From: steven pedigo
To: Sam Coleman/R6/USEPA/US@EPA; Craig Carroll/R6/USEPA/US@EPA; Dana Tulis/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA; Jane Lubchenco NOAA Administrator; Charlie Henry NOAA; Ed Levine Noaa; Dr Overton LSU; sanford Phillips La DEQ; Nancy Jones/R6/USEPA/US@EPA; rportie@lsu.edu; agc@agcrowe.com; Bobby Jindal La Governor; tgollot@senate.ms.gov
Subject: OSEI
Date: 02/02/2011 01:19 PM

Dear Sam Coleman, Dana Tulis, Lisa Jackson et al,

I am hereby requesting that you and or any EPA/Federal Government official, employee, consultant, to hereby cease and desist in the mischaracterization, misleading, leading, incomplete, or arbitrary inferences and potentially defaming statements, towards or in regards to, OSE II (Oil Spill Eater II) either verbally, or in writing, or through any other communication form to anyone. I now feel compelled to address the misinformation and mischaracterization, leading, incomplete, and arbitrary potentially defaming communication towards OSE II. I have not, to this point addressed these communications, since I know all of you are the messengers, and you are doing, and carrying out what you are paid to do. This does not however make your actions, statements and communications, in regards to OSE II corrector acceptable.

Mr. Coleman originally told the Coast Guard OSE II was not on the NCP list, then had to recant the statement. Mr. Coleman as well as others in the EPA have stated that since OSE II is a bioremediation product, it is a finishing up or polishing up product, which is incorrect as well. OSE II is the worlds only first response bioremediation product, which means OSE II can be utilized in almost any hydrocarbon spill scenario, and has been used as such. Mr. Coleman originally denied the testing of OSE II with the BP BCS team in the marsh, since he was worried OSE II would sink oil into the sediments. Keep in mind Sam Coleman and the EPA authorized the extremely toxic corexit dispersants, who's mechanism is to sink oil, which corexit has proven it does. Even after EPA notified BP to stop using corexit 9527A, and back off the volume of application of corexit, the federal government through an executive order from the President for the use of a C130, disregarded their own request and continued applying corexit seemingly for BP. This spill has proven corexit only sinks oil, it increases the toxicity of the oil, acts as a biocide, which was proven in the early nineties (NETAC TESTING), has proven to act with genotoxic, and mutagenic response to phytoplankton, and does not readily degrade or degrade at all, based on last weeks Woods Hole tests report, and my letter to Charlie Henry of NOAA copied to all of you at the EPA named above.

The EPA understood in 1996 that OSE II does not sink oil, since David Lopez forced the OSEI Corporation to perform a dispersant test to show OSE II is not a dispersant, since OSE II contains surfactants that are converted to bio surfactants through our manufacturing process. As you probably already know through correspondence with Dr. David Tsao of BP's BCS team, the dispersant test on OSE II showed OSE II has a zero percent effectiveness as a dispersant, and actually produced a negative number which means OSE II causes oil to float. I pointed out to Dr. Tsao the numerous clean up, photographs showing OSE II causing oil to float, which remains on the surface until the oil is remediated to CO2 and water; including the Osage Indian Reservation. The Osage Indian reservation clean up was an EPA approved clean up, with rocky, sandy, mud and grass intertidal zone, this clean up of crude oil on US navigable waters was completed successfully with OSE II. The photographs on our web site, shows the oil lifting off the rocks and grass, until the clean up was successful below the state of Oklahoma's acceptable standards. You probably now know through Dr. Tsao that NOAA representatives witnessed the demonstration of OSE II at Mo Hang Harbor South Korea, where Bunker C oil, one of the heaviest oils in the world, was poured onto the surface of a test vessel, this oil floated until it diminished to nothing but CO2 and water. At the end of the test the Koreans discovered small little crabs living in the bottom of the container. OSE II converts the oil to CO2 and water through the enhancement of bacteria. As the bacteria also produce food for lower species, which is how the crabs survived for the duration of the test. Had this vessel utilized corexit, the crabs would be dead, the oil would have sunk to the bottom of the test vessel, the water would have become a hazardous waste, that would require special handling procedures, and the oil would have not degraded, what a comparison!

