem does not end with wells and platforms. Abandoned pipelines also litter the seafloor. Although federal rules generally require oil and gas companies to remove pipelines, there is an exception that allows companies to seek authorization to leave their pipelines on the seafloor if specific criteria are met. 30 C.F.R. § 250.1750. The GAO found that since the 1960s, government regulators have allowed oil and gas companies to leave more than 97 percent of all decommissioned pipeline on the Gulf of Mexico seafloor.<sup>39</sup> As of 2021, that amounted to nearly 18,000 miles of discarded pipeline sitting on the bottom of the ocean.<sup>40</sup>

As infrastructure degrades, the risks to human safety and the environment increase. For example, critical structural elements, such as walkways and handrails, erode and become a safety hazard for workers and regulators that require access to the structure for decommissioning purposes.<sup>41</sup> The risk of decaying infrastructure extends offsite to other ocean users. Structures with inadequate lighting, for instance, become navigational hazards for ships in the area,<sup>42</sup> affecting other oil and gas operators and several other industries, such as commercial fisheries.<sup>43</sup> Vessel collisions with platforms can destroy oil and gas structures and the vessel, cause leaks, and risk personnel death.<sup>44</sup> Subsurface pipelines also present a risk of anchors dragging or rupturing them, causing leaks and vessel collisions.<sup>45</sup>

---

<sup>38</sup> *Id.* at 17.

<sup>39</sup> 2021 GAO Report 12.

<sup>40</sup> *Id.*

<sup>41</sup> 2024 GAO Report 8.

<sup>42</sup> *Id.*

<sup>43</sup> 2021 GAO Report 14.

<sup>44</sup> *Id.* at 8, fn.24.

<sup>45</sup> See e.g., Associated Press, *Coast Guard says a ship's anchor dragged California oil pipeline that later leaked*, NPR (Oct. 17, 2021), <https://www.npr.org/2021/10/17/1046900318/coast-guard-says-a-ships-anchor-draggedcalifornia-oil-pipeline-that-later-leake>.

Unplugged and improperly plugged wells also cause environmental harm. They leak oil and harmful gases into the surrounding waters including methane, benzene, nitrogen oxides, and carbon dioxide.<sup>46</sup> These contaminants have a direct detrimental effect on the local environment and the health of communities. For example, methane is a precursor of air pollutants associated with asthma, reduced lung function, and chronic obstructive pulmonary disease (COPD).<sup>47</sup> The damage from these leaks, can also have ecosystem-wide effects that harm fish stocks important to fisheries, affect threatened and endangered species, and contaminate coastal areas, endangering the health of communities that recreate and work on the coast.<sup>48</sup> And scientific evidence shows that even brief exposures to crude oil and its components can have severe detrimental impacts on fish, like mahi-mahi and red snapper as well as on invertebrate species.<sup>49</sup> As a recent example, in July of this year, Gulf fishermen discovered an oil sheen in the water coming from an inactive offshore drilling platform off the Texas coast around the waters where they fish, raising concerns about the effects on the health of fish species and the environment overall and prompting calls for responsible parties to clean up the area.<sup>50</sup>

---

<sup>46</sup> Stanley U. Opara, Chinedu J. Okere, *A review of methane leakage from abandoned oil and gas wells: A case study in Lubbock, Texas, within the Permian Basin*, 5 *Energy Geoscience* (Feb. 2024), <https://www.sciencedirect.com/science/article/pii/S2666759224000039>, see also 2024 GAO Report 9–10.

<sup>47</sup> Kathleen A. Mar et al., *Beyond CO2 equivalence: The impacts of methane on climate, ecosystems, and health*, 134 *Env't Sci. & Pol'y* 127, 129–30 (Aug. 2022), <https://doi.org/10.1016/j.envsci.2022.03.027>.

<sup>48</sup> See National Academies of Sciences, Engineering, and Medicine, *Oil in the Sea IV: Inputs, Fates, and Effects* 263-360 (2022).

