

Deepwater Horizon Oil Spill CLAIMS PROCESS FACT SHEET

for Non-profit and Non-governmental Organizations (NGO)

Non-profit and non-governmental organizations that have been affected by or that have provided resources in response to the BP Deepwater Horizon oil spill, may be eligible for funding. BP has set up a claims process and has begun to compensate claimants for loss and/or damages including removal and cleanup costs, loss of profits and earning capacity, and property damages. Additionally, the Oil Spill Liability Trust Fund, managed by the U.S. Coast Guard's National Pollution Funds Center, is available to pay for qualified costs and damages. If you have been affected by the oil spill you **must first seek reimbursement through BP's claims process before seeking reimbursement through the Oil Spill Liability Trust Fund.**

BP Claims Process:

Who	Non-profit and non-governmental organizations that have or may incur costs or have suffered damages, including loss of profits and earning capacity, may file claims.
What	NGOs may file claims for: <u>removal and cleanup costs; loss of profits and earning capacity; and property damage.</u>
How	<ol style="list-style-type: none"> 1. Call the BP Claims Line at 1-800-440-0858. The line is toll-free and available 24 hours a day, 7 days a week. 2. File a claim online at www.bp.com/claims.
Questions?	If you have questions about submitting a claim, you may email or <u>call the BP Claims Line</u> and speak with an operator OR <u>visit one of the numerous BP claims offices;</u> location addresses, along with Google Maps links, can be found at www.RestoreTheGulf.gov by clicking on the link for "claims."
Next	Each claim will be assigned to a Claims Representative who will contact you to ask for additional information regarding your claim.
BP Claim Denial	If your claim with BP is denied or not settled within 90 days of submission, you may wish to contact the U.S. Coast Guard's National Pollution Funds Center (NPFC) (see below).

U.S. Coast Guard Claims Process:

First	You must first file a claim with BP.
Who	NGOs <u>who have filed claims with BP that have been denied OR not settled with in 90 days</u> may file claims.
How	<p>Claims must be submitted to the NPFC <u>in writing</u> to:</p> <p style="text-align: center;">US COAST GUARD STOP 7100 (ca) 4200 Wilson Boulevard, Suite 1000 Arlington, Virginia 20598-7100</p>
Questions?	For more information on the U.S. Coast Guard's claims process, and what information to provide with your claim, please call the claims support number at 1-800-280-7118 or visit www.uscg.mil/npfc/claims .

Deepwater Horizon Oil Spill

Funding for Non-profit and Non-governmental Organizations

BACKGROUND

The Federal government has designated BP as one of the Responsible Parties for the Deepwater Horizon Oil Spill, under the Oil Pollution Act (OPA) of 1990. Under OPA, the responsible parties are liable for costs associated with the containment or cleanup of the spill, property damage, and loss of revenue.

BP has accepted designation and established a claims process and has been working to address clean up requirements and claims. In the event that BP does not meet their responsibility under OPA, the Oil Spill Liability Trust Fund (OSLTF), which is administered by the U.S. Coast Guard's National Pollution Funds Center (NPFC), is available for compensation for certain costs and damages.

This document provides guidance on the funding sources and reimbursement processes available to non-profit and non-governmental organizations that have or will incur costs associated with the Deepwater Horizon spill. The Gulf Coast Claims Facility under the administration of Mr. Kenneth Feinberg has been established to address individual and business claims, including NGOs – but is not yet operational.

\$20B CLAIMS FUND

BP has agreed to contribute \$20 billion over a four-year period at a rate of \$5 billion per year, including \$5 billion within 2010. The amount of the fund represents neither a floor nor a ceiling. The fund will be used to pay individual, business, and NGO claims adjudicated by the Gulf Coast Claims Facility under the administration of Mr. Feinberg, as well as claims paid by BP to state and local government entities and tribes, federal and non-federal natural resource trustees, and claims arising out of certain oil-spill-related litigation.

BP CLAIMS PROCESS

NGOs may file claims directly with BP by:

1. Call the BP Claims Line at **1-800-440-0858**. The line is toll-free and available 24 hours a day, 7 days a week.
2. File a claim online at www.bp.com/claims.

The three categories below are intended to provide guidance to NGOs regarding how BP's Claims Team will consider different types of claims regarding their compensability under OPA. The Guidelines are intended to be illustrative, not inclusive of all costs in each category.

1. Response and Removal Costs

- Should a NGO intend to undertake or anticipate undertaking future response or removal actions, BP urges the NGO to first to coordinate its efforts with Federal On-Scene Coordinator (FOSC) and Unified Command by contacting the Operations Section Chief or Deputy Incident Commander of the Unified Area Command. It is recommended that NGO's coordinate response and cleanup efforts with state and local government entities who are coordinating directly with the FOSC.

- Response and Removal Costs to be considered for reimbursement are those costs incurred to prevent, minimize, or mitigate impact to natural resources within its jurisdiction from the Deepwater Horizon Incident, including both preventative and clean-up measures.
- If a NGO has to date incurred Response and Removal Costs due to actions that (1) have not yet been reimbursed by BP, and (2) were performed in coordination with the FOSC or with BP, such costs should be submitted to the BP Claims process. NGOs should include documentation indicating that the Response and Removal Costs were coordinated with the FOSC or BP.
- If a NGO has to date incurred Response and Removal Costs due to actions that were **not** coordinated with the FOSC or BP, then the NGO should submit claims to BP's Claims Process and include an explanation for why the costs were necessary for the Deepwater Horizon Incident response or removal and were consistent with the approved Area Contingency Plan or other approved efforts already planned, performed, or underway by or at the direction of the Unified Command.

2. Loss of Profits and Earning Capacity

- Loss of Profits and Earning Capacity claims to be considered for reimbursement include claims for revenue lost from donations, sales, royalties, rents, fees, and net profit shares that a NGO was unable to collect, and unable to mitigate, as a direct result of the Deepwater Horizon Incident.

3. Property Damage

- Damages for injury to, or economic losses resulting from, destruction of owned or leased real or personal property, including the cost of restoring the property.

Costs BP Are Likely to View as Non-Reimbursable

- Non-reimbursable costs may include those costs that were, in fact, not incurred as a direct result of the Deepwater Horizon Incident or that were not reasonably necessary to respond to the Deepwater Horizon Incident.

In the event that BP does not meet their responsibility under OPA, the OSLTF which is administered by the NPFC, is available for compensation for certain removal costs and other damages.

NATIONAL POLLUTION FUNDS CENTER - CLAIMS PROCESS:

- Claims for OPA removal costs and damages that have been denied or not settled by the responsible party after 90 days may be presented to the NPFC for consideration against the OSLTF. Keep in mind that under OPA a claim must be a demand for a sum certain (dollar amount) so, before the 90 day timeframe can start, a NGO must clearly articulate and present to the responsible parties a dollar amount. Interim claims are permitted.

To submit a claim to the NPFC:

- Submit your claim in writing. The Optional OSLTF Claim form [CG NPFC-CA1](#) may be used or a freeform document submitting the same information. Identify the type of damage you are claiming and specify a sum certain.
- Document your costs and damages from the spill. Regulations defining what types of documentation required for the various types of claims are found in 33 CFR § 136. A host of information regarding claims can be found on the NPFC [website](#) at www.uscg.mil/npfc/claims.
- Forward your claims package to the [National Pollution Funds Center](#), the Coast Guard office responsible for evaluating and approving OPA claims, at the following address:

**US COAST GUARD STOP 7100 (ca)
4200 Wilson Boulevard, Suite 1000
Arlington, Virginia 20598-7100**