Sam Coleman probably has been notified by Dr. Tsao, that on our web site (www.osei.us) you can see videos of OSE II causing oil to float from several clean ups and demonstrations. Most of you, seem to know of the successful demonstration, of which I was told, I had to attend with Senator Gollot of Mississippi at Waveland beach. I know, you know, since I have had Coast Guard and EPA enquire to how this demonstration came about. It surprised me that EPA did not ask the RRT IV EPA guys, who actually asked to see the demonstration after asking me a few questions at Waveland beach. What the EPA RRT IV witnessed is the fact, that OSE II lifted the BP dispersed oil off the sand in a couple of

minutes after application of OSE II, and OSE II caused the oil to break up and start floating, which the oil floated inside a boomed area, until it was remediated to CO2 and water. Next OSE II was applied to the marsh grass and the oil lifted off the grass, and was caused to float inside the boomed area until the oil was converted to CO2 and water. The stain from the carbon black did not come off the grass, however the grass did not suffer any distress and was not impacted, or destroyed as was the case for the marsh grass on the outside side of the boom. OSE II has already successfully demonstrated its positive safe non toxic ability to clean up the BP dispersed oil, with over 50 witnesses, including RRT IV. The Waveland beach clean up is irrefutable, as is the Osage Indian reservation clean up, which is two EPA witnessed clean ups.

I will also point out to you, EPA et al, that the US Navy used OSE II on hundreds of spills in San Diego bay at the Point Loma Fuel farm for three and a half years. Mr. Nick Nichols, Ms Debra Dietrich of EPA, along with Yvonne Addasi of California region IX, all met Admiral Lively and myself in San Diego, and listened to Steve Fry of the Navy explain the large number of spill clean ups the Navy had performed with OSE II, with whales and dolphins nearby, with out any adverse effects from OSE II on the marine life or the environment, while reducing their clean up costs over 80%. The US EPA has approved, witnessed, or been notified, the use OSE II for this large number of spill clean ups on US Navigable waters. This information along with our 4 tests utilizing the NCP test method for bioremediation products, 2 for 21 days and 2 for 28 days which all proved the great efficacy of OSE II, proves there is no legitimate reason not to use OSE II.

OSE II gets better! We have supplied several toxicity tests in our technical library on fresh and salt water that shows OSE II to be virtually non toxic, and no where near as toxic as either corexit. We do in fact have 9 additional toxicity tests performed by Hap Prichard of the EPA at the Gulf Breeze laboratory that show OSE II to be virtually non toxic, as well as a recent toxicity test performed for the Korean Government, and one more test performed for the new NCP listing, which the EPA wrote back to me, and stated, the toxicity test was not necessary, therefore the EPA did not include it, in our new NCP listing. This large catalogue of toxicity testing on fresh and salt water species shows OSE II is Absolutely safe for marine species and the marine environment.

I recently met with Captain Stanton to let him know we respected him, since he would always discuss over the last 18 years, regulations and exchange information with us no matter how hard we would press. We actually had a few cross conversations, and I wanted him to know that we wanted to apologize for any harsh feelings we may have caused, and to thank him and wish him well in retirement. While at the meeting Captain Stanton let his staff know that he had witnessed retired Admiral Lively drink OSE II on TV in Houston with no adverse reactions. When we demonstrate the application of OSE II, myself and my associates, always try to stick our hand in the flow of OSE II, to show how safe and easy OSE II is to utilize. When corexit is applied you need a respirator, and a chemical suite, and to not wear this equipment while applying corexit, is a death sentence, as the Valdez spill proved. Once again what a comparison!

Dr. Tsao performed his own test with OSE II which was somewhat suspect in that he contradicted himself, however Dr. Tsao proved that OSE II did not sink oil to the bottom of the test vessel, which he would have already known had he watched the OSE II videos. Dr. Tsao stated he performed the test to prove to the trustee (Sam Coleman) that OSE II does not sink oil into the sediments, and Dr. Tsao was successful in proving that. Therefore Sam Coleman should have no problem with the second demonstration of OSE II on the marsh for the BP deep Horizon spill.