<sup>49</sup> Lela S. Schlenker et al., *Brief Oil Exposure Reduces Fitness in Wild Gulf of Mexico Mahi-Mahi (Coryphaena hippurus)*, 56 *Env't Sci. & Tech.* 13019, 13019 (Sept. 2, 2022). See also Juan Pablo Ek-Huchim et al., *Red Blood Cell Cytotoxicity Associated to Heavy Metals and Hydrocarbons Exposure in Flounder Fish from Two Regions of the Gulf of Mexico*, 108 *Bull. Env't Contam. & Toxicol.* 78 (Mar. 23, 2022); Ashley M. McDonald et al., *Prior exposure to weathered oil influences foraging of an ecologically important saltmarsh resident fish*, 10 *PeerJ* (Jan. 5, 2022); Erin L. Pulster et al., *Hepatobiliary PAHs and prevalence of pathological changes in Red Snapper*, 230 *Aquatic Toxicology* (Jan. 2021); Ronald Eisler, *Polycyclic aromatic hydrocarbon hazards to fish, wildlife, and invertebrates: a synoptic review*, Contaminant Hazard Reviews Rep. No. 11, U.S. Fish & Wildlife Serv. (May 1987).

<sup>50</sup> *Oil sheen seen for miles off Galveston coast, spill coming from 'inactive' offshore drilling platform*, Click2Houston (July 19, 2024), <https://www.click2houston.com/news/local/2024/07/20/oil-sheen-seen-for-miles-off-galveston-coast-spill-coming-from-inactive-offshore-drilling-platform/>.

The risk of decaying offshore infrastructure is further exacerbated by storms. The Gulf of Mexico is subject to powerful hurricanes that can destroy equipment such as storage tanks, move subsea pipelines, or even topple entire platforms.<sup>51</sup> Hurricanes and storm events have become stronger and more frequent in the last decade, and any of these types of events can cause oil spills.<sup>52</sup> This risk is not hypothetical: in 2005, hurricanes Katrina and Rita destroyed 113 offshore platforms, damaged more than 450 pipelines, and led to six spills of 1,000 barrels or more.<sup>53</sup> In 2004, a Gulf of Mexico hurricane caused a subsea mudslide that destroyed an active oil production platform and initiated what became the longest-running oil spill in U.S. history.<sup>54</sup> Even when those oil spills are not major, small amounts of oil can cause harm to marine organisms—from plankton to marine mammals—and cause adverse impacts to their health or ability to reproduce.<sup>55</sup> Oil and drilling fluids can also cause other diseases, reduce the physiological health of species, and lead to death.<sup>56</sup>

These spills harm communities on the coast. As the world learned from the BP *Deepwater Horizon* catastrophe, oil spills can cause serious harm to coastal communities, from long-term health consequences for those who come into contact with the oil to increased rates of depression. The impacts of this disaster have lasted for years and will last through generations. People involved in oil cleanup suffered from diminished blood, liver, lung, and heart function,

---

<sup>51</sup> 2024 GAO Report 9.

<sup>52</sup> *Id.*; see also Dazhi Xi & Ning Lin, *Increasing sequential tropical cyclone hazards along the US East and Gulf coasts*, 13 Nat. Clim. Chang. 258 (Feb. 27, 2023), <https://doi.org/10.1038/s41558-023-01595-7>.

<sup>53</sup> Minerals Management Service, *MMS Updates Hurricanes Katrina and Rita Damage*, BSEE (May 1, 2006), <https://www.boem.gov/sites/default/files/boem-newsroom/Press-Releases/2006/press0501.pdf>.

<sup>54</sup> *Settlement Reached on Taylor Energy Oil Spill - the Largest Oil Spill You Never Heard of*, Dep't of the Interior (April 26, 2022), <https://www.doi.gov/restoration/settlement-reached-taylor-energy-oil-spill-largest-oil-spill-you-never-heard>.

<sup>55</sup> 2024 GAO Report 9.

<sup>56</sup> 2024 GAO Report 9–10 (citing National Academies of Sciences, Engineering, and Medicine, *Oil in the Sea IV: Inputs, Fates, and Effects* (2022)).

with prolonged or even worsening symptoms seven years after the disaster.<sup>57</sup> The economic costs to the region were great and painful—cumulatively, the disaster wiped out more than 16 million user days of coastal and marine recreation such as boating, fishing, and beachgoing.<sup>58</sup>

Delays in decommissioning increase the risk to the environment and coastal communities. Not only does delay pose a risk because the longer the structure remains in the water the more likely it is to leak hazardous chemicals, but decaying structures create safety risks that inhibit access to a platform and require further funding and repairs before the decommissioning process can begin, which increases the cost of decommissioning and further extends delays, creating an endless loop.<sup>59</sup> “[D]ecommissioning a storm-damaged structure may cost 15 times or more [the cost of decommissioning] an undamaged structure.”<sup>60</sup>

## II. The Ongoing Problem is Projected to Worsen.

The decommissioning problem is already dire and it is expected to worsen. From the approximately 8,000 wells in federal waters of the Gulf of Mexico, nearly half are “approaching or past the end of their useful life,”<sup>61</sup> and will need to be decommissioned. The environmental and safety risks will increase as older wells continue to decline. Studies show that 30 percent of wells in the Gulf of Mexico had well casing damage within the first five years, and that damage increased to 50 percent after 20 years.<sup>62</sup> The GAO’s report also found that platform deterioration over time increases the risk of accidents.<sup>63</sup>

---

<sup>57</sup> *The GuLFSTUDY*, National Institute of Environmental Health Sciences (Oct. 28, 2021), <https://www.niehs.nih.gov/research/atniehs/labs/epi/studies/gulfstudy>.

<sup>58</sup> *The Bureau of Ocean Energy Management’s 2017-2022 Outer Continental Shelf Oil and Gas Leasing Program: Hearing Before the S. Select Comm. on Energy & Natural Resources*, 114th Cong. (2016) (statement from Hon. Maria Cantwell, Senator from Washington), <https://www.govinfo.gov/content/pkg/CHRG-114shrg21988/html/CHRG-114shrg21988.htm>.

<sup>59</sup> 2024 GAO Report 8.

<sup>60</sup> *Id.* at 11.

<sup>61</sup> *Id.* at 1.

<sup>62</sup> Avner Vengosh et al., *A Critical Review of the Risks to Water Resources from Unconventional Shale Gas Development and Hydraulic Fracturing in the United States*, 48 *Env’t Sci. & Tech.* 8334 (Mar. 7, 2014).

<sup>63</sup> 2024 GAO Report 8.

In the face of between \$40 billion and \$70 billion in decommissioning costs, the federal government only held less than 9 percent of that, approximately \$3.5 billion, prior to the Rule.<sup>64</sup> If current offshore oil and gas lessees are unable or unwilling to meet their decommissioning obligations, the U.S. government could be exposed to decommissioning liabilities in excess of \$36 billion. This not only means a financial burden on the taxpayer, but it also points to imminent decommissioning delays and abandonment of infrastructure in the OCS. Even if lessees eventually pay costs of clean up, harm will continue while the federal government collects the necessary funds to properly decommission, which based on past experience could take “extended periods of time.”<sup>65</sup> In fact, operator delays have already amassed a substantial backlog of end-of-lease infrastructure that is overdue for decommissioning.<sup>66</sup>

Smaller companies with limited financial resources often acquire leases close to end-of life, raising the likelihood that the infrastructure on that lease will need to be decommissioned before long and increasing the risk that the small company will not have the resources to decommission when it is time to do so. In the Gulf of Mexico, larger companies tend to discover sizeable fields of fossil fuels early in the exploration cycle and discover smaller fields in the later, more mature phases of exploration. Historically, these large, well-resourced oil companies (“majors” or “supermajors”) first develop the more sizeable oil fields in the Gulf and smaller companies tend to invest in mature fields because the size and potential profitability of those projects often is not attractive to larger companies. As a result, larger companies often sell their assets to independent operators after completing some production, who, after additional

---

<sup>64</sup> *Id.* at 26.