You probably know by now, Louisiana Governor Jindal tried to allow the demonstration of OSE II on May 5, 2010 which was stopped by the EPA, Senator Crowe requested the use of OSE II to the RRT and now the President, Senator Gollot of Mississippi made a direct request to the RRT, Senator Irwin of Alabama made a direct request to the RRT, as did the city of Destin Florida, and BP has stated to me in an email, that BP has requested the use of OSE II to the RRT. We Know La DEQ has made separate requests for the use of OSE II to the RRT and NRT, and all have been stopped by the EPA. With OSE II's enormous track record for successful clean ups, track record for testing around the world, and with the EPA, as well as all the successful vetting for this BP spill, showing OSE II has merit by some of the top university scientist in Louisiana, the over 14 successful demonstrations with OSE II on or for this spill, the knowledge and tests by EPA that proves OSE II is virtually non toxic, and the fact that OSE II is so safe you can wash your hands, and ingest small amounts without any adverse effect, the dispersant test as well as the photographic and video evidence shows OSE II causes oil to float, which limits the spills impact to the surface of the water, protecting the water column where most species live, and not allowing oil to sink and destroy bottom dwellers, or phytoplankton as Corexit has, not depleting the O2 in the water column, basically alleviating all the problems of Corexit with a defined tested end point, how can so many scientist and professionals understand and prefer the use of OSE II the safe non toxic alternative, and the EPA still stop OSE II's use. The EPA is seemingly unable to comprehend

this large volume of information and data set, even with first hand use, and testing of OSE II by EPA, witnessing OSE II in action and yet choses a completely destructive inadequate response with corexits.

I have now been alerted that Sam Coleman is using NOAA as back up, to stop the use of OSE II by having Charlie Henry of NOAA state, OSE II has a surfactant. As though having a surfactant is a problem. I have also been told that Charlie Henry of NOAA has taken the stance that he will not approve of anything with a surfactant in it. This is really a problematic statement and or stance. First of all the two types of Corexit authorized for use by, and I have to assume, Charlie, since Charlie was around in May, was approved by Charlie as well, as the rest of the RRT VI. So Charlie has authorized the use of products with surfactants! Charlie Henry's statement however is very troubling since, to not use, or allow surfactants is impossible, due to the fact that oceans have surfactants released every day by untold numbers of microbes along with enzymes to utilize a vast array of organic, and inorganic materials as a food source. So to prevent surfactant use, would mean one would have to sterilize the Gulf, which seems preposterous until you understand that Charlie has approved (corexit), which has the potential and is seemingly doing just that, sterilizing the Gulf. Charlie's stance is even more problematic than these scenarios suggest. Charlie seems to be completely unaware as to how bioremediation occurs anywhere, and yet he has a vote on RRT VI. Without the knowledge to understand that All bioremediation, whether it is mother natures version, the sped up version that rapidly reduces toxicity to the environment OSE II, or bio-augmentation, or bio-stimulation, surfactants are a part of the equation, and it is impossible to get around, unless you stop bioremediation. When Charlie was telling the public that corexit with surfactants, would help microbes digest the oil, which would have created more bio-surfactants from microbes, it was acceptable. Charlie now has a double unfair standard, which will not be acceptable to the public, public officials or scientist that understand the scope of bioremediation. I guess the first sign that Charlie did not understand the scope of bioremediation was his stating that corexit, with 2 butoxy ethanol, hydrotreated distillates, and DOSS would allow, and or offer itself up, once attached to even more toxic oil for bioremediation. As the NETAC studies in the early nineties proved, when you have 2 butoxy ethanol, and or DOSS, bioremediation is inhibited, or prevented altogether as the Woods Hole study report verified as well. OSE II emulates mother natures process exactly, so Charlie is against mother natures process when it is with OSE II, the non toxic safe product, but is for bioremediation and surfactants with the horribly toxic inadequate, no end point corexit. Charlie Henry's decision should be discarded based on his presented lack of understanding of the oceans biology and its fluid dynamics. His statements, and stance is not backed up by science, and is merely arbitrary, and unsubstantiated as has been easily proven. The fact that OSE II has a substantiated end point of CO2 and water, is virtually non toxic, is safe to humans, and prevents all the water column and secondary adverse impacts caused by dispersants, especially corexit, should more than suffice as a reason to use OSE II. The fact that OSE II has surfactant is a NON ISSUE, and anyone that tries to use it as an issue with OSE II shows a complete lack of understanding biology, and or bioremediation!

OSE II does something Corexit cannot, it allows the EPA to adhere to its own charter and the clean water act, both Corexits, defies both!