<sup>65</sup> *Id.* at 14.

<sup>66</sup> *Id.* at 19.

production, sell their assets to smaller companies.<sup>67</sup> Thus, small and mid-size offshore oil and gas companies, such as the ones Plaintiffs represent, often own aging shallow-water wells and infrastructure associated with the operation of older wells.<sup>68</sup> These companies do not have the financial resources that oil majors do. Consequently, when production revenues from these wells no longer exceed operating costs, the “wells are typically abandoned” and platforms are “scheduled for removal.”<sup>69</sup> As older, shallow-water wells continue to decline in productivity and profitability,<sup>70</sup> and become “increasingly marginal in value” the risk that current operators will abandon them increases.<sup>71</sup>

And reliance on predecessor lessees to decommission is not the panacea that Plaintiffs suggest. ECF No. 6-1 at 17–19. Under the Rule, BSEE continues to have the authority to call upon predecessor lessees to perform their obligations, but the primary goal has and should always be to require decommissioning by the current lessee. History has shown that anytime BSEE calls upon predecessor lessees, the process can drag on for a long time due to logistical issues and litigation from those predecessors.<sup>72</sup> The more time passes, the more likely spills and seepages become and the less likely it is that there is any predecessor lessee still in business.<sup>73</sup>

---

<sup>67</sup> See BSEE & BOEM, *Information/Briefing Report: Gulf of Mexico Data and Analysis/Leasing, Drilling and Production, Gulf of Mexico Shallow Water Potential Stranded Assets* 4 (Nov. 19, 2019), <https://www.bsee.gov/sites/default/files/reports/shallow-water-report-01.pdf> (“BSEE & BOEM 2019”) (describing historical transition of Gulf of Mexico assets from majors to independents to smaller companies).

<sup>68</sup> See *id.* at 5, Fig. 1 (lease ownership map showing “non-major” oil companies holding most shallow water leases in the Gulf of Mexico).

<sup>69</sup> *Id.* at 5.

<sup>70</sup> In the 2019 report, federal regulators characterized the shallow-water portion of the U.S. Gulf of Mexico as a province “in sharp decline.” BSEE & BOEM 2019, at 2, 7.

<sup>71</sup> Robert Schuwerk et al., *Double or Nothing: How regulators are gambling on the future self-interest of large oil and gas companies to decommission the Gulf of Mexico’s aging infrastructure* 7, Carbon Tracker Initiative (June 9, 2022).

<sup>72</sup> 2024 GAO Report 17–18.

<sup>73</sup> *Id.* at 2.

### III. The Rule is in the Public Interest

The Rule's amendments fall short of what is necessary to address the severe decommissioning problem in the OCS. However, the changes that the Rule implements will help ensure that operators are held accountable for the costs of decommissioning, which, in turn, will help prevent the proliferation of decaying infrastructure in the Gulf of Mexico, address significant environmental injustices affecting Gulf communities, and create new sustainable opportunities centered around sound business practices and the protection of our natural resources.

The Rule addresses two major environmental threats: decommissioning delay and infrastructure abandonment. In the past, BOEM regulations allowed the agency to waive supplemental financial assurance requirements when lease owners passed a basic financial strength test. 89 Fed. Reg. at 31545. Additionally, if one lessee on a lease met the test (even past owners), no other co-lessee was required to provide supplemental financial assurances. *Id.* at 31547. Because the waiver test was so easy to meet, the agency commonly granted such waivers.<sup>74</sup> As a result, the GAO found that as of June 2023, federal regulators “had collected supplemental bonds for less than 9 percent of estimated decommissioning costs,” and held only roughly \$3.5 billion in supplemental bonds in the face of between \$40 billion and \$70 billion in decommissioning costs.<sup>75</sup>

Although insufficient, the new Rule ensures that some additional funding is readily available for decommissioning when current lessees cannot or will not pay, thereby alleviating

---

<sup>74</sup> *Id.* at 26.

<sup>75</sup> *Id.*

the federal government from the burden of locating responsible parties.<sup>76</sup> The Rule requires *all* lessees who cannot readily prove they have funding for decommissioning to post supplemental financial assurances in case they are unable or unwilling to pay for decommissioning in the future. The Rule does not prohibit the government from going after other potentially liable parties; it simply ensures that the process of decommissioning can carry on without delay.

Simply put, the Rule requires current lessees to prove they have funds to cover the price of doing business in the OCS, such that they will not become a hurdle in the decommissioning process. Timely access to decommissioning funds will “simplif[y] potential administrative demands, since it obviates the need for parties to distinguish between wells with predecessor lessees and more recent sole-liability wells, side-track wells, and other sole-liability components” and “avoid the environmental or safety hazards associated with delayed compliance.” 88 Fed. Reg. at 42137, 42141. Timely decommissioning will also ensure that on-site workers are operating in stable, safe structures, decreasing the chances of injury to the workforce. The Rule will prevent potentially deadly navigational hazards. As BOEM put it in the proposed rule, “without this proposed rule (*i.e.*, without the financial assurance fully in place), it could take longer to arrange for decommissioning, which could result in additional environmental damage or increased obstacles to navigation. A reduction in decommissioning activity lead-time could reduce environmental damage.” 88 Fed. Reg. at 42138.

The environment and communities that depend on a healthy ocean will benefit from the Rule, as more effective decommissioning will decrease the likelihood of harmful leaks and the

---

<sup>76</sup> BOEM estimates the new rule will require offshore operators to provide an additional \$6.9 billion in supplemental financial assurance. However, even under the new rule, many offshore oil and gas companies still will not have to provide supplemental financial assurance, and the supplemental financial assurances held by the government will still be tens of billions of dollars short of projected offshore decommissioning liabilities. 89 Fed. Reg. at 31545 (noting lessees will not have to provide supplemental financial assurance if they meet certain conditions); *id.* at 31544 (projecting the new rule will result in an additional \$6.9 billion in supplemental financial assurance); *id.* at 31548 (noting that waiving supplemental bond requirements result in a coverage gap of nearly \$40 billion).



release of methane and other harmful gases into the atmosphere. Less oil in the water means safer communities that are free to recreate and carry out marine activities related to their livelihoods and culture without having to risk their physical or mental health.

The Rule will reduce the amount of offshore infrastructure that is abandoned by companies. Combined with proper enforcement of the decommissioning obligations, this will sustain the decommissioning industry. The enormous number of unplugged wells and tens of thousands of miles of pipeline in need of removal present an opportunity for “significant and long term oil and gas related employment.”<sup>77</sup> Thus, while jobs in the traditional oil and gas sector decline,<sup>78</sup> decommissioning is a growing field in need of a workforce. It is estimated that decommissioning in shallow waters of the Gulf of Mexico will require 5,265 decommissioning jobs per year, including contractors, workers, and suppliers.<sup>79</sup> More broadly, another 10,500 jobs per year associated with decommissioning may become available.<sup>80</sup>

Plaintiffs downplay the benefits of the Rule by pointing to joint and several liability provisions that existed prior to the Rule and remain unaffected by the Rule. ECF No. 6-1 at 16–19. Under joint and several liability, when a current leaseholder is unwilling or unable to pay decommissioning costs, federal regulators can require co-lessees or previous lease-owners to pay decommissioning costs for infrastructure that existed before they transferred the lease. 30 C.F.R. §§ 250.146, 250.1701. Thus, “each lessee is liable for all decommissioning obligations that accrue on the lease during its ownership, including those that accrued prior to its ownership but

---

<sup>77</sup> Megan Milliken Biven & Leo Linder, *The Future of Energy & Work in the United States: The American Oil & Gas Worker Survey* 62, True Transition (Mar. 2023), [https://www.truetransition.org/files/ugd/0ad80c\\_069ea867b3f044afba4dae2a1da8d737.pdf](https://www.truetransition.org/files/ugd/0ad80c_069ea867b3f044afba4dae2a1da8d737.pdf).