Independent scientist have proven the spill is still releasing 2,000,000 gallons of oil a day and has reported this fact several times from up to 18 breaches in the seabed. Corexit 9527A is still being applied, pictures of drums with shipping dates in August and pictures of the empty drums in November are all over the Gulf states. The oil is sunken by corexit, this has been proven through University scientist core sampling, as well as videos, and the oil depth on the seabed is 5 times deeper now 2/1/11, than it was in August of 2010. There has been over millions, of various species found dead, some on shore some off shore, and attempts to document the numbers of dead wildlife and marine species by two different groups, from the use of corexit and the oil are ongoing as reported on the internet. Enormous amounts of seaweed and sea grass has been dissolved or destroyed, and as one scientific study detected, corexit has the response of a genotoxic and mutagenic effects on phytoplankton. Thousands and thousands of people have had their blood tested and have shown extreme elevated levels of VOC's, above and beyond the normal cancer ally residents. The people have reported the toxic effects of dermal exposure, inhalation and ingestion through seafood tainted, by corexit. These people can type in 2 butoxy ethanol Valdez in a search engine, and see their fate, depending upon length of exposure and pathway, will then allow these exposed people determine how much longer they have; 10 years will be the average time before these people start dying off, the elderly and children will be earlier, per the Valdez response track record. There has been at least two reports that 4 people have died from the exposure to corexit on Grande Isle La. There are significant numbers of independent scientist that have proven the seafood is not safe and exceeds thresholds for safe human consumption. The US Air Force classifies 2 butoxy ethanol as a neuro toxin, as was reported in August. The ocean water tests, constantly show excessive amounts of hydrocarbons, and DOSS. Now

Woods Hole has reported corexit with DOSS does not degrade, which prolongs the toxic effects of this spill indefinitely as the Valdez spill has proven.

What person with any common sense would even consider the use of this horribly toxic no end point, destructive product. This letter shows the unbelievable difference in the inadequate response with the corexits, compared to the safe proven experienced OSE II. You are defying common Sense! All the reports in the Gulf states are coming from literally thousands of people, and hundreds of scientist. Have any of you thought this through. The 2,000,000 gallons being released a day, which is causing you to continually apply corexit which is literally destroying marine species, the environment and humans, of which only sinks the oil, and causes oil to pile up; what do you think the end point is. Do you not understand that at some point you will have created a huge uprising, since you are defying common sense, harming all associated, which defies the clean water act and the EPA charter.

This is not a letter that I wanted to write! I hoped that common sense, and the OSEI Corporation ability to meet all regulatory requirements with OSE II for oil spill response, establishing the comprehensive log of tests, and experience would compel the EPA et al, and all of the RRT VI, to understand the comparison of OSE II to corexit and show you, OSE II should be approved for use again. It does not make sense to use either corexit when compared to OSE II. I have been forced to protect the OSE II's name due to misleading, mischaracterizing statements, leading statements, arbitrary statements, as well as suggestive statements, as well as potential defaming statements that cast aspersions on OSE II, non of which can be substantiated by sound science. I know each and every one of you including Charlie Henry are doing what you are paid and directed to do, and you all are just messengers. I do not want to quarrel with any of you, or cause adversarial relationships, quite the contrary I would prefer a mutual respectful relationship. You just cannot defame the OSEI Corporation, our product OSE II, or I will be forced to defend OSE II on its overwhelming merits. OSE II is the only means in the world to clean up the BP continuing oil spill, on the ocean floor, in the marshes, and on the beaches. I have worked out the application of OSE II even a mile deep, which requires at least 2600 psi to get OSE II to the seabed, at a mile deep. I have the capacity to supply all the required OSE II for all aspects of this spill. There is no legitimate reason not to use OSE II for this BP spill. I would also offer up to Sam Coleman, EPA et al, and the rest of the RRT's personnel, and all associated responders to be safe, and try to limit exposure to corexit. I can imagine each and every one of you are frustrated that you have to front and carry out directives that are scrutinized and questioned with no real ability to justify the use of corexit. I would welcome a response, I am not the enemy, nor is OSE II, the spill is, I offer a very viable, safe, experienced solution, thats all. I would welcome the opportunity to work together, instead of pulling in seemingly opposite directions.

Sincerely,
Steven Pedigo
Chairman/CEO OSEI Corporation