<sup>78</sup> *Id.* at 4 (noting the oil and gas industry had fired more than 118,000 American oil and gas workers by 2020 and had let go more than a quarter of the total workforce between 2015 and 2019).

<sup>79</sup> Mark Agerton et al., *Considering a Federal Program to Permanently Plug and Abandon Offshore Oil and Gas Wells* 27, Columbia Univ. Ctr. on Global Energy Pol’y (Apr. 18, 2022).

<sup>80</sup> *Id.*

had not been performed.”<sup>81</sup> Although the joint and several liability system allows the government to reach back to former owners to cover decommissioning costs, it does not operate seamlessly. Some have raised questions about the strength of the regulations and the government’s ability to force previous leaseholders to pay decommissioning costs.<sup>82</sup>

The Rule does not affect the applicability of joint and several liability or affect the federal government’s ability to go after predecessor lessees for decommissioning costs. 89 Fed. Reg. at 31544. But, by requiring all lessees to provide financial assurances, the Rule “eliminates the incentive to use joint and several liability as an excuse to delay setting aside funds to pay for predictable decommissioning costs.” *Id.* at 31554. After all, the point of joint and several liability is not just that someone is on the hook to pay, but that everyone is on the hook—both predecessor owners and current lessees. The rule eliminates the delay and procedural hurdles that would ensue if BOEM is forced to go after prior owners who no longer have any current investment in the lease.

### **CONCLUSION**

While insufficient to address all offshore oil and gas decommissioning problems, the Rule takes an important step to begin shifting the financial, environmental, and safety risks of offshore oil and gas operations from coastal communities to the very companies profiting from these risky activities. Although it does not go far enough to protect the environment and communities from the ongoing and worsening harms of the broken offshore oil and gas

---

<sup>81</sup> 2015 GAO Report at 10.

<sup>82</sup> *See, e.g.*, Schuwerk, *supra* note 72, at 9 (noting that in the future, parent companies may no longer be willing to pay decommissioning liabilities incurred by subsidiaries); *see also* Heather Richards, *Why Interior could get stuck with the tab for cleaning up oil platforms*, E&E News (April 12, 2024), <https://eenews.net/articles/why-interior-could-get-stuck-with-the-tab-for-cleaning-up-oil-platforms/> (noting challenges to federal regulations and uncertainties about whether courts will uphold those regulations).

decommissioning regulatory framework, it makes straight-forward and much needed improvements. It requires all companies to show they can pay for the cost of doing business.

The Rule's implementation will reduce the risk of hazardous chemical leaks, decrease navigational hazards, and mitigate safety risks for on-site workers. The Rule would also benefit communities through a healthier marine environment that supports the fishing and tourism industries and support thousands of jobs for local communities and economic growth.

Environmental Groups urge the Court to consider the benefits that the Rule offers and to see Plaintiffs' position for what it is: an attempt to avoid the cost of doing business. Accordingly, Environmental Groups oppose any delay or injunction against the Rule.

Respectfully submitted this 20th day of August, 2024.

/s/ Michael L. Brown

Michael L. Brown (LA Bar # 35444)  
Earthjustice  
900 Camp Street, Unit 303  
New Orleans, LA 70130  
T: 504.910.1735 F: 415.217.2040  
mlbrown@earthjustice.org

/s/ Ava Ibanez Amador

Ava Ibanez Amador (*pro hac vice*)  
Earthjustice  
48 Wall St., 15<sup>th</sup> Floor  
New York, NY 10005  
T: 212.845.7376 F: 415.217.2040  
alamador@earthjustice.org

*Attorneys for Amici Curiae Center for Biological  
Diversity, Healthy Gulf, Ocean Conservancy, and  
Oceana*